

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
November 10, 2020

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

SFC CLERK RECORDED 12/10/2020

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

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

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

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Roybal, and the Moment of Reflection by Joaquin Zamora of the Human Resources and Risk Management Division.

Commissioner Hansen requested a moment of silence for Eleanor Bové and for those who have passed away due to COVID-19, and their families. Additionally, Veterans Day was commemorated.

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1. F. Approval of Agenda

KATHERINE MILLER (County Manager): Good afternoon, Mr. Chair. We posted the original agenda one week ago on Tuesday. At that time we did not have our minutes so item 1. G, Approval of the October 13th minutes was added. I think that was the only amendment we had to the agenda. Everything else was already posted prior to last Tuesday. The amended agenda was posted on 11/6 at 4:02 pm.

CHAIR ROYBAL: Thank you, Manager Miller. Are there any requests from Commissioner for deviation from the agenda? If not I will entertain a motion.

COMMISSIONER HANSEN: Mr. Chair, I move to approve the agenda with changes.

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

COMMISSIONER HAMILTON: Second.

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

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

G. Approval of Minutes: October 13, 2020 Regular Meeting

CHAIR ROYBAL: Commissioner Hansen, I saw your hand.

COMMISSIONER HANSEN: I do not have any corrections today. I move to approve the minutes as submitted.

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

COMMISSIONER HUGHES: Second.

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

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

H. Santa Fe County Employee of the Quarter, 3rd Quarter of 2020 Awards

CHAIR ROYBAL: I'm going to go to our County Manager, Katherine Miller.

MANAGER MILLER: Good afternoon, Mr. Chair, Commissioners. As you know we have an Employee of the Quarter program at Santa Fe County where we recognize employees who make a significant contribution to the County during the previous three-month quarter. And that significant contribution might be just providing excellent service to the constituents, developing a new program, implementing something new that benefits the organization, providing exemplary performance to the County in their daily job performance, demonstrating a willingness to work above and beyond the call of duty, or any other contribution that a nominator believes to be important to

recognize.

So they can be nominated by their coworkers, their supervisors, or could be brought forward by the public and nominated by their supervisor. So what we've done is broken the County down into groups and there's six groups and those groups each nominate an employee from their group if they have somebody that they believe should be recognized, So the recognition team select from one of the either departments or elected offices an Employee of the Quarter for their group and then all of those employees that are nominated are then considered for the Countywide Employee of the Quarter award. And then the employee that's nominated and selected from each of the groups is as follows:

In the Public Safety group the nominee from the Public Safety group is Dennis Patty who is the fleet service manager and has been with the County since July 1, 1998. Dennis Patty goes above and beyond his job duties on a regular basis. The nominators state that the expectations of Dennis are very high, and that's to keep a fleet of close to 250 Fire Department vehicles ready and capable of response, to respond in a timely fashion to mechanical and other issues for a 24-hour a day, seven-day a week Public Safety operation, manage a mobile staff and keep up with all of the duties of record keeping and that type of thing. This quarter Dennis also helped design specifications for four vehicles that are planned for build, plus the four vehicles for the Fire Department he's requested state grant funds for and created standardized specification for command vehicles for all 14 of the Santa Fe County Fire Departments' volunteer districts. As part of this project Dennis had to work to meet the specific needs of multiple districts which necessitated a willingness to rethink the plans, redesign and collaborate at a very high level of performance. Dennis is always willing to help out with extra tasks and in any way that he can. So I just want to congratulate Dennis. Dennis has been with the County for a long time. I know that he is incredibly hard working and does a great job and his work is appreciated all the time but his coworkers wanted to make sure he was recognized this quarter as their nominee of Employee of the Quarter.

And in Public Works, the Public Works group had nominated Michael Sandoval. And Michael Sandoval is a custodian lead. He works in the 100 Catron and 102 Grant buildings. I think most of you have had an opportunity to meet Michael and he's been with the County since April 30, 2012. Michael just continuously completes his duties in an exemplary manner and does so with professionalism and courtesy. His exemplary performance has been highlighted during the operational changes instituted due to the COVID-19 pandemic. As you know, we've changed the hours of operation and the way we do things in our buildings right now and Mr. Sandoval takes his role in maintaining County buildings seriously. He ensures the proper protective and sanitation methods are in place and furthermore, he goes out of his way to assist his fellow coworkers at the main kiosk by helping direct constituents and constant maintenance of the building and his positive and friendly demeanor towards coworkers and the public. Also, Michael has just been a really outstanding employee. He's always got such a positive attitude and has been a real help during the pandemic, and he was recognized by his coworkers for his efforts over the last quarter, especially in light of the pandemic and dealing with a lot of public. He's helped the people who've been working at the kiosk a great deal. So I just want to recognize Michael and thank him.

And then in the Sheriff's Office we also had a nominee from the Sheriff's Office of Sheriff Corporal Christopher Zook. And he's been with the County since August 27, 2012. Corporal Zook has assisted on a new computer-aided dispatch and RMS solution roll-out project for the Sheriff's Office. During this project Christopher took the lead working with and training other employees through various issues associated with the project. His initiative and insistence with this crucial system roll-out is invaluable to Santa Fe County and the citizens of Santa Fe County, and to the Sheriff's Office. Mr. Zook is a great example of what an exceptional team leader and excellent employee is. Yes, our CAD system update is greatly needed and a very complex system and Corporal Zook really assisted the Sheriff's Office in making sure that we have a smooth transition from our previous system.

So all three of these employees have done an excellent job and I have to say that probably all three of them deserve to be the Employee of the Quarter for the whole County. But we do have a committee that selects one of the nominees. I want see that all three nominees receive two hours of administrative leave for being nominated by their respective groups, and then the employee who receives the overall Employee of the Quarter receives a certificate as well as an award, which I don't have with me. I wish I could do one of those Oscar awards where I hand it from one tile to the next, but I don't have it, nor do I know if Michael is at a camera for me to hand it to, but the awardee for the quarter is Michael Sandoval. That is who I would be handing it to if I could virtually hand it off to him.

If Director Giron would like to say something, Gary, could you speak up for him?

GARY GIRON (Public Works Director): Mr. Chair, Manager Miller, yes. Michael is with us right now. I will say that he does an amazing job. He always has a willing attitude and is willing to go above and beyond to make sure that our buildings are presentable and our people have the right kind of support to be able to do their job effectively. And would you like to say something?

MICHAEL SANDOVAL (Public Works): Yes. I would like to say thank you to the Commissioners and the County Manager and others for everything and I'm here to do the best I can do to help everybody. And thank you.

CHAIR ROYBAL: That's great. Congratulations to all the nominees. What great nominations and contributions each nominee has put to the County and thank you for all your hard work, and congratulations to Mr. Sandoval, Michael. We appreciate you for all your hard work. I wish we could even do this more often but quarterly is great and I think that it's always really wonderful to see our directors and staff nominate and highlight all the hard work that our staff does do and we have a great staff. So I really appreciate that. I want to go to other Commissioners for comments. Commissioner Garcia. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I don't know any of these three individuals but it sounds like they're doing a great job and I think it's wonderful that we have such good people working for the County and congratulations to Michael and to the others. Thank you.

CHAIR ROYBAL: Thank you Commissioner Hughes. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I too think that it is really great

that we recognize County employees on a quarterly basis. I think it is a really important part of the County to continue to build our team and to recognize one another. I also want to congratulate Michael on his recognition and I want to congratulate the others also for their dedication to the County. So thank you very, very much for your commitment to Santa Fe County.

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

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I actually do know both Michael and Dennis, and while I don't know Christopher Zook I think I seriously have to agree with Manager Miller that – I'm guessing that given what all of these three people do, all three of them, really deserved the award. I have said before and other people have said this, when you get an award like this, when you're competing with other people who perform, who are so wonderful and perform at such a high level, it is a real honor. I know personally how much effort Michael puts in, the people that he trains and the people who work for him as well as for all us, no matter what's going on in the building. So just my heartfelt congratulations to Michael and thanks for what he does. He is so quiet and unassuming but puts out so much effort, it's a delight.

And that's in comparison to other people like Dennis Patty. Being a firefighter I just feel like I have to comment on that. For those of you who don't know how much – what putting out extra effort means in this case. Just in the examples I've been involved with on having a fire truck break down on a Sunday in the middle of a big fire, and he comes out no matter what time of night or day. It generates wonderful stories, like last Thanksgiving when we had that big snowstorm and everybody in the eastern region was stuck up on the mountainside in multiple fire trucks and ambulances that got stuck in the snow and stood around looking at each other saying, what should we do? Well, I guess we should call Dennis Patty.

So everybody on this list deserves tremendous thanks for the incredible efforts they put out, and Michael, a big congratulations.

CHAIR ROYBAL: Thank you, Commissioner Hamilton, and I couldn't agree with you more. It's one thing to be recognized by the Commissioners, but it's a whole other thing to be recognized by your peers and your coworkers. In my opinion, that's one of the greatest honors. Commissioner Garcia. I think we lost Commissioner Garcia, but once again, thank you guys for all your dedication and hard work, and Michael, congratulations also on actually getting the Employee of the Quarter.

MANAGER MILLER: Mr. Chair, I just want to point out that somebody on the chat said congratulations, Michael. You're wonderful to work with. So I have a feeling that his nomination came from all the people who he works around every day that really, really appreciate what he does. And I do too. I work around him in the building and I just want to say congratulations. Michael also gets, along with the award, he gets eight hours of administrative leave and he'll get a letter from me that he can turn in with his time sheet. And all of the nominees for Employee of the Quarter get a certificate of appreciation from the County. And that's all I have on that, Mr. Chair. Thank you so much.

CHAIR ROYBAL: Thank you, Manager Miller.

2. CONSENT AGENDA

- A. Final Order in the Matter of BCC Case #20-5010, Spirit Wind West Subdivision Master Plan Extension. Joseph F. Miller & Kathy A. Miller, Applicants, Land Development Planning, Agent, Requested a Time Extension of the Previously Approved Spirit Wind West Master Plan, Which Consists of 39 Lots to be Developed in Four Phases on 133 (±) Acres. The Property is Located Off of Cerro Alto Road, via US Highway 285, Within Section 5, Township 14 North, Range 10 East, and Section 32, Township 15 North, Range 10 East, within the Bishop's John Lamy Grant (Commission District 5) (Nathan C. Manzanares, Case Manager) (Approved 5-0)**
- B. Final Order in the Matter of BCC Case #20-5020, Tierra Bello Subdivision Master Plan Extension. Joseph F. Miller & Kathy A. Miller, Applicants, Land Development Planning, Agent, Requested a Time Extension of the Previously Approved Tierra Bello Master Plan, Which Consists of 73 Lots to be Developed in Eight-phases, on 263 (±) Acres. The Property is Located Off of Avenida de Compadres, via Avenida Eldorado, Within Sections 24 & 25, Township 17 North, Range 9 East Within the Cañada de los Alamos Grant (Commission District 5) Nathan C. Manzanares, Case Manager (Approved 5-0)**
- C. Resolution No. 2020-81, a Resolution Requesting a Budget Increase to the Fire Protection Fund (209) in the Amount of \$239,798 (Finance Division/Yvonne S. Herrera)**
- D. Resolution No. 2020-82, a Resolution Requesting a Net Budget Increase to the Emergency Medical Services Fund (206) in the Amount of \$8,801 (Finance Division/Yvonne S. Herrera)**
- E. Resolution No. 2020-83, a Resolution Requesting a Budget Decrease to the Alcohol Programs Fund (241) in the Amount of \$5,000 (Finance Division/Yvonne S. Herrera)**

CHAIR ROYBAL: Are there any items on the Consent Agenda that the Commission would like to hear additional information for?

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton, yes.

COMMISSIONER HAMILTON: The first two items listed, I actually wanted to make a comment and essentially ask a question about. I don't know that they need to be pulled off to do that. I guess that might be a question for you. It's not extensive discussion but I wanted to put something on the record and get some confirmation about one of the conditions from Attorney Shaffer.

CHAIR ROYBAL: Okay. I think that we can under discussion go ahead and see if we can get some feedback on the questions and then proceed to either pull it from the Consent Agenda or go ahead and approve it. So I'd like to just go ahead and get the questions answered for those two items. I did also have a question besides. I think we probably have some more questions on items 2. A and 2. B, but on 2. E I just wanted a little bit of information as to why we're decreasing the funding for the Alcohol program

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fund.

MANAGER MILLER: Mr. Chair, I could answer that real quickly.

CHAIR ROYBAL: Okay. That'd be great.

MANAGER MILLER: And I could have Greg answer Commissioner Hamilton's question. We receive a grant from the state for our Teen Court program, and it's a grant annually from the Juvenile Adjudication fund. We usually receive \$35,000. So we had budgeted \$35,000 in anticipation of receiving \$35,000. But they – I think just due to COVID, they had decreases in some of the grant awards. So this year we're only getting \$30,000 instead of \$35,000. We have the funding in our budget to cover the loss of that fund. It won't change our operations. We just needed to adjust the budget down by the \$5,000 that we are not receiving from the state.

CHAIR ROYBAL: Thank you for that clarification. So it sounds like we're not – actually, we're still going to have the same budget; we're just losing \$5,000 from one of the sources. Is that correct?

MANAGER MILLER: Mr. Chair, yes. So the budget will decrease by about \$5,000 from the grant but it will not – we have funding – it normally covers salaries and benefits and we have enough funding in the program to cover it. So it won't change our operations.

CHAIR ROYBAL: Okay, great. Thank you, Manager Miller.

MANAGER MILLER: And then Commissioner Hamilton, you and I had discussed your question, and so I did talk to the Attorney but you may want to –

COMMISSIONER HAMILTON: Okay. I'll just – I wanted to note on the record that both of those orders, the final orders for Spirit Wind West and Tierra Bello both include what were voluntarily agreed to conditions that all future development will conform to the constraints. They were written slightly differently in each order. One is written constraints for development of sort of style and being build on permanent foundations and the other would be consistent with the restrictive covenants. So it was good to note that both of those were there and my question for Attorney Shaffer was to confirm that those are enforceable conditions.

GREG SHAFFER (County Attorney): Mr. Chair, Commissioner Hamilton, yes. As written in the order per the applicant's agreement it would be my opinion that those conditions are enforceable in accordance with their terms.

COMMISSIONER HAMILTON: Excellent. Thank you very much, Mr. Shaffer. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Did that answer your questions? Okay. So we're okay with leaving those on the Consent Agenda? Is that correct?

COMMISSIONER HAMILTON: That's correct.

CHAIR ROYBAL: Would you like to make a motion on the Consent Agenda?

COMMISSIONER HAMILTON: I would be happy to. I'd like to move to approve the Consent Agenda.

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

COMMISSIONER HANSEN: Second.

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

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

COMMISSIONER HUGHES: I want to thank Commissioner Hamilton for making that clarification. Thank you.

COMMISSIONER HANSEN: I also want to thank Commissioner Hamilton for asking those questions.

3. MISCELLANEOUS ACTION ITEMS

A. Resolution No. 2020-84, a Resolution Adopting Local Governments Road Improvement Fund Project No. CAP-L500417 for Pavement Rehabilitation/Improvements of Camino de Roberto and Camino de Quintana

GARY GIRON (Public Works Director): Mr. Chair, Commissioners, good afternoon. Mr. Chair, Manager Miller, Commissioners, I wanted to take two or three minutes and do a simple overview about these LGRF projects and how they come before you today. I've prepared like a three-minute presentation for you that is a high level overview.

The projects that you will see in Miscellaneous Action Items A, B, and C include these roads and let me go through how these roads were chosen. Camino de Roberto has a PASER rating of four, which means it is in fair condition. Camino de Quintana has a PASER rating of three, which is poor. Main Street in Cerrillos has a PASER rating of three, which is poor. And Agua Fria has a PASER rating of three, which is poor.

I have included for you the rating scale that is used in the PASER rating and to be clear, the PASER ratings were all done by our County engineer Diego Gomez. All the roads come in either as in fair condition or in poor condition, and that is really how these roads were chosen because of the amount of work that they need, and it is now a time for the County to be investing funds to be able to make sure that we maintain our investments and we're not put in a position where we have to completely rebuild these roads.

There are three projects that will come up in A, B, and C. CAP-L500417, Camino de Quintana and Camino de Roberto – the County's share is \$42,727, and the state's share is \$125,181. The second one is SB-L500413, Agua Fria Road. The County's share is \$34,544, and the state's share is \$130,632. The next one is Santa Fe-L500389, which is Main Street in Cerrillos and another part of Agua Fria Road. The County's share is \$27,403 and the state's share is \$82,209.

What we have done is we have shown for you the road projects and the sections that are going to be done. Camino de Quintana, Camino de Roberto in Santa Cruz housing area with 2" mill and inlay. The next one is on Agua Fria Road and you'll see the improvements will go from Caja del Oro down to Henry Lane. Main Street in Cerrillos will go at the beginning of the project, which is First Street, all the way back to the end of County maintenance before it comes back to New Mexico 14. And then the last one is

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Agua Fria Road. This section goes from Willy Road down to Henry Lane. And with that, if you have any questions I have Ryan in the room and Diego in the room and I'm sure that they could answer any questions you have. And with that I would request approval, Mr. Chair.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I wanted to ask, Mr. Giron – thank you for the maps and all of this is very helpful. Didn't we repave or remill these roads – Agua Fria – or was this a section that did not get done?

DIEGO GOMEZ (Public Works): Commissioner Hansen, this is a portion of the Agua Fria basically from Lopez Lane. Lopez Lane turns into Caja del Rio right there at Agua Fria. This is a portion of the road that has not been repaved. There was some sections that due to utility cuts and road maintenance repairs that looks like it's repaved but that's just patchwork and the majority of that work was the blade patch by Road Maintenance to try to keep the road together from further falling apart, and that slide that you're looking at – I'd like to apologize. The beginning of the project where it says Henry Lane, that should say beginning of County maintenance. That's at the city limits, so that's incorrect. But the portion of Agua Fria is basically from Lopez Lane to the end of County maintenance and it consists of two different projects. So that road pavement that you see out there on Agua Fria is patchwork based on utility projects and some patchwork that Road Maintenance has done.

COMMISSIONER HANSEN: Okay. Thank you very much for that explanation. I agree with you that these roads need work, so I would like to – I think we're on the first one, so I guess I'll wait for a motion until we get back to our list. What would you like, Mr. Chair?

CHAIR ROYBAL: I think we can entertain a motion but I'd like to first see is there any other questions or concerns? I know one of the roads is in my district as well and I think it is a road that really is in dire need of repair, so I'm glad to see that we are going to work on that road, so I'm glad to see it on this list. Are there any other comments from Commissioners?

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia, go ahead, sir.

COMMISSIONER GARCIA: So really quick, from State Road 14 to the Village of Cerrillos, what exactly are we going to do? Overlay? Are we going to do cold millings? Are we going to do asphalt? What is it? Because one of the questions I have is that in the front of the Agua Fria Cemetery we actually did some chip seal, in the last two or three weeks. So I just wondered what we were going to do in Cerrillos, from 14 to the entrance to the Village of Cerrillos.

MR. GOMEZ: Commissioner Garcia, we're planning on doing a 2" asphalt overlay. That section of the road was recently adopted by the County. Over the last 30, 40 years we thought that was a portion of the road that in the DOT. The DOT was able to provide us documentation and so about a year ago we took over maintenance of that road, and so that road hasn't been maintained in probably 30 years. We have a grant. We're requesting this grant to do a 2" asphalt overlay, but we're probably going to have to do something to that road through our Road Maintenance Department to prep it prior

to the asphalt overlay just to make sure that that asphalt overlay is good. So more than likely we're going to have to do a scrub seal prior to placing the 2" asphalt overlay on Main Street.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Diego, so what does 2" asphalt mean? Are we going to redo the subsurface? Or are we just going to put two inches of asphalt? What does that mean? In elementary terms, can you tell me what that means, please?

MR. GOMEZ: Yes. So the other three projects we call a mill and inlay. We only refer to inlays when you have curb and gutter. And so you don't ever want to put an asphalt lift that is higher than the curb and gutter. So in an area like Agua Fria where you have curb and gutter, you mill that two inches, and then you bring back two inches of new hot mix asphalt. So the elevation of the asphalt is remaining the same. The thing that's happening is you're taking off two inches of deteriorated material and replacing it with new asphalt. So that's happening on Camino de Quintana, Camino de Roberto, and Agua Fria.

The difference with Main Street is Main Street is an overlay. So we're putting two inches of asphalt over the existing asphalt, and so we don't mill it down. The reason that we use milling is to accommodate the elevation of the curb. So in those three roads where we're inlaying, we mill two inches and replace it with two inches. On Main Street we're actually putting two inches of asphalt over the existing asphalt.

COMMISSIONER GARCIA: Mr. Chair, and Diego also, in regards to – I know sometimes you send out some specs because these are not DOT standards. And so those are County roads now. So they're not DOT standards. So whenever we do the 2', the asphalt pavement and so on and so forth, are these DOT specs or are they to your specifications?

MR. GOMEZ: Commissioner Garcia, what we utilize when we purchase asphalt is most of the asphalt plants in this area have NMDOT-approved mix designs, so when I use asphalt on County roads I specify NMDOT-approved SP-4 mix design. SP stands for super-paved. So we use a half inch aggregate mix design that's approved by the DOT.

COMMISSIONER GARCIA: So once again, Mr. Chair. That's just the thickness of the asphalt, right? Not the road and so on and so forth. Right?

MR. GOMEZ: So the SP-4 is specified based on the maximum aggregate size of the hot mix. So an SP-4 is a half-inch aggregate, but we're putting it at two inches thick. So it's much better to use a DOT-approved mix design because they're designed to support heavy vehicle traffic as compared to a parking lot mix design. So on all of our County projects we specify NMDOT-approved SP-4 mix design for the asphalt.

COMMISSIONER GARCIA: Awesome. Thank you, Mr. Chair. Thank you, Diego. Appreciate your work.

CHAIR ROYBAL: Thank you, Commissioner Garcia, for your comments. Commissioner Hamilton, did you have any comments or question relative to this item?

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

CHAIR ROYBAL: How about Commissioner Hughes?

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

CHAIR ROYBAL: Thank you, Commissioner Hughes. Commissioner

Hansen.

COMMISSIONER HANSEN: Mr. Chair, I'm feel satisfied the questions were answered so thank you.

CHAIR ROYBAL: Commissioner Hansen, would you like to make a motion?

COMMISSIONER HANSEN: Yes. I move to approve 3.A, a resolution adopting Local Governments Road Improvement Fund Project No. CAP-L500417 for pavement rehabilitation/ improvements of Camino de Roberto and Camino de Quintana. The first one.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and I'll go ahead and second that. I'm going to go ahead and go to a roll call vote.

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

3. B. Resolution No. 2020-85, a Resolution Adopting Local Governments Road Fund Project No. SB-L500413 for Pavement Rehabilitation/Improvements of Agua Fria Road (CR 66)

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make a motion to approve 3. B, a resolution adopting Local Governments Road Fund Project No. SB-L500413 for pavement rehabilitation/ improvements of Agua Fria Road, CR 66.

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

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: Okay, so a second, I believe from Commissioner Garcia. Under discussion, are there any comments or questions relevant to this item on Agua Fria? I know this is a road that is in dire need as well of rehabilitation. So are there any comments or questions from the Commissioners? Commissioner Hamilton.

COMMISSIONER HAMILTON: No, sir. I'm satisfied with all the previous discussion. Thank you.

CHAIR ROYBAL: Commissioner Hughes.

COMMISSIONER HUGHES: No. No more questions.

CHAIR ROYBAL: Thank you, sir. Okay, so we do have a motion and a second. So I'm going to go to a roll call.

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

COMMISSIONER GARCIA: Just really quick, Mr. Chair. Regarding the overlay, the 2" asphalt, 3" asphalt, 4" asphalt, that section of Agua Fria has always been – if you drive it, it's up and down, up and down because whenever we hired the construction management company, the subwork was not done right. So just the only concern I have for the Village of Agua Fria is whenever we put the 2" overlay or 4" overlay, whatever it is, it's kind of like, are we still going to go up and down, up and

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down? Or are we going to do the subwork on it? Just for the record. I just wanted to bring that forward. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Do we have an answer for Commissioner Garcia's question please?

MR. GOMEZ: Commissioner Garcia, we – all these projects we don't plan to do any earthwork. This is work that is planned to be done and completed by Road Maintenance staff. The cost that you're seeing is just the cost of the asphalt itself and renting of a milling machine. So we are not planning to expose the dirt on any of these projects. We come in with a milling machine, mill out two inches, and then we place back two inches with the exception of Main Street where we won't mill; we'll just do an overlay. So the cost that you're seeing is for materials only.

Our staff is very good. We've got some very qualified and knowledgeable individuals in the Road Maintenance Department and I have confidence that the finished product of Agua Fria will be a quality product and it will solve some of those rolling issues that are existing out there in Agua Fria. We'll try to match the curb the best that we can. If the curb is up and down the road will be up and down, but most of those up and down problems are because of settling due to utility cuts. So I have a confidence in the fact that we're going to end up with a quality project once we finish this paving.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Diego, because I know talking to Gil Tercero, Ray Romero, William Mee, they always have concern regarding that as into it's up and down, but I just want to put it on the record as to how it's going to happen. This is just for material only, so I appreciate that. Thank you, Diego.

CHAIR ROYBAL: Thank you, Commissioner Garcia.

3. C. Resolution No. 2020-86, a Resolution Adopting Local Governments Road Improvement Fund Project No. SP-L500389 for Pavement Rehabilitation/Improvements of Agua Fria Road (CR 66) and Main Street

COMMISSIONER HANSEN: So moved.

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

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: It sounded like we had multiple seconds but I believe I heard Commissioner Hughes seconding that. Anything under discussions, Commissioners? Okay, hearing nothing under discussion I'm going to go to a roll call vote.

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

3. D. Request Authorization for the County Manager to Finalize and Execute on Behalf of Santa Fe County the Water Delivery and Wheeling Agreement between Santa Fe County and the Eldorado Area Water and Sanitation District

JOHN DUPUIS (Utilities Director): Thank you, Mr. Chair. The items being presented together include the three items as you've outlined and the County Attorney, Mr. Greg Shaffer, will also be presenting with me. I will give a brief introduction to the three items and Mr. Shaffer will introduce the first item, 3. D, in more detail and I will follow up with further detail on items 3. E and 3. F.

So these items are being presented together since they are complementary tools to increase flexibility and efficiency of our water operations and resources. Further, it's the paramount strategic goal of the Utilities Division to obtain additional backup supply and these items together help accomplish that specifically through the BDD shared pool agreement, which is item 3. E.

The given that the Utilities Division's primary strategic goal is obtaining additional backup supply drought remains one of our largest threats to water availability in the future and a more diverse drought resilient water portfolio is needed. We are already committed to conjunctive management because we recognize that groundwater is our most resilient source for drought, and the County is not isolated from the practices and effects of others within the same aquifer system.

We all have straws in the same pool and we need to work with our neighbors to ensure not only conjunctive management through our own practices and that through our contract commitments with the City of Santa Fe but also with our neighbors like Eldorado, La Cienega, Cañoncito and other utilities that we work with and will work with in the future.

Such efforts are even more important as the County explores being a backup supply to the Pojoaque Basin Regional Water System, which is something that is yet to be specified and identified specifically, but these may provide future options to achieve that goal. Each of these items are discussed in detail by either Mr. Shaffer or myself and the attached map to the agenda item helps explain how they are all interrelated. So by way of a high level explanation these items do or will help ensure one, the long-term health of the aquifer including in the La Cienega area.

Mr. Chair, is now an appropriate time to answer questions? I notice Commissioner Hansen had her hand raised.

CHAIR ROYBAL: We can do that. Commissioner Hansen, did you have a question?

COMMISSIONER HANSEN: Mr. Chair, I just would like to ask him to please share the map that he is now talking about. I think that Daniel needs to do that probably. Thank you, John, for everything.

MR. DUPUIS: Mr. Chair, thank you, Commissioner Hansen. So I'll return to the list of items that are a macro-level explanation and then if during that period you are reviewing the graphic and have questions I am more than willing to answer but we will also provide the more detailed explanation as I just mentioned.

So recapping item one, which was to help ensure the long-term health of the

aquifer including in the La Cienega area, two, allow the aquifer to be used as a backup supply, including by large customers who maintain their own infrastructure necessary to access groundwater as a backup from the aquifer locally. Examples include the state penitentiary currently, and we are currently working with the Eldorado Area Water & Sanitation District to accomplish the same goal as well.

It also provides the Eldorado Area Water & Sanitation District with an immediate supplemental source of supply, and provides the County with a seat at the table with regard to the return flow pipeline project which may provide the County with up to 300 acre-feet per year of additional supply.

With that explanation I'll turn it over to County Attorney Mr. Shaffer.

MR. SHAFFER: Mr. Chair, I would respectfully suggest that perhaps if there are any questions about some of the detail in the graphic that was shared, in particular the high transmissivity pathways that are depicted on the map that now might be an appropriate time to ask those technical questions before we move on to the water delivery and wheeling agreement.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen, go ahead.

COMMISSIONER HANSEN: So I think it would be important to speak to the fact that in 2013 we took the Quill plant off of groundwater and we have been supplying that with San Juan Chama water and that that has helped improve the groundwater springs in such a short time in La Cienega. Is that correct?

COMMISSIONER GARCIA: Mr. Chair, I'd like to comment on that as well, when she gets her question answered. Thank you.

MR. DUPUIS: Mr. Chair, Commissioner Hansen, the only caveat I would mention in that explanation is the first icon in the legend in the top left corner is the state penitentiary wells, and it's not the Quill plant. Even though the Quill plant is located at the state penitentiary site it is specifically the state wells that were supplemented with water from the Utility, which is sourced from the Rio Grande. But yes, that is correct, and the graphic in the bottom left corner is one produced by the Bureau of Geology and Minerals or Mineral Resources and it's a report that continually is updated and monitors wells in that vicinity, and it shows the decline in those over an extended period of time. And then when the state penitentiary was no longer utilizing groundwater it started receiving County Utility water solely that there is a distinct change in the slope and is no longer declining as rapidly. And so it's also supported in the report documentation that there's a direct link between the Ancha Formation and the water being utilized by the state penitentiary wells and the availability of flow from the springs in the La Cienega area.

COMMISSIONER HANSEN: Thank you, Mr. Dupuis. Then I believe we show another pathway that goes right over from the springs, so to speak in La Cienega to Eldorado. So that appears to be another pathway that once we put this wheeling agreement into effect and possibly could be able to sell Eldorado water from Buckman that we could start to increase the groundwater in Eldorado also? Am I understanding that correctly?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, that's a correct explanation and it would just need to be, in my opinion, something that we continually

monitor and coordinate with those who have done the work in the La Cienega area to extend the monitoring that would then help to verify that benefit to the extent that Eldorado is reducing their groundwater pumping.

COMMISSIONER HANSEN: And then with this, the Santa Fe River, I see from – I believe that that square, the purple square in the middle of the map, and then the blue line going down is the Santa Fe River. Is that correct? Am I making the right assumption?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, that is correct.

COMMISSIONER HANSEN: And so then it looks like the water ends in I believe that is La Cieneguilla and it looks like the water stops at a certain point. Am I to believe that this is water that has been coming from the Paseo Real wastewater plant?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, that would be a safe assumption. I would need to revisit the report. There was a trace element analysis and carbon dating to verify the source in the springs at La Cienega, which I'm a bit more familiar with. But there is also groundwater flow from other formations, although not so directly connected, so my immediate conclusion would be that your explanation is correct and just verifying follow-up with you to confirm that assumption.

COMMISSIONER HANSEN: So one of the concerns about us being at the table with the return flow credit pipeline is that the water in the lower Santa Fe River from the Paseo Real wastewater plant will decrease. So I would like to know what amount are we looking at that might decrease, because nothing is set in stone yet of course, but how will we continue to make sure that La Cieneguilla and the lower Santa Fe River have water in it and it makes its way all the way down to La Bajada. I am wondering is La Bajada on this map kind of the bold out on the basin map. The brown line?

COMMISSIONER GARCIA: So, Mr. Chair, just on that, I have a lot of questions on that stuff. Thank you, Commissioner Hansen. So that bears a lot of questions. Because right now we're on assumptions.

CHAIR ROYBAL: Commissioner Garcia, I think Commissioner Hansen still had the floor so we can let her finish, sir.

COMMISSIONER GARCIA: Thank you.

MR. DUPUIS: Mr. Chair, Commissioner Hansen, that is correct about the boundary for La Bajada. Also your previous question regarding the quantity that would be utilized through the return flow pipeline as has been mentioned by Commissioner Garcia. It is an assumption and one of the important things to note relative to what's before you today, given the narrative in the letter of support is that we as the County want to ensure that all the concerns of the community are addressed and having a seat at the table and participating in the process gives us additional exposure and ability to verify and analyze and participate to ensure that those are met.

COMMISSIONER HANSEN: Thank you, John. That is really important to me because getting water still down to La Bajada from the Paseo Real plant or getting water from the springs, which La Bajada might have been also fed from the springs, because I do know that a lot of the area in La Cieneguilla, the farming is fed by springs in that area. So just increasing the groundwater will make La Cieneguilla somewhat more whole in this whole plan. And I do believe it is really important that we have a seat at the

table with this discussion about the pipeline so that we can make sure that we hear community concerns, talk to people, and feel assured that the lower Santa Fe River is going to be protected and cared for. There are a lot of issues with the lower Santa Fe River below the wastewater plant, one of them being this wetlands that was created 20 or 30 years ago and how that plays a part in all the water going down the lower Santa Fe River. I'm referring to the lower Santa Fe River as what is below the wastewater plant even though I do consider the lower Santa Fe River really from Siler Road on down also to be the lower Santa Fe River. That's all the questions I have for right now, but thank you, John.

MR. DUPUIS: Mr. Chair, Commissioner Hansen, if it's possible for me to add one additional comment relative to this discussion.

CHAIR ROYBAL: Go ahead, Mr. Dupuis.

MR. DUPUIS: Thank you, Mr. Chair. The additional comment would be one that the concerns of the community are of great concern to me and as I receive any comments or concerns I will follow up directly with them, specifically today we received a concern from the president of the La Cienega Valley Association and the response after our discussion was one of support and I was hopeful that Mr. Dickens might happen to be at the meeting today and be able to provide specifically his words without me having to recharacterize it. But I just wanted to follow up to say, Commissioner Hansen, that we will take every action to make sure that those concerns are heard and addressed to the extent that we are able to provide some solutions to those concerns.

CHAIR ROYBAL: Thank you, Mr. Dupuis. We appreciate the fact that you are very open to our constituents, communicating directly to you. So we do appreciate that, but sometimes constituents will come directly to Commissioners so we are their voice as well so I appreciate Commissioner Hansen and all her questions. So questions will come from both sides but we do appreciate that you're open to getting feedback from both our constituents and the Commission. I'm going to go to Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, John and thank Commissioner Hansen for the question. I know the whole assumption, pipeline, all this stuff. I get where we're going with this because it's going to be whether we actually give a letter to the City of Santa Fe to get approval to run the pipeline to the Rio Grande. That's where we're going with this. I understand. I get it. And it's sure water rights, springs. Commissioner Hansen is on it. She gets it. An individual that knows the springs in our area, the acequias going dry, Robert Romero, Charlie C de Baca, J.J. Gonzales, the tractor farm, because it's really dry right now. And so those are just the concerns I have because we have this assumption, assumption, assumption. I can understand this study. So I guess I get a little bit upset because when you go down to La Cienega or north, Robert Romero, the acequia and the ditch, and this last two months ago, a month ago, they have no water in their ditch. It's sad.

And whenever we actually say we're going to assume this, you guys follow me. And so, the springs – go for a walk to the springs; they're dry. And so this study, assumption, is where I have a little bit of I guess concerns about. And so really quick, John, as into is Carl Dickens okay with this? Yes or no?

MR. DUPUIS: Mr. Chair, Commissioner Garcia, the answer to that

question is yes, and he wants to continue to be informed and provided additional information moving forward, and I explained further that the caveats that he was concerned about are specifically mentioned in our letter of support in that we want to make sure that those concerns are addressed and our support is specifically with that intention so that the community is heard and that we have the ability to at least be at the table to decide if we have an agreement moving forward. But I'm hopeful in all the discussions as of yet that the City is willing to hear us out and we'll have to see if moving forward, when the details are completed, whether or not that is something that comes to fruition.

COMMISSIONER GARCIA: Thank you, Mr. Chair. So it's like we're going to sign a letter that the City of Santa Fe needs to go through a NEPA process and so on and so forth as into let's look at this moving forward. Because as Commissioner Hansen mentioned earlier, the water to La Bajada – I walked La Bajada, it was about three months ago with Alonzo Gallegos and some others from the village. The water that comes to La Bajada from the sewer plant, all the way down there. So whenever we say assumption, assumption, I understand that, and my fellow Commissioners, as into the next 20, 30 years from now, we're not sitting up there, what's going to happen? Where are we going to go? Those are the questions I have because right now, as long as we have a seat at the table with the City of Santa Fe as into if and when we actually provide this pipeline from the sewer plant to Buckman, as long as we have a seat at the table, that's why I want to know what's going to happen because in 20 years we won't be there. And so I just want to make sure we have a seat at the table, and if that's what you're saying and Carl Dickens is okay with that and Alonzo Gallegos, who lives in La Bajada, and so on and so forth, so that's where I'm going, Mr. Chair. So I say that. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I appreciate that, and I know earlier Commissioner Hansen had said she had her hand up. Sometimes in presentations I kind of expand the presentations so I only see one or two windows of Commissioners so it's a little bit difficult for me to see everybody's hand, but I'm going to make sure I keep the window with all the Commissioners up so I can see you. And I did see Commissioner Hamilton had her hand up and so did Commissioner Hughes. I'm going to go to Commissioner Hamilton first and then I'll go to Commissioner Hughes. Thank you.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. So I strongly support this concept of multiple avenues that increase our ability to do conjunctive management and so I want to say at the outset I really appreciate the efforts, and frankly unique efforts that John Dupuis contributes to being able to achieve these because of our ability to work back and forth with other entities including the City and Eldorado. I think overall this is achieving a lot. And we've all been talking about this and had opportunities to give inputs to the letter of support for the pipeline in particular, which Commissioner Hughes contributed some wording changes to, which I really appreciated and I did, and I nevertheless, in thinking about this all week, and so I need to bring forward this particular concern of mine. And I've been working with the City, interacting with them for a few years now on the concept of getting the return flow credits. You cannot get around the importance of doing that under current management. We have to have those credits. But part of the value of doing that is predicated upon being able to put the water back in the

river and know it's going to be there later to be able to divert. That, given my climate science/ecology background is a deeply flawed assumption for the future.

And so I'm not bringing this up new now. This is a concern we've talked about minimally for months. It is a similar concern when you think about management and about what you do with conserved water. You put that water back in the river; it's not going to be there. We're in a drought right now. We're in a severe drought right now. Rio Grande flows are low and that's going to become an increasingly common situation. Those are predictions of climate change for this region with very high certainty.

So in the letter, what was added was the first line of paragraph 3 which talks about the San Juan Chama can be utilized in a multitude of ways including diversion and treatment at the BDD. That means taking the water, not putting it in the river but taking it to BDD for treatment, offsets for the Buckman well field depletions, exchanges with other San Juan Chama project partners as additional supply for aquifer storage and recovery. Those three alternatives are alternatives that take that return flow water and keep it in the basin for us to reuse, whereas the option of putting it in the river lets that water go for diversion in the future.

And just like all the discussions with the City, which I fully respect, we still have tremendous trepidation that by the time that pipeline is designed and done as a project, the idea of putting the water back will be a very flawed concept. We need – I just can't help but wonder if there isn't a way to make the language stronger with respect to the three alternatives that keep the water here. I guess another way to put it is my support for this – the other two pieces, my support for the pipeline [inaudible] the water that we get the return flow credit for and that we reuse, 95 percent of the way back to the Buckman Diversion and the well fields and areas where we can do either direct treatment and reuse or aquifer storage or other aspects of conjunctive management within the basin.

And I apologize. I know the more times we go over just how that letter can be worded, the more delays there are, but my science is not letting me just not push this issue a little, because right now, if you were to go out and dump that water in the river, what would you get for it? Absolutely nothing. So it is – I do see the pipeline as a potentially critical element of increasing our water supply, as long as we keep that water supply with us in our basin.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Great comments. I really appreciate that. This is your field of expertise so I really appreciate all your input.

COMMISSIONER HAMILTON: There is a question embedded in there. The question was is there a subtle language change that Mr. Dupuis can think of that would emphasize the criticality of keeping that water and of not dumping it back in the river. We have the opportunity here to take a system – it's an old system of water management, and changing it just enough to use it to our benefit while still being mindful of the future climate projections, which would make dumping the water back in the river a completely flawed thing to do. John, can you think of some way to make that – to suggest a way that will add emphasis that we could still offer this letter?

CHAIR ROYBAL: Mr. Dupuis, back to you, sir.

COMMISSIONER HAMILTON: No pressure.

COMMISSIONER GARCIA: That was good, Commissioner Hamilton.
No pressure. I like that.

MR. DUPUIS: Thank you, Commissioner Hamilton. So Mr. Chair, Commissioner Hamilton, thank you for the question and I think it's one that is always in the back of my mind as well and in discussions with City staff on the flexibility and alternatives that the return flow pipeline enables is very much in the forefront of all of our minds as what the project can become and how it can meet the needs of the County as well as the City is discussed. And honestly, the planning process that we've begun with the City to update our 40-year plan and include out to an 80-year horizon for alternatives and demands is one that I think that this would be the significant result. So analysis of what the climate change model variations are, and then given certain scenarios, adaptations of what that project becomes, dependent upon how the climate progresses, whether it's along one path or another.

And so my thought is that – not to say that it's not the best idea, but it's largely given the circumstances that drive which solution is best to use at any given time. So I think that the wording – answering your question – I think that the wording sufficiently covers the concern you have and it should be more driven not from this letter or something not as concrete but through documenting what scenarios require what actions, in terms of how we would use this future project.

COMMISSIONER HAMILTON: I can respect that and I recognize this whole time we've been talking about these three integrated paths forward that by the time this pipeline project is analyzed in more detail and NEPA is done on it and there's implementation which will be the next year to two years, that climate change predictions will be better and more manifest and it will drive selection of alternatives. But I just want to say on the record that I will be there very strongly pushing for these considerations and for the direction of the project because I think we know enough now to know how important those are. And I assume that many people – there are many good people at the City that are very likely to also be driven by technical content and as a result also be there. I just am recording a certain recognition of the risks associated with having that uncertainty. But I just on the record will definitively be there pushing for strong consideration of these, because I think the science is really pretty definitive. Thank you, Mr. Dupuis, for the answer.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Great questions. I think it's something we really need to consider for the future, so thank you so much. I'm going to go to Commissioner Hughes, and I believe I saw Commissioner Hansen with her hand up as well, so I'll go back to her after.

COMMISSIONER HUGHES: Thank you, Mr. Chair. Well, first of all, I agree with everything Commissioner Hamilton said. The way I would have put it is I thought, hmm, there's probably a lot of different things we ought to consider with how to reuse the water from the treatment plant and on the face of it, this doesn't seem like it would be the best one as many of my constituents have been telling me recently.

So I notice our letter also includes that we want community support behind this project, which I think we're a far cry from, even though maybe one at a time, maybe people will support it, but I think only if all the concerns are addressed.

I did have two questions on the map. We don't need to go back to it but my first question was, so we saw that some of the water levels in the wells around the penitentiary stabilized, which was good, but did we see any benefit in the La Cienega springs from the

reduction in pumping at the state penitentiary?

MR. DUPUIS: Mr. Chair, Commissioner Hughes, that's a great question and the detail to connect the specific wells identified in the graphic in the lower left corner are within the report, that is the source, and they are specific ones that the authors identify to correlate to the availability of flow from the springs within the area. So these wells are spread out in between the area adjacent to the springs and are very specific to provide an indication relative to the availability at the springs.

COMMISSIONER HUGHES: Okay. But it sounds like maybe the water level has stabilized but we haven't really seen a noticeable increase in flow at the springs. I just want to make sure I understand that.

MR. DUPUIS: Mr. Chair, Commissioner Hughes, one of the concepts to take into consideration is that we've had pumping from this aquifer since the seventies, and that there has been some significant decline as shown from the starting elevations in some of those wells. And that needs to not only have a leveling out of the decline but over time an incline. So we need to continue this practice such that we can have the effect intended and large users within the connected aquifer regions are ones that are low-hanging fruit to have the greatest impact to help achieve that.

COMMISSIONER HUGHES: Thank you. Okay. That's kind of what I was thinking as well. I just wanted to make sure I understood it correctly. So my other question is just regarding the Eldorado wells, whether in our negotiations with the Eldorado Area Water & Sanitation District there's been any discussion about how much less pumping would be needed in order to have an impact on La Cienega, and realizing that it would probably be years before the impact was seen, but is there a back of the envelope calculation or an idea of how much we need Eldorado to stop pumping in order to not only recharge the aquifer under Eldorado a little bit but have an effect in that larger teacup as you called it the other day.

MR. DUPUIS: Mr. Chair, Commissioner Hughes, there is not a number specific to what effect – what quantity would have the desired effect or what timeline. We need to expand the monitoring that was being done to include Eldorado and then correlate the initial response of the aquifer from reduced pumping to a projected increase. Our MOU with Eldorado alluded to up to 300 acre-feet provided by the County with our supplemental initial contract provision. That would be enabled considering that we would have that additional supply to provide them, and they were requesting it. So until we have a more long-term agreement and a set number that is intended regularly it would be difficult to anticipate as well as needing that additional monitoring to give some dependable indications on what to expect.

COMMISSIONER HUGHES: Thank you. I think that makes sense. I know that just in my discussions with people on the Eldorado water board that they think their groundwater is cheaper than the surface water so there's sort of an incentive for them to pump, not as much as they have been maybe, but certainly at a rate that they can use that cheaper water which makes me worry that we may not see a huge amount of benefit from that in the rest of the aquifer. Some, certainly, and of course the more surface water we can get to Eldorado the easier it becomes for them to pump less and store more, which we all want, so that when we have a drought we have some water to pump.

I think that's all going to be very complicated and I wanted to thank you for working on all these complicated negotiations. It's very important and very complicated. Thanks. That's all my questions for now, Mr. Chair. I'll probably have some more after we hear from Attorney Shaffer.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hughes. I know Mr. Dupuis had mentioned about the decline of the water in the area as far as I guess the metering that we've seen. I don't know if we've been provided that information but it would be really good to get that information as well, if we can get that provided. So I know I saw Commissioner Hansen with her hand up and then I'm going to go to Commissioner Garcia as well. Thank you.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So I appreciate Commissioner Hamilton's analysis of the letter and I want to, for the public, know that the opening line is "I am writing today in support of continuing to explore a joint venture of the return flow project." I think that that is important to say. I also wanted to talk a little bit about the pool agreement which is also another part of this larger group, and that is the pool agreement at the BDD is with native water that Santa Fe County has and being able to use that water in exchange with the City for San Juan Chama water. And maybe this is something that Attorney Shaffer is going to speak to, so I won't go into too much detail about it. I will let him give an overview and an explanation on that before I ask any more questions.

But I do want to recognize you also, John, for thinking outside the box, and Manager Miller and Greg Shaffer, for all of you, putting these agreements all together because I think that by linking everything together it creates a more regional approach and I think that that is one of the directions that we need to go in is looking at a more holistic view about the water supply, because we are all in the same basin and we are all drinking from the same tap. So to bring all these three items together – the wheeling agreement, the pool agreement and the return flow pipeline possibility and letter, I think is really important and I just wanted to say that on the record because we're looking at it in a holistic view, which I think is very important. So thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Very well put. I'm going to go to Commissioner Garcia real quick for any additional comments and then I'm going to go to Greg. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I guess I just – cleaning the acequia, cleaning the ditches, and you go to La Cienega, you see there's no water in the ditches and it's kind of sad that the Green Tractor Farm and all the other fields there are dry. You know, Mr. Chair, as well as El Rancho. We're going through a drought. I understand that. I guess I think a little bit too much as into I want to get things done. And it takes time. I understand that. Commissioner Hughes, in regards to your comments regarding Eldorado, so I guess we're just going to sign an agreement saying let's look more into this with the Eldorado because they haven't committed to connect with the County system. The City wants us to give them – I guess I just maybe read a little bit too much into this stuff.

Back when Karen Torres was here, back seven, ten years ago, the County was doing a study in La Cienega, and what happened to the study? Eldorado, I understand that. The pool of water rights – do we even know if the State Engineer's Office is actually

going to work with us and saving water rights and putting them in a pool? I don't know. But I guess I think way ahead. But what about the injection into the aquifer that we were talking with Rancho Viejo and everybody else out there? Whatever happened to that, seven and ten years ago? So that fell through the cracks. I get it.

And I appreciate staff. Thank you, thank you, for working on this stuff and we've got to figure it out because we all live in this community together as Commissioner Hansen said. We all drink out of the same water table. I guess we're signing the letter as to say let's all work together. I understand that. I get it. But sometimes I just get a little eager, frustrated as into, you know what, it takes a while I guess to actually get stuff done, but thank you, Mr. Chair. I appreciate everybody else's comments. Thank you to staff once again and my other colleagues. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Okay, so I'm going to go Attorney Shaffer.

MR. SHAFFER: Great. Thank you, Mr. Chair, Commissioners. I presented relatively recently the water delivery and wheeling agreement with the Eldorado Area Water and Sanitation District so I'm not going to dwell on it in great detail this evening in the interest of keeping things moving. I asked Mr. Fresquez to bring back up the graphic, however, because I did want to focus everybody's mind on what the wheeling portion of the agreement is. And if you see, there is a relatively large dotted line that runs from the Rancho Viejo area to Eldorado. So that is the transmission line that will actually take water that is supplied through County infrastructure from the vicinity of Rancho Viejo and deliver it to the district.

If you look to what I believe my orientation is correct, roughly to the northeast section of the Eldorado Area Water and Sanitation District you'll see another similar line which is the proposed Eldorado to Cañoncito pipeline. And so what is happening with the wheeling portion of the agreement is we will be delivering water to the district. The district will move that water through its infrastructure and deliver it to the point of delivery at the edge of the district so that the County can then convey it to Canoncito. So that's the wheeling portion of the agreement.

That same pipeline, however, that will transmit water to the district can also be used as either a supplemental or permanent source of supply to the district. So thank you, Daniel. You can take that down now.

So again, by way of high level summary, under the wheeling and water deliver and wheeling agreement the district would agree to wheel up to 25 acre-feet per year of County water through its system in perpetuity for ultimate deliver by the County to Canoncito on the following general terms: The County would pay a wheeling fee for water wheeled through its system to Canoncito. That wheeling fee is based upon incremental operating costs of the district in providing that service. The County would construct and pay for a master meter at the point of delivery of County water from the County to the district, and the County would construct and the district would pay for a master meter at the point of delivery of County water by the district to the County for ultimate conveyance to Canoncito.

That is one of the items that is being finalized by the parties and the reason why we're asking that the County Manager be given the authority to wrap things up, so to speak, is that we are working on a reasonable, not-to-exceed amount for that necessary

infrastructure. The County would agree in the draft to pay for disinfection byproducts treatment infrastructure to be constructed on the district's system. The parties would agree to revisit that cost allocation in what we're calling a replacement water delivery agreement.

In order to ensure the effectiveness of that infrastructure the County would agree that County water being delivered to the district would have a minimum CT value when it is delivered to the district, and that's to ensure that the disinfection byproduct treatment infrastructure works as intended and the agreement commits the parties to developing a plan to address any situations in which that CT figure is not met. That's another substantive albeit technical area that the parties are finalizing.

In addition, since I believe this was last presented to the Board we have negotiated with the district provisions that could allow for the district to temporarily supply water to Canoncito, both before the County is able to deliver County water to the district and after, during any temporary interruption to the supply of County water. So we would view that as being a significant positive development that underscores the collaborative and regional approach that we are trying to take with the district.

The way to think about I think this agreement is that it's important in its own right because it does allow the County to deliver water to Canoncito in a more effective and cost-effective way. It also provides Eldorado with a potential supplemental source of supply that it can utilize, assuming there's capacity for the County to meet that demand. But it also lays the groundwork for what we're calling and what the agreement refers to as a replacement water delivery agreement and that replacement water delivery agreement would be a long-term, firm commitment water delivery agreement pursuant to which the district would agree to take or pay for and the County would agree to reserve its supply 100 acre-feet per year or more if mutually agreed to by the parties.

So there are terms that are spelled out in the agreement that's being presented to you this evening that the replacement water delivery agreement would have to address, and we believe that – we have no reason to believe that we won't be able to reach agreement on those terms, and the replacement water delivery agreement would be subject to future approval by the Board of County Commissioners. So the authority to sign off on the replacement WDA is not being delegated to the County Manager. Instead, the only delegation of authority is with regard to the water delivery and wheeling agreement that's being presented this evening.

One additional point to highlight before I stand for any questions is that the agreement before the Board tonight does commit the County generally to recognizing a non-refundable credit for the district of approximately \$1.5 million, and that represents a portion of the savings that the County realized by wheeling water for Canoncito through the district rather than constructing a pipeline and associated infrastructure around the district. So again, if you go back to the graphic that we were talking about earlier and which I focused my presentation on initially, we are avoiding the construction of a fair amount of infrastructure by wheeling the water through the district as opposed to taking it around the district and that \$1.5 million credit is a portion of the capital costs that we anticipated having saved through this arrangement. And the memorandum of agreement that was previously negotiated and approved by the Board committed the County – I'm paraphrasing, but sharing equitably those capital cost savings. And that's what that credit

would do.

Again, the credit is only available, however, under the replacement WDA and so it would not be available if for some unexpected reason that agreement could not be negotiated.

With regard to the timing of the replacement WDA, the agreement before you tonight commits the parties to work in good faith to conclude that agreement by December 31, 2022, and it would be during that interim period that we would be working out details about aquifer recharging, the availability of that water to the district and the County in the event of drought conditions, etc.

So I'd be pleased to answer any questions at this point, but again, we're asking this evening for any feedback that you have on the draft agreement as it stands but also asking that the County Manager be given the authority to wrap thing up. And before I close I would perhaps be remiss if I didn't note that we did receive this morning an email from Steve King, the general manager of the Eldorado Area Water and Sanitation District and in part, it provides as follows: Thanks to everyone for your patience and hard work in getting this document finalized. I for one am confident that this will provide great benefit to the residents of Eldorado and the community of Canoncito and is a significant element of a long-term, best water resources management strategy that will benefit the region.

So with that I would stand for any questions and Mr. Dupuis is here as well to answer any questions that you might have that he'd be better suited for. Thank you, Mr. Chair and Commissioners.

CHAIR ROYBAL: Thank you, Attorney Shaffer. I'm going to go to the Commission. I'm going to look for a show of hands. I do have my screen expanded. I see Commissioner Hughes with his hand up. I'm going to go to him first.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I actually think this has been discussed a lot and I know this is a long time in coming, so I would just like to make the motion that we authorize the County Manager to finalize and execute on behalf of the County an agreement with the Eldorado Area Water and Sanitation District. Thank you.

COMMISSIONER HANSEN: I'll second that.

CHAIR ROYBAL: Thank you, Commissioner Hughes. So we have a motion from Commissioner Hughes and a second from Commissioner Hansen. Under discussion, are there any other Commissioners that have any comments under discussion? I'm not seeing any hands. I don't see Commissioner Garcia on the screen.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, actually, in regard to that stuff, I agree. We have to move forward on this stuff and so on and so forth. The only thing I have is in regards to – I think Canoncito needs water. I dealt with a young lady there 15 years ago and thankfully we're finally getting water to Canoncito. Awesome. Great. And some of the other things I think about is in Commissioner Hughes' district, the Lone Butte area. Those people haven't had any water for many, many years. But I understand this is just an agreement to start negotiations. And one of the things that Attorney Shaffer brought up as into the County's going to do this. The County's going to do this. The County's going to do this.

The County's going to do this. What is Eldorado going to do? It's all about the County. The County is providing water. But I'm okay with it, Mr. Chair. Just putting it out for the record, because in ten years when we figure this out. But thank you, Mr. Chair, for the opportunity. I appreciate all my colleagues as well.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other comments or questions? Okay, I'm going to go to a roll call vote on this item.

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

3. E. Request Authorization for the County Manager to Finalize and Execute on Behalf of Santa Fe County the BDD Shared Pool Agreement Between Santa Fe County and City of Santa Fe

MR. DUPUIS: Thank you, Mr. Chair. I appreciate the opportunity to provide a detailed review of the contents and background relative to the BDD shared pool agreement. Since 2018 the City of Santa Fe and the County have collaborated to manage water with the shared goal of using native water, native surface water to the greatest extent possible when it's available at the Buckman Direct Diversion, and preserving other sources for when it is not. This effort is terms the optimized annual water rights accounting and it's included in our Buckman Direct Diversion annual operating plan. It was the result of an extremely dry year in 2018 and the realistic fear that the BDD would be curtailed or even shut down due to low flows in the Rio Grande.

In implementing this arrangement both parties identified excess resources that can't be used independently. The County has excess native rights and cannot currently stored them in-basin. The City has excess storage capacity in multiple places, one of them being Abiquiu Reservoir that it's not fully utilizing. Through optimized accounting the City has been able to divert excess native water earlier in the year and the County in turn diverts an equal amount of stored City SJC water later in the year when native rights may not be available. This has been working incredibly well. It is limited through by a requirement to balance these diversions annually. The City has been limited in diverting County water by how much City the County can reasonably use later in the year.

This BDD shared pool agreement continues to optimize the accounting but removes the annual account balance requirement, therefore creating effectively a credit pool where the County can account for native water to the City's immediate use and then call on that credit in future years when the BDD is shut down or deliveries are curtailed otherwise.

This effectively increases the supply of backup water to the County, the primary goal of the Utilities Division from our most recent strategic planning process. This agreement it is important to mention as being temporary in nature and will only remain in place so long as both parties see benefit in it continuing. It sets reasonable limits on the amount of water the County can place in the pool, and the amount of credit water that can be called on in a given year. These are physical limitations relative to infrastructure capacity and concerns that were brought up, and depending upon the reason for shutdown, that's another element that adjusts how the terms apply and how the credit is used.

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It also then leaves open the opportunity to negotiate more if mutually beneficial. It also accounts for any conveyance, diversion, or storage losses that may occur. The agreement also allows the City as operator of the BDD to shut down for any reason as long as the County is given three days notice and is not required to use more than 150 acre-feet of its credit water to account for the shutdown. This allows the City to act more nimbly based on its own needs and the County would pay the City for pool water at a rate equal to the variable costs of BDD water paid by the County during the same fiscal year in which the pool water was delivered.

In addition, during any unplanned shutdown the County would pay a wheeling fee for water wheeled through the City system in addition to the variable costs paid to BDD that year. In sum, the BDD shared pool agreement maximizes the use of our native surface water, providing the County with an additional relatively cheap backup supply of water in the event of a BCC shutdown. With that I stand for any questions.

CHAIR ROYBAL: Okay. Thank you, Mr. Dupuis. Do we have any questions from the Commission?

COMMISSIONER GARCIA: Mr. Chair, my colleagues that are actually on the BDD Board, could you guys – do you guys have comments on this stuff? Is this the best thing for the County or the community to do?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Go ahead, Commissioner Hansen. And then I'm going to go to Commissioner Hamilton if you have additional remarks.

COMMISSIONER HANSEN: So I personally think that this is a very good deal for the County. I actually think it is a better deal for the County than it is for the City. But I think that being able to use our native water rights and making sure that we have a backup supply down the road is a good thing. Backup supply is one of the more important things that we need and BDD is a City-County ownership. It is not owned by the City; it is not owned by the County. It is owned by both of us and so I think this is also in the best interest of the BDD to move forward with this agreement and I will let Commissioner Hamilton also speak to this.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I guess I would personally characterize this as a very good mutual agreement. I think there are benefits on both sides. I think it's very valuable for the County and the City to move forward with this for the reasons Commissioner Hansen stated. There's frankly not that much to expand upon but this definitely feeds into our abilities to manage water more efficiently, to make good use of our abilities to conserve and store water and still have it available, and to do conjunctive management.

The things that we've been looking to do, this is kind of a rare opportunity to within the existing system and without having to do something additional, like building reservoirs or buying more water rights, or other things that may not even be available or feasible to really expand what we have to use and how we can use it. So I agree with Commissioner Hansen. This is a very valuable thing for us to do.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: I just want to first of all say thank you for sitting on this board. We really appreciate you representing the County on this important board, the

BDD Board. I sat on this board a couple of years or a few years so I really appreciate all the feedback and I appreciate that Commissioner Garcia asked for feedback from our respective peers that sit on this board and I think you guys are doing a great job. So Commissioner Garcia, I'm going to go you, sir.

COMMISSIONER GARCIA: Mr. Chair, great comments. Thank you, for sitting on these boards that we all sit on. It's hard being a policymaker. You all understand. But yes, thank you for sitting on that and one thing us policymakers, you all sit on the board. You go to the meetings and you realize that most citizens don't realize when they turn on that tap and how it works and how it needs to work and why the springs are not – why we don't get it. So I just want to say – there's no question. I'd just like to make a motion for approval, and Mr. Chair, thank you once again to my fellow Commissioners for sitting on the board.

COMMISSIONER HAMILTON: Second.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I'm going to look like a second from both of our Commissioners that sit on that board. So we have a second from Commissioner Hamilton and Commissioner Hansen. Commissioner Hansen, did you have something under comment?

COMMISSIONER HANSEN: No. I do agree with Commissioner Hamilton that this is a good mutual agreement for both the City and the County.

CHAIR ROYBAL: Thank you. And thank you once again for sitting on this board. Commissioner Hughes, did you have anything under comments, sir?

COMMISSIONER HUGHES: Thank you, Mr. Chair. No, no comments really, but thanks to everybody who worked on this. It certainly sounds like a very good arrangement.

CHAIR ROYBAL: Thank you, sir. I'm going to go to Attorney Shaffer. He's got his hand up. Sir, would you like to go ahead?

MR. SHAFFER: I would just want to state for the record that the actual action item, what I understand the motion to be would be to authorize the County Manager to finalize and execute this agreement, as was the case with the previous agreement. The agreement that is in front of you this evening is fully formed. In other words, there aren't details that we anticipate at this point trying to work out, but we ask for that authority so that if there are non-significant changes that come about as it goes through the City approval process we have the flexibility to implement those things. So I did want to clarify that for the record. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Attorney Shaffer. Those are very important items because small issues like that can hang things up. So I'm going to go to each Commissioner and make sure that they're okay with that. Commissioner Hansen.

COMMISSIONER HANSEN: Yes, I understand that this is a request for authorization for the County Manager to finalize and execute this agreement. Thank you.

CHAIR ROYBAL: Thank you. Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. I understood that as well. Thank you.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Yes, sir. Thank you, Mr. Chair.

CHAIR ROYBAL: Commissioner Hughes.

COMMISSIONER HUGHES: Yes. That's the understanding and it sounds good.

CHAIR ROYBAL: And a yes from Commissioner Roybal. I understand that. I think there is going to be minor details that come up that our Manager is more than capable of handling. So I'm going to go to a roll call vote.

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

3. F. Request Approval of Letter of Support for Joint City of Santa Fe and Santa Fe County Return Flow Pipeline

MR. DUPUIS: Thank you, Mr. Chair. This last item expresses the County's support to continue to explore a joint venture with the City of Santa Fe of a return flow pipeline project. The details of any such joint venture would have to be worked out as the letter makes very clear. The County's partnership is predicated on a thorough environmental impact study, a comparison of alternative strategies and garnering of public support. These all three are very critical and that includes working with the City to study the environmental impacts of the lower Santa Fe River and to conduct a public process to understand the community concern, and then develop any potential solutions together.

This includes a commitment to evaluating science-based target flows on the lower Santa Fe River to help mitigate the objective impacts at the heart of many community concerns. As it currently stands the return flow pipeline could provide the County with up to 300 acre-feet of additional supply. This supply, when utilized appropriately is drought resistant and could be used to supply the Eldorado Area Water and Sanitation District under the replacement water delivery agreement. And as previously indicated, supplying substantial amounts of water to the Eldorado Area Water and Sanitation District for its own use has the potential to recharge the aquifer beneath Eldorado and surrounding aquifers via high transmissivity pathways.

With that I stand for any questions.

COMMISSIONER GARCIA: Mr. Chair.

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

COMMISSIONER GARCIA: Mr. Chair, I have a quick question is I may.

CHAIR ROYBAL: Go ahead, Commissioner Garcia, and I'm looking for a show of hands if any other Commissioners have questions. Okay, I'm going to go to Commissioner Hughes next.

COMMISSIONER GARCIA: Awesome, Mr. Chair, John. So once again you did talk to Carl Dickens as the president of the La Cienega Valley Association and he's okay with us, me, voting for this letter as into exploring – not approving, exploring – what the pipeline can or may do. Correct?

MR. DUPUIS: Mr. Chair, Commissioner Garcia, that is correct. I spent a little over an hour today walking Mr. Dickens through the intent and as Manager Miller wisely guided us to include all three as a package so it's clear, or helps make clear the regional and bigger picture approach that we're trying to accomplish. So to answer your

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question again, yes, Commissioner Garcia. That is correct.

COMMISSIONER GARCIA: Awesome. Thank you, John. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Okay, so I saw Commissioner Hughes. I'm going to go to you next sir.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just was wondering if you could explain whether this is important to do today. I know there's a reason all three of these were brought together. Also, Commissioner Hamilton mentioned the possibility of rewording the letter to make the section that she was talking about a little stronger. I just wondered if it's important to do something today or if this could be put off to the next – to a future meeting.

COMMISSIONER GARCIA: Awesome, Mr. Chair, not to interrupt, but just on that note. If Commissioner Hansen as well as Commissioner Hughes wants to table this I'm okay with that, but thank you for the great questions and comments from the Commissioners. Thank you, Mr. Chair, for letting me interrupt.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I don't wish to table this or delay it. I think that part of this whole agreement is the reason these three items were brought up together is because this is a package deal, so to speak, that we're working with the City on, and I personally think that we have strong enough language in this letter to convey our concerns about is the pipeline really possible and especially in the fact that we are continuing to explore a joint venture. And we list multiple ways, including redirection, treatment at BDD, and offsets at Buckman well fields depletion, in exchange with other San Juan Chama partners, and additional supply for aquifer storage and recovery. If there's something missing in that list that we could do I would like to know, but if there's another option, I'm open to that but I also do feel that I support this.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and I would think that this was probably a good effort forward. And unless I hear something from other Commissioners I definitely will move for approval, but I will go to Commissioner Hamilton, as I saw her hand up.

COMMISSIONER HAMILTON: Yes, because I thought you were asking us and I actually agree that what's in the letter, especially as Commissioner Hansen pointed out, that the first line was modified to be continuing to explore the joint venture. We definitely are and want to be at the table for that and I made comments pretty strongly that I think are critically important for all the future negotiations and Mr. Dupuis confirmed the basis on which those future discussions would be predicated on and there's as a result the opportunity to bring that science into it, and that that's an important consideration. That's what I wanted to get out with respect to this letter, and otherwise, the whole principle that we were bringing these forward together and this whole package is something that's really valuable for our goals of improving efficiency of water management and our ability to have backup water. All of those concepts are just very important. So I have no desire to hold this up, although I truly appreciate Commissioner Hughes' thinking, exploring the question. I don't feel it's really necessary. I would support moving forward with this.

CHAIR ROYBAL: Okay, with that being said, I'll make the motion or you can, Commissioner Hamilton.

COMMISSIONER HANSEN: I will second your motion, Mr. Chair.

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

COMMISSIONER HUGHES: I think I'm fine with the letter going forward, particularly if Commissioner Hamilton's concerns were met but I do want to just be very clear that we and I are only in support of being part of the process and exploring all the alternatives and this is not an endorsement right now of the return flow pipeline.

CHAIR ROYBAL: That is correct, Commissioner Hughes, and that's how I understand it as well. Commissioner Garcia, do you have any closing comments, sir?

COMMISSIONER GARCIA: No, I agree with Commissioner Hughes totally on target. So, yes, I'm in favor of this as well.

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

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

4. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: So I believe there a couple of people signed up for this. Is that correct, Tessa Jo?

TESSA JO MASCARENAS (County Manager's Office): Yes, Mr. Chair. The first person who signed up for public comment is Bennie Gonzales. However, he's listed as Marshal Lucas under participants.

CHAIR ROYBAL: Okay, Mr. Gonzales. You're up, sir. Mr. Gonzales, if you could state your full name and address for the record.

BENNIE GONZALES: Okay, my name is Bennie Gonzales and I'm at 83 Camino Chupadero, Santa Fe, 87506.

CHAIR ROYBAL: Thank you, Mr. Gonzales. Please address the Board.

MR. GONZALES: First of all, I'd like to thank the Board for allowing me this opportunity to speak on behalf of a lot of members of our community. I especially want to thank Commissioner Roybal for reaching out and speaking with me about the issue I'm about to present to you. Also, I'd like to thank Chief Litzenberg who also reached out as well as Fire Marshal Blay, who I talked to, again, about the issue that I'm going to be talking about. However, Mr. Chair, I want to give special thanks to Ambra Baca, if she's listening in today. She was awesome. Ambra, you rock. I'll tell you. And you'll see why I'm calling special attention to her, so thank you so much, Ambra.

This whole issue began actually last Friday when my wife was driving up and she's honking the horn and I'm saying what the heck's going on? I go outside and she says that there's a fire at one of our neighbor's places. And I came out and I looked and sure enough, the flames were up beyond the telephone post that was on that property. I immediately got on 911, called them, and as I watched the flames there I noticed that actually the resident had a hose and he was scurrying around trying to put that fire out.

And it was very unsettling or me because this is not the first time that we have

contacted the Fire Department and they've shown up on this particular neighbor, and this last time we thought that he had basically started his house on fire.

Fast forward, I called several numbers for the County and actually the people that I was talking to would tell me – and they were totally nice and very respectful, but they said, well, you know, there is burning permitted in the county, and I said, how can that be? Look at the issues that we just faced here with the Medio Fire. They were sympathetic, but kept repeating the same thing, that they got a burn permit. I talked to the Tesuque Fire Department, actually went up to the site, came back down, and I also asked them. I said, well, what's your opinion? And they go, basically they're saying we don't have control of it. And they agree. They said it is tinder dry in this area.

And so again, in talking to several folks or trying to get a hold of the Fire Chief and some of the other higher-ups in management there to talk to them about this problem, immediately. I couldn't get anyone. So my wife says, she says call the County Commissioner, and I did. I got a hold of Ambra, and she was fantastic and within 15 minutes Chief Litzenberg called me. And we did have a very good meeting or discussion regarding the issues that were up here in Chupadero and later on, certainly Chairman Roybal called me up and we talked again about the same issues.

One thing that I didn't mention is I actually went up and talked to our neighbor. This is a person who's moved in probably the last six months and the conversation didn't really go very well because I wasn't a very happy camper up there. But the one thing that I kept hearing over and over, and especially I heard this from my neighbor. He said, I don't care what you think. He says, I've got a permit. And he kept repeating that. I said, look, we had the Medio Fire. Look. He has a beautiful view of the valley there and I told him look. Look at this valley. You want to let that go up in flames? And he said, you know, I don't care. I've got a permit.

So I left, and again, the conversation didn't go very well. And then fast forward, I talked to Chief Litzenberg and to his credit and Fire Marshal Blay, we talked about the fact that – or at least let me put it this way. My position, I think a lot of the positions here, the residents here in Chupadero and Rio en Medio is that the process, the burn permit process, open burn permit process, is broken. And as I spoke to Chairman Roybal and Chief Litzenberg and Fire Marshal Blay, I think they recognize too that that had to – we have to have a good scrubbing of that process.

And so there are several ideas that were thrown around and I'll mention some of them. I really liked what Chairman Roybal came up with –

MS. MASCARENAS: Excuse me, Mr. Gonzales.

MR. GONZALES: Yes.

MS. MASCARENAS: I'm sorry to interrupt, but you're time is up, so if you could just finish our point. Sorry to interrupt.

MR. GONZALES: Okay. I didn't know there was a time limit here. Would it be possible to just allow a couple more minutes, Mr. Chair?

CHAIR ROYBAL: Go ahead, sir.

MR. GONZALES: Okay. The bottom line here is we feel that the process for allowing burn permits is really broken, and again, as I mentioned, I talked to the Chairman. I talked to the Fire Chief and Fire Marshal and they all agreed that they would want to look at that particular process. And also, there's some issues that came up about –

or at least that we talked about. It was the opening up of this free burning – I'm sorry. Not the free burning; the free dumping of debris. So folks that are cutting can go to the transfer stations and dump this without having to pay a fee.

So I'm sure that's probably something that you all have to take up so certainly we'd want your support. And also, many years ago, we also, I believe, got some wood chippers from the County that were brought up here to the community. And if that's something that the Commission could be open to, that would also be appreciated. But the bottom line here is that that process is broken, that whole permitting process is broken and we really would like for you all to really take a hard look. All of you today have talked about the drought and the major problems.

The other thing is I've sent you a link to a Google photo that I prepared especially for you to show you pictures of that fire, that Medio Fire, and that was a devastating fire. I don't know if you can see – I guess you can't see, but I watched it here from my backyard and so that's something that really concerns this community and I'm sure the rest of Santa Fe County. So I don't have anything else. I know there's another individual from Chupadero that also wants to speak. So thank you, Mr. Chair, and the rest of the BCC for allowing me to speak to you this afternoon.

CHAIR ROYBAL: Thank you, Bennie. We appreciate you being here today to talk about your concerns and I know that we do have a Commissioner that is a volunteer firefighter so she knows that there's not always a blanket resolution for different communities. I know that Chupadero, the area that you live in has one entrance and one exit and so that's another issue that does come into play. So I know that different communities have different issues. So I appreciate you being here today, Bennie. Tessa, can we have our next speaker please?

MS. MASCARENAS: Yes. Mr. Chair, our next speaker is Renee Roybal.

CHAIR ROYBAL: Renee, are you here? If you could state your name and address for the record.

MS. MASCARENAS: I actually don't see her name and for some reason it's not allowing me to unmute the two call-in users. Daniel, do you have that ability?

CHAIR ROYBAL: Okay, if we could unmute everybody, and I just want to make sure that there isn't anybody else from the public as well that would like to address the Commission. So if we could unmute everybody. I know it gets loud for a moment but for the public, if there's anybody that would like to address the Board, please state your name as soon as we unmute. Go ahead, Tessa.

BENJAMIN BONNET: Hello, Commission. My name is Benjamin Bonnet. I live in Santa Fe and I would like to speak.

KATHERINE SHERIN: Hello, Commissioners. My name is Katherine Sherin and I would like to address the Commission. Thank you.

LYDIA CLARK: My name is Lydia Clark and I would like to speak.

CHAIR ROYBAL: We did get those three names. Is that correct, Tessa?

MANAGER MILLER: So Tessa, I believe that the first one was Benjamin Bonnet, and I just would like to remind the members from the public that we have a three-minute time limit and it's on the screen so you can get a sense of when your time is up. Thank you.

MS. MASCARENAS: Yes. And also, Mr. Chair, Lydia Clark had already

signed up as well, prior to the meeting.

CHAIR ROYBAL: Okay, so we have four from the public that want to address the Board. First of all I want to say thank you, guys, for addressing the Board and I don't know if they're all the same issue or not the same issue but we appreciate you being here today because feedback from our constituents is worth gold to the Commission, I'll tell you that much, and I don't know if they're all on the same issue or not but we'll find out. So if we could have our first speaker, please.

MR. BONNET: Good afternoon, Commissioners. My name is Benjamin Bonnet and I live at 1018 ½ C Canyon Road in Santa Fe. Today I would like to register a comment on the planned expansion of plutonium pit production at LANL. Many who advocate for this expansion choose to ignore the serious risks these activities pose, emphasizing instead supposed benefits to our regional economy. Setting claims of economic benefit aside, I would like to focus instead on the risks the pit production posed for line workers at LANL.

In order to fulfill production targets set by the NNSA in the coming years LANL anticipates hiring numerous new front line nuclear workers. To that end new "apprenticeship programs" funded by federal defense appropriations have been established at community colleges in northern New Mexico. These programs will train many of the new machinists, radiation production monitors and other workers LANL needs to engage in industrial-scale pit production. It is no exaggeration to say that many of the new jobs producing plutonium pits will be among the most hazardous in US industry. The work will involve routine handling of highly radioactive materials and chronic exposure to toxic solvents and chemicals. Yet almost unbelievably campaigns promoting these dangerous positions are currently underway in the high schools and even the middle schools for northern New Mexican communities.

Now, to the many socially and economically vulnerable youth in our region these programs might seem a god-send, offering free tuition, paid internships and the eventual promise of high paying positions at LANL. But with all the emphasis on program benefits, are our youth being honestly informed of the real hazards they will face as nuclear industry workers? Do the restrictions on time – I previously thought we only had two minutes, but I'm going to pause here and Katherine Sherin of Santa Fe will conclude the remainder of my comments on this topic. So please give her your full attention. Thank you, Commissioners.

CHAIR ROYBAL: Thank you for your comments. Okay, so we're going to go on to our next speaker.

MS. SHERIN: Good afternoon, Commissioners. My name is Katherine Sherin and I live at 1018 ½ C Canyon Road in Santa Fe. I will be finishing up on comments made by Benjamin Bonnet of Santa Fe who spoke about the recruitment of northern New Mexico youth into apprenticeship programs enabling industrial-scale plutonium pit production at LANL. Again, these apprentice programs, to the many socially and economically vulnerable youth in our region may feel like god-sends, offering free tuition, paid internships and the promise of high paying positions. But with all the emphasis on program benefits, are our youth being honestly informed of the real hazards they will face as nuclear industry workers? And are they being made aware of LANL's dishonorable history in the realm of worker protection? Are they being informed

about its numerous safety violations, it's long history of downplaying worker risks, it's falsification and destruction of workers' medical records, which document exposure to ionizing radiation and toxic chemicals?

And have these young people ever had the opportunity to hear stories told by former workers who have suffered illness and injury from exposures at LANL? Workers like grassroots community activist Ben Ortiz of Nambe in his decades long struggle to win compensation for the neurological and other disorders which resulted from his chronic exposure to radiation and chemicals at LANL. Also workers like Chad Walde of Rio Rancho whose exposure as a maintenance manager led to a diagnosis of stage 4 glioblastoma in his early 40s, and finally, to his premature death at age 44, surrounded by his young wife Angela and their three teenage children.

Do our young people have any idea that the vast majority of claims made by former LANL workers for illness caused by occupational radiation exposure remain to this day uncompensated by the federal government? As concerned citizens we say, yes. The young people of northern New Mexico have a right to this information. We believe they deserve protection from exploitation by persons whose own lives are far removed from the hazards of plutonium pit production. They deserve forthright disclosure of the real hazards of working in the nuclear industry, of the true costs borne by nuclear workers. Finally, they deserve our utmost support in pursuing work that is secure and life-fulfilling, not free rides to the most dangerous jobs in existence at LANL.

For the sake of the next generation of northern New Mexicans, we urge our Board of County Commissioners to reject plutonium pit production as a pillar of our regional economy. We urge you to pass a resolution expressing Santa Fe's firm opposition to expanded pit production at LANL. Thank you very much.

CHAIR ROYBAL: Thank you for your comments and your time. Can we have our next speaker please?

MS. MASCARENAS: Lydia Clark.

MS. CLARK: Good afternoon, Chairman Roybal, Commissioners. My name is Lydia Clark. I live at 1210 Vitalia Street in Santa Fe. I'm a concerned citizen and I'm also the outreach director for the Los Alamos Study Group. I'm here to talk about plutonium pit production as well, to encourage the County to implement and pass resolutions that oppose plutonium pit production, the cores of nuclear weapons at Los Alamos National Lab. These are immoral. These are some of the most risky jobs on the planet and they provide absolutely no benefit to New Mexico.

We are requesting that you ask for transparency from LANL about this plutonium [inaudible]. They have provided no site plans to any government entities, to the public, or anyone else with regards to these massive expansion plans that will create numerous issues in the environment, health and safety for workers and the public, two of which are very concerning for Santa Fe County. One which you just heard Ms. Sherin and Mr. Bonnet both speak about relative to the educational opportunities or recruitment that is being done in our educational institutions.

I recently attended the Energy Communities Alliance, which is the educational recruitment for the nuclear industry. These programs now pipeline all the way from K through 12, through our collegiate institutions. And they are not being transparent about what these programs are really about. In New Mexico there can be no doubt; it is only

about one thing: plutonium pit production, which is the primary mission of Los Alamos National Lab.

The other thing that Santa Fe County should be very concerned about, which I heard you speak about just earlier was water. One of the plans that was revealed this past year by LANL is that they want to have a new bypass that would go through the Santa Fe River Canyon, through White Rock Canyon, that would go through county lands, federal lands, tribal lands, through wilderness areas, damaging all of those areas along these waterways and create the highest and longest bridge in the United States across the Rio Grande, where they will be transporting toxic waste.

There are so many issues related to this I encourage you to please look at these issues more in depth and request LANL to be transparent. Thank you for this opportunity.

CHAIR ROYBAL: Thank you, Ms. Clark, and we do appreciate all the comments today and it's something that the Commission does take very seriously. Tessa, I did note that it appears that Renee Roybal is on.

MS. MASCARENAS: Yes, Mr. Chair. She may be having some bandwidth issues because it appears as though on my screen there's the yellow caution sign in the upper left-hand corner of her screen.

CHAIR ROYBAL: Renee, would you like to try and unmute?

RENEE ROYBAL: Yes, I'll try. I'm sorry my video's not working but at least you can hear me. Correct?

CHAIR ROYBAL: We can see you as well.

MS. ROYBAL: I just wanted to bring in a few things that we're really concerned about here in our community. In Chupadero, we're all a very close-knit family. Most of us have been here for 30, 40 – some even were born and raised here. And all this community has always been working community as friends and family, and we have tried to help one another to be able to take care of this, take care of that, go to the garbage for him, throw garbage, throw this, throw that. There's always help that's needed.

But when we have something like this happen, when a fire permit is given out and we, as a neighborhood are kind of just looking around as to what is happening? Because we just got through with the Rio en Medio Fire. We just got through with the Pacheco Fire. And now, to have something that could spark our valley? We are so dry down here. Everywhere you look. Everywhere you see. There are signs: fire danger, fire danger, extreme fire danger, extreme fire danger. And then you come up here and we're all trying to help one another. We don't make anything outside. We make sure our trash is picked up. We go out and we get whatever we possibly need to help one another. And somebody comes around, somebody who's new, somebody who's not used to it, but we try to be helpful and courteous, and they say, I'm sorry. I've got my permit. I don't need your help.

You know what? I don't think so. And I think that what we need to do is address this as to who's giving out those fire permits. Because with fire signs all over the place, all over. And think of what it would be like if this valley were to start on fire with one way in and one way out. We have Chupadero, we have Rio en Medio, we have Vista Redonda, we have Pacheco Canyon. We have all these neighborhoods here, right around us that would be blown up because we're so dry. So dry. And all we ask is please, please, make your decisions, not by picking up a piece of paper and checking to see if the

weather is doing okay today or what. Because you know what? With the little rainfall that we've had doesn't do anything for us out here. It does not help us that much.

We still live in a community where our trees are getting water from our acequias, but this year, we had no water from the acequias. Because our acequia did not get anything from the big snowfall that we had up on top. Our grounds ate it up and we had no water. We had no water running in the river. There was only enough – a little bit – to run in the acequias at Chupadero, where everybody had to help each other. Okay, we're only going to use it for a couple of hours. We're only going to use it for this. And try and let everybody else use it.

But you know what? This is why we say please, please be so careful about issuing out the fire permits. We are trying as much as we can.

MS. MASCARENAS: Ms. Roybal.

MS. ROYBAL: Sorry to interrupt. Your three minutes is up.

CHAIR ROYBAL: Go ahead and finish with your closing comments,

Renee.

MS. ROYBAL: All I want to say is all we want is for you to be more careful on how you issue these permits. Please look – you're saying fire danger everywhere. Fire danger everywhere. Extreme, extreme danger. Extreme dryness. Right now, why should anybody be burning fires? We turn around, we were crazy looking up here at Vista. Up here. Looking at the fire in Rio en Medio. Do you know what that did to us? We were all in a state of panic. We were all – and to have this happen now? All I say is please be careful. Please get those fire permits off until we have enough moisture. We will have neighbors that would like to help everybody else around here. Or bring in wood chippers. Bring in wood chippers. Put them down around, and let us take our trash to the wood chippers. And we can get everything from there so that we could use it as mulch. And maybe put the little moisture we do get [connection lost]

CHAIR ROYBAL: Thank you, Renee. We appreciate all your comments. I think the computer locked up a little bit on you but we got all of your concerns. We really appreciate you being here today. Okay. I'm going to close Matters of Public Comment.

MS. MASCARENAS: Mr. Chair, I believe Barbara Seeley may have wanted to speak.

BARBARA SEELEY: I think I'm off line.

CHAIR ROYBAL: No. You're on. We can hear you. Ms. Seeley.

MS. SEELEY: Hello. I'm not familiar with this format so it's a little awkward. I just reiterate what Renee said. I live at the very bottom of Chupadero and it's very clear to me that if a fire happened in our valley we would be among the last people out, as other people are trying to move their animals and possessions. It would be such a logjam, and there really is no other way out. But we are very careful in our valley. We are all very conscious of the dangers here and we all work together, as Renee said, to help each other. Many years ago we were part of an effort to clean up the valley. They brought in big chippers. I think it was the County or the Forest Service brought in the big chippers and the whole community got together and brought their trash over a – I forget how long. Like maybe a week's period of time or something, and then we all had access to the chipped wood so that we could use it to mulch and hold the moisture in the ground, and it

was very effective and it was a very unifying project with the community and it also motivated everybody to clean up their property. Not everybody but a significant number of people participated. And I think that that's a very pro-active approach.

I don't have much more to say but I'm very supportive of Bennie's and Renee's efforts to bring this problem to your attention. I think that the County can be far more conscientious and specific about how to address the problems we have with fire risk in our valley. So thank you very much for your time and for your efforts and for listening.

CHAIR ROYBAL: Thank you for being here, Ms. Seeley and everybody that spoke tonight. I know that we have a lot of concerns in the Chupadero area and given the circumstances that we have in those areas I think it's something that we do need to consider and think about because not all communities are the same. So thank you guys for being here today.

Okay, with that being said, do we have anybody else from the public that would like to address the Commission? Tessa, did we have anybody else signed up?

MS. MASCARENAS: No, Mr. Chair. We don't.

CHAIR ROYBAL: So if you can unmute just one last time, I want to call one time and see if there's anybody else out there. Once again, I'd like to ask, is there anybody else from the public that would like to address the Commission? Okay, hearing none, I want to thank everyone from the public that was here tonight, both with the concerns from the pit production from LANL and also with the fire issues in the Chupadero area. We appreciate you being here tonight and sharing with the Commission, because it's something that is very important for the Commission to hear, and I know I talk to constituents individually with their concerns and so I appreciate you being here tonight to express those to the Commission. With that being said I'm going to go ahead and close public comment for this evening.

5. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous and COVID-19 Updates

CHAIR ROYBAL: Manager Miller, would you like to start with 5. A, which is Miscellaneous and COVID-19 Updates?

MANAGER MILLER: Yes, Mr. Chair. It's almost good evening. I just have a few updates. I'll start with the COVID-19 updates. As I'm sure everyone is aware, Santa Fe County as well as the rest of New Mexico continues to see a surge in the activity relative to COVID-19. Santa Fe County's rolling seven-day average of cases has now increased to 79 and it was not all that long ago that we were in single digits. So it's very concerning to see this increase in the county as well as in the state as a whole and in the country and similar trends are being seen across the country as well as in Europe. I can only encourage people to wear their masks, socially distance, stay home if at all possible, and wash your hands.

Also, over the weekend Christus St. Vincent's Hospital, our regional hospital for COVID response, has 32 COVID patients in the hospital. Also New Mexico's positivity rate is now exceeding 20 percent and that is very concerning and significantly high compared to our previous positivity rates.

With the CARES Act funding, as you know, we did apply for a small – we

applied for CARES Act funding for a variety of things but specifically small business grants. We have released the application last month and are actively approving funding requests. To date we've approved approximately a quarter million dollars worth of requests. The majority of these requests were for \$15,000 each and were approved for that. We also have another 40 applications pending review. We also have sent out some criteria reducing the requirements allowing individuals to show declines in revenues of additional months, not just the original ones that were put out, and we're providing technical support through two vendors that we've put on contract.

We're also going to social media campaigns to push more advertising about this funding opportunity. Staff is participating in Chamber of Commerce meetings and dialogues and we're doing workshops in the evenings for individuals who want more details for the application process. So we're trying to do anything we can to help people know about the program as well as how to apply.

Also as you know we've put quite a bit of funding through our CONNECT vendors and Santa Fe CONNECT providers. We have finalized contracts with the majority of our vendors and their purchase orders and they have started spending their funds. As a matter of fact we've already received some requests for reimbursement on those contracts. To date we've received 656 self-initiated assistance requests submitted through the CONNECT hub, and we've delivered 5,101 grocery boxes that we've distributed. 801 of those were delivered to home-bound individuals, and our healthcare assistance navigators have assisted 40 new individuals this past week and followed up with another 23.

In our seniors program, last week we had a total of 3,171 meals, either frozen or hot meals that were delivered to seniors throughout the county, and the weekly food distribution from the Food Depot of 145 bags of food that were delivered to the seniors. And those bags, as I've said before, contain canned food as well as non-perishables and fresh produce.

Then our public awareness campaign, to wear the masks, socially distance, be careful, is still being disseminated. We've got over 500 yard signs and thousands of posters and stickers have been distributed to businesses. We have sandwich boards on the CONNECT program that have been distributed. We've partnered with Public Works to put inserts offering help through our utility bills for the CONNECT program. And we are actively receiving requests for more materials about public awareness of both the CONNECT and our public awareness campaign. And we'll be doing a direct mailer to the 87507 zip code as well as other specific targeted social media efforts.

So that's all I have on COVID updates. Does anybody have any questions on that? I don't hear any. The other update, I just wanted to congratulate the Commissioners, Commissioner Hamilton, Commissioner Hansen, and Commissioner Hughes, on your election and the election results as well as our new Clerk-elect, Katherine Clark, and Treasurer-elect, Jennifer Manzanares.

And I wanted to also point out that all of our bond questions passed with a large percentage of the votes. And I would like to thank the electorate for their support of our infrastructure program. As you know we had \$20 million in three different bond questions on the ballot, about \$4.8 million for open space, trails and parks within the county. That passed with 79 percent of the voters in favor of it. Our roads issue bond

question, which was \$11.4 million to acquire, construct, design, equip and improve our roads within the county passed with 82 percent of the vote in support of it. And then our water and wastewater question, to acquire real property and necessary water rights and to construct, design, equip, rehabilitate and improve water and wastewater projects within the county passed with 81 percent of the votes in favor.

So congratulations to the Commissioners. Thank you for helping get the word out about that. Congratulations to County staff that worked on that so diligently in putting together interactive maps and a great deal of information about the projects. And we look forward to issuing those bonds in coming calendar year and getting to work on those projects and giving Gary's staff something to do since they don't seem to be busy enough. I say that facetiously because they are quite busy still working on projects that we have.

But with that, those are my updates, and I did then want to turn it over to Penny Ellis-Green to give an update on the State's energy code and the impacts that the changes to that have on the County SLDC, and some recommendations that we would have going forward in order to pair our SLDC with the State's code.

CHAIR ROYBAL: Thank you, Manager Miller and just real quickly, I want to just thank you for your presentation and just congratulate all our newly elected officials that will be coming into the County government. We welcome you and we look forward to working with you in the upcoming year or years to come. And we really appreciate the input and just want to say congratulations to all our local officials that are coming in new. I think you mentioned four.

Also just great news that those bond questions did pass. I think that we're going to be able to provide some great services to our constituents, so thank you, Manager Miller.

5. B. Presentation and Request for Direction on the New Mexico Construction Industries Commission Adoption of the 2018 Residential and Commercial International Energy Conservation Codes and Required SLDC Changes

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Mr. Chair, Commissioners. I wanted to let you know that Jacqueline Beam is also available. She's with Sustainability, so she did a lot of the technical research in this.

On August 7th the State Construction Industries approved to include the 2018 International Energy Conservation Code into the statewide building code. A few highlights for that is that this is an update from the 2009 energy code to the 2018. There are some mandatory residential minimum requirements like insulating roofs, walls, foundations, and reducing heat loss through windows.

There are three pathways for both residential and commercial. Santa Fe County is all in Zone 5-B. This code does apply to all new and renovated buildings and that will include modular homes. This includes all buildings, whether single-family or multi-family are considered residential and non-residential is considered their commercial. If a building has both residential and commercial then the residential portion follows the residential; the commercial portion follows the commercial code.

It was adopted and approved in August. However, the effective date is March 24th

of next year.

So under residential there are three pathways. The first one is a proscriptive pathway. And this gets fairly close to the Santa Fe County requirement at the moment of a HERS 70 rating but a few additional items would be needed in order to get to the HERS 70, so it doesn't quite get you there. There is also an ERI 61 path which is similar to the HERS 61. So that is a more stringent requirement than we have. So if you met that, if you were going on that pathway with the state, you would exceed our requirement. The benefit to this is then the state would administer all of the compliance for that program.

And then there's a performance monitoring. And that's fairly similar to the County's alternative compliance. And again, the state would administer that.

So under residential, there isn't an immediate action to change the SLDC, so we could keep our HERS 70 rating and whatever requirement, whichever pathway people went to with the state, they would either get close to there or exceed that. Under multi-family, really what we've got there is an issue of definition. Currently under our code multi-family falls under commercial and under the state code will fall under residential.

And under commercial, again there are three pathways. The first one is ASHRAE. This is a stringent method and it's fairly similar to the SLDC Energy Star requirement that we have. Then there's the proscriptive pathway. This is not considered to be as energy efficient as the current SLDC and the Energy Star that we currently require. And then there's a performance modeling. That pathway is considered probably more cost prohibitive due to the number of certifications and inspections that are required.

So the current SLDC requires non-residential structures to be designed to Energy Star certification. The state has three pathways. So there is a conflict that does need to be addressed.

So our recommendation to the Board is that we leave the residential section as HERS 70, so not making a change to that, but that we address the multi-family and the mixed use to make sure that we get the definition the same as the state, and for non-residential it's recommended that the code be amended to adopt the state's ASHRAE and that pathway. It's the closest pathway to the current SLDC standards. We wouldn't want ASHRAE and Energy Star because then people would be trying to do two different standards.

The amendment also includes an alternative residential option, which would be for the County to adopt a more stringent energy efficiency standard and go to a HERS 61 standard. So that would be taking us from a 70 to a 61. It would cost more. We have not yet done the analysis of how much it would cost more, so at the moment we're recommending that we stay with the HERS 70. But if the Commission would like us to we can look at the residential option of increasing it to a HERS 61. The benefit of that would be then that the state would be the ones that would be implementing that and making sure there's compliance, remembering that the state are the ones that issue our Certificate of Occupancy; before you occupy a building you need to receive that. The County does not do that so it is difficult for us to know when a building is completed and to follow up after we've issued a building permit.

Whatever the direction is we get from the Board we would go ahead and draft ordinance changes. We would come back to the Board to publish title and general summary. We would need to go to the Planning Commission for a recommendation and

then we would come back to the Board to actually review the ordinance. So again, just to summarize, our recommendation is that we leave the residential alone, that we make sure the multi-family and mixed use definitions in the code are corrected, and the non-residential we would shift to go to the pathway that the state has of the ASHRAE standards. And I stand for questions.

CHAIR ROYBAL: Thank you, Ms. Green. I do appreciate the work that staff has done to look at what the impact is and also taking into consideration how it would impact our constituents. But I'm going to go to other Board members. I'm going to start with Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Penny and everyone. So I appreciate you putting this all together, but I have been thinking about the fact that maybe we should lower our HERS rating even lower than 60, because then we might be able to increase solar capacity or renewable energy as part of the HERS rating. The City is at 60. So it's not too much of a leap for us to at least reduce it to 61. I was thinking we could have a little competition with the City to see who could get their HERS rating the lowest, such as maybe 50, encouraging people to put solar on their homes because this is a way that would encourage that, because that would be one of the ways they would have to go to get their numbers lower.

I appreciate everything you've done but I just want to put that out on the table because I really believe that everybody should be putting solar on their house, or have some connection to some kind of renewable energy so that we are making real contributions to lessening our dependence on oil and helping to alleviate the issues of the climate and being a leader in moving these issues forward. And with the possibility of a community solar bill passing the legislature it would provide more opportunities for people to be able to lower their HERS rating and have access to it.

And then of course we could always work with people who have financial difficulties and find a way to help them with this issue and how we could help get their bills lower because my lowering our HERS rating we're also helping them to lower their utilities bills and to make it more affordable in the long run. I put solar on my house in 2009 and I was lucky to get a higher REC feedback, but basically in the 11 years that I have now had my solar system it is completely paid off by the money that I have received back from PNM and having no electric bill. So I think there's ways to look at this. Thank you, Mr. Chair. I'll reserve my comments for later also.

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

COMMISSIONER HAMILTON: Thank you, Mr. Chair. So I feel like the regulation of energy efficiency where there's burden put on individual homeowners has to be done carefully. I think it's hugely valuable and would be one of my personal fantasies to have 99 percent of all the residents in the county have renewable energy, solar and what not. I have been working actually relatively consistently for the whole time I've been a Commissioner to get assistance to people in the middle to low income ranges, including from our own Sustainability Department, programs that actually assist people in getting solar. Not everybody has the capability for various reasons to walk into the bank and say, hey, I want a loan for solar. I know there are many ways to pursue that but I feel like I want to put the horse first and get some programs actually underway,

perhaps in conjunction with the state.

There were some things that were passed in the previous 60-day legislative session that offers some pathways for people to do financing, where money is taken through the Assessor's Office. There's only one county in the entire state and it's not Santa Fe that has taken advantage of that. So there are things we can pursue that will help implement this.

In the meantime I would encourage that we look at what kind of fiscal impact we're putting on individuals in particular and otherwise some of what has been suggested in terms of making our programs consistent with the state so that there's some shared or some responsibility for oversight give to the state, would certainly make sense. But I think we need more discussion on this. I am very supportive and recognize how critical it is to be energy efficient and pursue those things. I don't want to emphasize doing it in a regulatory manner before we also in parallel do something in a supportive manner. I just don't want that to get lost. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton, and I would agree with a lot of your comments if not all of them. I think we need to identify these programs and put them in place. I think a lot of the public if not most of the public would like to go to solar power if we can find avenues that would make it affordable for them and put programs in place. So I agree 100 percent. So I appreciate that because we do have constituents that would have some challenges getting approval for solar energy. That is the future and I'd like to see renewable energy in the forefront but we need to figure out programs that we can help our constituents with, so thank you for bring that up. I'm going to go to Commissioner Garcia.

COMMISSIONER GARCIA: Really quick. Thank you, Mr. Chair. I agree with my colleagues. I don't have any comments at this time. Thank you.

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

COMMISSIONER HUGHES: Thank you, Mr. Chair. Yes, a lot of the Commissioners have expressed my thoughts as well. I think this is a topic that deserves a lot of thought and discussion so that we can really – I think we want to do the right thing for everybody. I think there are certainly a lot of people building houses in Santa Fe County who have no trouble with the cost of solar on their buildings and any other energy efficiency things, and then there are a lot of people who need help with being able to afford the upfront costs.

I do know that Homewise, which builds a lot of affordable housing in the county is putting solar on their homes, so they've figured out a way to do it, and I think talking to them would be an important aspect of all this. I also know that Commissioner Hansen were at a meeting the other day where a HERS rating of 30 was mentioned as a way of basically requiring people to do solar on their houses.

So I don't know that we need to stop at – I don't know what the number is. I think we ought to investigate various HERS ratings and other ways of doing this to encourage the energy efficiency. And I think it's nice that the state has caught up with us and I think that is in itself a challenge for us to move the ball a little bit further down the field in terms of renewable energy.

Certainly sunshine is very plentiful in Santa Fe County and we just need to take

total advantage of it as much as we can. I think going back to one of Penny's questions, I do think that it would probably make sense to align our definitions with the state, if that makes things a little bit simpler. I think that might be a good idea. But other than that I think we need a lot of discussion about where we want to go with the energy rating. Thank you.

CHAIR ROYBAL: Thank you Commissioner Hughes. I do want to say that I think that we all feel pretty strongly about solar energy and I want to go once more back to Commissioner Hansen and then I think we should wrap up on this subject. So Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So Mr. Chair and Penny, thank you for bringing this forward again. So one of the questions Penny asked is she wants us to increase the requirement from 70 to 61 so I would definitely want us to do that. And that probably is not going to stop people in the lower income from being able to afford what they're doing, especially since the City is at 60. So I feel strongly that we should try and at least reduce our HERS rating to 61.

I think that I agree with Commissioner Hamilton in the regard that we need to find programs to help people and that is one of all of our concerns is how do we make sure that we don't leave people behind. But at the same time, with the amount of housing that is going on in the county, and a lot of it being million dollar homes or higher, it's for us not to capture those people and make sure that they are meeting the requirements, we're missing the opportunity. So I see my own district in Las Campanas, La Tierra, where you can't build a house for less than \$750,000 to \$2 million. Las Campanas is building houses every day. We need to make sure that those people are participating in protecting the planet. We also need to participate in making sure that our lower income, with possibly houses of \$300,000 or \$250,000 or less have the ability to put solar on their homes or that they can get an exemption or that we can work with them. So those are my very strong feelings about this.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I think at this point we don't have to give a definitive direction but I want to go to the Board and see or at least get a definite direction, but it's my thought right now, I think we should bring this up again, but I think I'm going to go to other Commissioners at this point. I don't know that we will make a direction at this point.

MANAGER MILLER: Mr. Chair.

CHAIR ROYBAL: Manager Miller, go ahead.

MANAGER MILLER: We don't have to have – because the State's code doesn't come into effect until March 2021. If this is something that you guys want to think about, part of the reason I asked Penny to put this together was so that we could have some discussion and get a sense from each of the Commissioners where you would like staff to focus on changes to the code, if you want them to make changes to the code and if we want to try to be as consistent with the State's energy code. So do you want to just give your thoughts about it now? We can put it on again for discussion in December for added thoughts. Ultimately it will take an ordinance change and we have to have public hearings and would have to have public hearings and adopt an ordinance change. So I just want to get you ready for it. That will take a few months, and it takes 30 days for the ordinance changes to become effective as well. So it gives you a little bit of a sense of

our timeline.

CHAIR ROYBAL: Okay. Thank you for that clarification, Manager Miller. I do think that I'd like to direct staff to look at all the opportunities that we have out there to help our constituents with this direction, possibly, if that's what the pleasure of the Board will be. But I do want to defer to other Commissioners. But I think at this point, I think we all are very passionate about trying to bring a renewable energy to the forefront. Given our state, we have one of the best states in the nation that could get the best bang for their buck as far as solar energy goes, and so I think it's something that we need to work on together, pass that education on to our constituents and work with them in ideas and avenues for them to pursue solar energy. So is that okay with the Commission? Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. I fully agree with your comments and frankly I fully agree with Commissioner Hansen and Commissioner Hughes. I hate to kind of – I think it would be useful, for example, as we move forward with this and I agree with the efficiency of making the definitions consistent and achieving some advancement. I would love to be able to know just a little bit more information as we move forward. So if this comes back again, I have information, for example on the new builds. Because this kind of regulation applies primarily to new development, right? And it would be nice to know how much new development, like what the distribution is across sort of house prices. It's maybe something that Penny and Joseph Montoya could help put together. I don't know who would have that information. So we know how much we have to worry about financial impact compared to people who can afford. And I think it would help move it forward. But otherwise I think moving forward with this is important and I agree with the others' comments.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I'm going to go around really quickly for closing comments. Commissioner Garcia, did you have closing comments?

COMMISSIONER GARCIA: Thank you, Mr. Chair. Just really quick. I agree with Commissioner Hansen and everybody else. One of the things I have a question about is the financial impact on our staff. Do we need more staff to review this stuff? How does that work out? But I think we do move forward on it. I'd take Manager Miller's recommendation to move forward and get some more information. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Hughes, are you okay with where we're at?

COMMISSIONER HUGHES: Yes, I think so. The only thing I would add, Mr. Chair, is perhaps we should have the affordable housing group at the County involved to look at ways to fund solar or renewable energy for low income people.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Commissioner Hansen, are you okay with where we're at?

COMMISSIONER HANSEN: Yes, as long as we are basically moving forward towards meeting the state requirements at the moment, moving to maybe HERS 61 or lower, and all of the above. But I know – and I appreciate Commissioner Hamilton stating this of getting an actual overview of how many new houses we have coming on line, but at the same time I also know from my own district that amount of houses coming

on line that are over a million dollars and it's substantial. So making sure we take care of the people at the bottom, the middle and the top so that we can have renewable energy provided. And that's why I think this community solar bill will be really important in fulfilling some of these necessary meetings to meet a lower HERS rating.

CHAIR ROYBAL: Thank you, Commissioner Hansen. So I think that we're pretty clear on direction at this point. Ms. Green, are you okay?

MS. ELLIS-GREEN: Mr. Chair and Commissioners, yes, thank you. We will go ahead and get some more information back to you so we can work out exactly how you want an ordinance drafted.

CHAIR ROYBAL: Thank you, Ms. Green. We appreciate it.

6. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS

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

CHAIR ROYBAL: I know that we're going a little bit late so I hope that everybody is okay with continuing so we're going to continue on to this next item. Briefly, I'll just say that I have some issues that I'm working on with the County Attorney relative to easements in my community and so really, at this point that is what I'll update on and just reiterating to everybody that we need to really put rules back into effect as far as the COVID-19. We're having a lot of cases in the state. I think it's starting to affect individual families. More and more people are starting to have people that they actually know that are getting the COVID-19 and coming out positive.

I think that it's something that we really need to circle back and make sure that we're taking care of one another and going back to isolating and making sure that we're sanitizing and taking care of one another, because it's probably going to spread more in the state and I'm hoping that we can stop it here, because it's getting pretty – it's hitting close to home. So I think that all of us need to really focus on trying to go back to taking care of one another and I think it's something that kind of got complacent with our communities, and so just once again, I want to tell everybody in the community to take this very seriously and do what we need to to take care of one another.

I'm going to go to other Commissioners. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Well, first of all I want to announce that I am having my first virtual townhall, which is called Moving Forward with Commissioner Hansen. So Sara has created a very nice logo and we will be having our first virtual roundtable, Moving Forward, on November 18th at 5:30, and so I'm looking forward to that. I feel like I connect a lot with my constituents through my newsletter and on a regular basis. Sara is always very busy with all of the constituents. So I think this is just another avenue that I'm going to explore and see how we move forward with Moving Forward.

I also have attended a number of NACo meetings, the Resilience Committee and the Energy, Environment and Land Use, which I sit on the leadership of. We had a number of meetings which have been educational on climate change and how to make

your county more resilient. We then, after our last board meeting, the Las Campanas had their regular HOA master meeting which I attend on a regular basis. So it's another way that I have outreach to my constituents, and that's very informative, educational and aware of the amount of building that is going on out in Las Campanas.

They also – our pollinator resolution was also sent to the Landscaping Committee of the master association of Las Campanas and so they are taking that under advisement. And then last night, the Agua Fria Village Association adopted their version and our version of the pollinator resolution, so a number of more communities are becoming aware of how important pollinators are and adopting these resolutions to reduce the use of pesticide and toxins in their community. So I feel like that is really a benefit to our constituents and I want to thank the Commission once again for supporting the pollinator protection resolution. And that's it for this evening. Thank you very much for giving me the opportunity to share a few things that I'm doing.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and thank you for sharing. I'm going to go to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I did have a townhall meeting with District 5 at the beginning of the month and water was one of the big topics of discussion there, so I'm glad we're working on that and moving ahead. People are very concerned about the effect of climate change on our water. So people do understand that issue, I think.

Also, I want to make sure to reach out and thank the Public Works Department for responding to everybody about the roads in Eldorado. I know that in District 5 whenever anything gets paved or not paved or graded or whatever it's an issue and I think it was – I got a lot of compliments back on how responsive the staff were, so I appreciate that and calming people down and letting them know what's going on.

As you all know, I serve on the Regional Transit District board which I think is very easy because they're so well managed, but I was happy to learn that they got a grant to purchase some electric buses which we can charge at our new community solar installations. I think that that's neat that they're moving in that direction and looking at that.

One of the other big issues that I hear about is not so much the pit production at LANL but the transport of nuclear waste on 285 is a big issue among my constituents that I'm sure we're going to want to talk about some more, especially if that project moves ahead. So I'm definitely interested in working on whatever resolution we decide we want to do around that, and I also found – I have friends who live in Chupadero and I can understand why they would be concerned about open burning there. If anybody wants to work on that I'm interested in that as well.

And finally, I agree with you, Chairman Roybal, the pandemic is really getting serious now and to the extent that everybody can do their part, wearing a mask and staying at home, we've got to do what we can to bring this under control. Thank you. That's it for today.

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

COMMISSIONER GARCIA: Mr. Chair, I don't have that much at this time. Just to confirm with my other colleagues that we're moving forward and so on and

so forth. Thank you, Manager Miller and thank you, staff, and so on and so forth. And thank you for all that staff does. Thanks to our Community Services Department, Roads Department, everyone else. I appreciate you all. Thank you, guys. Thank you all for what you do. That's all I had, Mr. Chair. Thank you.

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

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I also had my virtual Coffee with the Commish on Saturday with District 4. It's interesting some of the commonalities among inputs across the Commission districts. There's a lot of concern about WIPP transportation, and so Commissioner Hughes, I think that is something I would really like to interact with you on, because some of the concern has to do with part of the route separates our districts. When we were talking about them of course, we talked about Commissioner Hansen's long-term knowledge of this sort of thing, so everybody working together on this issue might be really useful.

There was also a lot of concern about fire, which we've talked about some at this meeting, and about the pandemic and what's up with the County and what we can do, which I think officially we have a fair amount – we have a lot of the right ideas but pushing on the issue and doing what we need to to keep people off the edge of the brink of exhaustion and burnout from having to deal with this and being supportive of the community really hanging tough and moving through this is I guess part of our responsibilities.

And then also I want to thank my constituents because we had a really good discussion and this will be ongoing about what we mutually, and with community input, want to see as the next four-year agenda and defining really what they see as the most critical things to focus on. So that was really very useful and I just wanted to give a shout-out to them. I see Commissioner Hansen has a thought on maybe the WIPP transportation, so I'll yield back to Commissioner Hansen.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Okay, briefly, I'll go back to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Yes. I also have one of the major WIPP routes through my district along with Commissioner Roybal, 599 and 285, so I think it is an important issue, but I also wanted to let you all know that I did make comments to DOE about the Waste Isolation Pilot Plant Hazardous Waste Facility Permit on their draft community plan, and I did those comments as a District 2 Commissioner, not as the Board, but I will be happy to share my comments with all of you. I have briefly mentioned bringing it forward to have Board approval and that the entire Board would sign on, but there was a shortage of time and there was a lot of material to read to be up to speed on it and the time was short. But the deadline is November 13th and I will be happy to have Manager Miller – or have Sara send my letter to all of you so that you can see that.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and I think it would be important to try and communicate and make sure that we all are informed. I think it's a good idea that can be brought forward so I think that would be good in the future. It's not always easy because of time constraints to bring the Board up to date but I think that it would be definitely beneficial for the constituents. So thank you for doing

that.

So I'm going to go ahead and close Matters from County Commissioners.

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

CHAIR ROYBAL: I know that we have our distinguished Clerk, Ms. Geraldine Salazar, and Tessa Jo, if you could look to see if we have any other elected officials, but I'm going to go to Clerk Salazar at this point.

GERALDINE SALAZAR (County Clerk): Chair Roybal and County Commissioners, our administrative duties for the 2020 general election are almost over. Almost over. I would like to state the following: Dear staff, I want you to know how much I appreciate all of you. This has been an unreal election cycle and we couldn't have done this without our team efforts. We were hit hard and we did it no matter what hit us. We were critically low-staffed and the burden was placed on those remaining in the office, yet we accomplished one of the most historic and awesome election in the history of Santa Fe County, and still worked very hard to meet all of our other office responsibilities.

Hit with the COVID-19 pandemic and an unbelievable national theater of election issues, once again, we did it. How amazing you all are. I am proud of all of you and I will continue to educate our community regarding the importance of this office and that it takes a special kind of government employee to deliver the excellent customer service that this office provides to the citizens of Santa Fe County every day this office is open for business.

This is it for now. Take care. Get your rest, which is very important after what we went through, and continue to learn and be open to what the future will bring you. Thank you. Best always with many blessing, Geraldine Salazar Santa Fe County Clerk.

CHAIR ROYBAL: Thank you, Madam Clerk. I'll go to you after, Commissioner Garcia. I just want to express my gratitude and just the fact how hard the Clerk's Office had to work during this pandemic and this was an unprecedented time. It was unbelievable what you had to do to get to the point that we are and I'm very proud of how Santa Fe County has really performed. I just want to express my gratitude to the Clerk's Office and Bureau of Elections for all your hard work. You've done a great job. I can't express my gratitude enough. You guys have done an unbelievable job and just such a great service to our constituents of Santa Fe County. So I just want to express my gratitude and thank you for all your hard work. It really comes down to leadership and I can say that Clerk Salazar, you have such a great office and staff that have worked really hard. You have a lot of leadership in your department that have done really well and so I really do appreciate all the hard work and effort from your office. So I'm going to go to Commissioner Garcia as he was chiming in earlier. Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I just wanted to also tell the County Clerk, great job. You, your staff, Estrella, Steve, Erica – I don't know all the staff there, as well as your other staff, did an excellent job in this election. Great, great job, Madam Clerk. I first met you, maybe nine years ago, whenever we were

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working on the grants, under former County Clerk Valerie Espinoza, we were working on a grant to Senator Ben Ray.

CLERK SALAZAR: Yes, we were.

COMMISSIONER GARCIA: And we got the grant done. So I just want to tell you thank you for you and your staff. Great job. Just appreciate you. Thank you, guys.

CLERK SALAZAR: Thank you, and you're welcome.

COMMISSIONER GARCIA: And a professional job as Commissioner Roybal said. What a professional office and professional leadership that you've done for that office. Thank you, ma'am.

CLERK SALAZAR: Thank you.

CHAIR ROYBAL: Okay. Thank you so much. We appreciate comments. Tessa Jo, did we have any other elected officials?

CLERK SALAZAR: I'm sorry, Chair Roybal. One more minute. There are so many people that our office needs to thank and that's the Sheriffs, Commissioners, County Management – it goes on and on. There were so many people that helped us get to where we're at today, which was an incredible process. The City of Santa Fe, on and on. And we truly appreciate all the support. It was very, very difficult and with many challenging variables but we did it. And so we have an incredible team in this community and we were hit hard, whether it be from voters who were upset or elated to share with us how happy they were to vote at the convention center across the street. So thank you to all, those who encouraged us to keep going, who supported us, beautiful notes to us, to me, and it's incredible. It's amazing. And thank you all again.

CHAIR ROYBAL: Thank you, Madam Clerk. Tessa Jo, did we have anybody else? Any other elected officials? I didn't see any but I want to double check with you.

MS. MASCARENAS: No, sir, we don't. However, the Undersheriff is on the Webex.

CHAIR ROYBAL: Yes, I did see Mr. Johnson, did you have anything to share with the constituents from the Sheriff? Okay, I do also want to express my gratitude to the Sheriff's Department. I remember on election day driving by two of the election poll areas where I live and seeing two sheriffs sitting in the area monitoring and keeping our constituents safe so I just want to put out a huge shout-out to the Sheriff's Department as well. Thank you for your support. We really appreciate it.

7. MATTERS FROM THE COUNTY ATTORNEY

A. Statement for Inclusion in Meeting Minutes Concerning October 28, 2020, Executive Session

CHAIR ROYBAL: I'm going to go to Attorney Shaffer, and I don't think we will need staff to be here any longer after we go into executive session, but I'm going to defer to our County Attorney Shaffer so you can summarize what we need to go into executive session for. Attorney Shaffer.

MR. SHAFFER: Thank you, Mr. Chair and Commissioners. So there are two items under item 7, Matters from the County Attorney. The first is item 7. A, and

that's a statement for inclusion in the meeting minutes concerning the October 28, 2020 executive session. As you all know, if you have a closed meeting and do not reconvene in open meeting your next open meeting minutes need to reflect that the matters discussed in closed meeting were limited only to those specified in the motion for closure. So I would respectfully request that we have a motion to have the minutes of this meeting reflect that the matters discussed during the Board's October 29, 2020 executive session were limited only to those specified in the motion for closure.

CHAIR ROYBAL: Okay. Do we have a motion from the Commission?

COMMISSIONER GARCIA: Mr. Chair, I'd like to make a motion as described by our County Attorney, Mr. Shaffer regarding executive session as well as the minutes and everything he presented.

CHAIR ROYBAL: Okay. And Attorney Shaffer, is there any reason that we need to come back out to our regular meeting or can we adjourn from executive session?

MR. SHAFFER: Mr. Chair, yes. We can adjourn from executive session and end the closed meeting once we go into executive session. I was suggest we do these as two separate items. I was hoping we would take care of the housekeeping statement first and then I could describe the motion for executive session, if that would please the Chair and the Commissioners.

CHAIR ROYBAL: I think that's fine. Commissioner Garcia, are you okay with that motion?

COMMISSIONER GARCIA: Yes, Mr. Chair. Thank you. Thank you, Attorney Shaffer.

CHAIR ROYBAL: Do I hear a second?

COMMISSIONER HAMILTON: I had seconded it just for the first piece.

CHAIR ROYBAL: Okay, we have a second from Commissioner Hamilton. Anything under discussion? Is this going to be a roll call vote, Attorney Shaffer?

MR. SHAFFER: Mr. Chair, consistent with the Attorney General's guidance I would do a roll call vote on this.

CHAIR ROYBAL: Okay.

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

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

CHAIR ROYBAL: Attorney Shaffer.

MR. SHAFFER: Mr. Chair, with regard to item 7. B I would recommend we close the open meeting and move into executive session from which the Board will adjourn, to discuss rights-of-way for County-maintained roads within the exterior boundaries of pueblos, which would fall under threatened or pending or litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1(H)(7) NMSA 1978 as well as the purchase, acquisition or disposal of real property as allowed by Section 10-15-1(H)(8) NMSA 1978.

CHAIR ROYBAL: Okay. Do I hear a motion?

COMMISSIONER HAMILTON: Mr. Chair, I move that we go into executive session for the items Attorney Shaffer specified.

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

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

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

CONCLUDING BUSINESS

A. Announcements

B. Adjournment

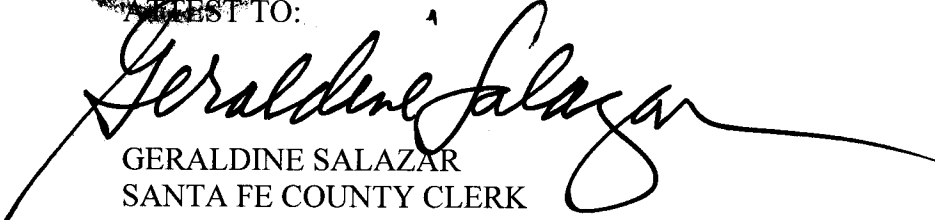
Chair Roybal declared this meeting adjourned at 5:50 p.m. and the Commission moved to executive session.




Approved by:


Board of County Commissioners
Henry Roybal, Chair

TEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

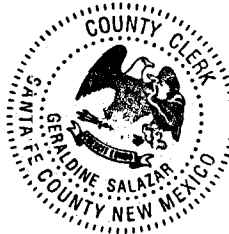
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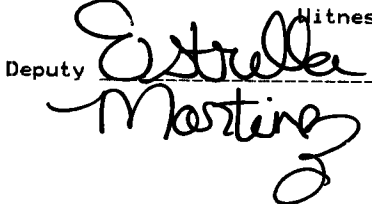

Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
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I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of December, 2020 at 09:07:27 AM
And Was Duly Recorded as Instrument # 1937018
Of The Records Of Santa Fe County



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

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