

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
December 10, 2019

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

SFC CLERK RECORDED 01/21/2020

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

December 10, 2019

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:02 p.m. by Chair Anna Hamilton in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

Chair Hamilton recognized the efforts of County staff throughout 2019 that benefitted the entire County.

The Pledge of Allegiance was led by Daniel Fresquez, the State Pledge by Ambra Baca and the Moment of Reflection by Olivia R. Romo of the County Manager's Office.

Commissioner Hansen recognized the passing of Randall Moore, a northern New Mexico jeweler.

Commissioner Garcia recognized the work of the Chair over the year. Commissioner Roybal agreed that Chair Hamilton did a great job, and thanked staff for a great year.

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F. Approval of Agenda

CHAIR HAMILTON: Are there any changes?

KATHERINE MILLER (County Manager): Madam Chair, the amended agenda was posted on Friday, December 6th at 4:18 and the only item that was changed on the agenda, at that time, was on page 3 and 4 under Matters from the County Attorney and we've added item number 7, Acquisition of Real Property.

CHAIR HAMILTON: Great, so with that, what is the pleasure of the Commission?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes.

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

CHAIR HAMILTON: Thank you.

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: Thanks, I have a motion and a second.

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

I. G. Approval of Minutes: November 12, 2019

COMMISSIONER HANSEN: Madam Chair, I have changes that I will give to the stenographer and with that, I will move to approve.

CHAIR HAMILTON: Excellent. Thank you. Do I have a second?

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: Thank you. Motion and a second. All in favor.

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

2. CONSENT AGENDA

- A. Resolution No. 2019-145, a Resolution Approving a Budget Transfer to the Housing Section 8 Voucher Fund (227) in the Amount of \$61,500 and a Budget Increase to the EMS-Healthcare Fund (232) in the Amount of \$61,500 (Finance Division/Yvonne S. Herrera)**
- B. Resolution No. 2019-___, a Resolution Requesting a Budget Increase to the Fire Protection Fund (209) for Various Fire Districts in the Amount of \$2,759,359. (Finance Division/Yvonne S. Herrera) ISOLATED FOR DISCUSSION**
- C. Resolution No. 2019-___, a Resolution Requesting an Increase to the Special Appropriation Fund (318) in the Amount of \$2,087,000 to Budget Two Grants Awarded to the County from the State of New Mexico (Finance Division/Yvonne S. Herrera) ISOLATED FOR DISCUSSION**
- D. Resolution No. 2019-___, a Resolution Determining Reasonable Notice for Calendar Year 2020 in Accordance with the New Mexico Open**

Meetings Act, Applicable to All Meetings of the Board of County Commissioners ("BCC") and to the Meetings of County Boards and Committees Created and Appointed by the BCC ("Appointed County Committees"); Establishing Permissible Meeting Locations and a Webcast and Broadcast Policy (County Attorney's Office/Rachel A. Brown)

ISOLATED FOR DISCUSSION

- E. Resolution No. 2019-146, a Resolution Authorizing the County Manager to Secure Multi-Line and Law Enforcement Insurance Coverages for Calendar Year 2020 and to Finalize Negotiations for Multi-Line and Law Enforcement Insurance Coverages and to Execute All Documents Necessary to Effectuate Such Coverages (County Manager's Office/Gregory S. Shaffer)**
- F. Request (1) Authorization to Utilize the Design-Build Project Delivery Method for the Design and Construction of a Senior Center and Fire Station Located in Cerrillos, New Mexico, and (2) A Waiver of the Dollar Threshold for the Use of the Design-Build Project Delivery Method Set Forth in Resolution No. 2006-60 (Purchasing Division/Bill Taylor)**
ISOLATED FOR DISCUSSION
- G. Request (1) Approval of Amendment No. 2 to Agreement No. 2018-0047-B-CSD/MM with La Familia Medical Center, Extending the Term an Additional Year and Increasing the Compensation \$736,050.00, to Provide Health Care Services to Low-Income Residents of Santa Fe County for a Total Contract Sum of \$2,408,050.00, Inclusive of NMGRT, and (2) Authorization for the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Jennifer Romero)**
- H. Resolution No. 2019-147, a Resolution Authorizing Disposition of Fixed Asset Worth More Than \$5,000 in Accordance with State Statute (Community Services Department/Rachel O'Connor)**
- I. Resolution No. 2019-___, a Resolution Authorizing the County Manager to Obtain Extensions from the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque of Deadlines Under the Respective Settlement Agreements with Those Pueblos Concerning County-Maintained Roads (County Manager's Office/Gregory S. Shaffer) ISOLATED FOR DISCUSSION**

CHAIR HAMILTON: That takes us to the Consent Agenda. Are there any items that anybody wants removed or discussed further?

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: I do have a request to have more discussion on item number 2. I.

CHAIR HAMILTON: Okay, is there anything else?

COMMISSIONER GARCIA: Madam Chair.

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CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: I have some questions on B, C, and D.

CHAIR HAMILTON: Oh goodness, okay. I guess – we'll go take those – B, C, D and I. We'll remove those four items and have discussion immediately after. For the remaining items, which would be items A, E, F, G, and H.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: Commissioner Garcia wants to take –

CHAIR HAMILTON: B, C and D.

COMMISSIONER HANSEN: And then I would a question on F.

CHAIR HAMILTON: Okay. So with those five items removed that leaves A, E, G and H; is that right?

CLERK SALAZAR: Are you pulling them off so they won't be in sequential order when you approve them?

CHAIR HAMILTON: Yes, we're pulling them off. We're only approving the consent with A, E, G and H. And then we'll go through the other items sequentially.

So for just the items I listed, what's the pleasure of the Board?

COMMISSIONER GARCIA: So moved.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Motion and a second to approve the items as listed.

All in favor.

Motion passed by unanimous [5-0] voice vote.

2. B. Resolution No. 2019-148, a Resolution Requesting a Budget Increase to the Fire Protection Fund (209) for Various Fire Districts in the Amount of \$2,759,359

CHAIR HAMILTON: Item B, Commissioner Garcia?

COMMISSIONER GARCIA: Just really quick, Madam Chair. There's a few different memos and spreadsheets in there. I'd just like to see if the Fire Chief or County Manager could actually explain in a summary what these increases are and what districts they are going to?

CHAIR HAMILTON: Chief Litzenberg is – well, he was over there.

MR. SHAFFER: The budget administrator is here as well as our finance director, so I think perhaps they can take the first go at it.

CHAIR HAMILTON: Okay, that's great.

JOEY ROWE (Budget Administrator): Good afternoon. I am Joey Rowe, I am the Budget Administrator. Madam Chair, members of the Board, this is the Fire Marshal distribution that comes from the state. Each of the separate fire districts will be receiving funds and the budget adjustment is for those particular items.

COMMISSIONER GARCIA: So can you tell me in my district what fire districts are actually going to be receiving the funds?

MS. MILLER: Madam Chair, Commissioner Garcia, in your district, Edgewood will receive \$411,000 and that's for purchase equipment to outfit an area, replace an engine and command vehicle and some additional self-contained breathing apparatus. And Stanley, they will receive \$241,000 and that's for Stations 1 and 2 remodel, replace engine and additional breathing apparatus. And, Turquoise Trail \$73,000, upgrade and replace fire equipment, hoses, etc. and additional SCBA for them. In La Cienega, \$126,000, replace a tender, equip a new brush and main pumper, and additional breathing apparatus. In Madrid, \$113,000, Station 1 construction training room and additional SCBA. And in Galisteo, they'll receive \$36,465 for pumper gear and additional breathing apparatus.

COMMISSIONER GARCIA: Very good, thank you.

CHAIR HAMILTON: Any other questions on B? Thank you Chief Litzenberg, there was just a question about what was the change in the resolution in the budget for fire protection.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: Where were you getting those numbers off; was that part of our packet?

MS. MILLER: Yes, it's the last two pages of that spreadsheet that has a bunch of numbers on it. If you go all the way to the end of that you can see the district. And, Madam Chair, this is all based on formulas. On people's insurance bills they pay into the State Fire Marshal and then they distribute it based on fire districts across the state.

COMMISSIONER ROYBAL: Thank you.

CHAIR HAMILTON: Any other questions on B? So what's the question of the Commission?

COMMISSIONER GARCIA: So moved.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. We have a motion to approve 2.B.
All those in favor.

The motion passed by unanimous voice vote.

2. C. Resolution No. 2019-149, a Resolution Requesting an Increase to the Special Appropriation Fund (318) in the Amount of \$2,087,000 to Budget Two Grants Awarded to the County from the State of New Mexico

CHAIR HAMILTON: That moves us to 2C; Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, just really quick. I had a hard time with my Boarddocs and that's why I have some questions.

CHAIR HAMILTON: That's fine.

COMMISSIONER GARCIA: So can somebody explain to me what the \$2,087,000 grants are from?

GARY GIRON (Interim Public Works Director): Madam Chair, Commissioner Garcia, yes. This resolution is asking for approval to budget an estimated increase to the special appropriation fund in the \$2,087,000. Santa Fe County received grant number 18C5066 in the 2018 legislative session from aging or long-term services to plan, design, construction, equip and furnish, including demolition at the Abedon Lopez Senior Center in Santa Cruz in Santa Fe County for the amount of \$1.3 million. There's an art in public places requirement of 1 percent which is \$13,000 for the total grant funding for the County would be \$2,087,000 and then there is the Santa Fe County received grant number 1982063 in the 2019 legislative session to plan, design, construct, equip and furnish a senior center in the area of New Mexico Highway 14 in Santa Fe County in the amount of \$800,000. And that project is not listed on the County's 2019 ICIP. So those are the two.

COMMISSIONER GARCIA: So, Madam Chair, Mr. Giron, so who is doing our art in public places?

MR. GIRON: The way I understand it, is that is a set aside that we pull out of any of the funds that we receive. I think the Manager can answer that.

MS. MILLER: Madam Chair, Commissioners, the state actually pulls it out. They keep the funding and then we go in to the state and work with the state. They actually retain that out of the grant and then we work with them to get the art into the facility. You may not see our \$13,000 we may get –

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: My question has to do with the \$800,000; will the \$800,000 go then – which is F down further – to the construction of the senior center and fire station located in Cerrillos, New Mexico?

MS. MILLER: Madam Chair, Commissioner Hansen, yes.

COMMISSIONER HANSEN: Okay, that's all the questions that I have.

COMMISSIONER GARCIA: Madam Chair, I move for approval.

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: Okay, so this is a motion for approval of 2C; motion and a second. All in favor.

Motion passed by unanimous [5-0] voice vote

- 2. D. Resolution No. 2019-150, a Resolution Determining Reasonable Notice for Calendar Year 2020 in Accordance with the New Mexico Open Meetings Act, Applicable to All Meetings of the Board of County Commissioners (“BCC”) and to the Meetings of County Boards and Committees Created and Appointed by the BCC (“Appointed County Committees”); Establishing Permissible Meeting Locations and a Webcast and Broadcast Policy**

COMMISSIONER GARCIA: Madam Chair, I was just wondering, is this actually approval for next year's employee calendar or is this just a resolution that we have to do for the next year?

MR. SHAFFER: Madam Chair, Commissioner Garcia, this is just the Open Meetings Act.

COMMISSIONER GARCIA: I move for approval.

COMMISSIONER ROYBAL: I second.

CHAIR HAMILTON: Motion and a second.

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

F. Request (1) Authorization to Utilize the Design-Build Project Delivery Method for the Design and Construction of a Senior Center and Fire Station Located in Cerrillos, New Mexico, and (2) A Waiver of the Dollar Threshold for the Use of the Design-Build Project Delivery Method Set Forth in Resolution No. 2006-60 (Purchasing Division/Bill Taylor)

CHAIR HAMILTON: Commissioner Hansen, did you have a question?

COMMISSIONER HANSEN: My question was answered. That money that was received in C will go to be part of F.

CHAIR HAMILTON: Okay, so what is the pleasure of the Commission?

COMMISSIONER HANSEN: I move to approve.

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: Thank you. Motion and a second for 2F. All in favor.

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

COMMISSIONER HANSEN: I have one more question. I'm sorry, Madam Chair.

CHAIR HAMILTON: Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: Will there be solar on this building for the fire station and the senior center?

BILL TAYLOR (Purchasing Director): Madam Chair, Commissioner, it is our intent as part of the project to incorporate design-build as one of the performance measures or requirements and that solar be part of the project.

COMMISSIONER HANSEN: Okay, I didn't see it anywhere that I was reading.

MR. TAYLOR: That is because, Madam Chair, Commissioner, that is because design-build will develop once we go out for the RFP. The design performance requirements will be established in the RFP.

COMMISSIONER HANSEN: Okay.

COMMISSIONER GARCIA: I have a question with regards to solar. So all the solar projects keep coming up so I just want to ask staff is it's a maintenance challenge that we're going to have in the future or is it minimal maintenance; do we know? Because we have solar requests and I understand that, I get it, it's just that --

P.J. MONTANO (Projects): Madam Chair, Commissioner Garcia, no, it's not a maintenance issue. Some of the challenges we have had is getting approval on existing facilities that we need to have the roofs redone before we put on solar. That way, we're not putting in – installing the solar and then having to remove the solar to have the roof redone and then reinstalling the solar. So that's one of the challenges. But maintenance of existing solar projects are not an issue.

COMMISSIONER GARCIA: Thank you.

COMMISSIONER HANSEN: I've had solar on my house for 10 years and I've never had one maintenance issue, ever.

CHAIR HAMILTON: Thank you.

2. I. Resolution No. 2019-151, a Resolution Authorizing the County Manager to Obtain Extensions from the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque of Deadlines Under the Respective Settlement Agreements with Those Pueblos Concerning County-Maintained Roads

COMMISSIONER ROYBAL: I just wanted to ask what is entailed in this authorization, Manager Miller, as far as working with the pueblos; is this going to be in meetings or is this going to just be letters?

MS. MILLER: Madam Chair, Commissioner Roybal, as you know a lot of what is driving getting the rights-of-way submitted and making sure there the right-of-way surveys are done. So that's been the delay in getting everything done within a year. We have completed Nambe and that's been submitted; right?

GREG SHAFFER (Interim Deputy Manager): They're in the process, Madam Chair, Commissioner Roybal, of finalizing the Nambe survey as well as the application material and all of the other surveys are in various stages of development. The surveyor has been coordinating closely with the pueblos and they know where things stand and we've been working in good faith with them. Relative to your question, I think the quick end based upon the preferences of the individual pueblo when an extension was extended last by the Pueblo of Pojoaque, for example, I think they did that by Tribal Council resolution, I believe there was an agreement with Nambe and there could be a letter and a counter sign. So I think there's some flexibility there but I think the initial ask will be simply a formal letter request asking for that extension.

MS. MILLER: And, Madam Chair, Commissioner Roybal, last time we sent [background noise disturbance] different procedures for doing it but they also understood that the need for the extension because it is just taking longer than anticipated to do the right-of-way surveys and making sure that, for instance, in Nambe they surveyed it but where there were doubts it was really going back to the Tribal Council between the surveyor and actually widening the right-of-way beyond the 50 feet or to reduce the gaps and how those few driveways that would need permits. They actually worked with us really well to try and do that. So there's a lot of that going back and forth but not so much between – at least in the case of Nambe – it wasn't as much between the County and the Pueblo as it was the surveyor making sure and the pueblo making sure of how the survey reflected changes like that.

COMMISSIONER ROYBAL: Okay, thank you. Do you think we can get with and find out from our surveyor what percentage he is at, more or less, on completion on all the different pueblos? Also, if there's going to be any meetings or a conference calls, I'd like to be included in those.

MS. MILLER: We can certainly can do that.

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

CHAIR HAMILTON: Sure.

COMMISSIONER GARCIA: I wasn't sitting on the board when the negotiations occurred but is it based on the lawsuit that we're suppose to have an agreement done by the end of the year?

MS. MILLER: Madam Chair, Commissioner Garcia, the agreement gave us a year from when they were fully executed to try to have the applications into BIA for the roads. And for Nambe and San Ildefonso, those would be applications for the Department of the Interior/BIA to accept those as BIA roads and then roads within Pojoaque and Tesuque those are submitting those surveys, rights-of-way applications for a two 99 year leases. And because the survey work is pretty extensive and pretty complicated in making sure that it reflects, that everybody is in agreement with what the surveys reflect is what we have to have completed before we submit the applications. They were supposed to be done last April and then we extended through this December and then this request is to extend it again.

COMMISSIONER GARCIA: So Madam Chair, thank you, Manager Miller. I guess some of the concerns I have is in regards to is this going to stall – with all due respect to your district, Commissioner – is this going to stall any permits that any individuals want to do? Like a lot split or they want to get an additional home built because the last, if you'll remember, I thought what was going to happen is staff was supposed to work with some individuals that actually were suppose to realign their driveways, this is Nambe, realign their driveways because it may or may not have an area how they needed to access or share access to their property. So I just, that's one of the questions I have.

So another question is, I assume that we would already have some agreements already completed with San Ildefonso Pueblo and we were suppose to start construction on that road on the most northern end?

MS. MILLER: Madam Chair, Commissioner Garcia, we have five years to construct the roads. One is on the south side of the river and one is kind of a loop that will replace any [inaudible] on the side of the river. Our agreement was five years to construct those and we do have to wait until the survey is complete before we can start construction on those.

COMMISSIONER GARCIA: And then what about the permits?

MS. MILLER: It's not a matter of a delay in permits or stopping anybody from doing that. The issue is whether they would have to get something when they record their plat, a condition on their plat potentially needing a permit from the pueblo in the future. There's a temporary period right now while all the survey work is being done that whatever their existing driveway is or if they need to get a driveway, there's conditions on that plat that say dependent on how the survey come out they may need to

apply for a permit for a driveway permit from the pueblo. And each pueblo is different as to that process.

COMMISSIONER GARCIA: And also, one other thing, what if a pueblo decides not to approve this or work with us on this extension; what do we do?

MS. MILLER: Madam Chair, Commissioner Garcia, I don't know that they would do that. I mean, a lot of it is a joint effort anyway so I'm not sure why they would do that. I think it is more of a formality in getting the extensions to just make sure that it's clear that we're still moving forward. All parties have been working to complete this. It's just a little more complex and taking more time than anticipated. I don't anticipate that but I think clearly we'd have to meet with them if there was a problem.

COMMISSIONER GARCIA: Thank you.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: You know I have had a lot of my constituents asking when are we going to start the road on the north side; do we have any idea of the possibility of when construction could start?

MR. SHAFFER: Madam Chair, Commissioner Roybal, we have had some internal discussions about a timeline for that construction as well as potential modifications to the final proposed design that the pueblos have done for the roads that we believe may make them less maintenance prone and a better quality which we are in fact working through at the staff level and are pursuing. But I think the short answer is that we anticipate that we'll be able to get them done within the five-year window. We also want to be mindful of coordinating as necessary with the Aamodt Regional Water System construction. There is some construction coordination that we have to be mindful of there and making sure that the timing lines up in a way that does not cause problems for our roads or for the Aamodt water system and vice versa. We don't have a firm go date, but we are confident that if can work out those coordination issues on the Aamodt Regional Water System construction that they can be completed within the five-year window.

COMMISSIONER ROYBAL: Okay, I guess my ask would be as soon as we do have the possibility of when the start time would be, if you could let me know, as soon as possible.

MR. SHAFFER: Of course.

COMMISSIONER ROYBAL: Thank you. With that, I'd like to move for approval.

COMMISSIONER GARCIA: Second.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: I have a motion and a couple of seconds for 2.I.

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

[Clerk Salazar provided the resolution numbers.]

3. APPOINTMENTS/REAPPOINTMENTS

A. Request Appointment of Three (3) Members to the Santa Fe County Planning Commission, One From Commission District 2 and Two At-Large Members

CHAIR HAMILTON: This has to do with the Planning Commission; so Vicki, welcome.

VICKI LUCERO (Building & Development Services Supervisor): Thank you, Madam Chair.

Chapter 3 of the SLDC gives the BCC authority to appoint members of the Planning Commission. The Planning Commission shall consist of seven members. The terms of three of the current Planning Commission members will expire in January of 2020 as follows: Charlie Gonzales who represents District 2; Susan Martin who is the at-large member and Steve Shepherd who is also an at-large member.

In November of 2019 the County sent out a press release seeking interested members of the general public to serve on the Planning Commission and we received responses from 21 individuals which included all three current Planning Commission members who have requested reappointment.

Three of the applicants that submitted interest to serve on the Planning Commission residing in District 2. This includes current member Charlie Gonzales who is interested in serving another term. A list of applicants in the staff report and the list is broken down by Commission district and I just wanted to point out that under Commission District 4 there's a typo, the first person listed in Andrew Murphy and it should be Andrew Mooney.

Because we received such a large number of applications to potentially assist the Board of County Commissioners in making its appointments, staff has reviewed the resumes and provided the BCC with a list of applicants who have professional experience in land development and/or experience on the Santa Fe County Planning Commission. Letters of interest and resumes for all of the applicants are included in Exhibit E.

Staff recommendation: staff recommends the reappointment of Charlie Gonzales for the District 2 position to serve a two-year term to begin January 2020 until January 2022. Staff recommends that the BCC appoint the two at-large members to serve two-year terms also beginning also January 2020 until January 2022. Thank you, Madam Chair.

CHAIR HAMILTON: Thanks. So I think it will be, if nobody disagrees, easier to do the District 2 person first and then do the two at-large members because there are quite a number of people at-large and District 2 is Commissioner Hansen. So with that agreement with respect to the District 2 person.

COMMISSIONER HANSEN: Yes, I would like to nominate Charlie Gonzales for the District 2 position.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Is there any discussion on District 2? I have a motion and a second.

The motion to appoint Charlie Gonzales passed by unanimous [5-0] voice vote.

COMMISSIONER GARCIA: Madam Chair, I have a question for staff. Is Steve Shepherd still on the Planning Commission and so is Susan Martin?

MS. LUCERO: Madam Chair, Commissioner Garcia, yes, that's correct. They are currently on the Planning Commission.

COMMISSIONER GARCIA: So really quick, all of the at-large people are the ones – I don't understand – starting with the memo, Susan Martin, Delores Vigil, Phil – all of those people?

MS. LUCERO: Madam Chair, Commissioner Garcia, the at-large position can come from – can reside in any Commission district. So anyone is eligible including the other members in District 2.

CHAIR HAMILTON: So right now the only person who is on this list that is not available is the person we just nominated to be the District 2 representative.

COMMISSIONER ROYBAL: How many at-large positions; do we still have two?

CHAIR HAMILTON: We have two at-large positions. Those two people are still serving but their term is up so they either have to be re-nominated or replaced.

COMMISSIONER GARCIA: Madam Chair, who are the two individuals that their terms are up – the two at-large right now?

CHAIR HAMILTON: Vicki?

MS. LUCERO: Madam Chair, Commissioner Garcia, the two at-large member whose terms are expiring are Susan Martin and Steve Shepherd.

COMMISSIONER GARCIA: So, Madam Chair, I'd like to make a motion that we keep Susan Martin as well as Steve Shepherd on the committee. And one of the reasons that is why is because obviously the County is going through some maybe some growing challenges, pains in their zoning department ever since we did adopt the SLDC and these individuals have actually been there the last year or two years and actually I believe they have current experience in working with the new challenge that we have with the SLDC; so I would like to a motion to re-appoint them.

COMMISSIONER ROYBAL: Madam Chair, I will second for Susan Martin.

CHAIR HAMILTON: It's a single motion. I'm not sure – you know, --

COMMISSIONER ROYBAL: It's difficult to make a motion for two.

COMMISSIONER GARCIA: Okay –

COMMISSIONER ROYBAL: I'll second Commissioner Garcia's motion.

CHAIR HAMILTON: Okay, is there further discussion?

COMMISSIONER HANSEN: I think there are people who are qualified on this list like Delores Vigil and other people that should be considered. I think the person from San Marcos, Steven Krenz is also somebody who is also somebody who is also quite familiar with the SLDC so to continue to keep the same people on the Planning Commission without changing, I think there is room for new blood and new ideas.

COMMISSIONER GARCIA: So, Madam Chair, that's the current –

you're talking about Charlie Gonzales as well so he should be changed out because –

CHAIR HAMILTON: He's only been on there for two years.

COMMISSIONER GARCIA: So have the two that I'm recommending.

CHAIR HAMILTON: No. That's not true. Susan Martin has been a longer time but she has also done a very good job and I have no objection to keeping her. And I have to admit I actually don't know very much about what Stephen has done. I've had less personal contact with him.

COMMISSIONER MORENO: Madam Chair.

CHAIR HAMILTON: Commissioner Moreno.

COMMISSIONER MORENO: I note that – Susan Martin has been on the Planning Commission since when?

MS. LUCERO: Madam Chair. She has been on the Commission for approximately 11 years.

CHAIR HAMILTON: And has she done previous – had she had previous term recently?

COMMISSIONER HANSEN: Yes, she's on there now.

CHAIR HAMILTON: Yes, she's had two terms in the current Commission plus a previous term when it was a different Commission, it did the same thing but had a different name. Everybody is term limited but it's three terms so she still is eligible for a third term; did I nail that more or less?

MS. LUCERO: Madam Chair, that's correct. I just wanted to point out that she has been on the Commission since it was the CDRC, the County Development Review Committee, and under that code, the old code, there were no term limits.

CHAIR HAMILTON: Right. So she was there for whatever it was – five years.

MS. LUCERO: Seven years under the old code.

COMMISSIONER MORENO: It is a long time to be on the Commission. But I'll vote accordingly.

COMMISSIONER GARCIA: Do we have a motion?

CHAIR HAMILTON: We have a motion and a second. I was just entertaining further discussion. So I guess I am going to call for a vote. There were things on both directions.

MS. MILLER: Madam Chair, you can vote on that and if that dies you can take another motion.

CHAIR HAMILTON: Yes, take another motion. Okay. Let's vote. I'll abstain.

The motion failed with Commissioners Garcia and Roybal voting for and Commissioners Hansen, Moreno and Hamilton voting against. [Originally, Chair Hamilton abstained and then to break the tie, she voting against the motion.]

CHAIR HAMILTON: So further discussion.

COMMISSIONER ROYBAL: Madam Chair.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: I'd like to nominate Susan Martin.

CHAIR HAMILTON: Are we going one at a time? Let's go one at a time.

COMMISSIONER GARCIA: You're the Chair. And I'll second that motion for Susan Martin to remain on the committee.

CHAIR HAMILTON: Okay. Is there further discussion? We have a motion and a second for Susan Martin for member at-large. All in favor.

The motion passed by majority [3-2] voice vote with Commissioners Hansen and Moreno voting no.

CHAIR HAMILTON: Okay, so that one passes and I'll entertain an additional motion from Commissioner Hansen.

COMMISSIONER HANSEN: I would like to move to nominate Steven Krenz, K-r-e-n-z. Well, actually, I think I would like to nominate – I'm torn because I think Dolores Vigil has a lot of experience.

CHAIR HAMILTON: Okay, but you have one place to fill.

COMMISSIONER HANSEN: I know, unfortunately.

COMMISSIONER GARCIA: Well, we all have a place.

CHAIR HAMILTON: And we all respect that place.

COMMISSIONER HANSEN: I think Steven Krenz has demonstrated real concern for his community in San Marcos and so with that, I would like to nominate him.

CHAIR HAMILTON: There's a motion is there a second?

COMMISSIONER HANSEN: Okay, then I would like to nominate Dolores Vigil.

CHAIR HAMILTON: Great I have a new motion; do I have a second?

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: Motion and a second.

COMMISSIONER GARCIA: Madam Chair, just under discussion.

CHAIR HAMILTON: Yes, no problem.

COMMISSIONER GARCIA: I tend to – I understand Dolores has experience. She was actually a former Land Use Administrator for Santa Fe County and I think that you actually brought up from the San Marcos area would be really great because he actually is a gentleman that actually has been involved in the community plan for the San Marcos area for – how long now? Four years, five years maybe longer?

COMMISSIONER HANSEN: That's what I thought.

COMMISSIONER GARCIA: So that's probably why I like Steve over the other motion.

COMMISSIONER HANSEN: So would you like me to entertain another motion to –

CHAIR HAMILTON: We have a motion and a second. The question on discussion is if you're wishing –

COMMISSIONER HANSEN: I withdraw my motion and would like to name Steven Krenz –

CHAIR HAMILTON: I don't think with a second that you can withdraw.

COMMISSIONER ROYBAL: No, we have to vote.

COMMISSIONER HANSEN: Okay.

RACHEL BROWN (Interim County Attorney): That is correct.

CHAIR HAMILTON: So there's a motion and a second. All those in favor.

The motion failed by majority voice vote.

CHAIR HAMILTON: Okay, so now I would like to entertain a motion.

COMMISSIONER HANSEN: I'd like to nominate Steven Krenz again.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Is there any further discussion? All those in favor.

The motion passed by unanimous voice vote.

MS. MILLER: Madam Chair, I just want to make sure. Susan Martin and Steven Krenz are the two at-large members.

CHAIR HAMILTON: Yes.

MS. MILLER: Thank you.

4. MISCELLANEOUS

A. Resolution No. 2019-152, a Resolution Authorizing Holidays, Closing of County Offices, and the 2020 Santa Fe County Employee Calendar

SONYA QUINTANA (HR Director): Thank you, good afternoon, Madam Chair and members of the Board. I am here today to request approval of the 2020 Santa Fe County Employee Calendar. The calendar for reference has 10 approved holidays and one admin leave, February 17th which is Presidents Day. This is a very useful tool for employees because it identifies pay periods and pay days, administrative leave and employee holidays.

With that, I stand for any questions that you might have.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to ask, were there any changes from last year's calendar or is it pretty much the same?

MS. QUINTANA: There's one less holiday, actually one less admin day from last year but it's only because 4th of July falls on a Saturday this year so we granted on the calendar the Friday before the 4th of July.

COMMISSIONER ROYBAL: So that's Friday, the 3rd.

COMMISSIONER GARCIA: So, Madam Chair, just a really quick question.

CHAIR HAMILTON: Yes, Ms. Miller.

MS. MILLER: Madam Chair, Commissioners, we had traditionally Presidents Day was not a holiday but the Board the last couple of years have added it up

as a holiday. Typically, we have celebrated it on the day after Thanksgiving but last year when the BCC approved the calendar there was discussion about making Presidents Day a regular holiday. What we couldn't tell in the change of finance staff and the budget is there is a definite difference in budget when you have a holiday versus an admin day. We have added it to be off but as an administrative leave day.

CHAIR HAMILTON: Because we don't know if we incorporated that aspect of the budget in last year's budget plan for this year.

MS. MILLER: For this year. And then additionally last year was July 5th was an extra day and the day that the Board gave and it was the first time that they had done that and that was because 4th of July was on a Thursday so it was a four-day weekend. But this time it's on a Saturday and we only bump into that every few years.

CHAIR HAMILTON: Fabulous, so are there other questions on this? Commissioner Garcia.

COMMISSIONER GARCIA: So, in regards to the half-day on Good Friday?

MS. MILLER: That one just has always been on Good Friday, Christmas Eve, New Year's Eve and Fiesta Friday has been an optional time that they not listed up as a holiday. A lot of it depends on what's going on at that time – bad weather. So for instance last year, I think we ended up with admin for Christmas Eve and then we ended up having even more because of snow. Those four days we have gone up to four hours we're planning on doing Christmas Eve, closing four hours earlier, two hours early on New Year's Eve. I don't think it's ever gone on the Employee Calendar. We usually do four hours for Good Friday. This last year we did not do the four hours on Fiesta's Friday because of the move.

COMMISSIONER GARCIA; So, Madam Chair, we're still allowed to do that?

MS. MILLER: Yes.

COMMISSIONER GARCIA: Okay, thank you.

COMMISSIONER ROYBAL: Madam Chair, I'd like to move approval.

COMMISSIONER GARCIA: Second.

MS. QUINTANA: Thank you.

CHAIR HAMILTON: Motion and a second. All in favor.

The motion passed by unanimous voice vote.

4. B. Request Approval of Amendment No. 1 to Memorandum of Agreement 2019-0120-GM/MAM between Santa Fe County and the North Central Regional Transit District to Provide a Contribution of Funding for Route 255- Mountain Trail in FY2020

CHAIR HAMILTON: Welcome.

BRETT CLAVIO (Transportation Planner): Thank you. Good afternoon, Madam Chair, Commissioners of the Board. The item before you is a request to approve amendment number 1 to the MOA 2019-0120 with the NCRTD providing funding for route 255, the Mountain Trail, in fiscal year 2020. So this amendment will extend the

terms and conditions of the existing MOA to December 31, 2020. This amendment also provides NCRTD with the Santa Fe County contribution of \$25,172 for the 2020 fiscal year. And this is similar to the City of Santa Fe's contribution of \$25,172 for FY20 and Rio Metro's contribution for \$15,000 for FY2020.

Staff recommends approving Amendment 1 for FY20 and direction to process payment to NCRTD in the amount of \$25,172. Staff from NCRTD are here if you have any questions of them.

CHAIR HAMILTON: Thank you.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: I didn't get your name; tell me your name?

MR. CLAVIO: My name is Gary Brett Clavio.

COMMISSIONER GARCIA: Did you take Tony's place?

MS. MILLER: He's with us.

MR. CLAVIO: No, I'm a transportation planner under Robert and Paul.

COMMISSIONER GARCIA: Oh, that's right. Really quick, can you explain to me where the Mountain Trail route is?

MR. CLAVIO: The Mountain Trail route starts at the South Capitol Station. It is designed to connect to the Rail Runner to bring folks in from Albuquerque and points south and then from the South Capitol Station it has several stops around downtown Santa Fe and then makes its way up to the Santa Fe Ski Basin at the top of the mountain.

COMMISSIONER GARCIA: How does it work budget-wise when we're approving this for 2020 and we just say yes, what happens in the summertime, does the bus actually go to the ski basin in a summer route?

MR. CLAVIO: Yes, sir. The Mountain Trail started off as a pilot project to see how it would work out, whether or not people will actually ride it to the ski basin. It turned out that people would ride it to the ski basin. So then they started experimenting with the idea of, what about summertime, would people take their mountain bikes up the mountain and then ride it back down. And sure enough, they do. So we get a lot of recreational activity in the summer as well as the winter. But winter is really the prime peak season for this route.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER GARCIA: I still have the floor now.

CHAIR HAMILTON: Oh, you hadn't finished? I'm really sorry.

COMMISSIONER GARCIA: So really quick. I really think this is a great, great example of how the City and the County staff can work together to benefit the community. You're actually getting a lot of people off of the Rail Runner getting on the bus and going throughout the City, right? And we're actually going halfers on this?

MR. CLAVIO: Sir, our contribution is about 10 percent of the overall cost to run this route. There's a lot of partnership with the federal, state and then the locals.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I also want to mention that this is a contribution. This is one of the few bus rides that people pay for.

MR. CLAVIO: That's correct, Commissioner.

PETER DWYER (NCRTD): It's \$5, \$2.50 for seniors. We had to change the rate recently because there's federal mandates on these things. So it's one of three NCRTD rides that actually require fee.

COMMISSIONER HANSEN: So what is the rate now?

MR. DWYER: Five dollars. Although we've got a partnership also with the Santa Fe Ski area and Ten Thousand Waves and we create tokens that you can exchange for \$5 at either location. So that although the person is paying \$5 they're going to get a \$5 discount at one of their destinations. So people can apply it to their ski ticket or whatever they want. They can buy stuff at the shop there. You can't spend it obviously on alcohol. So they're obviously partnering with us.

COMMISSIONER HANSEN: That's good. And you know this started out as a pilot, is there any idea in the future that you would take this off being a pilot and that we would reduce the funding from the County?

MR. DWYER: Yes, what happened was after the last Commission meeting I was at, the Commission directed your staff to meet with us, which we did. I'm sorry Tony couldn't be here today but he sent me his memo and I'll see him Friday. But we met with your staff which went well. Katherine organized a meeting with the Economic Development director and Brett and others because they're impacted financially and this was agreed to for this year only. That was because right now the NCRTD has engaged a contractor to do a plan update for its service plan. So we're doing a service plan update and we're going to assess all the existing routes and also the funding sources for all the existing routes and so generously the County staff has put this forward saying, If you're going to do that, we'll go one more year and then we'll look at the results. I can tell you right now that route is very successful so I don't think there is a scenario where it is going to be discontinued because there is a lot of ridership. But the funding can be looked at and like I said it was a complicated funding formula where multiple parties came to the table to get the route started. But now that it is not only started but succeeded – it went from winter only service to year-round service and now we've even had expanded service during the big ski events like over Christmas break and stuff. And then we'll go back and look and see if alternative funding aside from the County, the City and these other partners is an alternative. So yes, that will be considered. This amendment is only for this one year until we finish our plan update which should be done in February. Our first report to the board is scheduled to go in January next month and then we'll be giving periodic reports to the board on the plan update through the spring but we should be pretty shortly able to say.

COMMISSIONER HANSEN: Okay, then I would like –

CHAIR HAMILTON: No, I have somebody else here. Manager Miller.

MS. MILLER: Madam Chair, Peter mentioned most of what I wanted to say. This came before you when NCRTD came forward with approval of their route plan and this item came up for discussion because we are in our fifth year of funding it separately and it was initially proposed to be a three-year pilot where we would fund it. So you direct the meeting with Tony and staff and one of the main things was to request –

because we also did not budget for it. It's a separate budget item and we had used that funding elsewhere. So your next item if you do approve this is to budget the money in order to pay for the route. But what our discussion was, was kind of weaning off of this having the City and the County paying in extra since we have a funding source, the Gross Receipts Tax, that goes to NCRTD for its route.

COMMISSIONER HANSEN: So, Madam Chair, I would like to approve that we fund this for one more year.

COMMISSIONER GARCIA: I'll second, Madam Chair.

COMMISSIONER MORENO: Second.

COMMISSIONER GARCIA: I have a quick question. So if you have a family of four you get five tokens that's \$20 and you can get \$20 off of a meal or \$20 off on what – or is it \$5 per person?

MR. DWYER: It is \$5 per person. So you can spend it on anything but alcohol. I think they have a ski shop, rentals, they have obviously the ticket. Mountain bikers can't really use it very well. They basically just get off the bus and take their bikes down the mountain usually. But it's a perk and it's also achieves a goal that we had at the time to get the private sector industry that benefits from the bus service to be a participant.

COMMISSIONER GARCIA: Thank you.

CHAIR HAMILTON: I just want to say for the record, this is a really, really useful route. I can't imagine not having it. But it's also in the fifth year and I think I would really like to see the economic analysis that explains whether it's ever going to be self sufficient and how we can move to that because that's what makes sense and that's the discussion we had last time. I mean if that's totally not feasible, I would sure want to know why for moving forward. Discussion.

COMMISSIONER MORENO: Madam Chair, the route is fabulously successful and it brings a lot of people to Santa Fe which is our bread and butter. The plan is to have a system where the County and the City have a financing that is fair for both.

CHAIR HAMILTON: Okay. There is a motion and a second on the table; all in favor.

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

CLERK SALAZAR: Madam Chair, I'd like to bring up for the future, for the Board of County Commissioners and for the NCRTD as County Clerk who is responsible for running elections, to consider in the future planning where people can ride on your transportation to go vote, for free. I think the City of Santa Fe, they do that and they brought that to the election that we ran and it was helpful for people within the City. I have to figure out how we're going to advertise this because we're the whole county and they're only the city. And to clarify that in ads, but I'd like to see in the future maybe consider during an election that people can ride the bus free to a voting convenience center.

CHAIR HAMILTON: Maybe we can do this under matters from public officials.

CLERK SALAZAR: That's fine. But as you were talking about that it was a good time. Thank you.

CHAIR HAMILTON: Okay.

MR. DWYER: What I can do is, Ed will be at the meeting, I think you'll be there Friday, right?

COMMISSIONER MORENO: I think so.

MR. DWYER: So you can raise that as an issue for the meeting on Friday.

COMMISSIONER MORENO: Okay.

CLERK SALAZAR: Thank you.

4. C. Resolution No. 2019-153, a Resolution Approving a Budget Increase to the General Fund (101) in the Amount of \$25,172 (Contingent Upon Approval of Amendment No. 1 to MOA 2019-0120-GM/MAM)

CHAIR HAMILTON: Is there discussion on approving the budget increase?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the BAR resolution for approving the budget increase to the general fund in the amount of \$26,172 to MOA 2019-012.

CHAIR HAMILTON: Et cetera, et cetera.

COMMISSIONER HANSEN: Yes.

CHAIR HAMILTON: I have a motion; do I have a second?

COMMISSIONER MORENO: Second.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Any discussion? Do we ever look at what we're not doing when we have to bring up money that we didn't really anticipate? What did we tradeoff for this? Do we know? It's probably not that direct.

MS. MILLER: No, we've had – we have cash balances that cover this. It's not significant enough to –

CHAIR HAMILTON: In principle we're always trading off though.

MS. MILLER: Correct.

CHAIR HAMILTON: Okay, a motion and second.

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

5. MATTERS OF PUBLIC CONCERN [See page 29]

CHAIR HAMILTON: Is there anybody here from the public in any of the conference rooms that want to address the Board?

MR. SHAFFER: No, Madam Chair.

CHAIR HAMILTON: Thank you very much for checking. I will close public hearing.

6. **PRESENTATIONS** - No presentations were brought forward.

7. **MATTERS FROM THE COUNTY MANAGER**

A. **Memorandum of Understanding 2020-0100-SO/AG Between the Santa Fe County Sheriff's Office and the First Judicial District Court**

CHAIR HAMILTON: Manager Miller, do you want to start us off on this?

MS. MILLER: Sure, Madam Chair. The Sheriff is here and I think that he'd like to speak to this. This is an MOU between the County and the AOC, Administrative Office of the Courts, and while one doesn't have complications it's one that I believe is a policy decision even though it would have been within my authority to sign because it isn't a matter of compensation. It's a policy decision for the Board. As you know, statutorily the County is responsible for providing the district court facility utilities and security as well as the DA's office. What we do not provide statutorily anything for magistrate court. The rent their offices and provide their own security but they have requested that the Sheriff, and I'll let him speak to the specifics of it, but they had requested some security from the Sheriff's Office. And this is one of the things that around the state there is always a debate as to whether counties should be providing security services at no cost to the court. While in the statutes it does mention district court it does not refer to magistrate court and this agreement would be an opportunity for the Sheriff to provide some security to magistrate court at no cost. In return he might be putting staff downtown in the district court in his civil division and providing services that are more convenient for the citizen and the thought being that he would have those staffed there to backup the security staff that are at district court so that one member of that security could go over to magistrate a couple of days a week.

My concern is not us providing this security. It's providing security to magistrate court without being reimbursed. No other counties provide that service to magistrate court without being compensated. Doña Ana County does provide three deputies and they are compensated \$175,000 a year for that service. And one other county provides some space that comes with some security and they are compensated for that at \$70 to \$80,000 a year, again, I can't remember which one it is off the top of my head.

But I just wanted to bring that the Board's attention. I also wanted to make sure that the Sheriff has an opportunity to speak as to why he believes this would be a good relationship with the magistrate court.

CHAIR HAMILTON: Fabulous. Sheriff Mendoza, welcome.

ADAN MENDOZA (County Sheriff): Thank you, Madam Chair. I guess I'll start. Just a little bit of history in reference to the MOU. When I first took office I was approached by Chief Judge Marlow and I'm going to say director for the District Courthouse. They were concerned with the security at magistrate court based on the fact that the AOC now took over supervising the magistrate court and, therefore, Chief Judge Marlow was overseeing matters of the magistrate court which is a change I believe that happened last year.

Initially, they advised that they would compensate Santa Fe County for positions there. My concerns in being compensated for positions there was the fact that we would

be entering into an agreement and if we agreed that they were going to compensate us for three deputies or two deputies or one deputy that we would absolutely necessarily have to have that deputy there. At the time when I started at the Sheriff's Office, we had eight open positions. We went all the way to 12 open positions and my concern was allocating a contractual staff down there to the magistrate court whether they compensated us or not because I didn't have the bodies to put down there at magistrate court.

CHAIR HAMILTON: Can you get the bodies to put down there?

SHERIFF MENDOZA: Not right now. I hate to say that we can based on the fact that we still have openings at the Sheriff's Office that we need to fill on our own divisions and on the streets. Could there become a time? Maybe after this MOU expires in 2020 that we can renegotiate the fact that we can be compensated for positions there, they that would be fine. But I think that's a bridge that we cross after we fill the positions within Santa Fe County. That was my concern.

CHAIR HAMILTON: Can I ask a question in that regard? I mean, if we can't provide the bodies when we're being paid for it, how are we going to have enough personnel to provide the bodies with no compensation?

SHERIFF MENDOZA: Right. Based on the fact that their concern was security at magistrate court and let me make it clear that this about public safety. The people at magistrate court, in my opinion, are being compelled to be at court most of the time, the majority of the time, is because we are compelling them there by giving them a ticket or having them to show up in front of the courts and so a lot of those people are compelled by the Sheriff's Office and other departments also.

The fact of the matter is that – if I can go over some figures here – currently there's four magistrate judges assigned to magistrate court, 16 staff members and magistrate court has between 130 and 150 community members from all of Santa Fe County conducting business there on a daily basis. We transport prisoners from the jail to magistrate court almost on a daily basis. The average is 228 inmate transports to magistrate court per month. So we're already there technically.

One of the concerns that magistrate court has is that they have private security there and they're going to keep some of the private security there under this MOU. I wasn't willing to commit two deputies to stand in the front to watch metal detectors. To me, that wasn't a good use of resources and time. The deputy that would be assigned there part-time, three days a week, would be in the courtrooms doing law enforcement related activities or responsibilities. The private security there cannot effect an arrest, cannot serve an arrest warrant, cannot remand anybody to jail and so they're calling us any way to go down to magistrate court to do these functions or we're doing them while we're there.

We served between January 1, 2019 and December 3, 2019, 127 arrest warrants, 12 remands, 19 judgments and sentences, and there was one incident that took place there that was an assault that we responded to. We average five to six hours a day at magistrate court already. That's during regular business, transporting prisoners, watching prisoners there at the magistrate court. So we're already there to some aspect. In fact, sometimes we have up to three personnel there at a time.

And so my concern is public safety and I felt like it was a good compromise with the request from the Chief Judge to provide some type of security for public safety to

offer a part time deputy there. I was unwilling to get into a compensation issue where they were compensating us and it was going to be a mandatory two or three deputies at a time which I felt like we couldn't do. Part of my concern – I'll stand for any questions, Madam Chair and Commissioners, in reference to this.

CHAIR HAMILTON: Are there questions because I certainly have a bunch of questions.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: So how much is this going to cost you to have the deputies there three days a week?

SHERIFF MENDOZA: I want to make it very clear that we are not pulling any resources from the streets. No patrol area or patrol team is going to be affected specifically from this resource. We're going to use the current court security resource that we have at district court to supplement that at the magistrate court house. So it's not like we're pulling a patrol officer. We will be using a court security officer to do that. Based on the fact that we're there already for five to six hours, I didn't take that into consideration. But looking at the base cost, we're looking at 24 hours per week, so we're looking at about \$720 a week to have that person there part time. If we factored in the fact that we're already there five to six hours, it would be much less than that. So crunching all the numbers – I'm not sure that the County has done that specifically and I haven't done it.

COMMISSIONER HANSEN: I understand a lot of your reasoning and I accept that. But what I am concerned about is that if we set this example of providing security at magistrate court and we're the only county that does that, then what does that do to a small county who doesn't have the resources and then that magistrate court let's say in Guadalupe County says, Well, you know, they do it in Santa Fe County and they pay for it so I think you should do it for us here. So I am worried about setting that kind of precedent for the smaller counties that can't afford to do this. At the moment, I think that your argument that we're already there, I understand that and that is reasonable. But I am also concerned about these small counties having to come up with money that they don't have.

SHERIFF MENDOZA: Madam Chair, Commissioner Hansen, I understand your point. I think that would be the discretion of each individual county to see if they had the resources of the budget to do that. I can't speak for how that's going to affect other counties within the State of New Mexico. I see it as an allocation of my resource from the Sheriff's Office. I think it's a good compromise for public safety at that courthouse. I think as this could be a trial period under this MOU. Again, this is only going to be in effect till the end of the fiscal year 2020 and at that point we can determine whether or not we can continue this, whether or not we should be compensated, whether or not we're going to expand the resource or take the resource away. But I think that's a call that me, as the Sheriff, should be able to make whether or not we have the resources or not to provide there for public safety.

COMMISSIONER HANSEN: I understand your concern and especially because I you already spend time there. I just know that participating at the Association of Counties, and I know you're the treasurer for the Association of Counties, that I think

it's important to take them into consideration and the fact that this is only for one year to test this out to see if it will work or not makes me feel a little better. But at the same time, I am concerned about that and I just wanted to put that on the table.

CHAIR HAMILTON: Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. When I read the briefing that we have in front of us I was so happy because it melds a lot of things that are logical and with the flexibility of staff. It improves the situation at the 1st District and the County. The judges are going to be happy that they're getting some real protection there. So I'm happy to support this.

SHERIFF MENDOZA: Madam Chair, Commissioner Moreno, thank you for recognizing that. Providing the deputy at magistrate court was just one aspect of this MOU. The other aspect was moving our civil division down to the district court which I think is going to be ease of access for the public. It's going to make things a lot easier for the public to deal with civil paperwork instead of driving down to Highway 14 to hand us over the paperwork that we then serve. Our resources will be at district court and then can just walk downstairs and deal with our staff in providing that civil paperwork to get out. Our civil staff can support our court services. Our court services can support our civil staff and so it is going to be a good move. There are a lot of good things within that MOU that will be happening.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, Sheriff, welcome and thank you for being here as an elected official.

SHERIFF MENDOZA: Thank you.

COMMISSIONER GARCIA: As an elected official countywide not just in districts. I totally respect that. And one of the things that you brought up of some things that I guess I didn't really realize and maybe we should talk about legislation throughout the session in the upcoming months and whether it should or shouldn't work. This is a trial like you said. Some of the things that is also issues, whenever a City police officer pulls somebody over and gives them a DWI, there's a little statute that Manager Miller has brought forward, they actually go over to magistrate court. So maybe we should start working that little statute that they go to municipal court instead of coming to magistrate court and that would probably ease some of the court documents.

Once again I know there's a statewide initiative that we should be working on but I think this is great. Talking with Chief Judge Marlow and the AOC, Office of the Administrative Courts and they're all – it's like thinking outside of the box and I think that this is great. And it's kind of like Albuquerque, the City of Albuquerque, what do they have, their off duty officers can go and work for a private firm – I don't know how that works. That's actually a great idea. How they do that I don't know. .

One of the things that I think is very interesting is as an elected official for the Sheriff's Office it has the most institutional knowledge probably in that department as well as your Undersheriff and everybody else works for you is I don't think we should be micromanaging your department in actually telling you what to do and when to put a deputy in. In reality if you want to put 10 deputies up the street right here you can make that call and do it. I just think – to me it seems that we're possibly maybe getting into micromanaging your department and I don't think the County Commission should

actually, that's just my opinion, that we shouldn't actually get into how you run your department. You're the elected official. You have the most experience in that position. So those are just the comments that I have.

CHAIR HAMILTON: Thank you. I recognize and appreciate you're trying to do something good but there are all kinds of questions I have about this and some of them were just raised red flags from all the management I do in a completely different circumstance. So I'm going to ask the first question is why is moving – which sounds like a good idea – moving your district civil department to the district building which is a County building contingent on providing free services to them?

SHERIFF MENDOZA: It isn't.

CHAIR HAMILTON: Okay, so we can make that decision – so you can make that decision independently.

SHERIFF MENDOZA: Right. So we could move our civil division down to the district courthouse.

CHAIR HAMILTON: Well, I suggest that if that's a good decision that we do that because it's a County building and we should do that.

SHERIFF MENDOZA: Now I'm not very clear of who gives the authorization for use of rooms or not and when I went to the district courthouse I was advised that there were two rooms there that were under the purview of district court and if we wanted to use them there would have to be an MOU in place and that's how this came up. And when that happened I was like okay, fine. That was not contingent. There's not a contingency here. I'm not providing the services and securities at magistrate court for the rooms.

CHAIR HAMILTON: Well, I am sure glad to hear that because I would hate –

SHERIFF MENDOZA: But I will be honest with you and I'm sorry to interrupt you Madam Chair, the request was made that we try and provide some security and public safety at magistrate court at the same time that we were trying to move our division down there. And it made sense to me. It really did. I think there's a misconception that we're giving them something and we're giving them something.

CHAIR HAMILTON: Okay, well, I hope that's a misconception. I think moving down there is a really good idea. We have been trying to do things all around the county and I agree that you should be running the department but for what it's worth category, I think that's a great decision because it sounds like good public service to do that sort of thing. But if we are already down there I mean the argument that deputies are down there four to five hours a day anyway sounds like – at times I have been put in that position in, Well, you're already in there running the lab you could also manage this aspect of the project and end up doing two jobs. Because either the sheriffs are already providing that kind of just as an incidental and nothing needs to change or you're asking them to do two jobs. Not you but effectively indirectly it's like they're there with a particular responsibility transporting, etc. etc. If the job needs to be done it needs to be one job or we're already kind of doing it and the situation is doesn't really need to be changed. I need you to explain to me why it needs to be changed because I actually do not think that taking another unfunded mandate from the state and setting a precedent for us to do it in perpetuity like if we put this under we're not setting a precedent here. We

actually, that's just my opinion, that we shouldn't actually get into how you run your department. You're the elected official. You have the most experience in that position. So those are just the comments that I have.

CHAIR HAMILTON: Thank you. I recognize and appreciate you're trying to do something good but there are all kinds of questions I have about this and some of them were just raised red flags from all the management I do in a completely different circumstance. So I'm going to ask the first question is why is moving – which sounds like a good idea – moving your district civil department to the district building which is a County building contingent on providing free services to them?

SHERIFF MENDOZA: It isn't.

CHAIR HAMILTON: Okay, so we can make that decision – so you can make that decision independently.

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will do this maybe until June, maybe I could live with that. But this otherwise raises a lot of concerns for me.

SHERIFF MENDOZA: Madam Chair, I understand your concern and I think, the MOU expires in 2020, I think at that point if we come back and we negotiate if it's going to be expanded. I don't think we're setting any precedent. We're going to provide what's in the MOU and after that we'll decide whether we continue with it or whether or not we stop or expand it or ask for compensation, I think those discussions can happen if we want to further discuss if we're going to stay there or not.

CHAIR HAMILTON: Well, we have to stay in the – oh, you mean in magistrate court.

SHERIFF MENDOZA: In magistrate court, okay. And so, like I said, this was a compromise based on the request of the Chief Judge and her concerns for safety at the magistrate court. I thought it was a good compromise besides getting into a compensation issue. Getting into an MOU or a contract for full time deputies being paid by the courts there. We've done that in the past. They've paid us overtime to be there and it was over taxing on our resources.

CHAIR HAMILTON: You just indicated something that I think is really important. That the judge has an existing concern for security. That tells me that the incidental presence of sheriffs when they're doing other jobs – transporting, bringing people in – isn't addressing that concern. So you need a body there dedicated to address that concern and that taxes our resources. So we can't have it both ways and I feel like if you have one person there three days a week and that's what we say we need then that cost real money. And so if we can do it for free we can do it for compensation and I really disagree it does set precedent because now we're providing free services.

When we had the gun confiscation thing what do you think the Board brought up to the state, us brought up to the state? It's an unfunded mandate to the sheriff's department. We could have argued that you don't know how many you're going to get and you've got space and all you've got to do is take them and hold them, it doesn't really cost any money. That's a BS argument. It doesn't stand up because you would be putting in real effort. I think this is an unfunded mandate. It requires somebody to do the job. If the job weren't needed the judge wouldn't have existing concerns.

SHERIFF MENDOZA: Madam Chair, I agree but I think with my experience and what we're doing at the courthouse, I don't think it's going to be – I mean, I understand the cost but I wouldn't be making this decision if I thought it was going to be hurting public safety in other parts of the County – if it was going to be doing anything like that.

CHAIR HAMILTON: Well that I completely – I really trust your judgment about that. About your concern and your considering the public safety in the whole county not just at court. But I can't – I'm not good at a lot of things but I am really good numbers and a person is a person is a person and if they're at court and we had fined that person and then we can fine them for the funding that they would be able to provide us. Manager Miller and then Commissioner Hansen.

MS. MILLER: Madam Chair, by bringing this forward and in no way was I trying to suggest that the Board should micromanage and tell the Sheriff how to manage his staff. My concern is what you're getting at because what is the Board's responsibility

is the budget and the cost. And the thing in the agreement if you look at the first paragraph, the purpose, and what I would maybe suggest so that we can move forward is that it is only through June. The Sheriff isn't asking for any additional resources. He's going to try and do this with the resources he has at district court. But in the purpose on the agreement it states that, "court security personnel assigned from the Sheriff's Office to provide adequate security for the employees, judges, public between the hours of 8 and 5 p.m. starting at three days a week with a goal of getting a court security Sheriff Deputy permanently assigned to magistrate court five days a week."

CHAIR HAMILTON: That's a permanent person, right?

MS. MILLER: Yeah, because that's one FTE deputy and that cost us probably between \$60 to \$70,000 a year, maybe more. I'd have to look at specifically court security, so it is a cost. So what I would say is consider approving this agreement but that we would strike that starting at "with a goal of getting a court security Sheriff Deputy permanently assigned to magistrate court five days a week" because it implies that we're going to get you somebody full time and it's not going to cost you anything and I don't think that – that's what would really set the precedent. I don't think that the Sheriff seeing what they can do, seeing how this works with staff but if we were to do that and we had to come back for an agreement next year and he is in a position to provide somebody five days a week they should compensate us for that.

CHAIR HAMILTON: Right.

MS. MILLER: And they should compensate us and we should give him an additional position to do that.

CHAIR HAMILTON: Right.

MS. MILLER: So that it isn't taking a position from district court and it's not taking somebody off the street. And that's kind of where I was headed with it. That if it is something that is going to be expected from the Sheriff's office that the state should pay for it and they should pay us what it costs us to hire a court security person.

CHAIR HAMILTON: Well, I'd be comfortable with that. Commissioner Hansen.

COMMISSIONER HANSEN: I would also be comfortable with that because I do feel that there is a lot of unfunded mandates that the state requires on us and then us providing this unfunded mandate sort of speak is what we're doing at the court. And then when we have Doña Ana who is paying for this and you mentioned one other county that is paying.

MS. MILLER: That's the only one and it's the state AOC that is paying for this. It's the state paying the county. But Bernalillo is the only one that is actually providing dedicated court security and they are being compensated at what it cost them.

COMMISSIONER HANSEN: All right, so you know, I think as a policymaker in the regards of budget and that is what I am concerned about. Also in making sure that you have adequate funds. When we first got elected we raised the gross receipts tax to make sure that you had more deputies because we recognized that that was really a problem and that you were definitely understaffed and that was something that was important to us that you had that staff. And so this is another funding that maybe AOC could come up with the money and I'm willing to try this for the next six months and remove that line starting at "three days a week with a goal of getting a court security

deputy permanently assigned to five days a week” like if we struck that one section, I think we should try this and see what happens and see how it works with you.

COMMISSIONER GARCIA: Madam Chair, I’d like to make to motion that we approve the Memorandum of Understanding between Santa Fe County’s Sheriff’s Office and the 1st Judicial District Court regarding court security at the Santa Fe Magistrate Court and in the beginning of the purpose as Manager Miller said, because this is a trial basis, to ensure that the Santa Fe Magistrate Court located at 2056 Galisteo Street, Santa Fe, New Mexico has the proper court security personnel assigned to the Santa Fe Sheriff’s Office to provide adequate security for the employees, judges and public between the hours 8 and 5 three days a week in accordance with the Sheriff’s recommendation.

COMMISSIONER ROYBAL: I’ll second.

CHAIR HAMILTON: Further discussion? Motion and a second; all in favor.

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

CHAIR HAMILTON: Thank you so much for coming and spending all the time and giving us all the information. We really appreciate your presence. Thank you.

SHERIFF MENDOZA: Thank you.

7. B. Miscellaneous Updates

COMMISSIONER HANSEN: There is somebody here to make public comment.

CHAIR HAMILTON: Am I allowed to reopen that?

MS. MILLER: Yeah.

CHAIR HAMILTON: Okay, if we can get them, I’ll reopen public comment.

MS. MILLER: While they’re getting them I can give an update.

CHAIR HAMILTON: Do you know where they are? Thank you.

COMMISSIONER HANSEN: Talk to Tina.

C. The Second Session of the 54th Legislature Updates

MS. MILLER: Madam Chair, while they are trying to locate that individual, I was going to just let you know that it looks like from a legislative update now it looks like what we can do with our legislators that I think might work the best is on January 27th to host a reception not a sit down dinner but a reception at the Inn of Loretto. It will be easy for legislators to slip over right after committee or floor.

CHAIR HAMILTON: You probably said 5:00, 5:30 – did you say in the evening?

MS. MILLER: I think Tessa Jo was working on the hours but we were doing was just getting quotes and seeing what would work. We got a good price at the

Inn of Loretto so that's what we were going to propose and nail down the times and everything and do an invitation and do a save the date if that works for all of you.

COMMISSIONER GARCIA: That's fine with me, Madam Chair.

CHAIR HAMILTON: Anybody else?

COMMISSIONER HANSEN: I think that's fine.

MS. MILLER: And that was a Monday the following of the opening of the session. We thought Thursday everybody would be going home and Friday the same reason and anything earlier in the previous week would have conflicted with the opening and a lot of the other events. And we haven't heard that there's anything major that is going to conflict with that.

5. MATTERS OF PUBLIC CONCERN (cont.)

CHAIR HAMILTON: Is there anybody here who would like to address the Board?

KATHERINE CLARK: Yes, me.

CHAIR HAMILTON: And could you state your name for the record.

MS. CLARK: Sure, Katherine Clark. I'm in Anna Hansen's district. I served on the Animal Control Advisory Board which last met in 2018 and I know there have been some discussions to bring it back up. And this is just to urge you that I would like to reconvene the committee and talk about some of the issues that have come up. I think dog aggression there is some new research and ideas and different municipalities are doing different kinds of policies on how to deal with these issues so I think I would urge the Commission to reconsider bringing the committee back up and also if you don't like the recommendations we made sending them back to the committee so that we can work on them.

CHAIR HAMILTON: Thank you.

MS. CLARK: It is a friendly request.

COMMISSIONER MORENO: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Moreno.

COMMISSIONER MORENO: I went to the Sheriff's Office and we had a meeting on dog issues and I'm happy to report the Sheriff's Office has been doing some good diligent work on this issue. We have data. We have a lot of good ideas and the team is including the dog catcher and all of that –

MS. CLARK: Animal control, yeah.

COMMISSIONER MORENO: -- were there and I came out with a good feeling about the process that is going to be unfolding. And that was part of our education, mine and my liaison, and I look forward to getting things some things done in a positive way.

MS. CLARK: Yes, there have been some scary incidents. I have just been reading some of the Facebook discussions and there have been some incidents that I think if we have a very clear process would maybe not have escalated to the point that they did.

COMMISSIONER MORENO: Yes, and the ordinance that emerges that will be a good thing.

CHAIR HAMILTON: We can have Board discussion but this is public comment. Is there anybody else here from the public to address the Board? Is that everything?

MS. CLARK: That was it.

CHAIR HAMILTON: Thank you very much for coming. So if that's everything, I am going to close public comment and other comments can be made during Matters from the Commissioners.

So we're going back to matters from the County Manager. Did you finish that?

Commissioner Moreno: I did. Penny is here to talk about solar panel installation.

7. D. Discussion Concerning Solar Panel Installation Permit Requirements and Issues [Exhibit 1: PV Solar Checklist]

CHAIR HAMILTON: Thank you.

PENNY ELLIS-GREEN (Growth Management Director): Thank you Madam Chair, Commissioners. So I've brought along our solar panel checklist and I will run through that very briefly as to what we require. It's an expedited permit for the County. There are two application forms and the first one is the County one and the second is the State one because the state will issue a building permit for a solar panel. With the checklist really we get name and contact information. We usually assist the property owner with filling out the property information. We also ask on this list under provide a warranty deed that shows you own the property. We should not issue a permit on any piece of property that somebody doesn't own. We also get a survey plat to look at as to whether or not the lot is a legal lot of record, meaning was it legally created. We also use the survey check plat to check for easements; are you building on your property and are you building on an easement. We do want to know that. We wouldn't want someone to be building a solar array on a utility easement or on an access easement, for example. We check that taxes have been paid. That is standard with all of our permitting. We also check that your address is correct, your rural address for 911 purposes. Since we're all together here now in the Growth Management Department that's something we can do when you come in.

The one thing that we ask applicants to bring is a site plan. You can hand draw that on your survey plat. It does not have to be done by an engineer. It does not have to be done by an architect. You can handle that yourself. We want to see where buildings are. We do want to see where a septic tank or a leach field is simply so that you're not installing the solar array on top of your leach field or your septic system. Some people actually don't know where there septic system is. It is worth their while finding out that it is in this general area. Again, it doesn't have to be to scale, your site plan. If we know that your house is in the middle of the property, your septic system is to the east and you're putting the solar right to the west, that's really all we need to know.

CHAIR HAMILTON: Can you go back to the approved emergency 911 address form.

MS. ELLIS-GREEN: Yes, you're stating this is the rural address. We want to make sure that you are using your correct rural address.

CHAIR HAMILTON: Okay, who has that?

MS. ELLIS-GREEN: We do. So you give us your address and we just certify it. It used to be that GIS was in a different area of the building. Now that we're all together it is just a form that you fill out. Your name, the property address and we're just verifying that that is the correct address for your property. And that is correct in our 911 database. It's just a cross check for 911 purposes.

CHAIR HAMILTON: Can we do questions as we go along?

MS. ELLIS-GREEN: However you would like to.

COMMISSIONER ROYBAL: I understand your thought process as far as making sure that they're not going to install PV systems on top of leach fields and septic tanks but can we have a box where if they said this is going to be roof mounted then they don't have to go through that process. Because it is even though it's worthwhile to find out where your septic tank is especially if you bought the property and it was already there, we probably wouldn't need to know that if it was going to be mounted on the roof of the house; is that correct?

MS. ELLIS-GREEN: Madam Chair, Commissioner Roybal, yes. I mean, what we're really looking at is what is out there on your property right now. And if it's roof mounted it wouldn't be nearly as much of a concern for us. In general, most people tend to bring in a site plan, especially if they are hand drawn, and they just tell us the approximate location of the septic system so we know whereabouts it is on the property.

If there was an issue and they didn't know and it was roof mounted, I don't think it would hold up a permit and we wouldn't say no we won't accept it. In general it's just general to write down on your site plan everything that is actually on your property. Some of the others is your well, fire turnaround, we have –

CHAIR HAMILTON: What does that mean?

MS. ELLIS-GREEN: -- some properties with very long driveways and if your driveway is long the Fire Department likes to see an area that they can turn around or –

CHAIR HAMILTON: So why do we need that for a solar. We do this for every single permit; is that it?

MS. ELLIS-GREEN: We ask for this for every permit so again you don't put your solar panels on top of that turnaround and block a turnaround.

CHAIR HAMILTON: And if a person doesn't have a turnaround they're going to have to put it in before they get the solar permit.

MS. ELLIS-GREEN: Madam Chair, no. They are just showing us if they have that on the property. So it's really just a sketch of what you have on your property. People can do that – they will do that here. We will pull up an aerial for them. They can do it at home before they come in. Most of the time a solar permit comes in through a solar company and so they've done that already. And they have those site plans.

COMMISSIONER ROYBAL: I think that, Madam Chair, was there –

CHAIR HAMILTON: I assume there's more so why don't we go through it and then we can get the whole discussion.

MS. ELLIS-GREEN: The only other two things we need is a vicinity map showing us whereabouts you are in the County and directions to get there and your manufacturer's specs and those are provided by the solar company.

And just to give you a little bit of background, for individual residences these are considered accessory uses to a house. They are allowed anywhere in the County. They do need to meet the height restriction of the zoning district or the height of the zoning district but they can exceed three feet from the zoning district. So if you bought a roof mounted solar array and your house is 24 foot and 24 foot is the height of the zoning district, it can still go up 3 foot from that.

So we do allow them anywhere in the County. We do expedite these permits. They do not go to the Fire Department for a full review. The Fire do want to know where about the electric shutoff is in case there is a fire.

And I just wanted to give you some statistics. In 2019, so far we've issued 245 of these permits. About 10 percent of those had some issues with those. Half of those with issues was they constructed the solar panels without a permit. So they came in. We got called, code enforcement went out, told them they needed to get a permit. They came in and got a permit as an after the fact permit because they had already constructed. The other half is where you're constructing and you've got unpermitted structures on your property, junk vehicles, litter, something like that on your property. We wouldn't want someone putting a roof mounted solar array on top of an unpermitted guesthouse because as you're going through the process you don't actually get that guest house permitted then that is an issue and we wouldn't want you to install something that you then have to take down.

CHAIR HAMILTON: Let me ask you a question. Suppose it's an unpermitted structure of the previous owner. At one point if somebody bought a property do things get grandfathered in?

MS. ELLIS-GREEN: Grandfathered in is that it's been there prior to the code coming into effect which was 1981. I understand, for example, if I had sold a piece of property to you and I had constructed a house without a permit, when you came in then to get maybe an addition to that house, that becomes an issue because that is an unpermitted structure. We have had that numerous times to try to assist with that we are working, for example, the realtors who are doing a local Santa Fe and Santa Fe County certification and we have gone to groups and actually done trainings prior to selling a piece of property we can tell you whether or not structures are permitted or not permitted and the current owner could solve that issue rather than put it onto a new owner. But it is an issue if somebody buys a piece of property that either the lot isn't legal or structures on there are not legal. And we do require permits for those to make those legal structures.

Unfortunately, we've also had people that have installed second dwelling units over the years and a buyer really only was looking for a piece of property that had a second dwelling unit because they were bringing family members to live there and it is definitely an issue.

CHAIR HAMILTON: So at what point does it become – that's great for moving forward your working with people. But what about somebody who has owned a property for 30 years or 10 years and now they go to put solar on it and you decide it wasn't permitted in the first place, do they have – is there a process?

MS. ELLIS-GREEN: Yes, they have a process that they can come through and they can permit those structures. The SLDC actually allows every single property

unless you're in a major subdivision to get an accessory dwelling unit. So we have an avenue now for people to be able to permit a small guest house if one was constructed illegally on that property. Other than that, a lot of times it is a brand new accessory structures, carports, garages, barns things like that, and , yes, there's a way you can permit that. You would go through that permit process at the same time that you're requesting whatever other permit you're in here for.

COMMISSIONER ROYBAL: So if somebody does need to get – you find an accessory dwelling or a garage or whatever on the property and you say, you have to come back in and get a permit. Is that why we have this site visit so that we can go in and inspect the potential applicant's place to make sure that they have everything, all the permits necessary for what they have on their property?

MS. ELLIS-GREEN: We do the site visit, it's usually a code enforcement officer that does all site visits for every single permit we issue. They are looking for possible slope on the property, areas that are no build to make sure that you may not see that on the site plan. They're looking for whether or not there are any violations on the property. They are really just looking at what is there on the property. And they're looking at access to get out there as well. For something like a brand new house or a permit like that.

CHAIR HAMILTON: Yes, but this is for solar panels.

MS. ELLIS-GREEN: Yeah, so they look to see whether or not – sometimes there is roadways that are not shown as an easement and the solar panels are going to be right next to a roadway. We've definitely had that as an issue where we're got solar panels were installed and people who were driving that road said this is virtually on the road and we had people call in and they actually needed to move the solar panels back 10 foot. It's usually better to know that before you've installed.

COMMISSIONER ROYBAL: Won't those easements show up on the survey that you require for them to turn in?

MS. ELLIS-GREEN: Some do but older pieces of properties some do not. Some older pieces of property don't show easements. You can have an easement that is done through an easement agreement not a survey plat. So what we're doing is we're looking to make sure that you're putting it in the right location and that you don't have violations on your property.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Penny, for coming and talking about this. As you might have known or have heard, Sara and I worked on the SolSmart application and I believe that Santa Fe County has been recognized as a bronze SolSmart designee; although, they keep referring to us as that but they haven't sent – they said they were sending us official paperwork but I'm waiting to see it. But what I wanted to ask is I got an email and I'm wondering if it got forwarded to you that on December 17th there's a solar APP permitting webinar and if you didn't get that information I'd like to be able to send it to you so that somebody in from your office could look into it. But it is from SolSmart.

CHAIR HAMILTON: Is that for the state?

COMMISSIONER HANSEN: It's federal.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hansen, yes, we do have that information and we do have several people attending that webinar.

COMMISSIONER HANSEN: Okay, great. I'm going to try and look in also. That's the only question I had on that. I have other questions but –

CHAIR HAMILTON: Were you finished or do you have more?

MS. ELLIS-GREEN: Yes.

CHAIR HAMILTON: Okay, so Commissioner Roybal and then we can go back.

COMMISSIONER ROYBAL: Can you tell me what is the cost for your typical permit? Does it go up for different sizes?

MS. ELLIS-GREEN: I will have Vicki find out how much a solar permit is. I didn't find that information out.

COMMISSIONER ROYBAL: And do we know what the time period is, more or less, for to get a permit? The reason that I am asking is that I looked into Rio Arriba and you can get permitted the same day that you go in for a permit for solar.

MS. ELLIS-GREEN: Because we do site visits it's not usually the same day. However, we are uploading today some more up to date pictometry and aerial photographs. So certainly the ones that take a little longer are the ones in the southern part of the County because we usually only have someone go only about once a week for that. But the southern part of the County has less terrain issues and pictometry will with less vegetation be able to pick up what's on the property a lot easier. So we have – we're talking about the ability to look at pictometry as someone is coming in for a permit and being able to see if we can turn it around a lot faster without a site visit before we issue and maybe with a condition that says we're going to do a site visit but allowing them to get at least to CID a little bit faster. In the mountainous areas it is a little bit more difficult but they are closer and we have officers that go out each day for that.

COMMISSIONER ROYBAL: Okay, and then earlier you mentioned about illegal lot that somebody might have and they have a house on it. So we would probably assess taxes for that so we probably have the Assessor assessing taxes but those individuals unless we figure out a path forward for them to make that lot legal then they basically can't have a solar system, right?

MS. ELLIS-GREEN: Legal lot of records are difficult throughout the County and unfortunately we're still seeing people selling portions of their land through warranty deed and since 1981 you've had to do a plat in order to divide your land off. We have staff that do extensive searches in the Clerk's office to find old recorded deeds, plats to try and assist people with those boundaries. We can look at your lot being legal through exclusion meaning all the properties around you are legal. And there is another step that you can go in front of the Planning Commission to have your lot recognized if you can't prove legal lot of record. Unfortunately, since 1981 a lot of properties have been divided without survey plats.

So we do anything we can for any permit that comes in and we work with people before they even got permits to come in to try and help them prove that they have a legal lot.

COMMISSIONER ROYBAL: See in a situation like that where somebody decides to buy 500 square feet or 1,000 square feet from their neighbor and

they did it with a warranty deed and you know they want to use that to put a photo voltaic system, I mean why would the County deny that? If they wanted to put solar only and there's nothing else on that property.

MS. ELLIS-GREEN: Well in order to do that if you're buying just 500 square foot –

COMMISSIONER ROYBAL: I was just using that as an example.

MS. ELLIS-GREEN: Well, you've got a warranty deed for a small piece of property and that wouldn't meet our density requirements as a separate lot and so a lot line adjustment can be done and in addition to that if you don't have a lot of land and maybe you've got a family member who said maybe you can come on to a portion of our land, you can do that through an easement agreement and we would probably recommend that someone get an easement from their neighbor in order to do that. So there are other ways that we can assist people to do that.

COMMISSIONER ROYBAL: I guess my concern is that if I came in to get a photo voltaic system and I hit all these barriers I would just probably give up and not want to do it. So I think for us to really promote renewable energy I think that there are some areas that we need to look at to see if we can make it a little easier for people to get it accomplished.

That is just my concern because I feel that if somebody reads the checklist and sees that there's going to be a site visit and what happens if I have this shed or garage that has been here for some time and I don't know if it was permitted or not or I've been told that it is. They might just try and put the system in illegally anyways and then we're still not trying to fix the process to align and to have a legal system and do it the proper way is my concern.

MS. ELLIS-GREEN: I guess I would say that there have been 245 of these permits this year. I think people are coming in for permits. Some of those we got called from neighbors that we didn't see a permit posted and they're putting in solar and so when that happens we tend to get calls when people are not seeing permits posted. Whether it is for solar, a house, an accessory structure we tend to get code enforcement calls. So I don't know that we've had any permits that came in and they couldn't resolve their issues. It may take them a little time to resolve their issues but I don't know that we've had any. None have come to my attention that we walked away and we didn't install solar because we had some issues.

COMMISSIONER ROYBAL: I've had calls from a few people that say they feel it is an invasion of my privacy. All I want is to put solar panels on and so they feel that way. But I feel that that is something – because I have had a couple of constituents with that issue that have called and I don't know how many more might be out there. So I'd like to at least kind of get a presentation and some kind of research on some of our surrounding counties and what they do for this type of system just so we get an idea of what they're doing. And I'd also like to see if we could get numbers of how many systems that they're getting permits for.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: So when I put my solar system on my house in the city, the solar provider did everything. I don't remember giving them a copy

of my warranty deed. I don't know how the city does it but that was 10 years ago. I would be interested to see, along with Commissioner Roybal, how the City does it. But I do recognize that the County is different and we have a much different demographic – that we're in a more rural area, it's not as dense. I think that – I'm hoping and that's part of the reason I asked about the webinar the SolSmart is providing was possibly as a help to see if there were things that we could do to make it easier. Maybe they have certain ideas about how counties and cities differ.

COMMISSIONER ROYBAL: Madam Chair, one other question I wanted to ask. CID does go out to do an inspection as well for solar systems; can we find out what they look for, Construction Industry. They have to get a permit from them as well so they'll make sure that it's structurally – that it has been anchored correctly, right?

MS. ELLIS-GREEN: I believe they go out at the end of the process to do a final inspection, yes.

COMMISSIONER ROYBAL: And did you ever get the cost?

MS. ELLIS-GREEN: Yes, sorry. It's \$100.

COMMISSIONER ROYBAL: Okay, that was it. Thank you, Madam Chair.

CHAIR HAMILTON: Okay, you gave some good examples of why you need permitting, right. The solar array in the road – and I have had calls about so-so put things in the road and now you can't see around the corner and we're having accidents. So there are reasons to do permitting. I made a few notes and I don't know because I know we're building up the system and we're supposedly going to this capability but there are few things here that in the old days, like yesterday – joking or maybe I'm not but I meant it as a joke – that people had to go and go find their plat and go separately to the Treasurer and prove they pay taxes and go separately to get things like rural addressing that those sorts of things but part of what we've talked about is that if there actually is an approved plat it is here in the County so if it were noted that it is part of the process that these are needed and we have them. Is that – am I making presumptions here or is that something that Land Use could do? You are not going to send the guy off to find the plat, is that true?

MS. ELLIS-GREEN: Most of the time, the solar companies make the applications and they already have the deed and the plat. The deed and the plat are available in the Clerk's office. If they don't and they need assistance we have ClerkTrack so we could look up your deed and plat. We also have mapping on our zoning map and some other mapping where we can look up the most recent deed and plat, book and page, and we find that.

CHAIR HAMILTON: So you do help because I can't imagine there wouldn't be some people coming in and doing the installations themselves or does that never happen.

COMMISSIONER ROYBAL: There is plug-in panels that are getting pretty popular now.

MS. ELLIS-GREEN: Most of the permits that we've had come through a solar company that are actually doing the install. Most of them have solar companies coming in to get the permits and most of the time we have this documentation. If they

don't we can help. We don't send people down for taxes, we check that they've paid the taxes.

CHAIR HAMILTON: Well, that's good to hear. That's kind of what I was driving at that there is – that we are providing the help because if you just look at the list, it looks very daunting.

MS. ELLIS-GREEN: Really the only thing that you're bringing is the site plan because the other things are available here in this building or you can write directions while you're sitting her to get a permit, if you're coming in yourself to get a permit. There's a number of things that we ask for but most of them are available here.

CHAIR HAMILTON: I mean, I don't mean to look skeptical. I haven't actually had anybody call me about a solar permit but I've had lots of people call me about, you know – I went to get a garage permit and – you know – it took weeks. It's just a desire to have the needed permitting so there are the needed protections without any more run around than is necessary.

COMMISSIONER ROYBAL: I think I'm done with questions but that was a good point. I think that is something else I want to look at in the next coming year is ways that we can identify situations where our constituents have had issues getting permits and figure out how we can streamline it and make the process even better.

CHAIR HAMILTON: Which for the record to me doesn't mean getting rid of permitting because the protections are needed but the assistance to the extent we can provide it and it's reasonable would be really useful.

Are there any other questions on this? Thank you so much for doing the research and bringing this.

COMMISSIONER ROYBAL: Thank you.

CHAIR HAMILTON: I think everybody here is really interested in this and the constituents are too.

7. E. Update Concerning Timeline for Development of Short-Term Rental Regulations

MS. ELLIS-GREEN: For short-term rentals we're sort of in our due diligence research stage. A number of things that we are looking at are of course to review our existing ordinances to see what would need to be changed in order to incorporate regulations for short-term rentals. We know that the SLDC would be a change that needs to happen but in addition to that, our 1992 business license ordinance to basically classify this as a business. That's been one of the ordinances that no one wants to tackle but we're going to do it now. It's very old and has very cumbersome language in it and it really it needs to be rewritten. So those are the two areas that we think at the moment that we think we're going to need to amend ordinances.

We are working with Lisa and Chris; they're coming forward a little later to talk to you about the Lodgers Tax Ordinance. We are looking at working with them to do a scope for an RFP to get some information. What types of short-term rentals are out there? Are they individuals renting single rooms in their houses? Are they individuals renting maybe an accessory dwelling unit on their property? Or are they people that are renting multiple properties, buying up properties and renting multiple properties and they

don't live here? How many units do owners have? Where are they located in the county? Do owners live on site or not live on site? All of those have different issues attached to them. For example, when an owner doesn't live on site, looking at what other jurisdictions have dealt with, you could have more of a community issue meaning you've got the house that is more of the party house and not part of your subdivision and not part of your community.

We are also researching what other jurisdictions have done. What their ordinances and their regulations relate to. We are different to some jurisdictions. For example, if you're in the City of Santa Fe – the County is different, because the City in general has paved roads, they have a water system, a sewer system, fire hydrants and we don't have that in the County. We still want to make sure that we cover those environmental and safety issues in the County.

We're also working with Legal to review if we amend the ordinances what would be the procedure to that. An example of that would be if you're amending the use table, there could be a concern that that is considered a rezoning. And a rezoning has a different procedure than just amending an ordinance. We're looking –

CHAIR HAMILTON: Quick question, in that, is that something that you guys are looking to figure out whether that becomes a bigger issue than just the ordinance change?

MS. ELLIS-GREEN: Madam Chair, that is correct. We would want to know if we were amending that section of the ordinance, the use table, whether that was considered a rezoning. Having done that process twice in the last four or five years, it is a lengthy process. It takes a lot of staff time to do and we also have contractors assist us to do that. It is an extensive process to do that. When we come back to you to tell you how we move forward, we'd want to be able to give you that information.

The kind of regulations that we're looking for are related to environmental and safety; your water supply, your septic system, your roads, fire protection and solid waste. An example, we had a complaint on one Airbnb that was running was permitted and had a septic system installed for a three-bedroom house, but was advertising sleeps 20. So if you sleep 20 for a weekend your septic system may be okay. If you sleep 20 all year round that septic system is going to have issue.

We want to make sure through getting data what are we really looking at. What are the size of these units and then looking at how we can regulate those. Once we've done that, we would come back and present this data, issues, options and what the procedure would be in order to amend. Hopefully, we'll be able to draft some language to be able to present you some options. Once we have got that direction, we would go forward with final drafting of the two ordinances of the code and the sections that need to be changed in the code and also the business license ordinance. We then have an adoption process that would include presenting a draft, a public review process, and a comment period and going in front of the Planning Commission for a public hearing and then to the Board here to have one or two public hearings. And then we have a whole implementation side. It's looking like there are hundreds of these in the County so we would want to prepare documentation to make it easy for people to – especially to individuals that are maybe renting one or two rooms in their house – so more like a fill-in the blank. So we can make sure we get the documents we need and we've made it easy

for people to make the submittal. We would also need to notify all of the businesses and we'd probably need an ongoing RFP to look at locations. If you go to Airbnb, it doesn't give you the location. It gives you a general area but not the specific address. So through an RFP we could look at locations and also look at assistance for enforcing any ordinances and finding out who is running a business so we can notify them the need to come in through our process. And then, of course, we've then got the processing of all of the applications.

So we're thinking that the first stage because we're doing an RFP that process is usually a three-month period to get a contract. So we're hoping that within the next six months we can come back to you to present that data, present options, present a procedure and get direction.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just want to put a scenario out there and the only reason why I bring it up is because my mom has some rental houses in the Pojoaque area and her renter actually has it on the Airbnb and we just discovered that recently, right. It says in the lease that she can't sublet but she still is. You see the image of – and I said, Wait a minutes, that's my Grandpa's house. A scenario like that, would we charge the landowner or would we charge the renter? Right now we're in the process of addressing that with the renter but let's say somebody has a lease and it doesn't address subletting which our lease does but they still did it. I don't know how we would proceed if the landowner that is renting the property agrees to let them rent out the extra room or two that they have how that would be taken care of.

MS. ELLIS-GREEN: Madam Chair, Commissioners, it depends on how we write the ordinance but in general you could allow that. But we wouldn't issue a permit unless the property owner gave the permission. So in that instance, you would have to have given the permission for someone to make application. Again, the reason why we want a warranty deed of the owner of the property is to find out if you're just renting, that means you need the owners authorization to be able to do improvements or run a business on the property.

COMMISSIONER ROYBAL: Okay.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I was under the impression and I could be wrong, but if you are on Airbnb you have to own the property. So if somebody is subletting and they are putting it on Airbnb they are in violation of Airbnb. I don't know that. I use it or anything like that but that is what I have been told. That's something that we might need to find out. I also wanted to thank you for doing this. I know this is a very complicated situation and it is not like another situation that is not like the City. The City has streets and sewers and they're on water where we have many rural homes. And I do feel that we are losing money by not being able to have regulations for this. So I am grateful that you are moving forward with this and I know it is a complicated process but I really appreciate the work that you're doing. So thank you.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, I was just going to ask who is going to do all this work? I wasn't here whenever you said you guys are going out for an RFP that's going to take actually 90 days to get approved. Let me say one other

comment, I get it. I understand the whole thing with the taxes, regarding whether you have to go through zoning or not, if you do through zoning and “I want an Airbnb” that goes up in an arroyo in the middle of nowhere and do we have to upgrade that road just to get an Airbnb. I understand the whole 20 people on a weekend – it’s going to be very challenging for us to figure out how we get there. There are people who want an Airbnb in the middle of nowhere, right.

MS. ELLIS-GREEN: Madam Chair, Commissioners, there is a call for it. It’s something that we have seen expand over the last few years. I don’t think that we’re approaching it by saying nobody can do this and that’s why we’re looking at possibly some options. It may be a different procedure if you’re just renting a room in your house compared to if you’re not living on the property and you’re renting a whole property. And, yes, it can be in really rural areas which is why we would want to make sure if we issue a business license for someone who is renting out their house on Airbnb we want to make sure it’s safe.

COMMISSIONER GARCIA: I know someone who just got a caution letter stating that the next case is going to be putting fire suppressions in every one of those homes – hydrants, hydrant storage tanks – it could go on and on and then we would have no Airbnbs that are legal cause they’ll say, I’m just going to do it anyway.

I guess what I’m trying to say is that I understand we have to move the process but let’s not make it so complicated.

MS. ELLIS-GREEN: Madam Chair, Commissioners, we would hope to give you options for different scales of business in different areas and we will work with the Fire Marshall as well.

COMMISSIONER GARCIA: Thank you.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: If we are finished with this, I just had a few questions I wanted to ask Penny.

CHAIR HAMILTON: About something that is on agenda?

COMMISSIONER HANSEN: No.

CHAIR HAMILTON: Let’s wait until we have matters from the Commissioners.

COMMISSIONER HANSEN: Okay, so can I request that Penny stay around so that I can ask?

CHAIR HAMILTON: Is this a question having to do with the monthly reports?

COMMISSIONER HANSEN: No, there are no monthly reports. But I have a Comment from the Commissioners which is next.

CHAIR HAMILTON: Okay, give me a chance. My screen went blank again. Manager Miller, do you have anything because technically we didn’t do miscellaneous things.

MS. MILLER: I don’t have any additional updates. I would like to note that the Treasurer came to inform you about some property tax issues and legislation so he is here for that.

CHAIR HAMILTON: Commissioner Hansen, if you don’t mind, I am going to go to other elected officials next and recognize the Treasurer.

9. MATTERS FROM OTHER ELECTED OFFICIALS

PATRICK VARELA (County Treasurer): Good afternoon. I was requested to come up here and give you an update on House Bill 407 and how it's kind of evolved so far. If you remember during the Board of Finance I informed you all that that was a big factor that has impacted us. Fortunately, the way that it was taxing districts, a lot of people are still paying their taxes, as you can see downstairs they are coming in today to pay them. To date we've already collected around \$45.5 million in property taxes. We're pretty much where we were last year and \$103,000 in interest so far. So it hasn't really impacted us. It impacted six taxing districts. This is the bill. This is the actual bill and as you can see where it is red marked, that's where it was infused – where the property taxes are. You have to read all of this to find out where it was in the bill. And if you guys remember, this year I had pneumonia so I didn't get to see this until it was already passed so it was kind of moot but what it did was it shifted a due date a whole month so I had to make it clear cause that's for the whole county so the actual due date is today and becomes delinquent January 11th.

But people don't look at their bills. I was in Eldorado personally yesterday and a lady came to me and she's like, Is this true; is this bill due on the 11th? And I was like well, yeah, and I explained the bill to her. She stood there for about two minutes and goes, If I hold it I'll use it for Christmas so I'll pay it now. So they're paying them but where it really impacted was the north. And because of that a lot of them didn't receive their bills until last Thursday. I told all of you guys last time that I was anticipating to send them out as soon as we got the go-ahead. Well, the Taos Clerk forgot to put it on the referendum so we had to get an okay from the Secretary of State and then DFA and I believe it went down the line, I believe, Madam Chair, you received a letter saying okay, we can go ahead with the scenario. There was two scenarios so they went ahead and let it go so we didn't get the tax bills out till last Thursday for that area. And we were in Abedon Lopez which is in Española last Tuesday and we had several people who went in there and said they hadn't received my bill but since I'm here can I pay it. And we already had it on the screen so we collected them there. And then of course I got some people from Rio Arriba County because I sent a little cards to all the people it was going to impact saying that this is the House Bill and you're not going to receive them because of this. And they come to me and they're like, Look, how come Española can do this – And I don't know what to tell you. I talked to actually the people of Rio Arriba and they said we didn't really have the money. And I kind of told them that they have to appropriate some kind of money if that happens because that impedes the operation. Because there's actually a statute that says you have to have something out there for them to see. So they kind of said, Next year if it happens again they have it. But we're getting people who are not even familiar with what's going on because this never happened before. It really hasn't impacted too much. We are – in fact, we're on the phone with a lot of people from the north today wondering why Northern New Mexico College was on theirs when it is not there and I was explaining to them how the school districts work and that's what impacted the three counties.

That's all I have to say right now. We do have an auction going on tomorrow and

there's not very many on there. I believe there's about 40. I yield for any comments, questions, concerns.

CHAIR HAMILTON: Anybody have questions?

COMMISSIONER HANSEN: I paid my taxes today.

TREASURER VARELA: Thank you. The escrow companies and even though they say it's a free service, they bank with everybody's money so the last that they can release it they're going to release it at the last minute. So we're getting some escrow payments now and I anticipate we'll get some towards the end of the month.

So I had Brian run this today and that's exactly what we got as of yesterday, \$45 million.

CHAIR HAMILTON: Thank you so much for coming. We really appreciate the update.

TREASURER VARLEA: Any other questions? An economic update or anything? I do have a nice little thing, our yield curve is going up so that's actually – I came with a plethora of information.

COMMISSIONER GARCIA: I just had a question. Can individuals pay their taxes on line?

TREASURER VARELA: I don't know. I hate to tell you that but we've been having a lot of trouble with the new website. We had trouble with the chip process. I think you can pay them but you can't receive your bill still.

COMMISSIONER GARCIA: So are we working on that?

TREASURER VARELA: Yeah. I get on them all the time about it because it's a service that was actually a benefit for the County because we get title companies that can actually go on there and look at it and now they're having to call the office. And we have to get people off of what they're doing to serve them as well. It was a big benefit not only for my office but for the County in general.

CHAIR HAMILTON: Thank you. So now we're going on to other elected officials.

CLERK SALAZAR: With all due respect, Treasurer Varela, Abedon Lopez is in Santa Fe County.

TREASURER VARELA: Right but a lot of people because it's in Rio Arriba will say, Can I pay my tax bill.

CLERK SALAZAR: Rio Arriba there are times that they want to share a polling place but by law they can't. But that's in Santa Fe County.

TREASURER VARELA: We do the same at Bennie Chavez. We get some people, stragglers that want to pay their taxes from Rio Arriba –

CLERK SALAZAR: Yes, that happens with elections also. Thank you. The majority of that is election law.

TREASURER VARELA: Yeah, she's right. She's absolutely right about this much is election law and supposedly they spent 1,000 hours talking to everybody but they didn't talk to everybody because if it would have went and nobody would have seen it, it would have cost the County a lot of money because there was only three really ERP systems. Ours is CentralSquare or whatever it is called now and then there's Tyler and Triadic and they all had to jump on the programmers to program something for them to do to be able to do this.

CHAIR HAMILTON: Are there other matters from the County Clerk?

CLERK SALAZAR: No, oh, yes, yes, Chair Hamilton. We've been working on the 2020 primary election and general election for some time simultaneously while we did the regular local election. I want to again mention what I brought up earlier about public transportation within Santa Fe County to consider that to see what impact it would do to Santa Fe County but also to consider transportation to voter in Santa Fe County on Election Day transportation. The City of Santa Fe does that and I don't know what their costs are. It does help a lot of the people and a lot of the population that we manage the election for are in the City of Santa Fe. But that's also a consideration.

Do you have any questions of me regarding the elections? Thank you so much for all your help and support when it comes to elections and the County Clerk's office. Thank you.

CHAIR HAMILTON: Thank you.

8. MATTERS FROM COUNTY COMMISSIONERS

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

CHAIR HAMILTON: Does anyone have any matters? Commissioner Hansen.

COMMISSIONER HANSEN: I wanted to ask Penny a couple of questions. The first one is – I wanted to know about this pipeline that is being proposed by the City that supposedly there's an application, they are supposedly voting on it. If they wanted to build this pipeline in Santa Fe County would they have to get a permit from us?

MS. ELLIS-GREEN: Madam Chair, Commissioner Hansen, I'm not really sure which pipeline –

COMMISSIONER HANSEN: It's the reuse pipeline to go from the wastewater plant which is in my district to the Rio Grande. So it would – I know they would have to get BLM permits and Forest Service permits but would they have to get a permit from us also.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hansen, if it is going through private property, I would believe so.

COMMISSIONER HANSEN: I don't know where the line is, but I just had that question. And then also I have a question about, I saw this in the newspaper and I wondered if anybody else knew about this and if they had applied for a permit. It's Associated Asphalt and Materials and this is also in my district and so I was concerned. A constituent brought it forward to me, "notice of air quality permit application for Associated Asphalt," and so is that going to be coming in front of us or have they applied for anything or do you even know? I just saw this in the paper.

MS. ELLIS-GREEN: Madam Chair, Commissioner, we had Associated Asphalt came to a TAC meeting, our pre-application TAC meeting, where they've got one existing batch plant and they want to put two batch plants there. More than that, I'm not sure. But it looks like they will make an application. It may be either a permitted use

or a conditional use. A permitted use would be administrative. Conditional use would go to Planning Commission but there is the ability for the community or them to appeal a decision on to the Board. So if you have constituents that have concerns you're welcome to forward them to myself so there's no possibility of ex parte communication.

COMMISSIONER HANSEN: Thank you.

CHAIR HAMILTON: Rachel, did you – she had something.

MS. BROWN: On your topic the reuse pipeline, I just wanted to state that we would have to look at the line design to really address whether it would need to come to us. I didn't want anyone to be left with the impression that it would or would not come to us. We can't know that without having more detail.

COMMISSIONER HANSEN: Well, I don't have any detail and I don't think that they have any detail either. So, thank you.

Would this fall under the Hard Rock Mining Ordinance or is this not?

MS. ELLIS-GREEN: Madam Chair, Commissioners, that would not be hard rock mining. That's a plant where you have the material there and they're processing to make asphalt. They usually have crushes, a batch plant and it's in an industrial area, usually.

COMMISSIONER HANSEN: So is it a DCI?

MS. ELLIS-GREEN: No it is not a DCI.

COMMISSIONER HANSEN: Okay, I just wanted to ask you this in open session.

MS. ELLIS-GREEN: Madam Chair, Commissioner, if I could just clarify. From what I know they came to the TAC that's not a DCI. That may be for something completely separate if it is sand and gravel mining or if it is hard rock mining it would be a DCI. But what came to the TAC meeting was an expansion of an existing batch plant use.

COMMISSIONER HANSEN: Okay.

COMMISSIONER GARCIA: Madam Chair, that probably is that they actually have to get air quality and they have to go through the New Mexico Environment Department Air Quality Bureau. So that's probably just a publication in the paper letting everybody know that they've got permit through the state.

COMMISSIONER HANSEN: Thank you, Commissioner. I have a few other things.

CHAIR HAMILTON: Okay. Thank you, Penny.

COMMISSIONER HANSEN: Thank you, Penny, very much. I wanted to comment on the Animal Ordinance also. So thank you Rachel for sending us all the information about the animal ordinance and I do think it would be good to reform the committee and possibly bring forward some of the resolutions that they brought to us because they have never even – the resolution that I saw, has never been brought forward. It was one time mentioned at a County Commission meeting when Mr. Flores was still here but nothing ever came from it. So I think it would be good if we could circle back around to it and possibly re-form the Animal Ordinance Committee that we had before.

CHAIR HAMILTON: We can't do that completely. Manager Miller.

MS. MILLER: After Catherine Clark announced what specific area she thought – because she worked on the original committee and the original

recommendations and it was relative to vicious dogs. I think is what she was thinking that the committee could possibly do more work on. And as we discussed in the last Commission meeting that is an area that is controlled by state law. So I thought it might be beneficial to have a meeting with her and maybe one of the other members from the committee. I think you had someone who was a veterinarian.

CHAIR HAMILTON: Yeah, and she's fabulous and she now lives in Canada because her husband is in graduate school there. She would potentially be available by Skype or something but she's not physically here. She remained interested.

MS. MILLER: So anyway I was thinking of two people. The Sheriff and Rachel and Greg could get together and see if those things you were looking at or thinking of something that we can even do. I don't know if reforming the committee and they want to work on an area that we can't really change because it's a statutory issue benefits us to do. And if it turns out that they have some thoughts of additional things that could be worked on I also think it's really important that the Sheriff be involved and I don't think that this sheriff was obviously involved with this committee. And I want to make sure that he would be willing to do that. And after that meeting what I was thinking of coming back to was a suggestion of whether to either reform the committee or bring the recommended changes that the committee had.

CHAIR HAMILTON: I was going to ask about that actually because my recollection was that the one thing that kept coming up was something that largely outside of our control. I don't know if you're amenable to that kind of suggestion but I actually do think the vet that was on the committee was a good participant.

COMMISSIONER HANSEN: It just never really came back to us. I like your idea of circling back with the Sheriff because this was before the Sheriff was here and I think it is important to include him within the dialogue.

MS. MILLER: And he has, Madam Chair, Commissioner Hansen, expressed that desire. One of his challenges is do we go back over the whole thing again. But I think there were a lot of good recommendations that came out of the committee before and a lot of work that was already done and I don't know that much more could be done in the areas that people have concerns. So I thought maybe we should find that out first and then if it looks like there is additional work that could be done, then my recommendation and I would come back to you to recommend we form a committee and if it doesn't look like there's a whole lot additional that could be done in the areas that people have concerns that we at least bring back the recommendations that were made previously and we consider publishing title and general summary to amend the ordinance.

CHAIR HAMILTON: That sounds great.

COMMISSIONER HANSEN: I wanted to share with everybody that I know that when Commissioner Anaya was on the Board he was also concerned about Mid-Town Campus like I am, especially since I live about three or four blocks away from it. So I went to a very interesting presentation at Collective Works on Sunday that was presented by Allan Affeldt who also is the owner of the Legal Tender and it was just really interesting to see his presentation of what he had in mind for Mid-Town Campus and it was something that I thought was very positive and one of the most positive things that I have seen. A big master plan vision.

I also wanted to share with everybody that Los Luceros in the first time in a long

time had a farolito evening out there and it's the first time it has been open for that in a number of years – I think since the Richardson Administration – and it was incredibly beautiful to be able to walk along these historic paths and see this beautiful historic hacienda and you walk to the river. There was around 600 people who attended the event. It was really beautiful and I just wanted to share with everybody.

I also wanted to thank the Chair for a good year of running the meetings. I had it on my list of things to thank you during my Commissioner topic, so I am thanking you now. Thank you for running the meetings and your commitment to serve as chair.

CHAIR HAMILTON: Thank you very much.

COMMISSIONER HANSEN: And then I have one other question which has bugged me for a really long time. On our Boarddocs why do some documents come up Harry B, H-a-r-r-y B, or is that just on my laptop?

CHAIR HAMILTON: Somebody has hacked your computer maybe. I've never seen that.

COMMISSIONER HANSEN: If you open an attachment, like a resolution, they have this name – like this one right here.

CHAIR HAMILTON: I have never seen that.

COMMISSIONER HANSEN: Okay, so nobody else has seen it.

CHAIR HAMILTON: Get IT, get security – just kidding.

COMMISSIONER HANSEN: I'm just wondering why this happens.

[A discussion occurs regarding the Commissioner's BoardDoc]

COMMISSIONER HANSEN: Happy holidays to everyone out there.

CHAIR HAMILTON: Thank you. So other Commissioners, Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just want to reiterate and I know at the beginning of the meeting I did thank you for your leadership this year. You've done a great job as the chair and it was an honor to serve with you and with all of you this year. I look forward to next year moving forward in the same direction that you've already established. I think the County and all its employees have done a great job and I just want to echo Commissioner Hansen's to say Happy Holidays to everybody and have a blessed Christmas. I just want to reiterate to everybody that we take care of family members and that we before having a drink at certain occasions to make sure that we have a designated driver or use Lyft or whichever program that you need to. We just want to make sure that we keep everybody safe and bring everybody home safe for the New Year. I just once again want to reiterate to have a happy holiday and be safe. Thank you.

CHAIR HAMILTON: Thank you so much. Other Commissioners?

COMMISSIONER GARCIA: Yes, Madam Chair. I just want to echo the same thing the other two Commissioners said, everybody have a safe and happy holiday season.

CHAIR HAMILTON: Thank you. Yes, Commissioner Moreno.

COMMISSIONER MORENO: I want to thank you as Chair this previous year. It was fun sitting next to you.

CHAIR HAMILTON: Thank you so much. Yes, thanks everybody thanks for your comments. It is an honor to serve in this position and I was grateful for

the trust and the opportunity to do it. I hope I served well. All of you have the same capacity and have done so. I want to thank you for serving as deputy chair this past year. You were a real aide and I really enjoyed serving with you, Commissioner Roybal. And I do appreciate what you said about being safe, having a wonderful holiday but being safe. I know last time it was really uppermost on my mind having just come off a horrible wreck that was generated by a drunk driver. Please, please, please everybody celebrate but take the safe option for not driving.

I do want to mention that we had Coffee with the Commish a Saturday ago and we had over 60 people because there was a huge amount of interest in the water line project and the Cañoncito water project as well as a whole bunch of road projects and I want to thank Gary Giron for supporting us in that meeting and supplying people to support that. Staff that attended did a really good job and it was incredibly well received and hopefully it generates increasing interest and actually gets good feedback for the projects which Public Works is working on.

Other than that, I really just want to join all my other Commissioners in wishing everybody a happy holiday and to Santa Fe County staff as well and to all the Commissioners for a year of hard work and dedication and looking forward to moving forward with you next year.

B. Resolution No. 2019-154, a Resolution Supporting Federal Legislation to Designate Bandelier National Monument as a National Park and Preserve

CHAIR HAMILTON: Commissioner Roybal and Commissioner Hansen.

COMMISSIONER ROYBAL: Thank you, Madam Chair. Today we have a resolution that we're bringing forward that we're asking for Commissioners to support and to pass. First, I want to thank Senator Heinrich for his leadership in protecting Bandelier which is a National Monument at this point. We're changing it to be a National Preserve. So I just want to thank him for his leadership and this will ensure that this cultural treasure is protected and preserved for future generations. I can't reiterate enough how important it is and my thanks to Senator Heinrich for his support and leadership in that. And I want to also thank Commissioner Hansen for co-sponsoring this with me. I know it is important to her and I think it is important to the whole Board. Commissioner Hansen, did you have something?

COMMISSIONER HANSEN: Yes, thank you. When Senator Heinrich first started working on this over a year or two ago, when I think I was Chair, I wrote a letter in support of this to him and I think it's incredibly important to protect our federal lands and parks and New Mexico only has one other National Park and that is White Sands. [Commissioner Hansen corrected herself later that it is Carlsbad Caverns] So making Bandelier would make it the second National Park in New Mexico. I know we have a lot of federal lands but not national parks. So I think it is really important that we support him in his effort to move this forward and hopefully this will happen and it will be unanimous in the Congress.

COMMISSIONER ROYBAL: Madam Chair, I'll go ahead and make a motion to pass the resolution and I'll read the resolution for the record. Commissioner

Hansen did you want to read some of it as well or do you want me to just go ahead and read the whole thing?

COMMISSIONER HANSEN: I'll read some of it with you.

COMMISSIONER ROYBAL: Okay, I'll go ahead and read. A resolution supporting federal legislation to designate Bandelier National Monument as a National Park and Preserve.

Whereas, Bandelier National Monument, located in proximity to Santa Fe County in north central New Mexico, encompasses an array of archaeological, historic, and natural features; and

Whereas, Bandelier National Monument's main attraction, Frijoles Canyon, features ancient dwellings and petroglyphs and is a popular destination among American travelers; and

Whereas, Bandelier National Monument was named a National Monument in 1916 by President Woodrow Wilson; and

Whereas, in 1986, the monument included a designated wilderness area of 23,267 area among its 32,737-acre total area; and

COMMISSIONER HANSEN: And, Whereas, Senator Martin Heinrich has introduced the Bandelier National Park and Preserve Establishment Act that would elevate Bandelier National Monument to a National Park, maintain the status of the wilderness area within the monument, and designate an area outside the wilderness area and adjacent to the Valles Caldera National Preserve as a National Preserve to restore the scenic, educational, cultural and historical value of the area; and

Whereas, if the Act is enacted, sport hunting would be permitted with the National Preserve, as well as the collection of plants for traditional tribal uses; and

Whereas, if the Act is enacted, the Tribal Advisory Commission would be created to provide guidance and recommendation on the development and implementation of management plans; and

Whereas, New Mexico currently has just one National Park, Carlsbad Caverns, located in southern New Mexico, and elevating Bandelier National Monument and Preserve would provide an economic boost to, and raise the profile of, the State of New Mexico.

Now, therefore be it resolved that the Board of County Commissioners of Santa Fe County hereby:

1. Urge Congress to adopt the Bandelier National Park and Preserve Act to permanently protect and promote Bandelier National Monument to a national park and other legislation designating Bandelier National Park and Preserve as the second national park in New Mexico.
2. Requests that the County Managers Office forward a copy of this resolution to the New Mexico congressional delegation, the Secretary of the Interior, and the Director of the National Park Service.

COMMISSIONER ROYBAL: Okay, I'd like to make a motion to pass this resolution.

COMMISSIONER HANSEN: And I'll second that.

COMMISSIONER GARCIA: Just really quick for discussion I just have a question on the number one -- sorry, the last whereas. So is Carlsbad Caverns the

only –

COMMISSIONER HANSEN: Yes, I was actually wrong. I will withdraw my comment on White Sands. It is Carlsbad Caverns that is the only other national park.

COMMISSIONER GARCIA: Actually we might want to look in Tent Rocks, I believe President Clinton that was the last national park that he signed while in office. But that's food for thought.

COMMISSIONER HANSEN: I think it's also a national monument. I think most of these are national monuments.

COMMISSIONER GARCIA: Okay. All right, very good.

CHAIR HAMILTON: Is there any other discussion? I have a motion and second. All in favor.

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

9. MATTERS FROM OTHER ELECTED OFFICIALS (cont.)

CLERK SALAZAR: Yes, thank you. My apologies I forgot to mention two public announcements. Today, December 10, 2019, the voter registration polls have been opened and in addition to that we are also conducting an automatic recount later this week which is mandatory based on the closeness of a race in Tarrant County. Thank you.

CHAIR HAMILTON: Thank you so much.

[A discussion regarding the sequence of the agenda occurred and there was consensus to rearrange the agenda]

11. REQUEST AUTHORIZATION TO PUBLISH TITLE AND GENERAL SUMMARY OF PROPOSED ORDINANCES

- A. Ordinance No. 2020-___, an Ordinance Amending the Lodgers' Occupancy Tax Ordinance, Ordinance No. 1999-10, to Delete the Occupancy Tax Exemption for Premises Which Do Not Have at Least Three Rooms of Accommodations for Lodgings; To Otherwise Conform the Occupancy Tax Exemptions to State Law; and to Expand the Use of Tax Proceeds for Tourism Promotion [Exhibit 2: Ordinance Text]**

CHAIR HAMILTON: Thank you for coming.

LISA KATONAK (County Manager's Office): Thank you, Commissioners. Lisa Katonak, Santa Fe County Manager's Office.

CHRIS HYER (Economic Development): And Chris Hyer from Growth Management Department.

MS. KATONAK: This evening we are requesting authorization to publish title and general summary for the Lodgers Occupancy Tax Ordinance which is Ordinance 1999-10, to amend section 3B, exceptions. Last legislative session the state legislature

amended their definition of short-term rentals to include all lodging facilities regardless of the size of the facility. Previously, only facilities with three rooms or more were taxed. This amendment will remove the exemption for small short-term rentals and bring the County's ordinance in line with the state statute.

Staff also recommends expanding permissible use of the Lodgers Tax proceeds to include support and improvement of other tourism related events and facilities as well as open space and trails. Other tourism facilities include the Stanley Cyclone Center, some exposition business, field houses, auditoriums, welcome centers, tourist information centers, museums, convention halls, etc.

MR. HYER: And changing the ordinance is not only part of the work we have with short-term rentals. There are two other components. Collection of the Lodgers Tax and regulations both require that we have solid information about this new industry for the County. Things like the locations of the properties, the rate they are rented at, when and for how long they are rented for, etc. are the beginning steps.

Staff is working on an RFP that asks for a vendor that can scrub the various short-term rental websites on an ongoing basis. Information obtained will not only identify the properties, their location, the owners, the types of structures, etc. but we are also asking for the ability to collect the appropriate lodgers tax when visitors utilize these sites for lodging.

Right now, we don't have enough information to be able to identify where these short-term rentals are and much less which owners would be paying taxes. The payment of taxes are done by the people who are renting the facilities so it doesn't become a burden on the owners. It's just like when you and I go out of town and pay for a hotel room and we pay extra lodging tax.

CHAIR HAMILTON: Can you just clarify for me, do people who do these short term rentals currently under whatever the new state regulation is do they already have to collect tax from people who rent their facility?

MR. HYER: Madam Chair, from what I understand, they do. The pass through from the people renting to the owners is made; however, the owners don't always know where to submit the tax payment.

CHAIR HAMILTON: Or just don't.

MR. HYER: Some are voluntary to the County. Most are going to the City of Santa Fe because the owners think, Well, we're in Santa Fe so I'll just submit my tax payment.

CHAIR HAMILTON: Do they think they live in the City or just they're in Santa Fe in general?

MR. HYER: They're just in Santa Fe.

CHAIR HAMILTON: So what would be the – what are they supposed to be doing that we're trying to make an entree into here?

MS. KATONAK: If we were to proceed, there are several companies that provide short-term rentals, Airbnb, BRBO, for example, the County would go in coordination with those companies to start collecting the tax. So we would be identifying those properties in Santa Fe County and as they collect they would be collecting on behalf of the County.

CHAIR HAMILTON: Are there and maybe this study would help identify, are there individual renters that do short-term rentals that aren't associated with Airbnb or other like bigger companies that are a mechanism for collecting the tax?

MR. HYER: You register with one of the sites, one of the websites, or you register with many of them. If you have one property you could be on Airbnb, Expedia, Orbitz, whatever it is and have your property listed. So whoever takes the listing, they get a commission and then they collect the payment and then send it to the owner of the property. Is that what you're asking?

CHAIR HAMILTON: Yeah, that's largely what I'm asking.
Commissioner Hansen.

COMMISSIONER HANSEN: How does this conflict with what Penny is doing with the SLDC? Can we start collecting right away even though Growth Management is working on a code and everything to update that?

MS. KATONAK: My understanding in communicating with Penny is that the tax is separate from some of the work that she is going to be conducting although we will work in conjunction but in order to meet state law we can start collecting the state tax and moving forward to that while she works on the regulations.

COMMISSIONER HANSEN: That's great. So is the City accepting Santa Fe County money?

MR. HYER: Madam Chair, Commissioner Hansen, I'm not really qualified to be answering that question but the supposition is that it's possible.

MS. KATONAK: When you register online it identifies Santa Fe and so even by zip code order you can have properties in 87501 that might be related some City and some County. So establishing those boundaries as to what's County and what's City related is one of the more challenges for getting the collection.

MR. HYER: And if I may, Madam Chair and Commissioner Hansen, the RFP that we would like to go with to have a vendor help us learn about these different – there's probably 150 different websites they use to register with and on an ongoing basis it is very hard to keep up with. That piece of the RFP, having that information is going to inform Penny on developing what regulations need to be made. But what it also does, it tells us the precise location of these properties whether they are in the County or the City and that's going to be very helpful.

COMMISSIONER HANSEN: It sounds very helpful. I think this is really important. So I have a question like are we talking about event venues also, that are not County owned, like HIPICO for an example. Would this have something to do with them or not? I missed a little bit about this.

MS. KATONAK: No. In regard to making the amendment for tourism related events, right now the way the ordinance states "tourism attractions" and event can also be a tourism related attraction. So anyone who wants to go to HIPICO let's say for Lodgers Tax dollars or funding, we can fund events that are publicly opened.

MR. HYER: We can sponsor different events or pay for capital improvements like on the trailheads or whatnot.

MS. KATONAK: Within the County; facilities that are within the County.

COMMISSIONER HANSEN: So we have open space right in front of HIPICO so we could use that money to pay to help develop that open space but if we needed to we could support an event through HIPICO –

MS. KATONAK: Through the process of NOFA, the notice of funding availability, when we do cycles we advertise and people submit their proposals and their applications seeking funding and then the board goes through the process of scoring those applications if they're completed, if they're going to be funded that would be through here.

COMMISSIONER HANSEN: And so who would make those decisions of what organizations would be funded?

MS. KATONAK: The LTAB Board. They review all the applications and proposals.

COMMISSIONER HANSEN: Okay. I'm just wondering why HIPICO has not been funded in the past.

MS. KATONAK: The last application was considered incomplete.

CHAIR HAMILTON: Okay, so moving along.

MR. HYER: So that basically is it. We'd like to request the authorization to publish title and general summary for the ordinance stage. And I'll just let you know that we are going out for RFP for looking at starting to address the short-term rental issues.

CHAIR HAMILTON: Which is the same RFP that Penny mentioned?

MR. HYER: Correct.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to move to publish title and general summary.

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: Okay, great. Is there any further discussion?

Motion passed by unanimous [4-0] voice vote. Commissioner Garcia was not present for this action.

CHAIR HAMILTON: Great, thank you.

COMMISSIONER HANSEN: Thank you very much for working on this.

C. Ordinance No. 2020-___, an Ordinance Amending Santa Fe County Ordinance No. 2014-10 ("Solid Waste and Recycling Management Ordinance"), as Amended, to Allow a One-Time Credit Toward the Purchase of a New Solid Waste Permit for Expired Solid Waste Permits

MS. BROWN: Madam Chair, thank you. At our last BCC meeting you requested that -- we discussed the possibility of coming forward with an ordinance that would address those individuals who purchased punch cards that can't be exhausted by the end of the year and give them an opportunity to either use them or get credit of some kinds. We've brought forward a proposed ordinance and we are requesting permission to

publish title and general summary. It would allow a credit amount for each unused punch of \$9.17. February 28, 2020 deadline by which the 2020 calendar year punch card must be purchased and a requirement that the purchaser show proof of having purchased the prior year's punch car.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you for working on this, Rachel. I do want to make sure that when we do this or if we do pass this ordinance, that we do have it posted for the constituents at the dump sites and also at all of our satellite offices and if we can, put it on our website so constituents are aware and they don't throw their punch tickets away thinking that they have expired. So if there is some way we can get that message out there, I would really appreciate that.

CHAIR HAMILTON: Yeah, I actually really agree with that. I have actually had a few more emails and I don't know if you want to do this every time so the other thing – some people fall through the crack – but the other thing I wanted to mention was one of the things that we talked about was the education associated with this so I think the people in our department, in Public Works, that run it are always really careful to give the information but many of these are being purchased at the Treasurer's Office or maybe people aren't mentioning that these run out at the end of year and it's already October or even if it's August that way people know and you know they tend to use them once a month and it's a 12 thing, just out of courtesy give the information. So thinking about that and I know Gary is committed to this but to include the education and even posting, "If you're buying a card don't forget it expires. Ask about your options."

MS. MILLER: Madam Chair, one of the things I want to do is have a brochure that will be at the satellite offices, at the Treasurer's Office, that we have people give when they get them. So it'll have the transfer station hours on them. We'll put what the punch passes are and how they work. What different prices there are and remind people – all of that as well as make sure that it is very clear on the punch pass plus we'll educate the staff to make sure that they inform people about their options and give them the brochure with it.

CHAIR HAMILTON: The other thing in that regard and I was going to do this, Tina, was going to because we all have newsletters and we all have mailing lists and so it's our constituents who were contacting us about this, we were going to put out the holiday message and the notice to provide direct communications to our constituents that this fix is being implemented and I don't know if other Commissioners might want to do that. But that would be an easy way to communicate.

MR. GIRON: Madam Chair, Commissioners, I just wanted to say that we also see this as an educational opportunity. I think we need to do a better job of making sure that people who are selling the tickets are informing the folks that are buying them about what the limitations are and that we do a brochure and people have that information up front and then if this happens then there is this change that we also make sure that we're letting those folks know that have called us that there's a resolution for them.

CHAIR HAMILTON: That's so great. I want to thank you guys, senior staff members, for your willingness to try and fix a problem that seems we could have avoided it but it was a problem that came up with people and the willingness to serve the

constituents this way is really appreciated. Commissioner Roybal and then Commissioner Hansen.

COMMISSIONER ROYBAL: I just want to reiterate that gratitude and thanks to our staff on working on this. The other thing to possibly keep in mind and think about for the future, maybe we don't sell them after the June timeframe. Maybe we stop selling two punch permits because it's the same price. But if somebody wants six then they can just buy three two-punch permits.

CHAIR HAMILTON: But they all expire. With enough education people can make their decisions.

COMMISSIONER ROYBAL: Technically, if they say they need 12 punch permits it's going to cost the same to buy six permits with two punches on it right?

COMMISSIONER HANSEN: That's correct.

COMMISSIONER ROYBAL: So if they just stop selling them that would be another way to make sure that we don't run into this next year.

CHAIR HAMILTON: I don't want to get the call from the person who goes three times a month and doesn't want to have to go every month to buy a permit.

COMMISSIONER ROYBAL: Maybe they sign something saying, we gave you the option of purchasing a small punch card.

COMMISSIONER HANSEN: Madam Chair, actually, along that line, Commissioner Roybal, I was going to say maybe when we give them the brochure and they buy their punch card that they sign that they've received.

CHAIR HAMILTON: Really, I think that's a little excessive. To be perfectly honest I have to say in the defense of the constituents that did bring the problems to me it was a lot of chatter and in the end the discussion back and forth was pretty rational. I mean, it is written, they didn't tell me, but I see it is written on the back, but I'm still very disappointed. I think with us sending messages out that we're fixing this and additional information we will have handled the problem.

COMMISSIONER ROYBAL: I think that even in October when somebody is asking for a 12-punch pass it should be flagged.

CHAIR HAMILTON: It should be flagged for sure, like, do you really want this. It's going to expire. Agree. Rachel, is there anymore on this?

MS. BROWN: There is nothing more than my request that you authorize publication of title and general summary.

COMMISSIONER HANSEN: Madam Chair, I move to publish title and general summary.

COMMISSIONER ROYBAL: Second.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Great so I have a motion and two seconds. All in favor.

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

10. MATTERS FROM THE COUNTY ATTORNEY

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

- 1. *SNIC, Inc., et al., v. The Hoyt Family, LLC, et al.*, Case No. D-101-CV-2019-00225**
- 2. Acquisition of Real Property Interests for the Santa Fe River Greenway Project**
- 3. EEOC Complaint by Former County Employee**
- 4. Potential Breach of Project Participation Agreement**
- 5. Acquisition of Real Property for a Solid Waste Transfer Station and Other Public Uses**
- 6. *Charles D. Campbell v. Paul Cox*, Case No. D-101-CV-2019-00645**
- 7. Acquisition of Real Property for County Fairgrounds Expansion**

MS. BROWN: Thank you, Madam Chair. I would ask that we go into executive session pursuant to Section 10-15-1 H (7) and (8) NMSA 1978 for the purposes of discussing items one through seven listed o the agenda.

COMMISSIONER ROYBAL: I'll move.

COMMISSIONER MORENO: Second.

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

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

[The Commission met in executive session from 5:18 to 6:15.]

COMMISSIONER HANSEN: Madam Chair, I move to come out of executive session. And the only thing that we spoke about was on the agenda and the only people that were in the meeting were the Board and the County manager and the County attorney.

CHAIR HAMILTON: Thank you and no actions were taken.

COMMISSIONER HANSEN: No actions were taken.

CHAIR HAMILTON: Thank you. I have a motion do I have a second?

COMMISSIONER MORENO: Second.

The motion passed by [3-0] voice vote. Commissioners Roybal and Garcia were not present for this action.

11. B. Request to Publish Title and General Summary of an Ordinance Amending Santa Fe County Ordinance No. 2015-1 ("The Santa Fe Brewing Company Local Economic Development Act (LEDA) Project Ordinance") to Amend Section 4.b.iii and 4.b.iv to Reduce the Number of Jobs to be Created in Santa Fe County and to Extend the Compliance Date to December 31, 2020 and Authorize the County Manager to Negotiate, Approve and Execute Amendments to Various Agreements

MR. HYER: Madam Chair, this is a request to publish title and general summary for the ordinance for the LEDA Act for Santa Fe Brewing Company. Santa Fe Brewing entered into a LEDA agreement using state funding with the County as a pass through back in 2015. In their project participation agreement the owner of Santa Fe Brewing Company, Brian Lock, agreed that he was going to create 64 new jobs for a total of 105 jobs at the end of the five year period in exchange for a LEDA grant that was \$250,000 that was going to upgrade their wastewater system because they are out in Rancho Viejo and they needed to deliver a certain level of waste to Rancho Viejo's system.

They have been reporting and via the PPA they're suppose to report how many new jobs they have created every six months for the state they report every quarter. The state told me that they are satisfied with his reporting all along and every time I talk to Mr. Lock he mentioned that they were on track with the job creation numbers.

I asked in October for them to report again and reminded them that we would be closing out the LEDA grant at the end of the term and Mr. Lock came back and said we haven't created the required jobs. We need another year. And in conversation with him I found out – I mean they have done a lot. He has done a lot at Santa Fe Brewing Company here in Santa Fe County creating different buildings, expanding his production line and creating a tap room and a beer garden out at the brewery and that is slated to open the week of Christmas. And then he is also opening a tap room in Albuquerque and each one of them are going to bring in new employees. The one in Albuquerque obviously, will not be bringing employees in Santa Fe County but the total of 64 new

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jobs at least when I was talking to him late October-early November he believed he was going to reach that requirement.

The memo I wrote was based on my conversation I with Mr. Lock back in early November and now he is kind of modifying a little bit the job creation. He does not believe that he is going to meet that requirement.

So what we have now is a request to publish title and general summary to extend the time for a year and the state, and I do have a letter from the state's attorney just saying that the state is in agreement with allowing the extension for the term of the LEDA grant by one year. And the state says that we need to sit down, the County, the State and Santa Fe Brewing Company and discuss how we're going to be able to modify or amend our project participation agreement and our intergovernmental agreement that the County has with the State to reflect the truth of what is happening with Santa Fe Brewing Company.

So with that I stand open for questions. I am sorry that there are some numbers that are a little awry now in the memo I wrote at the time I believed. Now, I don't know what's going on yet.

CHAIR HAMILTON: Appreciate that. Are there any questions or other information that should come out? I'll recognize Commissioner Hansen with a motion.

COMMISSIONER HANSEN: In response to the request from Santa Fe Brewing Company, I move to authorize publication of title and general summary of an ordinance amending the Santa Fe County Ordinance No. 2015-1, "The Santa Fe Brewing Company Local Economic Development Act, LEDA, Project Ordinance" to Amend Section 4.b.iii and 4.b.iv to reduce the number of jobs to be created in Santa Fe County and to extend the Compliance Date to December 31, 2020 and authorize the County Manager to negotiate, approve and execute amendments to various agreements.

I make that motion on reliance of the provision within the Security Agreement granted by Santa Fe Brewing Company that the failure to exercise any remedy for breach shall not be construed as a waiver release thereof on the understanding and with the intent that this does not constitute a waiver of any right or remedy and recognizing that the intergovernmental agreement with the State Economic Development Department must be amended before the ordinance could be adopted.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you and thank you for that Commissioner Hansen. So we have a motion and a second. If there's no further discussion, all in favor.

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

12. PUBLIC HEARING

- A. Case # 18-5191 Village at Galisteo Basin Preserve (aka "Trenza")
Conceptual Plan. TABLED

CONCLUDING BUSINESS

- A. **Announcements**

B. Adjournment

Wishes for happy holidays and a healthy New Year were exchanged.

Having completed the agenda and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 6:25 p.m.



Approved by:

Anna Hamilton
Board of County Commissioners
Anna Hamilton, Chair

ATTEST TO:

Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Respectfully submitted:

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



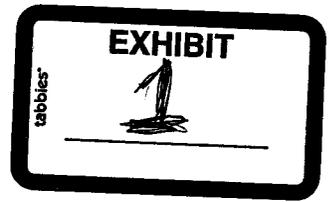
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 66

I Hereby Certify That This Instrument Was Filed for
Record On The 21ST Day Of January, 2020 at 09:39:25 AM
And Was Duly Recorded as Instrument # 1907067
Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 01/21/2020



Santa Fe County Building & Development Services

PV Solar-Private Residential Checklist

Forms in the packet to be completed

- Santa Fe County Development Application (Filled out & signed)
- Multi-Purpose State Building Application (Filled out & signed)

Documents applicants to provide (available in the building)

- Recorded Warranty Deed (Available in Santa Fe County Clerk's Office)
Letter of consent needed from property owner if leasing or on real estate contract.
- Approved Survey Plat (Available in Santa Fe County Clerk's Office)
- Proof of Taxes Paid (Available in Santa Fe County Treasurers Office)
Tax Bills Will Not Be Accepted
- Approved Emergency 911 Assigned Address Form (Rural Addressing Department)

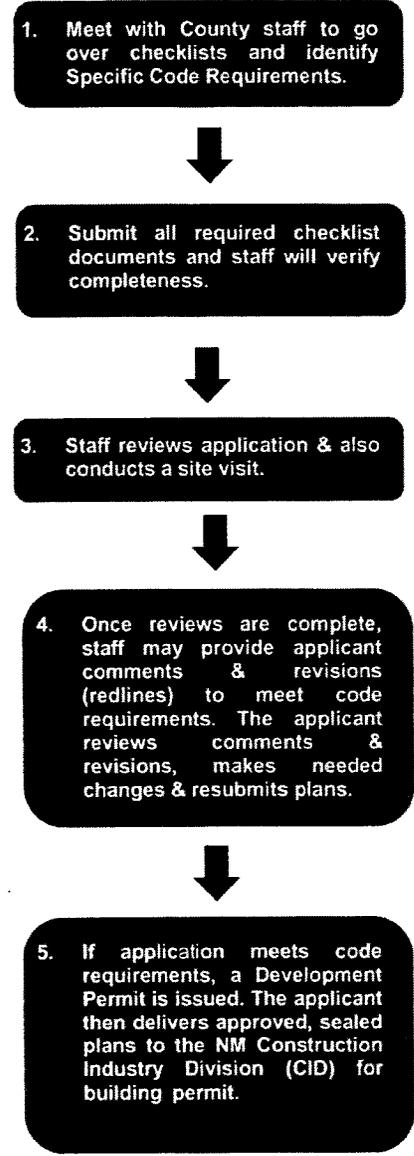
Plans applicant to provide
3 copies 11" x 17" to scale

- Site Plan (Birds eye-view of what is on the property including all existing & proposed structures, well, septic, driveway, main utility meter & A-C disconnect for Solar System).
- Plans labeled with studio, casita, or guest house will not be accepted**
- Manufactured Specifications (signed & sealed by Professional Engineer).
 - Elevation of structure with proposed Solar System (Roof mount)
 - Vicinity Map + Written Directions to the site
 - Applicant must provide proof of permit or legal non-conforming status of all existing structures/improvements on property prior to submitting permit.

Helpful Hints

- ✓ Provide the properties gate code on the development application so the Code Enforcement Officers can access the property.
- ✓ Please let our office know if you have loose dogs in your yard prior to inspection.
- ✓ Show elevations of panels for roof & ground mount arrays.
- ✓ Ground mounted solar panels must be a minimum of 5 feet from the property line

DEVELOPMENT PERMIT PROCESS*



SFC CLERK RECORDED 01/21/2020

- Forms included in packet
- Documents available at Santa Fe County
- Documents applicant to provide
- Plans applicant to provide

<p style="text-align: center;"><u>Notes</u></p> <hr/>	<p style="text-align: center;"><u>Notes</u></p> <hr/>
<p style="text-align: center;"><u>SLDC Regulations</u></p> <p>Zoning _____</p> <p>Community Overlay District _____</p> <p>Density _____</p> <p>Maximum height _____</p> <p>Accessory Dwelling Unit _____</p> <p>Setback front property line _____</p> <p>Setback side & rear property line _____</p> <p>Flood zone setback _____</p>	<p style="text-align: center;"><u>Important Phone Numbers</u></p> <ul style="list-style-type: none"> • Santa Fe County Land Use, 100 Catron St, 505-986-6225 http://www.santafecountynm.gov • State Engineers Office, 407 Galisteo Bataan Memorial Building 505-827-6175 (Well Permit) • State Environment Department 2540 Camino Edward Ortiz, 505-827-1840 (Septic Permit) • Santa Fe County Fire Prevention 4 Fire Place, 505-995-6523 • Construction Industries Division (CID) 2550 Cerrillos Road, 505-476-4700 • Santa Fe County Utilities, 505-992-9870



Multi-Purpose State Building Application

State of New Mexico Regulation and Licensing Department Construction Industries Division
Santa Fe 2550 Cerrillos Rd Santa Fe, NM 87505 Phone: (505) 476 - 4700 Fax: (505) 476 - 4685
Albuquerque 5500 San Antonio NE Albuquerque, NM 87109 (505) 222 - 9800 (505) 765 - 5670
Las Cruces 505 S. Main St. Ste. 118 Las Cruces, NM 88004 (575) 524 - 6320 (575) 524 - 6319

Please check the appropriate type for which you are applying for:

- Building Review/Permit (includes electrical / mechanical / plumbing)
Residential Commercial Pre-Bid Reroof Trade Review Only
Electrical Review Mechanical/Plumbing Review

THE FOLLOWING INFORMATION MUST BE PROVIDED

Parcel No. and/or Project Address (must provide a physical address) Nearest City/Town/Village Zip Code County
GPS Coordinates optional X Coordinate Y Coordinate
MUST provide written Directions

Property Owner or Homeowner Information:

First Name Last Name E-mail address:
Address No. & Street / PO Box / Rural Route City State Zip Code Phone

Contractor Information (must provide proof of contract):

Company Name NM State License # and classification
Address No. & Street / PO Box / Rural Route City State
Contact Information (Name) Phone E-mail address:

Design Professional Information:

Company Name NM State License #
Address No. & Street / PO Box / Rural Route City State
Contact Information (Name) Phone E-mail address:

Type of Construction I II III IV V A B Energy Compliance Climate Zone:
Occupancy Group A B E F H I M R S U Prescriptive Trade-off Performance Energy Code Not Applicable
Division 1 2 3 4 5
Square Footage: Valuation / Sign Contract: Fire Sprinklers Apply Y / N LP gas Appliance Apply Y / N

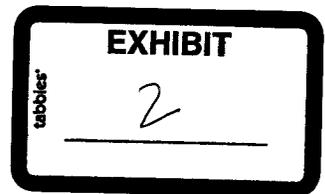
APPLICANT MUST READ AND SIGN THE FOLLOWING: I hereby acknowledge by my signature below that I have read this application and state that the above is correct. I agree to comply with the requirements for the New Mexico Building Code. I waive my right to require any inspector to possess a search warrant before they enter the premises to inspect the building covered by this permit. However, I waive this right only on the following conditions: The inspector must be approved by the Construction Industries Division and this inspection must be made at reasonable times for purpose of determining whether the work of building or structure on the premises complies with the New Mexico Building Code. I understand that the issuance of this permit shall not prevent the Construction Industries Division from requiring compliance with the provisions of the New Mexico Building Code.

X Signature Date

Officeal Use Only

Date Issued: Processed By: Tracking Number:
Received By: Total Fees Due:
Paid By: Partial Payment:
Balance Due:
Check Money Order Credit Card Purchase Order

PLANNING/ZONING APPROVED BY: Signature Date:
FLOOD PLAIN APPROVED BY: Signature Date:
GENERAL BUILDING APPROVED BY: Signature Date:
UPC/UMC APPROVED BY: Signature Date:
NEC APPROVED BY: Signature Date:



SANTA FE COUNTY
ORDINANCE NO. 2019-__

AN ORDINANCE AMENDING THE LODGERS' OCCUPANCY TAX ORDINANCE, ORDINANCE NO. 1999-10, TO DELETE THE OCCUPANCY TAX EXEMPTION FOR PREMISES WHICH DO NOT HAVE AT LEAST THREE ROOMS OF ACCOMMODATIONS FOR LODGINGS; TO OTHERWISE CONFORM THE OCCUPANCY TAX EXEMPTIONS TO STATE LAW; AND TO EXPAND THE USE OF TAX PROCEEDS FOR TOURISM PROMOTION

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT ORDINANCE NO. 1999-10 IS HEREBY AMENDED AS FOLLOWS:

Section 1. Section 2(I) is hereby repealed and replaced with the following:

- I. Vendee: A natural person to whom lodgings are furnished in the exercise of the taxable service of lodging.

Section 2. Section 3(B) is hereby repealed and replaced with the following:

B. Exemptions: The occupancy tax shall not apply:

- (1) if a vendee:
 - (a) has been a permanent resident of the taxable premises for a period of at least thirty consecutive days; or
 - (b) enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least thirty consecutive days;
- (2) if the rent paid by a vendee is less than two dollars (\$2.00) a day;
- (3) to lodging accommodations at institutions of the federal government, the state or any political subdivision thereof;
- (4) to lodging accommodations at religious, charitable, educational or philanthropic institutions, including accommodations at summer camps operated by such institutions;
- (5) to clinics, hospitals or other medical facilities; or
- (6) to privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill.

SFC CLERK RECORDED 01/21/2020

Section 3. Section 5(A) is hereby repealed and replaced with the following:

- A. Tourism Promotion: Fifty percent (50%) of the proceeds from the first three percent (3%) and one hundred percent (100%) of the proceeds from the next one percent (1%) of the occupancy tax shall be used for the purpose of advertising, publicizing, or promoting tourist-related facilities, attractions, transportation systems, or tourist-related events in Santa Fe County, including, but not limited to, the County Fairgrounds, Cyclone Center, exposition buildings, field houses, auditoriums, welcome centers, tourist information centers, museums, performing art facilities, open spaces and trails, and convention halls and other convention facilities of Santa Fe County.

Section 4. ORDINANCE REMAINS IN EFFECT, AS AMENDED. Except as expressly amended hereby, Ordinance No. 1999-10 remains unchanged in full force and effect.

Section 5. EFFECTIVE DATE. This Ordinance shall take effect thirty days after it is recorded by the County Clerk, pursuant to NMSA 1978, § 4-37-9.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2019, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna T. Hamilton, Chair

ATTEST:

Geraldine Salazar
Santa Fe County Clerk

APPROVED AS TO FORM:

Rachel A. Brown
Interim County Attorney