

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING
December 11, 2018

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

SFC CLERK RECORDED 01/30/2019

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

December 11, 2018

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Anna Hansen in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance was led by Monica Acevedo, the State Pledge by Tori Gallegos and the Moment of Reflection by Margie Romero of the Human Resources Department.

F. Moment of Poetry

Olivia Romo from Taos read two of her poems "Los Ojos Sagrados de San Jose" and a "Dedication to my Grandfather: Edmano Mayor."

The Commission thanked Ms. Romo for her readings.

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G. Approval of Agenda
1. Amendments
2. Tabled or Withdrawn Items

CHAIR HANSEN: Katherine.

KATHERINE MILLER (County Manager): Madam Chair, Commissioners, on the dais you have an amended agenda. The agenda was originally published on Tuesday, December 4th at 2:25 and then amended on December 7th at 10:58 a.m. And the items that were added to the agenda on Friday were on page 3, item 5 –

CHAIR HANSEN: So I don't have an amended agenda. Commissioner Hamilton, do you have an amended agenda?

COMMISSIONER HAMILTON: Sorry, I don't see one.

MS. MILLER: Okay, Madam Chair, hold on just a moment and we'll make sure you get amended agendas.

CHAIR HANSEN: Okay. He just gave me his.

TONY FLORES (Deputy Manager): Oh, so he had one.

MS. MILLER: So we need three more copies?

CHAIR HANSEN: Yeah, we need three more.

MS. MILLER: Okay, thank you and sorry about that.

CHAIR HANSEN: Go ahead.

MS. MILLER: So on page 3 under Matters from the County Manager, we have under miscellaneous updates item A.2.a.1, sorry that's a bit long. But it's under legislative update discussion and direction on possible vote on support for opposition of bills. We added a resolution. This is a resolution that has been before the Board in previous years and that is a resolution opposing any legislation, and I need to correct that title, that negatively affects Santa Fe County's revenues, programs or services. It just says, "opposing any legislation that affects" but should have the word "negatively" affects Santa Fe County's revenues, programs or services.

Then under matters from County Commissioners, item VI A.3 a resolution or proclamation of appreciation from Commissioner Anaya, that item is added. Also under matters from the County Attorney, item VIII A. numbers 2 and 3 contract negotiations and limited personnel, were added to executive session and item B, resolution, a potential action item out of the executive session was also added.

Those are the only items that were amended on the agenda. I would also request though that item VI B 1 under presentations which is recognition of and congratulations to the St. Michael's High School Ladies Volley Ball Team, that that be moved to right after approval of the minutes and before the recognition of retiring Santa Fe County team members. Several of the volley ball team members need to leave. So if we could move that up after approval of the minutes I would appreciate it. That's all the items that I have.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Madam Chair, just to echo, we're going to say many – much more here in a few minutes but we have the St. Michael's High School

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State Champion Volleyball Ladies Horsemen in the house. Let's give them a round of applause please. [Applause]

Thank you, Madam Chair.

CHAIR HANSEN: Absolutely, Commissioner Anaya. With that, can I have a motion to approve the agenda as amended.

COMMISSIONER ROYBAL: So moved.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: I have a motion by Commissioner Roybal and second by Commissioner Moreno, all those in –

COMMISSIONER ANAYA: Madam Chair. Madam Chair, I appreciate that the manager put that resolution that I'm bringing forward on, but I want to put it in the record that the resolution of appreciation is for Maryanne Anaya and I would like to have that included in the motion for approving the agenda and that would be the item under matters from the commission. So if –

CHAIR HANSEN: Yes, that's VI A.3.

COMMISSIONER ANAYA: Yes, thank you, Madam Chair. I would appreciate that.

CHAIR HANSEN: Yes, and with those changes, all in favor.

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

H. Approval of Minutes

1. Approval of November 13, 2018, Board of County Commission Meeting Minutes

CHAIR HANSEN: Does anybody have any changes besides me? Okay. On page 14, fifth paragraph down, it says Chair Hansen and this is a dialogue between I really believe, Commissioner Hamilton and Ms. Clarke. And I believe Chair Hansen should be Commissioner Hamilton. She can look at see if she agrees with me. But it sounds like your wording. Page 14.

Then throughout after we get to page 25, the motion passed by unanimous voice vote 3-0, it says Commissioner Anaya was present for this action. It should say Commissioner Anaya was not present for this action and that is throughout on page 27, 28 and then on page 30 I made an announcement at the end, it says Chair Hansen, second line, the Commons at – the address is 2300 West Alameda. And I could be wrong about this but I thought Frenchy's was with a "y" and an apostrophe s. So I'm not sure about that I just think that that's how it is spelled.

Other than that, that's all the changes that I have. Can I have a motion to approve with the changes?

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

COMMISSIONER MORENO: Second.

CHAIR HANSEN: Motion by Commissioner Hamilton and second by Commissioner Moreno. All in favor? Thank you.

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

VI. Matters from County Commissioners

B. Presentations

1. Recognition of and Congratulations to the St. Michael's High School Ladies Volleyball Team for Capturing the 2018 3A State Volleyball Championship

COMMISSIONER ANAYA: Thank you, Madam Chair. Did I mention that they are the 2018 State Volleyball Lady Horsemen champions are in the house; let's give them a round of applause. [Applause]

The State Champion Lady Horsemen volleyball team had an outstanding 2018 volleyball season with a remarkable record of 23 wins and only 2 losses. They won the Moriarty Invitation beating 4A Albuquerque Academy. For the first time ever the St. Michael's varsity team has won the tournament of champions beating 5A Farmington in the championship and for the first time in 20 years a Santa Fe team has won this tournament. City Champs, beating 4A Capital High School and 5A Santa Fe High School. Regular season district champions, district tournament champions and undefeated in pool play at the State Tournament. They defeated Navajo Prep in the quarterfinals 3-0; defeated Las Vegas Robertson in the semi-finals 3-0; and defeated two time reigning Champions Sandia Pre Sun Devils in the finals 3-1. The last time Lady Horsemen were State Champs in Volleyball was 2002. Another round of applause please. [Applause]

I'd like the coaches to come forward please. Head Coach Valerie Sandoval. Assistant Coach Jolene Ulibarri. Assistant Coach Melissa Romero. The mike is yours. I would like to say whatever you would like to say. I would like you to have an opportunity for any of your seniors or team captains to speak if they like and if then if you would please introduce them all; I would greatly appreciate that. Congratulations, Coach.

VALERIE SANDOVAL (Head Coach): Thank you. Madam Chair, Commissioners, thank you so much for having us here this afternoon. I couldn't be more proud of my 14 wonderful student athletes. It has been a wonderful, wonderful, amazing year with lots of firsts for me as well as for many of these young ladies. I know that you talked about our record but I also am extremely proud of their academics. Averaging with these 14 girls the grade point average is 3.98. Out of those 14 young ladies, eight of them 4.0 or higher and out of those eight, five of them have a 4.2 or higher and I have two, a junior and a senior, my junior has a 4.75 and my senior captain GPA is a 4.8. Way to go! And I say student athletes because I wholeheartedly believe that their academics come first and not only are they great in the classroom but they are outstanding on the court. I have great parents. Great support system. The fans were amazing this year and I honestly can't say enough about these young ladies. [Applause]

Number one, Alycia Alvarez. Number two, Molly Maestas. Number three, Lynnsey Glidewell. Number four, Darian Ortiz. Number five, Miguela Martinez. Number six, Alea Ortega. Number seven, Lily Barker. Number eight, Simone Edwards. Number nine, Angela Griego. Number 10, Mikayla Bohlman. Number 11, Alexa

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Griego. Number 12, Joelyn Fernandez. Number 14, Cassandra Rogers. And I have one player who was not able to make it because she's taking a test but number 15, Amber Marbourg. And these are your 2018 State Champions. [Applause]

COMMISSIONER ANAYA: You have some managers here who helped you along the way very much as well; correct?

COACH SANDOVAL: They were unable to come also because they probably are taking that same test.

COMMISSIONER ANAYA: Let's go ahead and introduce them because I know they probably helped you a lot.

COACH SANDOVAL: They did. Joel Martinez, Anisa Ulibarri, and Sofia Sena.

COMMISSIONER ANAYA: Thank you, Coach. Would any of your team members – would you like to call any forward?

MIQUELA MARTINEZ: As she introduced me before, I am Miquela Martinez. I am the senior team captain. I guess I would just like to say that this year has been a wild ride. It has been a big blessing to have all of these girls by my side and how proud we have made our coach. And I think the biggest blessing is to be able to represent Santa Fe in such an amazing way and especially as a Catholic private school you don't usually see one of the smaller schools in Santa Fe taking the spotlight for a whole year. So I think it was a big blessing for all of us here representing St. Mike's and Santa Fe. So thank you for this opportunity and go horsemen. [Applause]

CHAIR HANSEN: We have a phenomenon here that we like to do and that is take picture and so –

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: -- and I want to just warn you that's coming. I'll let the Commissioners says a few more things and then we'll have you come and stand right in front of us and we'll stand here. Okay, yes, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair, I would like to go down there and congratulate each one of these young –

CHAIR HANSEN: Of course.

COMMISSIONER ANAYA: -- professional academicians that they are. I can tell you that the future is very bright with you standing in front of us as strong professional, young women getting ready to embark on your next phase of life. Some of you are going to continue at St. Michael's until you graduate and others that are moving on. So the future is bright for Santa Fe, and for New Mexico and for our country and for your championship and for your efforts day in and day out, I know it didn't just happen on its own, Coach, you coached them. Congratulations with your team and with your managers in leading those fine young ladies and then stepping up and taking care of business and winning that state tournament and so – I also want to acknowledge that we have another champion in the house and I would be remiss if I didn't acknowledge Coach Joe Fernandez whose fine daughter is here and he's brought many championships to New Mexico and he helped many fine young leaders at St. Michael's High School and throughout the community. So thank you, Coach. Congratulations to all of you.

We have some certificates, Coach, I'll let you help me hand these out. And then Mr. Barela, I'd like to take the information from the memo and put it in a proclamation

that we can present to St. Michael's High School so that they can have and place in their trophy, somewhere, wherever they would like. Thank you, Madam Chair and Commissioners. And I would just defer to any other Commissioners that want to say any remarks.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: First of all, I'd like to start out by saying "wow" and congratulations. You guys should be proud of yourselves. It's not every athlete that has the opportunity to represent their school and actually to win a state championship. They are few and far between. Sometimes some of the schools have some programs that actually do win multiple in the year and I hope to see that for St. Mike's. I think that the coach has a great program and you guys have done a great job representing not only your school, but your county, your city and your parents and your family as a whole.

I want to say congratulations to the coach because as all of you guys know it takes a lot of blood, sweat and tears to get to the point that you are today. I coached for a few year, quite a few years for Pojoaque and so I know the dedication that an athlete has to put forward to actually achieve this level of excellence. And each one of you – and I do recognize a few of you, Ms. Edwards I recognize her and me and her dad and myself went to school together. So I think that you guys should very proud of yourself but another piece besides the coaches and the players are your parents. All of them stood behind you. They took you to practices. Some of them volunteered to coach in the summer when the coach couldn't I am sure. They brought snacks and more than anything they supported you guys and brought you to the point that you are today. You are very successful, talented young group of women and I look forward to seeing what your future brings. Congratulations once again.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I also want to take the moment to say congratulations. It is so not only impressive but inspiring to think about the high level of academic achievement and the high level of athletic achievement. And once so wonderful is that you look like you all really supported each other and had a great time with each other doing it which is a fabulous thing. And even beyond that, seeing all of you standing there every single one of you looks like you could do anything and that you're ready for anything and that's also incredibly inspiring.

CHAIR HANSEN: Thank you. I am also very impressed. I loved to play volleyball in high school also. So I am really thrilled that you are the State Champions that is so exciting. I always really liked serving. That was my favorite and I was a pretty good aim. So whoever is the server here, you're a really important person because that's one of the harder jobs in making sure that you get it in the court and make sure that the other team doesn't get it to hit it back.

So congratulations. I am very impressed also by your impressive achievements academically and your achievement as champions. Congratulations. Commissioner Moreno.

COMMISSIONER MORENO: Just congratulations.

CHAIR HANSEN: Thank you. Let's go down and say congratulations.

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[Photos were taken]

H. 2. Approval of the November 9th and 16th, 2018, Santa Fe County Canvassing Board Meetings Minutes.

CHAIR HANSEN: I have no changes. What is the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair, I move for approval the canvassing meeting minutes.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: We have a motion and a second. All those in favor.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Madam Chair, since you're going back, I said earlier a resolution but actually that item for MaryAnne Anaya is going to be a proclamation so I just wanted to clarify that on the record.

CHAIR HANSEN: Okay.

COMMISSIONER ANAYA: Thank you.

CHAIR HANSEN: Yes, thank you.

I. Recognition of Retiring Santa Fe County Team Members

- 1. Robert A. Anaya – County Commissioner**
- 2. Robert A. Garcia – Sheriff**
- 3. Ron Madrid – Undersheriff**
- 4. Rudy Garcia – Legislative Liaison Project Manager**
- 5. Cordilia Montoya – Recording Clerk Senior**
- 6. Vincent Ojinaga – Investigator**
- 7. Jeffrey Jaquez – Deputy Sheriff**

MS. MILLER: Madam Chair, unfortunately, Sheriff Garcia could not be with us today nor Undersheriff Ron Madrid. And I also believe that Corky Vincent Ojinaga also could not make it today. The purpose of this item on the agenda is to recognize several individuals who will be leaving us by December 31st in one capacity or another and I just wanted to make sure we had an opportunity to recognize their service for Santa Fe County.

First of all – and I'm going to save County Commissioner until last, if I could. First of all, I did want to recognize Sheriff Robert Garcia and his deputy or Undersheriff Ron Madrid. Sheriff Robert A. Garcia was elected as sheriff by the citizens of Santa Fe County on November 2, 2010 election. On January 1, 2011, Sheriff Garcia's first team official began. He was sworn in as an interim on November 24, 2010 by the Board of County Commissioners upon resignation of the previous sheriff. His second team, his

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second elected term started on January 1, 2015 and ends this December 31st. He was previously appointed as Undersheriff of Santa Fe County from April 1, 2003 to November 23, 2010 after retiring from the Santa Fe Police Department where he served 23 years as an officer, detective and sergeant. He has dedicated almost 15 years to the citizens of Santa Fe County as either our sheriff or undersheriff. During his time as sheriff he increased law enforcement officers from 78 to 100 and civilian staff from 25 to 31 positions. Sheriff Garcia has been instrumental in bringing technology to the Sheriff's Office by placing computers in the patrol cars and making more information available to the public through email, text messages, web alerts and the Sheriff's office website.

Sheriff Garcia is very knowledgeable of the law and of the Office of the Sheriff of which we proudly served the citizens of Santa Fe County. He is well respected by his staff and will be missed by all of us. [Applause]

COMMISSIONER ANAYA: Do you want us to make comments after each one or do you want us to wait?

MS. MILLER: What I could do is Undersheriff Ron Madrid as well and then we'll go to the next one after your comments.

So Undersheriff Ron Madrid, Ron Madrid originally started with Santa Fe County Sheriff's Office on September 23, 1983 as a deputy. And was promoted up the ranks to the highest rank of major. He has worked in just about every unit the Sheriff's Office has to offer, such as, the civil division, mounted patrol, and investigations. He then went on to be appointed as undersheriff by Sheriff Robert Garcia on December 4, 2010. Ron has served six different sheriffs' administrations. Ron has shown to be an invaluable administrator himself to the Sheriff's Office and to the County of Santa Fe with his wealth of knowledge that he's acquired over the 35 years that he has proudly served the citizens of Santa Fe County. Ron is also an avid hunter and welder. He's revered by his staff and his friends. He's the type of person who will give his shirt off is back. He will be remembered by his staff and by all his humorous anecdotes and his ability to provoke laughter. [Applause]

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: So, Madam Chair, I'm going to say a few remarks about these gentlemen. But first, I'm going to open it up to the floor. I'm going to ask Pablo Sedillo first to come forward and anyone else that would like to say a few words on behalf Ron and Robert. I knew they were going to duck and weave and avoid this at all cost cause that's just the way they are. But I still want to put on the record additional comments and feedback and now is your time, Pablo, you can roast them all you want if you want. They did many good things as sheriffs, the sheriff and the undersheriff but I'm going to start with you and would ask you and anyone else to add some remarks regarding these two gentlemen.

PABLO SEDILLO (Public Safety Director): Madam Chair, Commissioner Anaya, Pablo Sedillo, Public Safety Director for the County of Santa Fe. I've known both those gentleman for longer than I want to say, 32 years. I remember when Undersheriff Ron Madrid had hair, lots of it too and a big, big moustache. He did a lot of good things in his career in Santa Fe County. Unfortunately, we split. I went somewhere else and he stayed in Santa Fe County and I could tell you this, he is a great

asset to the Sheriff's Department as well as Santa Fe County. He has a plethora of knowledge and he does have a great sense of humor. People don't really realize that about Ron but he really does.

Sheriff Garcia, I've known him for about 32 years too. I remember when he used to work PD, Santa Fe PD as a commander. Actually, first on patrol and then as a commander. He does have a great sense of humor. Every morning, early in the morning, him and I sit down and we drink coffee and we tell old stories about 32 years ago and it's really interesting because all of the youngsters, major, captain, they sit there and they have their eyes wide open because when we talk about things back in the '80s and early '90s I think it's an eye-opener for them. Even this morning we sat down and talked and they said, How can you guys remember all of that stuff? It's a trick because he'll say something then I'll say something and we kind of remember it because our memories aren't that great but we kind of know where we're going with it.

Robert Garcia, Sheriff Garcia, let me tell you he is a very humble man. He knows his business. He can get ornery every once in a while and everybody knows that when he's ornery everybody moves out of his way. But he does have a big, big heart. He doesn't like to show it very often but he does.

It's a true testament to both of those long careers for the Sheriff and the Undersheriff and I am proud to have known them. And I know that Commissioner Anaya is waiting for me to tell a story, but I'm not going to tell that story when I first got hired over here. But it's interesting and Commissioner Anaya knows these gentlemen very, very well and I think highly of both of them. And that's what I have to say. Thank you. [Applause]

CHAIR HANSEN: Thank you, Pablo. Rudy, okay. Commissioner-elect Garcia.

RUDY GARCIA (Manager's Office): Good afternoon, Commissioners. I would just like to say a couple of things regarding two deputies, Undersheriff, Sheriff. I think Robert Garcia as Sheriff has done an excellent job. He actually stepped up to the plate whenever the County had a few bumps in the road and he has done an excellent job for the Sheriff's Department as well as Major, Undersheriff Ron Madrid. I actually work for the State Legislature and you see a lot of different counties and some counties actually go forward in lobbying for different situations for their sheriff's department. Our sheriff's department is probably – if not the number one Sheriff's Department in the state, and thanks to leaders such as those two gentlemen, that's what our Sheriff's Department is about and I wish them both luck. Congratulations to both of them. [Applause]

CHAIR HANSEN: Commissioner Holian. Welcome, it's nice to see you. I know we're going to see you a little later but it is a pleasure to see you here.

KATHY HOLIAN (Former County Commissioner): Madam Chair and Commissioners, thank you for letting me say a few words. Certainly during my entire time in office Sheriff Garcia was here, although not as a sheriff the entire time, and also Ron Madrid and I always felt like they were two people I could really count and I could talk to and ask if I had questions about anything that had to do with the Sheriff's Department. And I was just so proud of our Sheriff's Department and I still – I still brag about them. I really do think that we have one of the best Sheriff's Departments in the entire state.

Anyway, I just want to say thank you to both Sheriff Garcia and Undersheriff Madrid for all of their great service over the years. [Applause]

CHAIR HANSEN: Thank you, Commissioner Holian.

MR. FLORES: Thank you, Madam Chair. Commissioner Anaya, yes, long experience with both of them. I have worked with the Major, Undersheriff and Sheriff and I have had everything and every word thrown at me for every situation that I have ever been involved in. They are very colorful, enjoyable, but most of all respectable individuals. [Applause]

CHAIR HANSEN: Thank you, Deputy Manger Flores.

COMMISSIONER ANAYA: Thank you, Madam Chair. So I am just going to tell a quick story. I have known these guys for a really long time and leading up to their respective offices we'd sit around the campfire and have cokes and talk about just about everything you could imagine. And when I got elected to the Commission I had known them for many years and I thought, I'm going to go in and I'm going to sit down with the new Sheriff and the Undersheriff and talk about things that I think we can do together to move the Sheriff's Department further and help the Sheriff's Department out. So I had all these ideas about how I could go in there and help them out and I went in there and I was all fired up and excited and I told them all of these things and they looked at me like what the heck are you talking about. They didn't want to do any of it. And so I looked at them and I said, You know what you guys, you've been friends for a long time. You are consummate professionals, you know your business. You're good people. You understand the dynamics of law enforcement. I want to see more people and more visibility in northern and southern Santa Fe County particularly because we don't see the Sheriff enough. I said, at least let's do that. But everything – but the last thing I left them with was you tell me what you need in the Sheriff's Department and I did this with every department, Sheriff's and Fire probably a little bias I can admit and road, public works. But I said, whatever you want, I'll do everything in my power to help you get and work with my colleagues on the Commission, Commissioner Holian and others, and we'll try and increase the force and do whatever you want. That's what we did. We did it collectively as a team with the County manager, with the Commission and based on sound judgment and recommendation from those two individuals.

Those two individuals, I think Ron might have been here when they placed the first rock on the corner of the building, hat said, Rudy, you think you've been here awhile. But all kidding aside, they're both professionals. Ron went to the National Academy. I tried to acknowledge him one time here at the Commission and he would have nothing to do with that either. But he's a graduate of the FBI National Academy and has many, many awards and accolades and certificates but I spoke with one of our former employees who went to another entity nearby, I'll let you figure out who that is, and the one thing that that particular individual said relative to the Sheriff's Department is, there's good people that are coming into the Sheriff's Department, newly elected Sheriff, but there's a lot of very high level institutional knowledge that is leaving and walking out that door. So I know that the Sheriff and the Manager and the rest of the team will pick up the slack but those two individuals are professionals from start to finish. They really do have a big heart and I might have asked him to give the shirt off their back years ago but I would never ask those guys to take off their shirt now.

I love those guys. And you guys did a good job, they are listening and laughing right now at their office over there at Camino Justicia but thank you to both of those individuals for their efforts and their work. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Anaya. Manager Miller.

MS. MILLER: Madam Chair, Commissioners, I'm not sure that I can add much to what has already been said. But it's been a real honor and pleasure for me to work with Sheriff Garcia and Undersheriff Ron Madrid. They are professionals. They are straight-shooters. I always knew that if I picked up the phone and called the Sheriff I would get the exact answer that he meant and that he wanted me to have. I really appreciated that directness about him.

Undersheriff Ron Madrid is just an incredible resource for our County and for the Sheriff's Office. He's such a valuable member of our negotiating team on management when we're working with the unions. I can't imagine it without him. He is so knowledgeable and so good at really seeing key issues that we needed to negotiate and positions that we needed to be on. And really, really valuable with our six bargaining units. And he has been instrumental in a lot of our management decisions in the County.

I will miss both of them greatly. I agree with Robert that we have a great newly elected Sheriff and looking forward to that but I am really going miss the years of experience and knowledge that the Sheriff and Undersheriff have and I'll miss them personally. They are really good people and great to work with. I wish them all the best in their retirement. [Applause]

The next individual that I wanted to make sure that we recognize who is also retiring at the end of the year is Deputy Jeff Jaquez. Jeff Jaquez was a lateral deputy, hired on September 10, 2007. He brought with him much experience and knowledge from his prior agency and went on to work for Santa Fe County Sheriff's Office until the end of his law enforcement career. I'm sorry, he actually retired on November 30th. And during most of his 10 years of service to Santa Fe County Sheriff's Office he served as a Senior Deputy in the court services division. He was dedicated and rarely missed work according to his supervisors. He was a mentor to the newer deputies coming into the Sheriff's Office and was well liked and is missed already. So we just wanted to congratulate him on his retirement and wish him the best. [Applause]

The next individual, I would like to turn this over to the Clerk to wish Cordy or Cordilia Montoya, clerk senior, who is leaving the County in one capacity is retiring and coming back in another. Clerk Salazar.

CLERK SALAZAR: Yes, thank you, Manager, Chair Hansen and Commissioners. Cordy is retiring from the Clerk's office but will be entering in a whole different position as Probate Judge. She was recently elected, she is currently elect, and she will be sworn in December 28th.

Cordy started working at the Clerk's Office on June 13, 2005. She is known as Cordilia Montoya also known as Cordy and she will now be known, after being sworn in, as Probate Judge Montoya.

So this is Cordy and I want to give a little bit of information. She has worked very hard in the Clerk's Office. For many years, she and another staff person worked the front desk for several years, standing at that recording section. Recording records all the time. Never with a designated seat. And I've worked at the Clerk's Office for over 10

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years and I saw that and so when I did become clerk it did concern me back then and then when I became clerk I made sure that she had a desk because she worked so hard and she's so dedicated in recording but she needs a desk. And she's used that desk very well.

She's worked with four probate judges throughout her career with the County. She is working with the current probate judge that you appointed. She is very qualified and I believe she stepped up to the plate and decided to run. No one was wanting to run for that position. Someone registered that we knew nothing about – just out of the blue. And then later withdrew. But Cordy had considered running for several years before that but they she didn't want to do that but then the opportunity came and she decided, well, I think I will. And she did and nobody else ran. And I was very surprised because when you were appointing probate judges we had a whole slew of attorneys and non-attorneys wanting this position; wanting you to appoint them. And I was flabbergasted that no one came forward. But Cordy is a blessing that she did file for candidacy. She did win because she has experience in the probate area and she will be our next probate judge.

Thank you, Cordy for your service and for your retirement she's now retired from our office. November 30th was the effective date and now congratulations. [Applause]

CHAIR HANSEN: Welcome, Mr. Sommer.

KARL SOMMER: Thank you very much, Madam Chair, I will be very brief. I've been privileged to work with Cordy the whole time that she has been in the Clerk's Office and service, helpfulness, consciousness, always a sense of good will. In Spanish we say, *Muy buena gente*. She's going to be missed and I think she's been an example to many of the younger people that work in that office. She worked hard, hard, hard always with a smile.

And I think it is also a testament to your tenure that there is a sense of service in that office that has grown and grown over the years and she has exemplified that. [Applause]

CHAIR HANSEN: Thank you.

CORDILIA MONTTOYA: Madam Chair, Commissioners, I have truly enjoyed working for Santa Fe County. First, a lot of people say, Yeah, you've only worked 13.5 years. I was very privileged to stay home and raise our children. Run around, be a den mother and whatever they needed at school and take care of my parents. Until one day my father said, You know, Mother is gone. Go out and work. Stop staying at home. That was the best advice my father could have done.

So mostly, I want to thank my family, my son, Sam, who works in finance and has been there longer. And also I would truly like to thank our County Clerk Geraldine Salazar for giving me the honor and the privilege of assigning me to work with the Probate Judges. I love working with people and I could not let the citizens of Santa Fe down by not having a probate judge. Thank you. [Applause]

CHAIR HANSEN: I thank you. Thank you, Cordy. I have only been here for a couple of years but I am grateful for your service and I am grateful that you have stepped up to be our next probate judge. That is a really great gift to the County. Thank you so much. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would just say ditto to all the remarks made thus far and the testament to Cordilia's work and efforts is from the words that have been said from her supervisor, the Clerk, and Karl thank you for stepping

up and saying the words you did, and we're lucky to have her continue on and serve as our probate judge. Congratulations, Cordilia. [Applause]

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: So I too have only been here for a couple of years but it is amazing how welcoming Cordy was and how incredibly helpful beyond that. You guys see how she is smiling? Nobody works harder and to be able to work that hard and smile like that and make everybody feels so good is just incredibly admirable. But there's just a little bit of trauma here: you mean we're not going to call you Judge Cordy?

MS. MONTOYA: You have to call me Cordy.

COMMISSIONER HAMILTON: Congratulations on both counts, retirement and coming back.

CHAIR HANSEN: Thank you. Manager Miller.

MS. MILLER: Madam Chair, the next individual – I'd like to actually ask Pablo Sedillo to come up, Director Sedillo. Is he still in the room? To recognize Vincent Corky Ojinaga. Pablo, I think you wrote this and if you'll hand it back to me when you're done. Corky is one of those individuals who has been with the County and left the County, retired once and came back and has worked the last several years for Pablo so I wanted him to read something about Corky.

MR. SEDILLO: Thank you. Madam Chair, members of the Commission, I'm here to recognize Vincent Corky Ojinaga. He had a long and fruitful career at Santa Fe County where he had several positions in several departments. Corky retired from Santa Fe County in April 2006. His first retirement. Corky returned to Santa Fe County on January 2, 2008 and almost 11 years later he has decided to retire once again. During his tenure Corky was a dedicated, local and committed employee to Santa Fe County. During Corky's second career with Santa Fe County he held various positions which included procurement manager and an investigator for the Corrections Department. Corky gained a plethora of knowledge in both the adult and juvenile facilities. He has been instrumental in working and collaborating with several outside entities to help ensure the safety and security of the Correction Department.

Some words to describe Corky best are loyal, dedicated, serious and proud grandpa with a great sense of humor. Everyone that knows Corky will be proud to call him friend.

I am trying to get Corky to come down here and get recognized but Corky said he's done that been there and he would appreciate it if I went in his place. Corky is just a great individual. If anybody knows him and has been with the County for several years and known Corky he'll do anything to make the County look good. Corky is very dedicated to this County.

I met Corky back in 1983 actually when I worked with his wife Renee. I hadn't seen him for many years and then I had the privilege of working with him at the Corrections Department. He is a very humble individual. He has a great sense of humor when you get to know him. He's going to be missed. It's hard for me because not only is he an employee but I consider him a friend and that's very important to me. And him and I had a long conversation when he sat down with me and wanted to retire. He has some

grandkids now and he wants to spend that time with his grandkids and I think he was ready. And I tell you what, he is greatly going to be missed by Santa Fe County. That's an individual who also has a plethora of knowledge in every department. Corky, congratulations.

CHAIR HANSEN: Thank you so much. Mr. Flores.

MR. FLORES: Madam Chair, this is déjà vu for me. I actually worked for Mr. Ojinaga on a couple of occasions. He was my first boss at the City of Santa Fe over 30 years ago when he was in charge of subdivision development review. And then I had the honor when the County Manager moved me over to what was then created a project of the project of Facilities Management Department to work under Mr. Ojinaga as his Capital and Projects director. I eventually succeeded him in that role as department director and to this day I tell people that Corky was my first boss and one of the greatest mentors that I have ever worked for in that field.

So I have had the opportunity of speaking at two of his retirements and I am looking forward to his third retirement from Santa Fe County because I don't think Corky is quite done with government yet. I know he's listening and Jefe, this is for you. Thank you.

CHAIR HANSEN: Thank you, Mr. Flores.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I've known Corky as a professional and a friend for many decades and I just echo every sentiment that has been said and put forth here today. I've known him since he was at the City of Santa Fe, actually worked for him as well when I was here at the County. And then was able to hire him back at Housing when he came back and then he moved on to Corrections. But he has a wealth of knowledge and expertise, humble, soft-spoken but very funny when you get to know him and a good man and a good family man and a good father. And I just would note that his entire family are great people. His father, Commissioner Holian, you might remember, we acknowledged his father here as one of the surviving Bataan Death March veterans that served our country.

Corky, good luck to you. He's over there sitting with Robert and Ron laughing at us but a shout out to you guys and a good job Corky. And good luck wherever life takes you. Thanks.

CHAIR HANSEN: I thank you, Commissioner Anaya. Manager Miller.

MS. MILLER: Madam Chair, before I go to the last two I do want to recognize Corky not to be confused with Cordy. But Corky I have the great pleasure of working with him when I came to the County 21 years ago and our professional careers have crossed paths many times and I was really happy when I came back to Santa Fe County as County Manager eight years ago that Corky was here working in Purchasing. And he's just been fantastic the last eight years, kind of stepping up wherever he could be helpful and useful and been a great asset to the County and to our Corrections area an area that one probably would have thought, well, why there? But he actually did a great job helping Pablo and working on investigations and really getting the detention facilities in order. And he came to be probably a month or two ago saying that this time he really needed to retire and wanted to spend time with his family and I completely understand

that and I wish the best for him. And he will be missed as well at the County. He's one of those County employees that we talked about earlier, that you just can't imagine the County without him. And I wish him all the best in his future.

On to the last two. Rudy Garcia. Rudy Garcia is currently a County employee in the County Manager's Office. As of today he still works for me but in a couple of weeks I'll work for him. Rudy has been with the County for 28 years and today he gave us a history of all the different offices he worked in but predominantly he worked in the Assessor's Office, in County Zoning, County Land Use and as the County Land Use Administrator. He also has worked in Projects as a Projects Coordinator, Projects Manager and then over the last several years he has worked in the County Manager's Office predominantly as our legislative liaison. He's well known over at the Capitol with all of our legislators, at the New Mexico Association of Counties, they all have really enjoyed working with Rudy. All of the County staff enjoys working with Rudy and the nice thing about honoring him today is that we're just recognizing his 28 years of service as a County employee and thanking him for that commitment to public service and that dedication. But we actually don't have to say goodbye because on January 1st he will step up as the new County Commissioner in Commissioner Anaya's district and will be sitting up there amongst the four of you and we are really looking forward to that. But today we just want to recognize him and thank him for all his contributions to Santa Fe County, to all of the communities around the county. He really, really understands Santa Fe County's – the County as an organization and all of the different offices and all of the functions and all of the services that we provide to County constituents but he also as a great public servant not just here for Santa Fe County but the public schools, the Boys and Girls Club, the Mountain Center, he's actively involved in so many community services. He really understands the communities throughout Santa Fe County and the constituents and we're really fortunate to have had him at the County for 28 years and to get hopefully eight for years from him as a County Commissioner. So, Rudy, congratulations on your retirement. Congratulations on your election and looking forward to eight more years with you as a County Commissioner.

CHAIR HANSEN: Welcome, Commissioner-elect Garcia.

MR. GARCIA: Thank you, Madam Chair, Commissioners, Manager Miller, thank you for the great words. Good afternoon. Santa Fe County, wow, awesome, the place where I grew up literally. I really grew up in this place 28 years ago. I actually started working for the County when people were able to smoke in their offices. There was literally no computers in this building. I had the privilege of working in many, many different departments throughout my career here in Santa Fe County. The Zoning Department, Projects Division, Housing Division, I assisted several Commissioners, assisted managers, my existing position is Legislative Liaison as Manager Miller mentioned which is a great position in my view. You get to realize how the State Legislature works and how a bill is introduced and how the state works. And with my jobs, the previous positions that I have had, it is actually great to see how local government works. As Manager Miller mentioned earlier, whenever you work with the people, the constituents, that is local government. City councilors, county commissioners that is actually working with the people.

One of the things that I actually learned at Santa Fe County many, many years ago

– 24 or 27 years ago – is actually customer service for the customer. It's actually appreciation of working for the general public, the taxpayer. We actually, all of us in this building, all of us that work for Santa Fe County, we all work for the taxpayer. And I learned very early on in my employment that that is the most important thing because whenever someone comes to the government, people should want to come to the government. They should want to come to the county offices and help them to be assisted. I learned that roughly 27 years ago and I will continue to do that and I love assisting the general public.

I have worked with many great individuals in Santa Fe County. Great leaders, great individuals, individuals that are very creative and think outside of the box and so much more.

I don't know how to take this retirement. It's a bit scary, challenging but it's kind of exciting. It's something different in my life. My next four years of life will be a little different for me. It's a great opportunity for me. I was telling my colleagues earlier today it's like being on a baseball team and they keep throwing you strikes and you keep hitting that ball, hitting that ball and getting on base all the time. The last period has been really great with a lot of positive balls coming my way and I am grateful for that.

I want to thank all of the employees that I have worked with throughout my 28 years. I made a lot of friends here and still have a lot of friends here and learned a lot of stuff from some of our leaders sitting up there. I'm going to miss my everyday job. I'll be sitting up there in Commissioner Anaya's seat and I have learned a lot of stuff from Commissioner Anaya and as I mentioned to him earlier, I will actually get his cell number and ask him for the great advice that he has given to the County Commission over his years.

I want to thank the citizens of Santa Fe, the staff that come and work here, the staff that I have got to meet over the last 28 years and my family for allowing me to work and help me with my everyday life for 28 years. When individuals would get by my side and ask what is it exactly that you do? What kind of work do you do? What is happening? I would explain some things and they also wondered what my job was. I know right now that my mom would be so proud of me enjoying my retirement and my next four years as County Commissioner. Unfortunately, she is not here. She raised me as a single-parent as well as my grandparents, my aunts and uncle. Thank you for all you have done for me in my life and I guess I'm retired now. I've got to go.

CHAIR HANSEN: Congratulations. [Applause] Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Garcia, Commissioner, congratulations on your many, many years of service. Congratulations on your election moving forward to continue to assist the people of Santa Fe County. I shared with you earlier in our luncheon that we had that you've always helped people out and I thanked you for helping my father through a difficult situation in county government. Early on he told me and you know this, we've talked about it many times over the years, we get to help people out, help the community and you helped me. You helped me not just as a colleague on the County but you helped me personally when I needed help through my frustrations with getting approvals for my own building permit for my own home. And so for all of those things that you shared earlier and that you shared today, I wish you the best of luck. Thank you; again, for your service and feel free to call me at any time and

God bless you for serving the citizens of District 3. Thank you, Madam Chair.

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

COMMISSIONER HAMILTON: I guess we'll have to make this brief so Commissioner-elect Garcia can say as much as he wants because we're never going to give him the chance in the future. Not true.

But we all have that common experience of how incredibly helpful and you commented on the importance of service and that is what it is all about and you really exemplify that. And that was how I first got to know you long before I ever thought about being a commissioner working with the water system and having a lot of input, incredibly helpful input and support from you and Paul and Tony and you seemed to have just done that to an incredible degree for everybody and so that's just a great way to start this additional step of – it's the next step forward in the level of service. We're really looking forward to working with you.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Commissioner Roybal.

COMMISSIONER ROYBAL: I kind of wanted to stay congratulations to all of our retirees today. I missed a couple because I had to step out of the meeting temporarily. I do want to say congratulations to all of our retirees today. I know Sheriff Garcia set some goals when he was in office and one of them was to reach 100 officers as Manager Miller said earlier. There were goals that he set for the Sheriff's Department and he achieved so I really want to commend him for that and the years of service. And he will be missed. I know that we're getting another great sheriff coming in with Sheriff-elect Mendoza so we look forward to working with him.

And also just to restate that it has been my honor to serve on the Commission with Commissioner Anaya. He's been a mentor and a leader and a friend. And it's going to be a big void that I think Commissioner Garcia will fill but it is something that you know the Commission has always relied on a lot of unique and it's the way Commissioner Anaya presents certain obstacles sometimes that we run into clarifies and kind of helps the Commission make decisions is going to be missed. Also, Ron Madrid, our Undersheriff, he has done a great job. There's times where I would call the Undersheriff to ask him questions about certain things that are going on in the County and he always came back with responses and he was always really responsive to different calls. We're losing a great Undersheriff.

And with the new Commissioner-elect Rudy Garcia, me and him have a long history, we worked together in the Assessor's Office many years ago as I have stated in the past. So we've known each other since the early 90s, '91, '92. So I look forward to working with him. We've shared being co-workers, me being a customer to the County and doing building permits when I was no longer with the County and also just with public service and now for him to be again at the same time serving together, it's going to be a great experience. I look forward to that.

And then Cordy, I know she has done a great job representing the Clerk's Office in being the assistant to the probate judges. So it's going to be wonderful to have you in that position where all of your experience will shine through.

And then with Corky, we worked together a little bit in the past and I talked to

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him at the detention center, he's just a great individual and full of knowledge. It's going to be really hard to see him go but I wish him the very best in all of his future endeavors and also Mr. Jaquez, for all of his work and dedication, I just want to say congratulations.

Sorry for being so long. I kind of missed out on all of the other ones. But I do appreciate the time and congratulations to all of you. Thank you.

CHAIR HANSEN: Thank you, Commissioner Roybal. Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. Two things about Robert Garcia the outgoing Sheriff. I was impressed that he invited the CYFD Department with programming involvement in their programs. I hope that Mendoza can continue and expand it if the Governor sees fit to make some adjustments that would really help in our community, I believe.

The second thing is, I am really looking forward to working with you, Rudy. Congratulations.

CHAIR HANSEN: Yes, thank you everyone. Thank you, Commissioner-elect Garcia. I am especially looking forward to working with you also. We have a long working relationship. I've known you for a long time and I think you will be an excellent Commissioner. Welcome aboard.

We are looking forward to our inaugural on December 28th at 2 p.m. in the afternoon.

With that we will go on to our final retiree and recognition.

MS. MILLER: Madam Chair, in this case I'll say we saved the best for last. As you know, December is often, particularly every other year when we have elections, December is a tough time. We lose a lot of people because they term-out so of speak and we also have several people who retire. This year is a significant year as you can see by the list of the people that we have on the agenda. But one that we will be saying goodbye to because he has termed-out is Commissioner Robert Anaya. He has served his two consecutive terms as County Commissioner since January 1, 2011 and as you just recognized Rudy Garcia will be replacing him. But Robert has a much longer history with the County and as I mentioned earlier today in our own little get together my history of working with Robert goes back to 1997 when he first came to the County. I think he started a few months before me but he first came to the County as the Housing Capital Projects Director or Manager and then moved on to be the Housing Director and he moved up from that to be our Community Services Director over all of our health programs and community programs as well as housing and at that point I left the County for a while and went to the state and then a couple of years after that Robert joined me at the state in a different department. He was over at Department of Transportation and we got to work together then again. And then I came back to the County in September of 2010 and Robert had just won the primary for the County Commission for District 3 and came back to the County as one of my bosses, once again, I have to always make sure because you never know who will be your boss some day, especially in the County with elected officials.

So he came back January 1, 2011 and served his first four-year term and then was re-elected again and is just now finishing his second term and I mentioned earlier that the hard thing about having Robert step off the County Commission, it's not just like he's

leaving as County Commissioner, but he's leaving what we consider to be a pretty tight-knit family here at the County and we hope he doesn't stay gone or stay away. We hope we'll get to see him often in different capacity than County Commissioner.

I just want to acknowledge though Robert's commitment to public service. We've talked about that with all of the people that have been recognized today, but Robert truly, truly has a heart for public service and for people in the community and for Santa Fe County. He's always had a great passion for doing things for the communities in his district as well as the communities throughout the County. He mentioned earlier that he's a big fan of public safety and the Sheriff's Office and a big supporter of the Fire Department and, yes, do not forget roads. Under his tenure as County Commissioner we have expanded our road maintenance crews and our entire road maintenance program. We've probably paved and improved more miles of road than ever before. He has been a strong advocate for making sure that our County roads are well maintained.

And something that a lot of people don't understand or don't see, but I know just from my experience of working with him for eight years is how much he cares about the County employees. He's always advocating for the Board and County management to take care of the unions and their contracts and be good and respectful to them and what we might make available to them and especially in educational opportunities and making sure that County employees that maybe didn't get an opportunity to go from high school to college have an opportunity to get education and training in their respective career field and then maybe go on to some type of college education that is a little different than the traditional four-year college degree right out of high school. He's always making sure we are mindful of that and taking care of County staff and recognizing them for what they do every day and what they do for the constituents of Santa Fe County.

And, I can say this, while some people have alluded to it in their comments that you may not always agree with Robert but for sure he is very respectful of a difference of opinion and very respectful in the way he presents his opinion and how he feels about something. And he always has an insight that maybe you didn't think of and I have learned a great deal from Robert of how to look at different community situations and different land use issues and even employee issues because he brings a perspective that is always insightful and educational. And, for that, Robert, I really appreciate your tenure here as a County Commissioner. I have appreciated working with you over the years. I've even enjoyed our respectful debates when we haven't always agreed on things. It has helped me to be a better manager. Helped me be just a better person and we really appreciate the time you have given Santa Fe County as County Commissioners and wish you the best in your future endeavors particularly in the field of education. And best wishes to you and thank you. [Applause]

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Manager Miller, for those kind words. I was thinking and have been thinking for several days leading up to his day about community and about the Galisteo Water Association, the Galisteo Community Association, or fixing a broken a line in Galisteo when my dad said, Get in there and dig that out so the water can get turned back on. I thought about the volunteer fire department and the many years that I was able to serve alongside some of the most

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devoted volunteers throughout Santa Fe County in the 15 fire districts. I've thought about the Road Advisory Committee and the volunteer, wonderful volunteers, that I spent almost eight years and was on it to have the opportunity to learn early about chairing a meeting and working with different groups of people across an entire county.

I thought about my dad over and over and my mom and my family. I want to acknowledge my partner sitting right back there, Doris, if you'd stand up and wave at everybody. [Applause] My kids are actually on the way. They're going to bring my mom over here where I'm going to do some justice and thanks to her for giving me the opportunity to be born. But the root of county government, local government service is the citizens and the people that you try and help to serve. In Santa Fe County you have to have exceptional leadership across the board and at Santa Fe County in every endeavor through any place that I've had the fortune of being part of, from people like Anthony that are the custodial staff or maintenance staff that take care of what we do day in and day out here that was here today raking leaves with his team to the County manager and everyone in between. To every single volunteer on every single committee, the Planning Commission, the DWI Planning Council, the CDRC, the Zoning Commission, the EZA – to all those committees, to every single one of them – Maternal and Child Health, the folks that come in here to do as Rudy said earlier, just to get some help and look nervous. It's tough when you have your property and your livelihood at stake and you need to come to get service and you expect to run into people like Rudy where you can get a helping hand and you can get through a process. It's not always like that every where all the time and it's not always like that here but I can tell you that this particular staff, this particular group of people across the board for decades in their heart of hearts they just want to provide service and good service. And it's been a collective team.

I've had the pleasure of working with other Commissioners. Commissioner Holian, Commissioner Stefanics, Commissioner Chavez, Commissioner Vigil, Commissioner Sullivan, right, in different capacities, all of them. Did I miss anybody on the Commission? I don't want to miss anybody. Commissioner Mayfield, he gave me this lovely pin right here on my jacket. This whole Commission that is sitting here. It is a collective effort of people working in the interest of the citizens. And I'll say it this way, I told my brother whom I am proud of and did good work at Santa Fe County you're a person occupying a space in time. When you get there, do the best you can, and when you're done move on. And I've occupied that space in time and I've been honored to serve alongside my colleagues and Commissioners and all of those elected officials, every single one of them, many. Geraldine, thank you and every single clerk and assistant and staff person here at Santa Fe County in Santa Fe County government. Thank you, sincerely, from the bottom of my heart to those constituents and residents of District 3 for allowing us to do our best. And when you feel I may have stumbled, I apologize. I did the best I could in the time and occupying the space and time and frankly don't have any apologies. I think that we just move on. We do the best we can and we try and help people.

Mr. Garcia, I'm turning this lane right over to you. You are going to do good work. I'm excited about that. I'm excited about what the Commission has in front of them and how they can prosper and succeed. Manager Miller, back to you and your entire team. Please thank each and every one of them. I'm thanking them right now but

please let them know that I sincerely will miss them and appreciate all that they do and all that they are.

And I'll leave with these words because I started with these words, and this is this Commission, this is the prior Commission and the just look at the last 20 years in Santa Fe County, Rudy, you said it good earlier today, We used to chase the City and wanted to aspire to get to the things that they do. We don't chase the City anymore. We lead by example and we work together with not only the City of Santa Fe but the Town of Edgewood, the City of Española, and our partners in the RTD and throughout this whole State of New Mexico. This county leads. I'll put this county ahead of any county in the State of New Mexico. Going back to my dad, who I know, like your mom, Rudy, is looking down proud. My dad used to say that there's people who make things happen, people that watch things happen and people that wonder what the heck just happened. And I can tell you that this Commission, this staff for decades now has made things happen and all you have to do is look around at the fire stations, the fire trucks, the police cars, the roads, the community centers, the substance abuse programs, the corrections facility – it goes on and on and on and on. These people do yeoman's work every single day. And from the bottom of my heart it's about them and not about me.

Thank you very much, Madam Chair. Thank you for indulging me with a little time and thank you Manager Miller. You know I have enjoyed our debates and will continue to enjoy our debates because I think our relationship in working together and helping the community and the state and I know yours isn't done and I don't think mine is either. But I look forward to whatever lies ahead. And God bless everyone. Thank you, Madam Chair. [Applause]

CHAIR HANSEN: Thank you, Commissioner Anaya. I've had the pleasure of working with you for the last two years. We have had some debates. We don't always agree but we also do agree on certain things and I have learned a tremendous amount from you and I appreciate the time that I have been able to spend with you and learn about the history of the County and the things that you have able to give which have been great indeed. So thank you.

COMMISSIONER ANAYA: Thank you, Commissioner.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I can't let it go by without saying something. The trouble is just trying to limit it to just a few words. So I really am grateful for the time that we have been able to serve together because, as I said before, one of the best things in life are those people you can really admire and see what they do well and try to emulate it and reach a similar level in the way that they treat people well or achieve good goals, set good goals and you've really – and there are many things I really admire about the way you do and not the least of them aside from really deeply respecting people and trying to serve them and make their ongoing and future lives better but it's that you can carry on a discourse with people and be honest about what you think but really listen to what they thing so that everybody can move forward and be a little better for it. And I would very much like to achieve that kind of capability as well.

So I have to also point out that one of the very first things you said when I first started is that the County does a lot of recognitions which is a wonderful thing And very often people are recognized for some wonderful leadership thing that they did and they'll

get up to the podium and say, Well, you know I couldn't have done it without my team, and one of the first things that I remember you saying was that's the sign of a really true leader that says something like that, that they can't do it without everybody. And lo and behold that's what you just said. You can leave and move on to the next things knowing that you were a true leader in the community. Thank you. [Applause]

CHAIR HANSEN: Thank you. Commissioner Roybal.

COMMISSIONER ROYBAL: Madam Chair, I guess earlier I thought we had already gone through this so I have already said what I needed to but once again just – I'm honored to have served with you on this board, Commissioner Anaya, and I wish you the very best in all of your future endeavors and I know that you're still going to be around and I'll definitely keep your number as well cause I always like bouncing ideas off of you and listening to the different ideas that you have so thank you, sir.

CHAIR HANSEN: Thank you, Commissioner Roybal. Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. In our lives we have opportunities that just kind of materialize and for me it's been an honor to be on this dais and I look forward with the new Commission and the other incoming officials of the County. I must say something similar to what I said at our lunch that we come from various places and experiences and during meetings we have interaction but when we go into an executive session it's a wonderful time to really learn about your colleagues and I've learned so much from you. How you address people with total respect and I really appreciate the presence that you have been for me and thank you.

CHAIR HANSEN: Thank you. Clerk Salazar.

CLERK SALAZAR: Chair Hansen and Commissioners and especially Commissioner Anaya, thank you for always being very supportive to the office that I am responsible for and to all of my staff especially when it comes to elections. You got that portion of the work that I do especially running elections and the massive responsibility and the importance of meeting the needs of voters in Santa Fe County. So I want to thank you and especially thank you for always being supportive in that area. It's a very sad time. We had a really good early afternoon with you and many others and I see that it's a time of you exiting in numbness because you had so much to offer and you are truly a public service individual and that has reflected in many of the – because I watch all of you and I've seen that there's been very difficult situations and your vote has prevailed in many ways that makes this board even stronger. And then the numbness of coming in for Rudy. Congratulations on your election and all of your public service. One of the things that I look at whenever I vote for anyone or encourage people to run for office is their public service. What are they about as an individual? Because when you do become an elected official it's not about power and control. It's about the people that we serve and we have to always remember that. Being mindful of our community. Being respectful of our community even when there are times when it is very difficult. But, yet, we must speak up because of our experiences and what we do to serve the public. And I think as you have shown in the past that your interest have been with the public and that is your legacy. Your public service and what you have done on the Board in the interest of the public. And thank you so much for being a role model to your colleagues and many others. May you have a great semi-retirement.

CHAIR HANSEN: Thank you. Now I think we should take pictures – of course, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to circle back to something and I want to ask him to come forward. First I want to circle back to Robert Martinez and thank him not only as a public works fantastic employee, employer at Santa Fe County in his efforts in Public Works, but to publicly thank him and acknowledge him as my cousin. He was Big Robert and I was Little Robert and I'll always be Little Robert. So thank you, Robert. Yeah, give him a round of applause. So I never went from Little Robert to Big Robert, I just grew bigger.

But I want to bring Chris Barela up just briefly. Chris, if you could come forward so everybody can see you. We all go through challenges in life and we always go back to those people that are your friends and people that are loyal and support you. And I remember when I went to get you to come work for Santa Fe County. It was snowing quite a bit and I got in my car and I drove to Las Vegas, New Mexico and you had no idea I was coming. And I found out where you worked and I drove in the snow over there and I went in there and I found you and I said, Chris, I want you to come help me and treat people right and be my voice when I'm not there as a liaison and help the constituents out. And I did it because we're brothers, number one. Right? You're my brother from another mother; right? And we help each other out. And you've helped me out many times in the course of the last eight years. And so from the bottom of my heart I want to tell you, muchísimas gracias, buddy, and God bless. [Applause]

CHRIS BARELA: You are welcome.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HANSEN: So we'll –

MS. MILLER: Madam Chair, I would just like to – I stole this from your office for the picture earlier we gave Commissioner Anaya a Nambe plate that has the County logo on it and it says, In recognition of Robert A. Anaya, Santa Fe County thanks you for your commitment and dedication to the residents of District 3 and Santa Fe County from 2011 to 2018. So I'd like to present this to you again and hopefully get a picture with all of the Commissioners and you for your final Commission meeting.

COMMISSIONER ANAYA: Thank you and I'd like to have all the folks that are being acknowledged that are here. We can take a picture of Ron and Robert and those guys later, I guess.

CHAIR HANSEN: We'll do a couple of different pictures. One of just the Board and then we'll do pictures of everyone; okay?

[Photos were taken]

II. Consent Agenda (Action Items)

A. Miscellaneous

1. Request Approval for an Affordable Housing Agreement for High Summit III Phase 2 between Santa Fe County and OREO, LLC (Growth Management Department/Jordan Barela) **Removed**
2. Request Approval for an Affordable Housing Agreement for High Summit III Phases 3-6 between Santa Fe County and

White Bear Properties, LLC (Growth Management
Department/Jordan Barela) **Removed**

B. Resolutions

1. **Resolution No. 2018-122, a Resolution Approving a Budget Increase to Capital Outlay GRT Fund (313) to Budget Funds for Insurance Recoveries for Floods in the Amount of \$86,323. (Finance Division/Stephanie Schardin Clarke)**

CHAIR HANSEN: Is there anything that needs to be removed or taken from the Consent Agenda? I have a question about A 1 and 2. So I would like to remove that from the Consent Agenda. With that, do I have a motion to approve?

COMMISSIONER HAMILTON: Madam Chair, I move to approve the Consent Agenda as amended that is minus the two items being removed for discussion.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: I have a motion by Commissioner Hamilton and second by Commissioner Roybal. All those in favor?

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

Clerk Salazar provided the numbers for the resolutions and ordinance throughout the meeting.

III. ACTION ITEMS

A. Items from Consent Agenda Requiring Extended Discussion/Consideration

1. **Request Approval for an Affordable Housing Agreement for High Summit III Phase 2 between Santa Fe County and OREO, LLC (Growth Management Department/Jordan Barela) [Exhibit 1: Support material and agreement]**
2. **Request Approval for an Affordable Housing Agreement for High Summit III Phases 3-6 between Santa Fe County and White Bear Properties, LLC (Growth Management Department/Jordan Barela) [Exhibit 2: Support material and agreement]**

CHAIR HANSEN: Welcome, Karl. I had – Robert, are you the case manager on this? Who is the case manager? So I have a couple of questions on this. Affordable housing is one of the things that is near and dear to my heart and it concerns me that we are reducing the amount of affordable housing even though it is only by half, two units. I got this late last night and I just want to be clear; why are we reducing this to only do one unit and where is it going to be? Because it says it is offsite and I'm assuming it's not going to be on Hyde Park Road and so where are the affordable units going to be? And there's only going to be two instead of four. And I know that seems kind of minor but in this desperate situation that we are in in Santa Fe with affordable

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housing I am concerned about people being able to have housing.

JORDAN BARELA (Planning Division/Affordable Housing) : Jordan Barela, Planning Division/Affordable Housing. So to address your first question regarding why the units were reduced, Chapter 13, the Fair and Affordable Housing chapter of the SLDC, under general affordable housing requirements there is an Income I range bonus. That bonus was added in when the SLDC was approved in 2016 and essentially the bonus states that if a developer provides an affordable unit to an income range I buyer an individual making 65 percent or less than the AMI, Average Median Income, then that unit shall count for two units. In this particular instance, we had two developers each with an affordable housing requirements of two units and by providing that first initial unit in income range I, that provision of the general affordable housing requirements income bonus of one unit would kick in. So it is consistent with what we have in Chapter 13 of the SLDC.

Regarding the offsite units, we've been in discussions about where those units would be located – the lots, I'm sorry. The lots have not been identified yet. Once they are identified they do have to go to staff for approvals to ensure there is compliance with the SLDC and Affordable Housing Regulations. But in the interim, what the developers are proposing is designating two lots in Phase 2 and Phase 4 of High Summit III as income range I affordable lots in the interim. Once they have identified offsite lots that are consistent with the Chapter 13 and the affordable housing areas in Santa Fe County and those receive approval then the lots within High Summit would lose the designations and the lots outside would get approved and we would move forward with the building of affordable units in those areas.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Could you clarify that? I'm not sure I understand the process of identifying existing lots and then taking them off? They'll never actually be developed as affordable housing units so I'm just not sure why that designation – is that in case the offsite lots never get identified and then they would be developed?

KARL SOMMER: Madam Chair, Commissioner Hamilton, we did that so that the affordable housing requirement is something in the future and we wanted to make sure that the County has a security for the obligation. The lots that we're designating are exactly that. If something happens in this particular development, the previous developer went bankrupt and so I did not want, we did not want to leave the County in the position of being unsecure. They'll have a lot designated. It will have that designation on it and it will not be lifted until the other unit is built and offered for sale.

COMMISSIONER HAMILTON: Thank you.

CHAIR HANSEN: Any other questions from the Board?

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I don't have a question but it seems pretty reasonable so I'd like to move approval.

COMMISSIONER ANAYA: Second.

CHAIR HANSEN: Okay. All those in favor?

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The motion passed by majority [4-1] voice vote with the Chair voting against.

CHAIR HANSEN: I'm opposed to this because of the reduction of affordable housing units in the County. And it really concerns me. I'm also opposed to this because of the fact that unit level one has always been the hardest units to keep occupied and so because they are the lowest income standard so that concerns me. So that is why I voted in opposition to this.

Yes, that was the first item. Did your motion include number A.1?

COMMISSIONER ROYBAL: Yes, that was A1 and A2.

COMMISSIONER ANAYA: So did my second, Madam Chair.

CHAIR HANSEN: Okay, you're including both of them? Okay. And the votes are the same. Would you like to vote again?

RACHEL BROWN (Deputy Counsel): Madam Chair, for clarity it is probably best to vote having clarified what the motion is.

CHAIR HANSEN: Okay, having clarified – all those opposed? Myself, and all of those in favor?

COMMISSIONER ANAYA: Aye.

COMMISSIONER ROYBAL: Aye.

COMMISSIONER HAMILTON: Aye.

COMMISSIONER MORENO: Aye.

The motion passed by majority [4-1] voice vote with the Chair voting against.

CHAIR HANSEN: Okay thank you.

B. Resolutions

- 1. Resolution No. 2018-123, Resolution in Support of Items on the New Mexico Mortgage Finance Authority's (MFA) Legislative Agenda for 2019 That May Directly Benefit Santa Fe County Residents. (Housing Authority/Joseph Montoya)**

JOSEPH MONTOYA (Housing Director): Madam Chair, members of the Board, thank you very much for allowing us to present this particular item today. As you see there are four items from the New Mexico Mortgage Finance Authority, agenda items and legislative items that they just took to pursue. These four specific items are items by which we, Santa Fe County, have the opportunity to be able to receive those funds if in fact the New Mexico Mortgage Authority is able to receive those funds. So I wanted to make sure that MFA knew that we were supportive of them when they were going through the legislative process.

In addition to those four items there's also another item there at the bottom of it. We're asking for Santa Fe County specifically to receive to \$250,000 for pre-development costs. These costs would be used in terms of design and approval processes and finance processes in order to start building units which I know that all of you are very supportive of and want to see happen as soon as possible.

CHAIR HANSEN: So, what's the pleasure of the Board?

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

COMMISSIONER HAMILTON: Second.

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CHAIR HANSEN: Motion by Commissioner Roybal and second by Commissioner Hamilton.

COMMISSIONER ROYBAL: Madam Chair, under discussion, I would just like to thank Joseph for all of his hard work on this and we really appreciate it.

CHAIR HANSEN: Likewise. All those in favor?

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

C. Miscellaneous

1. Request Approval of A Water Rights Purchase Agreement between Santa Fe County and the Adela G. Padilla Revocable Trust. (Utilities Division/John Dupuis)

JOHN DUPUIS (Utilities Director): Good evening, Madam Chair and Commissioners. The agreement before you for approval is to purchase water rights to support deliveries to our customers. In the memo that I provided is a brief background and key components of the agreement. This includes the need to purchase additional water right to support the need for water demands and the purchase is for 23.5494 acre-feet per year at a rate of \$19,347 an acre-foot and that totals \$455,610.24. With that I stand for any questions?

CHAIR HANSEN: Any questions of the Board? What's the pleasure of the Board?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Commissioner Anaya moved to approve and Commissioner Roybal seconded. All those in favor?

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

CHAIR HANSEN: Thank you, Mr. Dupuis.

MR. DUPUIS: Thank you, Madam Chair.

2. Approval of A Permanent Severance of Transferable Development Rights and Land Use Restriction Agreement (TDR Agreement). (Growth Management Department/Erin Ortigoza)

CHAIR HANSEN: Welcome, Erin.

ERIN ORTIGOZA (Growth Management): Good afternoon, Chair Hansen, Commissioners, Erin Ortigoza, senior planner and TDR program manager.

This item is to approve a TDR agreement in order to certify the severance of four TDRs that are owned by Brad and Kathy Holian. The Transfer of Development Rights Program was initiated in 2016 via resolution 2016-33 in accordance with the Sustainable Growth Management Plan. The TDR program is a tool which supports the preservation of agricultural land, open space and other critical environmental resources through

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designated sending areas and directs growth to designated growth areas identified as the receiving areas.

Procedures and regulations for the TDR program are established through Section 12.14 of the Sustainable Land Development Code. The TDR program includes a qualification process and a certification process. The qualification process includes a TDR qualification report which documents the number of TDRs associated with the property, the criteria by which the property was qualified, the baseline conditions of the property which includes maps and photos to describe the property in more detail.

Included in your packet is Exhibit A to the TDR agreement which identifies the sending area and is also shown on this board. The property is located on Glorieta Mesa within the Ranch of Padre Springs Subdivision and also in the southwestern corner of the Old Pecos Land Grant area.

This is an amazing property that is part of an extensive forested landscape serving as habitat for a range of species it also includes incredible vast vistas. This property has been qualified as a sensitive environmental land in accordance with Section 12.14 of the SLDC and also through agricultural land and land providing open space, preserving scenic vistas and natural features and areas of special character.

The TDR qualification report identified five development rights on the 118 acre property which is located within the rural fringe zoning district and has a base density of one dwelling unit per 20 acres.

The application of the approximately 11 acre TDR sending will allow for the severance of four TDRs on the property. The residual area of the property is approximately 7 acres and includes a buildable area where a residence has been constructed and that is shown on Exhibit A.

The first step of the TDR certification process is the approval of the permanent severance of transferrable development rights and land use restrictions agreement, the TDR agreement which is the item before you for consideration. Subsequent to the TDR agreement approval, the TRD certification process requires the recordation of the TDR sending area plat, severance of the TDRs through issuance of certificates for each TDR as noted in the agreement and then the certificates are marketable for sale for development in receiving areas.

This will be the first TDR agreement and certification for Santa Fe County although, we have qualified many other properties. This furthers the goals of the County's growth management plan. This concludes my presentation. Thank you and I stand for any questions and Brad and Kathy Holian are also here to address any questions that you may have.

CHAIR HANSEN: Thank you, Erin, very much. It's exciting to have the first one come through. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm going to defer the motion to the Commissioner from District 4, but I do want to say that there are some top people in my list relative to being conservationist and stewards of land and property. And I put the Holians right up there. So it's my mom, Teddy Roosevelt and then I would put the Holians. And I say that respectfully and truthfully. And so I'm totally, totally fine with what's being done here. It is setting precedent and it's yet another example of how committed the two of them are to conservation and being good and responsible stewards

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of their land with the benefit of the surrounding areas for the public. So, thank you, Madam Chair.

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

COMMISSIONER HAMILTON: Very well said, I must say because the Holians truly do an incredible job of conservation and motivate many other people to do the same and so I think it is a wonderful thing. I am very proud that it is in my district but I have to say that this concept where we preserve open spaces and use it to the development rights in alternate locations was kind of a forward thinking program that Commissioner Holian championed. So it's really nice to seeing that moving forward.

And since making a motion to approve this wouldn't curtail any further discussion, I'd like to move to approve this.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: And Commissioner Roybal has a second.

COMMISSIONER ROYBAL: And under discussion I'd just wanted to thank the Holians as well for their leadership in the environmental conservation realm. It's fully appreciated and I know it is something very near and dear to their hearts. Thank you.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. I want to echo the thanks of the people of the County and especially the gift of this property, the rights, and it's a great thing. Thank you.

CHAIR HANSEN: Thank you. I just finished a book by Scott Einberger which is called *With Distance in His Eyes*. It's about the legacy and history of Stewart Udall. This is the kind of project that Stewart Udall would love. He was always looking for ways to preserve wilderness, preserve wildlife, and preserve our natural beauty. He loved New Mexico and I think it's a great tribute this program the Transfer of Development Rights program is definitely about with distance in our eyes. That quote comes from Teddy Roosevelt. That was a quote said about him with distance in his eyes that Stewart Udall has commented on and how he viewed the world of conservation. And this is a testament to that.

So thank you, Erin. And thank you to the Holians for this being the first transfer of buildable development rights. It is very exciting. And with that, may I have a vote. All of those in favor?

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

CHAIR HANSEN: It is unanimous and thank you very very much. Thank you, Erin, for all of your work on this. I know it has been a long road but you've done a great job and I really appreciate it.

MS. ORTIGOZA: Thank you, Chair Hansen, I appreciate that.

CHAIR HANSEN: Kathy and Brad, would you like to say anything?

KATHY HOLIAN: Well I am pleased to report that we have an awful lot of wildlife up there. We have, of course, deer and bear and I think we even have evidence of elk, and foxes and coyotes so we feel that we're doing something right. But

in any event, Brad and I actually have 900 acres up there on Glorieta Mesa and we've put a conservation easement in the past on about 800 acres of that land. And we sort of looked at that as a good way to protect the conservation values of the land and make sure that it's never developed because it is probably land that should be kept open for the wildlife and just for the various conservation values.

Since as a Commissioner I was very supportive of the TDR program. I really really wanted to see that put in place. When it actually was put in place, we jumped at the chance. We had another 100 acre lot that we had just bought and so we thought we would use the TDR program to set aside part of that land with the land that we have conservation easements on and then see how the two programs compare with each other. And my idea is that we want to understand how each of the programs work and then be able to communicate this to other people in the County who might be wanting to do something similar and maybe write an article about it for the paper or something like that, you know, in the end when all is said and done. But I think that this TDR Program is a great complement to the conservation easement programs that already exist out there from organizations like the Santa Fe Conservation Trust.

I just couldn't be more pleased that this program is in place now and it's an incredible honor that our property was the first. It's really great.

CHAIR HANSEN: Thank you, Commissioner Holian.

IV. Matters of Public Concern

CHAIR HANSEN: Do I have anybody from the public who would like to speak? Yes, the gentleman in the fourth row. Let's keep it to five or seven minutes.

ERIC MCFARLANE: I'll keep it to probably five minutes.

CHAIR HANSEN: Okay, thank you.

MR. MACFARLANE: Madam Commissioner, Santa Fe County Commissioners. I'm not too accustomed to using a microphone but anyway.

My name is Eric McFarlane. I am a resident of the County of Santa Fe. I am here today to talk to your about a speeding epidemic on Fin del Sendero. I live adjacent to Fin del Sendero. Today I am addressing you as both a resident of the County of Santa Fe and as an engineering professional licensed in the State of New Mexico.

Michael Kelley, director of Santa Fe County Public Works, and myself are both civil engineers, licensed in the State of New Mexico to practice civil engineering. This is a profession that I have worked for 27 years. Twenty-six months ago, this is 26 months ago, I contact the Santa Fe County Public Works Department about traffic calming on Fin del Sendero. I have worked with local area residents including those who vehemently oppose this effort, the County law enforcement, the Santa Fe County Public Works, to reach a collaborative solution to the speeding epidemic. The Neighbors of Fin del Sendero formed in March 2017 to address this problem. They represent two homeowners associations and five individuals. To date, this is no resolution.

Fin del Sendero is a one-mile road, residential roadway, which starts and ends with a stop sign. The posted speed limit is 25 miles an hour. Fin del Sendero has eight direct access properties referred to as frontal properties. Fin del Sendero has nine street to street intersections over the northern $\frac{3}{4}$ of a mile. This leads to 17 points of residential

access over the northern $\frac{3}{4}$ of a mile. The roadway has three blind hills and several obstructed intersections which significantly reduce sight distance. The roadway is narrow and has steep fore and back slopes. These are characteristics that contribute to rollover collisions which often involve fatalities. There are electrical transformers within four feet of the traveling roadway. Collusion with these utilities will lead to fire, fatalities and destruction of private property. There are two locations with reference curves, sometimes referred to as S-curves. Three houses are located within 35 feet of the traveled roadway. Fin del Sendero passes through an area zoned residential estates. Cyclists, runners and walkers all use Fin del Sendero. Fin has one school bus stop at Paseo del Coyote. Children play in the arroyo adjacent to the S-curve at Paseo del Coyote. Five traffic surveys since October 2016 document the 85th percentile travel speed at 50 miles an hour on this roadway. Twenty-five is the posted speed limit.

With the travel volume of 1,100 vehicles per day, moreover there is documented evidence of vehicles traveling in excess of 76 mile an hour on this roadway. The 85th percentile speed should correspond to the posted limit. Head to head collusion at travel speeds of 50 miles an hour usually involves fatalities. Driving on Fin pass despite the double-yellow which extends over Fin del Sendero's entire length. Drivers pass on blind hills. Drivers drive over the double-yellow to straighten out the S-curve at Paseo del Coyote to enable high speed travel. This leads to head to head traffic on a one-lane roadway. The S-curve in close proximity to 77 and 87 Fin del Sendero that is the S-curve at Paseo del Coyote, these two houses are two of the three houses within 35 feet of the traveled roadway. A vehicle traveling 50 miles an hour will cover 75 feet in a second. Reaction time is something less than one-and-a-half seconds; therefore, the vehicle traveling at 50 miles an hour will travel 110 feet before the driver can put their foot on the break to avoid a collision. The vehicle will continue its forward progression even after the brake is applied. Every residence within 150 feet of Fin del Sendero is at risk until something is done to enforce the posted speed limit.

A local committee seeks to raise the speed limit. I know, it's amazing, I know. Raising the speed limit will exacerbate the risk posed by high speed travel. By raising the speed limit the County of Santa Fe will be advocating for further endangerment to those who drive on Fin del Sendero and those who recreate on Fin del Sendero and those who live adjacent to Fin del Sendero like myself.

The Neighbors of Fin del Sendero have been working with the Santa Fe County Public Works for a traffic calming policy. However, for unknown reasons the Santa Fe County Public Works Department has delayed this process 15 months. Moreover, the currently proposed but not agreed to study area includes more than 300 residences. I will note that the policy which I have here today, this policy the Traffic Calming Policy, is absent of guidelines to define the proposed study area. It only includes depictions of 12 houses or less as an indication of a possible study area. Our group estimates that it will take more than one year to contact the subject residents with such a large onerous study size. Mike Rosenbaum who is a member of the – there are four on the Fin del Sendero traffic committee, the committee that seeks to raise the speed limit on Fin del Sendero, he stated in an email dated July 19, 2018, that Michael Kelley doesn't believe that the neighbors of Fin del Sendero would be successful at getting the number of signatures required for implementation of the traffic calming policy. We believe also that we will

not be successful because the study area is ridiculous. It is ridiculous that this has gone on for so long without any appreciable support from the County.

The County of Santa Fe permitted houses in close proximity to Fin del Sendero on the basis of the 25 mile an hour posted speed limit. This includes the three houses within 35 feet of the roadway. Therefore, the County of Santa Fe could have liability issues associated with the measured travel speed and the housing proximity to the traveled roadway.

In conclusion, the data confirms the speeding epidemic at Fin del Sendero. This is not an issue that is solely brought out by the residents. It's the data that confirms the problem. The resolution of this problem requires intervention of the County of Santa Fe. The neighbors of Fin del Sendero have been unsuccessful in resolving this problem through the Santa Fe County Public Works and believe we will not be successful with the petition process. We agree with that: we will not be successful. Without intervention it is a matter of time until someone is killed when another vehicle collides with a pedestrian, a residence or a utility. And so I thank you for your time I will say one other thing in sitting here for the last 2.5 hours and listening to the proceedings here, I can hear an overtone of the desire to help the public and I am asking, I am begging for your help in resolving this problem. It is a safety issue that affects my life every day. It affects my family. I could sell my house, that's true; I would incur a \$50,000 loss to do that. I'm a taxpayer in the County and I am requesting along with my committee, we're requesting your help in resolving this problem. Thank you.

CHAIR HANSEN: Thank you, Eric. Next. Welcome.

SARAH PIERPONT: Thank you. Madam Chair, members of Commission, my name is Sarah Pierpont. I am the executive director of the New Mexico Recycling Coalition. I am here because of your agenda item VI. A, the resolution to support legislative actions that reduce greenhouse gases through energy efficiency. I understand that one of those items might be looking at extended producers responsibility. My organization has been tasked with bringing a piece of extended producers responsibility legislation to this 2019 session and I just wanted to explain what it is a little bit and ask for your support.

Extended producer responsibility is a common practice to manage hard to manage items at the end of their lifecycle. So think of mercury containing devices, paint, mattresses, pharmaceuticals, things that are expensive to deal with when they are no longer used for their primary purpose.

Thirty-two other states in our nation have extended producer responsibility laws and what it does is it shifts the burden from where it currently is now managing that item at the end of its life with the taxpayer, it shifts it upstream to the producer and the consumer. And out of those 32 states, New Mexico is not one of them and we are working to have New Mexico become a state that has this sort of waste management policy. And we want to start with paints. So it's a product by product program and we had Senate Memorial 71 from last year that Liz Stefanics was a co-sponsor of and a former colleague of you all. And basically that would task my organization with putting together a product stewardship advisory council which we have done. And based on our knowledge of the solid waste programs throughout the state we have chosen paint as a starting point. What that means is that when a person buys a can of paint they will pay a

little bit more. It's not a tax. It is a fee and that fee is paying for the service of managing that paint at the end of its life. And you might think, why paint? Paint is not a large volume material but paint is often wasted. It is illegal to put paint in landfills in New Mexico if it is liquid. So if there is any paint left over, solid waste programs advise their residents to fill it with kitty litter or let it dry out which it makes it legal to throw in the landfill. But that is not the highest and best use of this material. It is readily recyclable. It is readily reusable and right now in New Mexico there is not anywhere to recycle or reuse it commonly.

Our organization is working with the industry to bring this program to New Mexico. And how it works is first you have a piece of legislation that is passed at the state level and that allows the manufacturers to put together a program that is then approved by the Environment Department and then will assess the fees and manage all aspects of paint recycling within rural and urban areas.

So in Santa Fe, how this pertains to Santa Fe is you have the Buckman Road Recycling Center that is managed by the Santa Fe Solid Waste Management Agency. They have a beautiful household hazardous waste program and nationwide and also in New Mexico one of the main products that comes into a household hazardous waste program is paint. And it is expensive to dispose of. I think that when you talk to them and in their recent audit they found that their HHW program charges a fee for residents to use this but it only covers 20 percent of their cost. So once an item is brought to the HHW facility it is managed through third party vendors that really can dispose of it properly. If we take paint out of the system, it could save the agencies tens of thousands of dollars a year. And it can also ensure the highest and best use of that material.

We're also working with Los Alamos County and they estimate that they would save about \$20,000 a year if they had a paint product stewardship program. And Sandoval County spends about \$1,000 a month just managing paint alone. So it's really good for a county's bottom line and it's also really good for the overall environmental message of linking consumption, when you buy something, linking it to the product at the end of its life. So if you are buying more paint, you have to understand that you will pay for the service to manage that product at the end of its life. It's fairly complicated and I have some handouts to give you guys, only with the Commission, about this program. The industry is called the American Coatings Association, they have flown to New Mexico. They were here two weeks ago to present with me to the Interim Water and Natural Resources Committee at the Roundhouse and they are willing to come back and hire a lobbyist to help us work on paint as our first step through product stewardship. And the program is called Paint Care. Colorado is our nearest neighbor that has a paint care law. And so I will leave this with you and just know that I am available to answer questions because it is a complicated subject and we're here to help.

CHAIR HANSEN: Thank you, Ms. Pierpont. I am going to ask my Commissioners if we could please move item VI. A.1 which is a resolution to support the State of New Mexico Legislature Initiatives and Administrative Actions that Reduce Greenhouse Gas Emissions Through Energy Efficiency, Renewable Energy Production, Water Conservation and Watershed Management. I know that there are a number of people in the audience who have been sitting here for quite a long time. So can we please move that up?

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COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I am okay moving that up but I think we have had Los Alamos County here as well.

CHAIR HANSEN: Yes, and I think this will be brief; okay?

VI. Matters from the County Commissioners

A. Resolutions

1. **Resolution No. 2018-124, a Resolution in Support of State of New Mexico Legislature Initiatives and Administrative Actions that Reduce Greenhouse Gas Emissions Through Energy Efficiency, Renewable Energy Production, Water Conservation and Watershed Management.**

CHAIR HANSEN: I am bringing this resolution forward. I really support this and I am also really grateful to see all the people in the audience. If you would like to stand up who are in support of this resolution. I am grateful that you have been willing to come here and sit through our meeting and support this important legislative initiative. And so I want to thank you from the bottom of my heart for being here. It means a lot to me. This legislation means a lot to me. I think that we have to move towards working on climate change immediately, not yesterday and not tomorrow but now.

So with that, I would like to know what the pleasure of the Board is?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: First of all, is there going to be some discussion?

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I agree this is – thank you for bringing this resolution forward. It's a hugely important thing and I think a lot of people know how much the Commission has tried to move on these kinds of issues. I would, unless you care to do it, I would like to move that it be approved.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Under discussion.

COMMISSIONER HAMILTON: I've had my say on this.

CHAIR HANSEN: If there is anybody from the audience who would like to speak, and if you could make it very brief, I would like to open that up just for a brief moment.

MILES CONWAY: Thank you, Madam Chair, members of the Commission. My name is Miles Conway I reside at 495 New Mexico 592, Commissioner Roybal, I am your constituent in Rio en Medio. I stand in enthusiastic support of this resolution but just wanted to remind – as I'm looking at the equal justice under the law, I'm reminded that our current situation with the climate and the energy production has robbed a lot of individuals, some of your constituents, our constituents, our fellow residents, of that equal justice and the spirit of this resolution and at the core of it will come a long way to restore that justice. The types of legislation that will be

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championed through this resolution are going to be game changing for New Mexico and by extension for our nation. But certainly make no mistakes, the powers that we will be taking on, that the County will stand in support of legislation, will be taking on some very, very powerful businesses and entities that are focused on the profits of fossil fuel without regard to the health or environmental impacts of our citizens and including – I'm sorry that two of our fellow friends from the Navajo Nation had to leave a little earlier that were prepared to deliver comments to you about the real life, health, economic impacts that the fossil fuel industry has wreaked on the Navajo Nation including – the consequences have been devastating and it's considered a national sacrificed area at this point. So I stand in strong support. The types of legislation that we're on the precipice of passing will do so much, Commissioner Roybal, I know that our communities north of Santa Fe are perfect for community solar legislation. We can power the small communities all across northern New Mexico with the sun. And we can put the money that contributes to the hardships of people, we can put that money back into their pockets because renewable energy out competes solar energy [sic] every time. It's cheaper than coal. It's cheaper than nuclear. It's cheaper than natural gas. We just need the boldness to support and help pass these amazing pieces of legislation that will be before the New Mexico Legislature and that your resolution at its heart stands behind. Thank you very much.

CHAIR HANSEN: Thank you.

SHARON SHOEMAKER: Madam Commissioner, Commissioners, my name is Sharon Shoemaker. I live in District 5 and I'm a relatively new member of Santa Fe. I have a number of relatives who are millennials and most of them are, it breaks my heart, they are so cynical, so convinced that government is not going to do anything for them. And I had a really interesting experience at a holiday party where I said, what about the environment? And they said, well nobody is doing – and I can't say it here. And I said, well, I am. I lived in Las Cruces for a few years. As soon as I got there I put solar panels on my house and I put it on a rental and the rental benefit goes to the renters. It didn't ever come to me. And I could see a little shift where they were seeing that someone a lot older than me was willing to put their money where their mouth was. And I think it matters that the county and city do something that says they're really behind this because there is a pervasive belief that most government won't do what's in the benefit of people that are going to be here 50, 70 years from now. So thank you, I appreciate your doing this.

CHAIR HANSEN: Thank you.

MARGARET EAGLE: Thank you, Madam Chair and Commissioners. My name is Margaret Eagle. I live at 21 Cougar Ridge Road. The urgency of this resolution reminds me of the Juliana Case. We send our children to school to prepare them for their future and then we take their future away by relying on fossil fuels. This resolution speaks not only for the environment but for civil rights. By pursuing the fossil fuels energy policy the civil rights of our youth will be infringed. This government doesn't have a duty to protect us, I know that. But it does have a duty not to put us in peril. It seems to me that New Mexico's energy policy has put us for decades on a perilous track. It has caused climate chaos and disruption in civilization and loss of life and property way beyond New Mexico's boundaries. Our kids are entitled to equal

protection. This claim is based on children's status as an age group. Our government has prioritized the needs of this generation rather than the needs of those whose lives have yet to be lived. Here at the end of their lifetime if our fossil fuel policy continues the IPCC report predicts that this planet will not be habitable. Evidence of this report is humbling. It strongly suggest that the earth and its biosphere has value in and of itself not because we insist that it does but because insofar as the architect of evolution is cooperation our biotic community has ways to act that promote life of which we are not aware.

So we are not the sole assigners of value and for our survivor we ought not to be. Instead we're a collaborative intelligent shaping form, event, circumstance, consequence and life. Can we allow for the wisdom of a non-human? In this light the right act is no longer the act that benefits the human community. Our decision today will be right if it benefits soil, trees, animals, insects who have made this world.

Councilorwoman Anna Hansen, we are so grateful to you. For you asked us to preserve the integrity, stability and beauty of the biotic community. It would be wrong to do otherwise. Thank you. [Applause]

STEVE SHEPHERD: Madam Chair and City [sic] Councilors, my name is Steve Shepherd and I live at 2766 State Highway 14 in Madrid, New Mexico. I'm a 20 year resident of my small town. I live totally off the grid with wind and solar power being my sole source of energy. I am a proud contributor to my community through the Fire Department and other groups as well as to the County through the County Planning Commission. I am appalled at the federal government and I am disappointed at our current state government because they place short-term corporate profit as the first and foremost priority with little regard to preservation of public land, the sanctity of our sacred land, pollution of our precious water supply and the long-term health of Mother Earth.

New Mexico has an abundance of sunshine and spring wind. We should lead the country in the use of this resource just as in Europe, Germany is leading the way by committing that they're going to be 100 percent dependent on renewable energy in the near future.

I applaud Santa Fe County to the take the stand that supporting absolute and poisonous sources of energy needs to change. There is an old Japanese proverb, The nail that is the highest gets hammered down first. But this is how change occurs. Someone or some group needs to stand tall and take a stand. I hope that this describes Santa Fe County. Thank you. [Applause]

CHAIR HANSEN: Thank you.

ROBERT BERNSTEIN: Madam Chair, Commissioners, thank you for allowing me the time. My name is Robert Bernstein. I am a physician. I am a specialist – it doesn't really matter. I am currently working at La Familia Medical Center. I've been in Santa Fe for 39 years. My daughters were both born and raised here, Santa Fe High School, University of New Mexico.

I'm really here as both a physician and as a citizen. I would like to speak on behalf of everyone's health with even more focus on the health of our kids and our grandchildren especially climate change and the way we generate energy has serious health consequences. The warming of the earth and especially of the southern United States and southwestern United States is allowing diseases, tropical diseases, that we've

never seen before to evade the southwest and ultimately the entire United States. And expansion of diseases that are already present. These include things like malaria, West Nile virus, Zika virus and in New Mexico we have our own specialty of Hantavirus. The warming climate allows the rodents that carry Hantavirus to not die off during the winter and to propagate and carry more virus.

There are other consequences for sure of climate change. I'm not going to take up everybody's time but there are numerous health consequences. And, in addition, more specifically, when we burn coal for energy there's several pollutants in the air that exacerbate asthma and chronic lung disease. Especially vulnerable are our children. And even worse with coal burning is mercury that gets aerosolized, sort of speak, landing on our lands, in our lakes and rivers. Mercury is a potent neurotoxin causes learning disabilities, can cause seizures, decrease an intelligence in our kids. Fracking may be even worse for the cancer causing chemicals that are injected into the ground.

So, again, I am here as a physician and also as a parent asking your support for the resolution and any future resolutions that will help us to ameliorate the numerous effects and especially the health effects of climate change. Thank you all for your time, I appreciate it very much. [Applause]

CHAIR HANSEN: Thank you, Mr. Bernstein. With that I'm just going to say a few things about this resolution. I would also hope, of course, that my colleagues will pass this and that we can please send this resolution to the Governor-elect and the leaders of the legislature and the incoming delegation and also to our congressional delegation. I also want to state for the record that, I have had solar on my house since 2009. So I have been committed for a long time to the devastating effects of climate destruction that we are facing.

All those in favor?

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

CHAIR HANSEN: The motion passes and thank you all for being here. I am really grateful to see you all and I am sorry that some people had to leave. I know that sometimes our meetings go on longer than we expect. But thank you so much for your time. I really appreciate it.

And, also, one other thing, those of you that care about cleanup at LANL, the next item that we are going to is an update on the Regional Coalition of LANL Communities. So if you are interested in that, you might want to stay and listen.

COMMISSIONER ANAYA: Madam Chair, I stepped out with the Treasurer but let the record reflect that I vote "aye." Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Anaya. With that we will go the Matters from the County Manager and –

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: I just wanted to say that I think Commissioner Roybal asked about having LANL up.

CHAIR HANSEN: That's where we're going to. That's the next thing.

COMMISSIONER ANAYA: If the Chair will indulge me, this will probably be the last time I ever ask you this. But after LANL if we could go to my proclamation, would appreciate it.

CHAIR HANSEN: Yes, after the Regional Coalition we will go to your proclamation.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR HANSEN: You bet.

V. Matters from the County Manager

A. Miscellaneous Updates

1. Update on the Regional Coalition of LANL Communities (RCLC)

MS. MILLER: The rest of my stuff you can put at the end, I am fine with that.

CHAIR HANSEN: Okay, thanks.

MS. MILLER: A couple BCC meetings ago, the Board requested that the Los Alamos County, someone from Los Alamos County come and talk to the Board of County Commissioners about their role as fiscal agent for the RCLC. So we have invited Los Alamos County Deputy County Manager Steve Lynn and also Eric Vasquez just to give you some updates and in particular some discussion on Los Alamos County Commission or Council decisions relative to being the fiscal agent.

This is Steve Lynn, Deputy County Manager Los Alamos County.

CHAIR HANSEN: Welcome.

STEVE LYNN: Thank you. Good afternoon, Commissioners. Madam Chair, Commissioners, I appreciate the opportunity to come here and talk about the action that Los Alamos [audio problem] – like this body, the Los Alamos County Council has also had several discussions about recent events with the Regional Coalition. On October 30th they finalized some of their discussion and took four specific actions. So I really just want to share those items with you and then stand for any questions that you may have.

I think the first action that they took is probably the most important. They supported a motion that affirms the county's support for the Regional Coalition of LANL Communities and also directed staff to assist the RCLC in its efforts to affect the changes that are recommended by the State Auditor. That's something that was ongoing anyway but I think it was important to hear the county council's final position on that. The second action was direction from the county council to the RCLC representative to pursue removal of Los Alamos County as fiscal agent of the regional coalition. And I think this one deserves a little bit of explanation. The joint powers agreement that established the regional coalition designates Los Alamos County as the fiscal agent. So changing that joint powers agreement is not a simple process. This is something that was discussed by staff with our county council. So this is more of a long-term direction and a policy goal and it is something that will take some time. In the meantime, I refer back to that first motion which is Los Alamos County intends to continue working with the coalition proactively as they move forward but in the long term at this point for this

council their wish is to eventually no longer be the fiscal agent.

The third motion was rather lengthy and I'll try and summarize it here but basically there was direction from the council to our county manager to investigate payments from the regional coalition to any Los Alamos County staff or Los Alamos County elected officials and to determine if there are any violations of the county travel policy and if there were, the county manager was then further directed to get in touch with those employees or officials and seek reimbursement. So that was the motion that the council made. I can report that at the last meeting in November, the county manager reported out on this activity. He had conducted that investigation. There were only four direct payments from the coalition to county staff or elected officials and those all fell within the guidelines. So there was no need to pursue any reimbursement of those four payments. So I think that particular item was deemed concluded.

And the fourth action that the Los Alamos County Council took was again to direct staff to develop policies and procedures that outline the roles and responsibilities of employees of the county, elected officials and other participants and outside boards and commissions and to basically develop materials to help us in the future to avoid some of the issues that we've had in the past with the formation of the regional coalition. So basically a little bit of a source book and some permanent files related to those organizations so we can have better orientation for any members of our staff or elected officials that begin participating in any of those new outside organizations.

That's a summary of the action that our council has taken and I would be happy to answer any questions.

CHAIR HANSEN: Questions from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. So I have a few to start out with specific questions. The very last motion you talked about which was directing for the council or for Los Alamos County staff to develop procedures; I assume that's – is that procedures for the coalition or procedures for county staff in its interactions with the coalition?

MR. LYNN: Madam Chair, Commissioner Hamilton, that in general for any outside – for county staff, Los Alamos County staff or Los Alamos County elected officials participation in any outside board or organization. So as a general guidance, it was not direction to the regional coalition.

COMMISSIONER HAMILTON: Okay. Maybe I understand the significance of that. Maybe we can leave that until later. The very first resolution was that you supported the coalition. Can you give some discussion about how that relates to the responsibilities as fiscal agent and how the county intends to move forward with those responsibilities?

MR. LYNN: Certainly, Madam Chair, Commissioner Hamilton. I'm actually going to start with the last item so I can talk about how this has progressed.

COMMISSIONER HAMILTON: Sure.

MR. LYNN: Part of the root cause that a lot of discussion has been focused on was a lack of definitions of roles and responsibilities amongst the county as fiscal agent and the coalition and participants. And I think that's a lot of what prompted this last motion so that going forward we all understand our roles.

So going back to the county's support. The county intends to stay a full

participant with the organization. The regional coalition did receive a letter from our county manager in the interim period clarifying the county's role as fiscal agent because again the joint powers agreement gives no definition at all. It simply states Los Alamos County will be the fiscal agent. So we tried to outline that in a letter from the county to the regional coalition in very straightforward terms and so at this point what we're trying to do is keep it very basic as to the manager receipts and disbursements. I know that the regional coalition in their efforts to respond to all the items from the state auditor is going through a number of steps to bolster their financial controls, getting an audit in place, setting up bank accounts, so there will be ongoing discussions between the county and the regional coalition as those items continue to transition. But the – as I mentioned, the county can't just stop being fiscal agent at the moment because we've already agreed to that in the joint powers agreement. So that will continue in what I call a more streamline role for whatever interim period occurs until that joint powers agreement could possibly be changed.

COMMISSIONER HAMILTON: So if I remember correctly, the clarification memo was that the county would continue basically cashing and depositing checks and I think that's essentially all the county is planning to do to handle a transfer of money. But it doesn't seem to me to be the – what's the word – commonly accepted definition and role of a fiscal agent. I'm guessing I believe that the reason that fiscal agent wasn't defined in the JPA because it has a commonly defined definition of oversight. The idea of a requirement of a fiscal agent at all, is that the organization for which that some organization is serving as fiscal agent is deemed too small, too temporary, too narrowly focused on its technical or other mandate but does not have the capacity to do the fiscal oversight and management and that's why the fiscal agent is put in. By implication that means that a fiscal agent needs to do the oversight of appropriate policy and fiscal responsibility and the nature of the expenditures. I think the problem was that that review was never done. It seems to me in my read which has been, you know, a little while of that clarifying memo is that Los Alamos County is backing out or essentially trying to shed itself of any responsibility for oversight so that things will come in, the county can deposit things, can sign checks but it's not going to review the content of what is being done. That seems to me to be against the – to essentially shed, trying to shed any responsibility as a fiscal agent. It's going from a manager to a bookkeeper. And that's not what is needed. To me that does not fulfill the role of a fiscal agent. It's more than just the bookkeeping. It is the review and oversight. And where you could argue that that should be done in conjunction with the committee or the coalition and I can understand that, I don't think what we need is a bookkeeper.

MR. LYNN: Commissioner Hamilton, the only thing I can add is that the oversight rules are defined in the bylaws belonging to the role of the treasurer of the coalition as well as some of those responsibilities in the contract for the executive director. So rather than trying to redefine the county's role as being which hasn't been defined as something more robust as you may be suggesting, I think the position was to let those other two roles that are already defined actually take on what was meant by those roles. And, at least for now in this interim, for the county have a –

COMMISSIONER HAMILTON: I hear what you're saying but I don't think it actually addresses my concern. I think first of all, fiscal agents have always

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been defined. I think second of all, by implication if Los Alamos County was the fiscal agent by implication the coalition was bound to act according to whatever was considered appropriate in the regulations and ordinances of Los Alamos County. So it is whatever is appropriate in Los Alamos for what aspects of travel are approved. What kinds of expenses are reimbursable or not reimbursable it was Los Alamos County's regulations that would be applicable to the coalition. And that puts some shared responsibility of Los Alamos County on reviewing those things. Moving forward if Los Alamos County is saying, we're not looking at anything, that doesn't seem to be an adequate fiscal agent responsibility.

I am not sure of what the coalition then is left to do or any of the members. It is that role that is just being completely abandoned.

MR. LYNN: Commissioner Hamilton, I understand the concern. I think part of the statement that you just made is an example of the predicament that we got into. I think there was some assumptions along the way that because Los Alamos County was fiscal agent but it was never defined that some of Los Alamos County's policies would be the ones that should be followed when in reality, since we've learned from the state auditor, that is not the case. And I think that is also part of the reaction why Los Alamos County's role, at this point, should be more narrow. The coalition is very different than it was when it was initially formed at least – and that's part of the, I'll say, hesitation in the language about seeking to no longer be the fiscal agent. That may never come to be. It may be that through further discussions some different direction occurs. But the coalition itself has grown quite a bit over the past seven years. I can tell you that part of the conversation between the director and our county council was that at this point in its lifecycle and maturity, the coalition should be able to stand more on its own and do more of these fiscal responsibilities directly. So, again, I am just sharing some of the thoughts of our council and the way that they potentially envision it moving forward.

COMMISSIONER HAMILTON: I see what you're saying but I'm not sure that that's everything I see in terms of what's going on. Can you or can somebody else including potentially County Manager Miller speak to why or the implications of the auditor's findings suggest that it's not Los Alamos County as fiscal agent, it's not their regulations that the coalition should have been responsive to?

COMMISSIONER ROYBAL: Madam Chair, can I before we go to Manager Miller, I do want to make a comment. I want to make a comment on the record, that I feel an entity like the Coalition of LANL Communities, they receive tax dollars from a governmental entity that that type of organization, the Coalition of LANL Communities, needs to have a fiscal agent. And I believe the fiscal agent would be responsible for a lot of the duties that we're talking about here. So I do want to go to Manager Miller and also our county attorney just to hear what they have to say. I don't see that the coalition can ever be its own fiscal agent going by the guidelines of state law. But I would like to, once again, go to our county attorney and county manager for clarification and input. For the record, I don't believe that this entity can be its own fiscal agent nor can be free of that obligation from at least a governmental entity to be the fiscal agent. But if you could clarify it.

MS. MILLER: Madam Chair, Commissioner Hamilton and Commissioner Roybal, there's not, how do you put it, there's no there there. The

coalition does not have employees. It is not an organization or an entity that has its own finance department, legal department or anything. It is a group of elected officials from different governing bodies who get together and who have hired – and I’ve already put this forward to the coalition previously and the Los Alamos County that the JPA doesn’t even give the coalition outright authority to contract or hire employees. And typically that is something that is explicit not implicit in a JPA. It actually says this organization as Los Alamos County, Santa Fe County, Rio Arriba County, Taos County as members of this group, we give our authority to this board to hire people, to create policies, to contract with people. That isn’t even in the JPA. I do believe there is an amendment circulating but it has not come back to the members. So that still has not occurred. Additionally, Los Alamos County is designated as the fiscal agent and that would be its nature, by its nature of a JPA that says here’s all of these elected officials from other areas sitting on a board and trying to actually move some agenda forward, accomplish some purpose, we need someone who administratively helps us do that. That is what the fiscal agent is.

If Los Alamos County does not want to be the fiscal agent, that’s fine. We need to change the JPA and one of the other entities who is a member to that coalition should step up to be that. And not just deposit funds or disburse funds but actually review them in accordance with whatever policies apply to that organization to the coalition to make sure that they get their audits done. You can’t expect the contractor to do that of them self. They’re going to check their own invoices; that doesn’t make any sense. Here’s my invoice for what occurred last month and I think it’s good and I think I’ll pay myself. The organization, there is no other organization except the contractor and the board members. There are no other staff members. So if Los Alamos County isn’t going to do that, then who is it that Los Alamos County believes is going to do that? And this is the fundamental problem. If no one is going to do that, we need to find someone who is going to do that. If that needs to be Santa Fe County, I would stand to this Commission and say if you want – we’ll accomplish it and we’ll make sure that it is clear what the rules of Santa Fe County would be as fiscal agent. If it’s another county we’ll work to make sure that that happens but I personally in my role as County Manager don’t see how the coalition and as a member, this county as a member of the coalition, how the coalition can be its own fiscal agent. They don’t have the structure to do so. And I don’t know how they could also fix all of the findings that were in the audit. That needs to come from an entity that exists to do so. That’s just my advice to my Commission. You might find somebody who has a different opinion than that but just knowing what I know from working in government in New Mexico for 21 years, being a party to JPAs here at Santa Fe County, being DFA Secretary that signed off on all the JPAs across the state, those are some core functions that need to be identified in the JPA of the fiscal agent and what the fiscal agent is to do. And why you have a fiscal agent, Commissioner Hamilton, you are exactly correct.

COMMISSIONER HAMILTON: I appreciate that and I want to add for the record that I am not interesting in placing blame or who struck John or any past evaluation but moving forward my concern has to do with the need for the fiscal agent, the way the coalition and the association with the fiscal agent is structured and this clarification of doing this minimal amount of bookkeeping doesn’t fulfill that role. I

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really appreciate that County Manager Miller was able to articulate some of the specific reasons including the structure of the coalition and having the contractor and what the logical alternative to not having a complete fiscal agent would be. I think I agree completely, it is a problem moving forward that we probably, if this is going to move forward need to address now. And that goes along with Commissioner Roybal's comment about the need for a fiscal agent.

COMMISSIONER ROYBAL: Yes, just to add to that I'd like to thank Manager Miller for those comments. I think that it is imperative that we do have a clear trail on which direction that we're going and I appreciate Manager Miller saying that maybe Santa Fe County would be able to be the fiscal agent for the coalition. But I know that there is a need and if the intent is for Los Alamos County to step away from being the fiscal agent then I think we need to identify an entity that can and will do that. I don't know if there's any other comments from the Board.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. I want to start from the beginning. Maybe I heard something different than what you said. The four tenets of this process, does Los Alamos County intend to be the fiscal agent? Has that been discussed?

MR. LYNN: Madam Chair, Commissioner Moreno, the motion was that our representatives should pursue removal of Los Alamos County as fiscal agent. So I think the stated desire, I put it more as a desire than an intent because it's an action that Los Alamos County along with its partners in this coalition need to either – there's several potential resolutions here. It could be that another member entity steps up and says, okay, Los Alamos County you don't desire to be it, we will step up and be it. And perhaps in that process the role is more clearly defined. It could be that that agency role if filled through some contractual relationship between the coalition and not its executive director but another third party and I think that's a little bit of what the conversation between the executive director and our council was going towards. Or it could be that through additional discussions in the future the JPA, that portion of the JPA isn't changed, Los Alamos County stays as fiscal agent but again the role has to be more clearly defined.

So I think there could be several potential outcomes but right now the stated desire is for the county to not be fiscal agent at some point in the future.

COMMISSIONER MORENO: Thank you. I have one other question. Did I hear right that Los Alamos County is pursuing a path to not be the fiscal agent?

MR. LYNN: Again, the only direction, the direction from our council to our representative on the regional coalition board to pursue these discussions with the regional coalition board. That's it at this point.

COMMISSIONER MORENO: Okay.

MR. LYNN: Again, because the only way to do that is through a change in the joint powers agreement. So there would have to be some meeting of the mind amongst the regional coalition board members of which Santa Fe County is a member as well. So it can't be something unilateral on behalf of Los Alamos County's party. We have to work with our partners.

COMMISSIONER MORENO: But not necessarily as the fiscal agent. I

think that we've established that the whole JPA needs an all around overhaul. This isn't just checking the oil. It needs an overhaul and somebody has got to step up to do it and I'm just one person here and I do believe that there is some value to having an organization that can be accountable. I would support Santa Fe County doing it. But that kind of – it's kind of raw because you're right there. Your people are there. I kind of expected that you would want to have the responsibility. That's it for me. Thank you.

CHAIR HANSEN: Commissioner Hamilton, do you have one question?

COMMISSIONER HAMILTON: They are two related questions. Given this discussion and the questions have followed pretty well from what Commissioner Moreno was just asking. The issue of defining fiscal agent keeps coming up. Is Los Alamos County fiscal agent in any other circumstances?

MR. LYNN: Commissioner Hamilton, that's a question our council has asked. Yes, we are and those other relationships there are typically agreements that define the specifics of the role and the responsibility and that was one potential path that our council could have chosen as well. They could have directed us to pursue a more specific definition of what that role is.

COMMISSIONER HAMILTON: So who else are you fiscal agent for because Santa Fe County has asked to be fiscal agent for various circumstances including spending capital money for NGOs, all kinds of situations that facilitate a relationship of financial responsibility for an entity that is too small to do it on their own. And it always includes oversight and exercise of judgment in terms of how things are managed, that managerial oversight. Do you have a similar, as assistant county manager, similar experience with Los Alamos County?

MR. LYNN: Commissioner Hamilton, yes and again it's different for different organizations depending upon what the nature of the relationship is. I can tell you that there's only a few of them for the county. Our most recent one involves a state LEDA grant and there's several pages of document where we agree to be the state's fiscal agent for the LEDA grant and again all of our tasks are very specific in there.

COMMISSIONER HAMILTON: So how does the county view its role with the coalition in the future? I think, my background thinking for this question is before all of the members of the coalition get thrown into the pot of who are we going to have as fiscal agent next, the logic for Los Alamos County being fiscal agent is because the labs are in Los Alamos County and there is the closest relationship and the goals, not be presumptuous about the full breadth and I'm not being facetious, but what is the idea of having the coalition? It is for the economic benefit of to a great extent, and correct me if I am wrong, of having the labs in Los Alamos County and having that benefit spread out to neighboring counties and so I'm not sure what is lost by not having Los Alamos County play that role in the broader sense. And I think that that is a question that we should at least put out on the table before we change roles here.

ERIC VASQUEZ: Madam Chair, Commissioner Hamilton, if I may. My name is Eric Vasquez. I am the executive director of the Regional Coalition of LANL Communities. Just to clarify the role of the Regional Coalition of LANL Communities, part of the mission is to promote economic development of its members in the surrounding communities around LANL. But its primary purpose is to provide the local government a venue for being informed about what's happening at LANL and to give

them a joint voice to speak on those issues that they jointly agree upon. It's power through numbers.

COMMISSIONER MORENO: I'm sorry –

MR. VASQUEZ: Power through numbers. So to teach our members what is actually going on there because a lot of times we don't know. And then based on that information to jointly act on what that information is and to express our goals and our desires to DOE, Washington, Congress or the lab directly. And then within that they do have an economic development component which is another goal that they said, since we're going to be working together let's do this as well.

COMMISSIONER MORENO: Okay.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: So, Madam Chair, from the left side looking in and pretty soon from the door looking in and from the window maybe, I'm going to just say it this way: it reminds me of a group of students a couple of which they're all part of a core group, but a couple of which maybe stepped out of bounds a little and got in a little trouble. But they're all sitting around trying to figure out where we're going to go and I'm not going to take the blame and nor am I going to spread the blame or I didn't do anything, kind of thing. It wasn't me. But I'll say this, the national labs in Los Alamos, Sandia, our military bases that we have are always under attack but they are a root fundamental component of who we are as a State of New Mexico. And the LANL Communities has some issues to work through without a doubt and I think the sooner all of the members of the LANL Communities acknowledge and get past that, the better we will all be.

There has to be a fiscal agent. There has to be somebody. But I think the group needs to reconvene. Have a dialogue and a discussion under the executive director and the new leadership giving him the opportunity to help mold and work through the things that we don't want to do anymore and work towards the things that we do want to do. And so I just, I'm going to say it, I believe strongly that LANL Communities is viable. It needs work and it needs some cleanup. I like Commissioner Moreno's analogy of it needs more than just an oil change. But I think it's necessary and I would just say this, Commissioner Moreno, I don't think the County is the right party logistically right now but I absolutely would concur that we should stay part of the group and work through the trouble. So I don't know how else to say it, people that need to look in the mirror, look in the mirror acknowledge where they made mistakes and I think there's an attempt by the council in Los Alamos to do that and I can frankly understand if you're a new member to the council of Los Alamos going what happened and maybe we don't need to be part of this and maybe we need to refocus our energy back on ourselves and that's something that our manager tells elected officials, the Commission and staff to make sure we don't over commit and make sure that we take care of our own house before we think we can help manage someone else's house. But baseline, LANL Communities is good. It's an organization that comes together and it just needs some more structure and function and so I'll leave it at that on the left side moving to the outside. Thank you, Madam Chair.

MR. VASQUEZ: Madam Chair, may I just address.

CHAIR HANSEN: Yes.

MR. VASQUEZ: Madam Chair, Commissioner Anaya, thank you for

those comments. I agree wholeheartedly with the sentiment there. I just want to say that the RCLC, our board, at our last meeting opted to decide to hold a special session, or basically a working session to put the coalition up on the rack, the lift, and get under there and look at everything that needs to occur including the JPA. So we're planning, tentatively planning to do that in mid-January with a facilitator and bringing in the proposed amendments to the JPA. I would love to have a chance to speak with any commission members that are interested in that or Manager Miller on ideas of what that would actually look like.

Just to address something else. The RCLC when it was formed it was actually formed by an initiative from Los Alamos County and so it was understood that that's why because Los Alamos County had the most to gain or that was the sentiment. But over the years you've seen from executive director to executive director that there's been a focus slowly devolving or evolving towards the communities off the hill as well. But for the last couple – few years, the RCLC has actually been housed right here in Santa Fe. My office is a 10 minute walk from here. So the focus is not specifically towards Los Alamo. We are a regional organization wanting to benefit all regional governments in our communities.

But, once again, yes, we're going to be putting the JPA up for review. We want to look at the entire mission of the RCLC and we're planning on doing that at a special meeting in mid-January.

COMMISSIONER ANAYA: So, Madam Chair, one ask that I would have of Los Alamos, the county council, I think it is time to make sure that things are fixed. To go through the audit and make sure that we have the right protocols and procedures. I don't think that there's any disagreement on that. And I think that that needs to be articulated in those policies and procedures. But I think that everybody is willing to set the rocks down and just get back to work. And I think it makes a lot of sense for Los Alamos to be the fiscal agent and as part of a dialogue and communication, the ask that I think you're hearing from my colleagues on the Commission and I can emphatically say for myself is that, if they would stay at the table and let's have that dialogue and still keep it as an open option just given the logistics and proximity to the lab. And I thank you, thank you. I found myself standing in those shoes that you're in today and it can be trying. And I know my colleagues and myself we all ask questions in the interest of the tax dollars, the citizens and with no individual malice or personal attack on any of you. I thank you greatly for your coming and weathering the storm. Let's maybe set the rocks down and get back in the room and try and figure it out.

COMMISSIONER ROYBAL: Madam Chair. I actually was going to ask Eric to go into details on the meeting that we are going to be having a special meeting with a mediator. We also I think invited the public to come and give us some feedback on what they would like the coalition to be working on. So it is a rebuild from top to bottom so it's something that we have talked about for about a year already now, and I've been pushing for it. So I'm glad to see that we're actually headed in that direction now and that we have buy-in from the entire board on the LANL Coalition board. I believe that Manager Miller had another comment as well but that's all I really wanted to say for now. I think we're headed in the right direction as far as the rebranding and rebuild completely. Thank you.

CHAIR HANSEN: I have a few questions myself. The purpose of the regional coalition is to inform other communities about the work at LANL. And then also extend economic benefits. So the premise of the coalition is not to oversee and help with cleanup of waste at Los Alamos?

MR. VASQUEZ: To rephrase that, the purpose of the coalition is to provide a venue to educate local governments about what is occurring at LANL and that would include DOE policy and NNSA policy, all the different factors that are impacting and influencing our communities. And then through that give them a venue to address those and try and influence them if they deem it necessary. And largely that has been focused per the original forming of the RCLC the members agreed what they wanted to focus on there was cleanup. So that's the main reason that is and then they added economic development as a second goal.

CHAIR HANSEN: It seems to me that if this is the Regional Coalition of LANL Communities and it was set up by Los Alamos County which paid \$60,000 to be a member and the rest of the members pay \$10,000 to be a member, that if they want to abdicate their responsibility as fiscal agent does that therefore mean that they want to pay an additional 30,000 or 40,000 for some other entity or some other jurisdiction to be the fiscal agent because I don't see how Santa Fe County could be willing to take on the job of fiscal agent for a regional organization of LANL communities that was initiated by LANL – I mean initiated by Los Alamos County and then is there to use LANL as a benefit. You are the closest county. The LANL is in your county. So explain to me some of those issues.

MR. LYNN: Madam Chair, from the discussion that our county council had I do not believe that they were envisioning trying to ask one of the other members to step up. Again, the financial transactional activity of the coalition is relatively simple. And I believe based upon the conversation that I had with the executive director they envision that a contractual relationship could take care of the fiscal agent's responsibilities. Again, outside of the executive director authorizing their own bills but a separate contract with an accounting firm to provide those types of services. So, again, not asking one of the other member agencies to take on that burden but for the coalition itself through a contractual relationship. I think is what so far has been contemplated.

CHAIR HANSEN: Right, but the County Manager just mentioned that that was not really a viable option to have the third party take on the financial responsibilities, if I heard her correctly. I am just reiterating what I heard that that was not really a reasonable ask. That one of the – that the contractor could not be the fiscal agent. That one of the members and most likely, I mean, the reason that the regional coalition exists is because Los Alamos County initiated it to spread information and education about what was happening at a facility inside their county.

MR. LYNN: Madam Chair, Los Alamos County agrees. It would be inappropriate for the executive director to be the fiscal agent because the preponderance of the fiscal activities between the coalition and the executive director, that contractual relationship is has been most of the expenditures of the coalition over its life. That and some travel. So we're not talking about that. We're talking about a separate contractual relationship between the coalition and an accounting service to fulfill the fiscal agency role. And we think that's a potential worth exploring. Again, I will say that these

discussions have not even gone to the regional coalition board. We have not begun discussing with our partners yet. This is the start of the conversation.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: Thank you, Madam Chair. In direct relationship to that, I think there's a good chance that it's not legal for a bunch of governments to contribute money into a coalition that is not then overseen by a governmental agency because the responsibilities are different than a contractor. I could be totally – I don't know at all but I would certainly like that to be investigated and considered before we spend a lot of time thinking about it. Because I really do think it comes down to a government entity with all the ways that they're bound by regulation and whatnot and their mandates.

COMMISSIONER ANAYA: On this point, Madam Chair.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: I think that at this point the evolution of what might happen. It could end of staying in a governmental entity. But I would speak to the Northern Area Workforce Development Board that takes in federal, WIAF Workforce Investment Act Funds, as well as state dollars that has multiple parties from multiple jurisdictions, one of which is Santa Fe County, as part of the Workforce Development Board and they, in fact, do have a direct relationship to a contract accountant that renders accounting functions in direct relationship to the federal dollars as well as the state dollars in relation to audits, in relation to submittal, in relation to the check and the balance for an entity. So I'm not saying that this should be done here but I am saying that functionally, that is not outside the realm of reality to have a offsite third-party accountant that functions as the financial oversight and down to the books and down to the appropriation of the work for the audit. So it's a possibility and it's a workable possibility.

COMMISSIONER HAMILTON: And then the contractor is authorized to do oversight in terms of appropriate expenditures of money and all of that sort of thing?

COMMISSIONER ANAYA: The contractor acts very similar and I'm speaking to the Workforce Development Board, attends all of the board meetings, makes presentations relative to the overall budget, the expenditures, the whole nine yards and we're talking about a lot more money functionally than this particular organization that we're talking about multiple subsets of resources—local government, state government and the federal government.

MR. VASQUEZ: Madam Chair, Commissioner Anaya, the State Auditor's report that came out this summer had 18 different recommendations in them which the RCLC has agreed to follow all of them. One of them was to contract with an outside, independent accounting firm to review all financial transactions and we are in the process of that process of an independent accountant and an independent auditor.

COMMISSIONER HAMILTON: Right. That can be good but I still have this question of whether – there has to be also a designated authority for action and the fiscal agent fills some of that in terms of meeting with – I would just like it looked into. It can be a good idea except that I'm not sure that obviates like Los Alamos County or some other member stepping up and it's under their auspices that actions are taken.

MR. VASQUEZ: Madame Treasurer, Commissioner Hamilton, currently

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under our bylaws that is the treasurer's role and under the agreement that was passed. But I do understand what you're saying. I hear what you're saying and I have no issues about remaining under a fiscal agent. As a matter of fact, there's a level of comfort for me that I would like to have that; however, as Commissioner Anaya pointed out there are other organizations similar to this JPA that have gone their own way, for example, the RTD. That being said, if the Commission requests I would love the chance to work with staff, Manager Miller and have the conversation further of what exactly that would look like or whether – as we are reexamining our roles in our JPA before the January meeting. If Manager Miller will have me.

MS. MILLER: Madam Chair, I would be more than happy to. I actually would like to go to their January meeting and I would just like to add that the size of this organization or its budget, we're talking a couple hundred thousand dollars a year. Creating another bureaucracy to manage that \$200,000 a year budget and to assist in carrying out the mission of the organization seems a bit extreme to me. It seems that if eight governmental entities that are a part of this organization that one of them could step up to do this role without it being massively cumbersome. You're talking about a fiscal agent would do their procurements, would do legal reviews for them. Help them develop policies and then implement those policies or ensure that the coalition works within the realms of those policies. Does their travel reimbursements, travel vouchers – you know to make sure that cutting those checks are in accordance with policies that are adopted by the coalition which could be whoever their fiscal agent is or it could be their own. It's not typically the role of an elected official to be the one crunching the numbers whether they're on the coalition as the treasurer or the chair or the secretary. There's staff people who get all of that together and then provide it to the chair. Just for instance, in our Board meetings, Chair Hansen you sign contracts but you didn't do the whole procurement. You are relying on staff to have executed that procurement in accordance with state law and our procurement policies. That's what the fiscal agent does. It is not the elected official who sits on the board. So I wouldn't expect that the coalition would think that its treasurer or its chair or its secretary would be back there at the computer putting in the travel vouchers and checking them to the policy. They are signing off on them that they have been processed in accordance to the policy as your role as an elected official sitting up here. To review them in accordance with the policy if you know what that policy is. But are you going and doing the actual procurement as the Chair of the County Commission? No you are not. You are counting staff in procurement, in finance, in legal, in the manager's office to have done all of that before it is presented to you.

So, the role of a fiscal agent whether it's a contracted firm, but you're going to need a firm that does the accounting, you're going to need a firm that does the procurement, you're going to need a firm that makes sure an audit gets completed. You're going to need a firm that can provide legal advice or have a separate contractor who provides legal advice if you're going to do it separate from one of the governmental entities that's a part of the coalition being that fiscal agent. And I would just contend that this is a very small budget organization and you're going to end up spending a whole lot of money on contractors to so all of those functions where an existing governmental entity as all of those functions inherently in them and could actually assist the coalition in carrying out its mission by doing those administrative functions.

CHAIR HANSEN: So it Los Alamos' feeling that they don't have the ability to do this? That's what I hear. You're saying that they have to look at it and since we're in this mess that we have been in for the last couple of years, they did not seem to be doing that because they didn't feel that their financial responsibility was defined.

MR. LYNN: Madam Chair, I don't think it is a question of ability. I think it is a first a question of clarification and again the role at this point in time and perception on the county council's part is that the coalition has matured enough to take on some of this themselves; however, I don't disagree with what Manager Miller just described either. So as I said earlier there are other potential paths forward.

CHAIR HANSEN: So, are we done with this? I think for the time being I am under the impression that you are going to come back and visit us again soon, possibly in two or three months especially after you have your strategic planning and give us an update.

MR. VASQUEZ: Madam Chair, yes, I would be happy to do that. I am tentatively planning to come before the Commission at least twice a year. So I'll be here sometime this spring and we can talk about this soon.

CHAIR HANSEN: I don't think twice a year is adequate.

MR. VASQUEZ: I am happy to come more frequently, until you get sick of me.

CHAIR HANSEN: Okay.

COMMISSIONER HAMILTON: I just want to say that despite these questions are always difficult but you know, harkening to what Commissioner Anaya said, it really is hopefully to be able to work together in the long run and really appreciate you coming all the way down here to talk with us. That's a big effort and we really do appreciate it. I certainly do.

MR. LYNN: I understand and it's my pleasure to be here. It's not a problem to be here at all.

CHAIR HANSEN: Yes, thank you both for being here. It was good to see you last week, Eric, thank you, and thank you for your time.

Next we're going to jump around a little bit but only because it's Commissioner Anaya's last meeting.

VI. A. 3. Proclamation of Appreciation for MaryAnne Anaya

COMMISSIONER ANAYA: That's correct, Madam Chair. So I want to introduce my beautiful family over there. My daughters, Jolin and Raylin, and my mother MaryAnne Anaya. And I want those three to come forward and sit right here in the front, in this front row right here.

CHAIR HANSEN: Are you going to roast them?

COMMISSIONER ANAYA: No, I'm going to do something that I should have done some time back but it's maybe very fitting that I do it now.

So Jolin is a New Mexico State Aggie working in finance, following the manager's footsteps and others. And Raylin is a teacher at Moriarty Elementary School and doing a good job and working on her master's degree. And I'm so proud of them and love them very much.

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Mom, I have this proclamation that I'm going to read. Can you hear me okay?

MARYANNE ANAYA: I hear you.

COMMISSIONER ANAYA: Excellent. [What follows is the corrected Proclamation text]

A Proclamation Honoring the Life, Legacy, And The Love For MaryAnne Phillips-Anaya

WHEREAS, MaryAnne Phillips-Anaya was born in Alton, Illinois nearly 82 years ago; and

WHEREAS, MaryAnne and is the proud daughter of Ella Dora and Roscoe Dayne Phillips; and

WHEREAS, MaryAnne loves and adores her sisters Rosalie and Phyllis; and

WHEREAS, at the age of about eight years old, her Father, who wanted to be a cowboy, moved the family out west, briefly to Arizona then on to New Mexico; and

WHEREAS, Ella and Roscoe taught MaryAnne and her sisters how to work and how to treat and help people; and

WHEREAS, MaryAnne and her sisters tumbled, yelled, and learned their way to graduation in Stanley, New Mexico as Stanley Cyclones; and

WHEREAS, MaryAnne met the love of her life Joe in Stanley, setting in motion a journey of hope, family and faith; and

WHEREAS, MaryAnne and Joe had 5 beautiful children, Rick, JoAnn, Jean, Mike (Santa Fe County Commissioner), Mark, and one last spoiled brat, Robert, born in 1969; and

WHEREAS, Maryanne knows the value of our precious water and xeriscaped and conserved throughout her life, and cares for the environment and has conserved energy and resources long before it was cool; and

WHEREAS, Maryanne, is a very inquisitive person and teacher of life who loves geology, astronomy, art, history, and the realm of extra-terrestrials/alien beings, and she taught all her children to be inquisitive and to always seek to learn; and

WHEREAS, Maryanne taught all of us to be inquisitive and to always seek to learn; and

WHEREAS, MaryAnne and Joe built several homes, but the last home was a highly functional solar home; and

WHEREAS, MaryAnne has many grandchildren and great grandchildren, nieces, nephews and cousins and she treats them all equally with love, MaryAnne, loves her friends and neighbors and is always available to help them; and

WHEREAS, Maryanne tolerates, but may not love, politics, she understands the need for people to step forward and serve; and

WHEREAS, Maryanne has no malice or ill will, but will likely wear out some shoes to elect a new president; and

WHEREAS, Joe (Dad) did many things in the community, throughout the state, and even the country, but Mom was the CEO of the house, and if Dad were here today, he would adamantly agree; and

WHEREAS, MaryAnne is a builder and carpenter like her father; and

WHEREAS, MaryAnne is a great cook and baker, and can whip up a four course meal in record time, her bread would send out a sweet aroma throughout the village of

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Galisteo; and

WHEREAS, MaryAnne loves and cares for her family, friends and neighbors; and

WHEREAS, MaryAnne is locked and grounded in her Catholic faith and is a proud member of Nuestra Senora de Los Remedios Church, in Galisteo, New Mexico; and

WHEREAS, MaryAnne is a rancher, from breaking ice in the winter, to feeding, branding, fence building and pulling a calf, she has done it all; and

WHEREAS, MaryAnne is classy, beautiful and put together in her own special way, and has always loved to have fun and boy can she dance; and

WHEREAS, MaryAnne cannot be defined in the four corners of a box, because she has always lived outside of the box; and

WHEREAS, it may appear as though she was in the shadows but in reality MaryAnne was and is the bright light of the day; and

WHEREAS, MaryAnne is Mom and without Mom there is no Me.

NOW THEREFORE, be it resolved that the Board of County Commissioners of Santa Fe County does hereby proclaim and honor my Mom, MaryAnne Anaya and every mom that loves, lives, guides and gave us be.

PASSED, ADOPTED, AND APPROVED this 11th Day of December, 2018.
I humbly ask my colleagues if you would approve this proclamation. And I would move its approval.

CHAIR HANSEN: Second. I am honored to second that.

COMMISSIONER MORENO: I second it, too.

COMMISSIONER HAMILTON: I second it as well.

CHAIR HANSEN: We have multiple seconds. All those in favor.

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

COMMISSIONER ANAYA: And if you would grace me, I would very much appreciate a picture with my mom and my girls and all of you. All of you here, please. And Robert if you would come forward, I would appreciate it. Mom, is there anything you want to say?

MS. MILLER: Madam Chair and Commissioner Anaya, would you like us to take the minutes and break that up into a formal proclamation and get it signed and all.

COMMISSIONER ANAYA: Yes, I mentioned it to Tony and so Chris is going to work with Tony and the Clerk and all of us to help him out and I would appreciate that.

CLERK SALAZAR: Yes, turn over all of your notes and your format to legal and then they will structure it and review it. There may be some minor changes I don't know because it has to go through legal review.

COMMISSIONER ANAYA: I have a gift here that I'm going to give my mom. It's interesting the way I came about this. Sometimes you search for things and sometimes things find you. But this pendent, it's a crystal, mistletoe pendent that sheds much light as you look through it as a prism, and that' you, Mom. [Applause and photos

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were taken]

[The Commission recessed for 10 minutes]

CHAIR HANSEN: Okay, let's move on.

V. A. **Miscellaneous Updates**
 2. **Legislative Update**
 a. **Discussion of, Direction on and Possible Vote of
Support for or Opposition to Bills Introduced or
Proposed for Introduction in the First Session of the
54th Legislature of the State of New Mexico.
(Possible Action Item)**

MS. MILLER: Madam Chair, Commissioners, Tony, do we have anything else? I don't think we have anything in particular for discussion or direction or possible vote unless the Board has any pieces of legislation that you're curious about, what to know about. We have one resolution that we did last year. I mentioned it earlier. We did have to fix the caption, but this is just something that gives us direction as staff that if bills get introduced or if the Association of Counties is working on tax bills or revenues bills or anything like that, that may negatively affect the County or if they're good bills and positively impact – but for the most part we want to be able to focus on being able to get in there and say, That is not something that is advantageous to Santa Fe County. We want to be able to speak on that and so last year you passed a resolution along this line that gave us some kind of blanket authority to go in and protect the interest of Santa Fe County at the legislature.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I just had a question about that. Manager Miller, I was glad to see that you put that in. It makes a lot of sense to me. I was just curious as to whether there were things that you already knew that were coming forward or this is sort of a blanket anticipation that those things definitely do evolve over the course of the session and, you know, you want the mandate to move forward.

MS. MILLER: Madam Chair, I'll let Tony speak to that. I don't know of any yet.

MR. FLORES: Madam Chair, Commissioner Hamilton, we don't know of any bills either.

COMMISSIONER HAMILTON: I was just curious.

MR. FLORES: This is just a blank resolution that we would stand in opposition to any – the only one that we would potentially be bringing is the preemption resolution that basically says they can't take away our authority. We've done that in the past as a standalone resolution and we may consider doing that. I was at a meeting this morning in Edgewood and the Town of Edgewood brought that up to Representative McQueen so that reminded me that that should be on our resolutions.

Madam Chair, the only other item that we had no specific legislative pieces, but

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Manager Miller has briefed the Board on at least three occasions about, I'm not going to call it an influx, but about the possibility of Santa Fe County serving as fiscal agent for various non-profits. And I think you heard the Majority Leader last night speak about the fact that they're not sure that they're going to entertain those operational budget bills for non-profits. To date, we have received four requests so far from non-profits. Three of them are considered as capital outlay requests and one of them is for operating funds. The operating fund is not a large dollar amount in the big picture of things but from our perspective we are unsure of whether we should be taking on that role as a fiscal agent for a non-profit.

The other three capital requests, we received a very large request from the Santa Fe Recovery Center they ask is for around \$7 million which is a very large appropriation for an addition to their recovery center as well as their rehabilitation housing. And, we've also received a request from First Presbyterian Church up the street for \$305,000 for Santa Fe County to serve as its capital fiscal agent again for that kind of funding.

The issue that I have with some of these is, as Senator Wirth indicated last night, we have to be very clear with these non-profits that Santa Fe County has to have some oversight in role not just as the banker for capital outlay. We require to have some agreement or legal document that has some type of Santa Fe County name on it that we're part of that project. And for the church, for instance, I'm not sure, they may qualify as a qualifying entity. I'm not sure that the capital outlay can actually be appropriated there without Santa Fe County owning something and that's the same thing with the recovery center. The recovery center we have in the past receive capital outlay. We actually do own a couple of buildings out there that are Santa Fe County that are then turned around and leased.

I just bring those up for the record. The capital outlay bills that we are presenting are the form, they are about 90 percent done as of tonight. They'll be two re-authorization bills and we'll get those submitted by the end of the month. With that, nothing specific on the legislative update.

I would request, Madam Chair, that we do consider a resolution opposing any legislation that adversely affects Santa Fe County revenue programs or services and I stand for questions.

CHAIR HANSEN: Are there any questions of the Board?

COMMISSIONER HAMILTON: Yes. I mean, it's never an issue that some of the things the NGOs are asking for or the non-profits are good things, the recovery center is certainly good. But you just articulated but you also articulated and I guess it was just last night, wasn't it, the question about anti-donation. So is there still some investigation before we are able to answer that question or are we looking for feedback from the legislators that are involved? What's the –

MR. FLORES: Madam Chair, Commissioner Hamilton, my boss can provide answers, yes. There is no question about the anti-donation clause for severance tax funding. It is clear as HIPAA. The work around in some cases at a government or local government entity can have ownership in whatever the capital asset is. I am not, today, prepared in my tiny role here to say that these are good projects or not good projects. I do, I am cautioning the Board that there is a push as Senator Wirth indicated last night from non-profits getting to the legislature and I heard it again in Edgewood. I

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am not convinced that they are prepared to bring forward any type of resolution that says yes or no on any particular project. I do feel, however, as we get into January with the meeting before the opening of the session, staff should be prepared to give you a recommendation on these types of requests. That's fair to the legislature and that's fair to the non-profits.

COMMISSIONER HAMILTON: Okay, so we have that to look forward to and it's not for tonight. And then I'll ask a question that I feel like I've got to because I guess I want to know but it always sounds small. When we sponsor – is part of the consideration if we agree to be fiscal agent we're essentially sponsoring legislation of capital projects that compete with our capital requests?

MR. FLORES: Madam Chair, Commissioner Hamilton, absolutely.

COMMISSIONER HAMILTON: So, how – maybe that's just another consideration that we all have to think about.

MR. FLORES: Madam Chair, Commissioner Hamilton, I think when we bring back the recommendation document from staff's perceptive and again, we're not policy makers as the chair has reminded me from that bench many times, but we do have to do our due diligence to provide information to the Board that this is a project that the County can even manage.

COMMISSIONER HAMILTON: Well, the \$7 million – that's a great point. That's a lot of bandwidth.

MR. FLORES: That's a huge amount of bandwidth. So I think those considerations have to be evaluated, vetted through our County Manager, our Finance Director who we are fortunate to have both former cabinet secretary to DFA and deputy cabinet secretary to DFA and Board of Finance Director on staff. That's a good vetting tool for staff. I am not always right on my gut feelings. I can tell you on these ones I am not really having a good feeling in my gut right now but we'll get there in January.

COMMISSIONER HAMILTON: Thanks. Thank you, Madam Chair.

CHAIR HANSEN: Okay, with that I'm going to move on to the resolution.

1. Resolution 2018-125, A Resolution Opposing any Legislation that May Negatively Affect Santa Fe County Revenues, Programs or Services
[Exhibit 3: Support material and resolution]

CHAIR HANSEN: Do I have a motion?

COMMISSIONER HAMILTON: I would move for approval of this resolution. I think it's a very good one and in our interest.

CHAIR HANSEN: Do I have a second?

COMMISSIONER ANAYA: I'll second it. I have some comments under discussion.

CHAIR HANSEN: Okay, under discussion.

COMMISSIONER ANAYA: Just quickly and it's kind of what I said before relative to coordination and communication with our legislative delegation when it's appropriate making sure that we have the extra conversations with the delegation if

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they're in support of something that we might be opposing because of the resolution and that work through that carefully because we value and appreciate those relationships with those legislative members. That's my only caveat.

CHAIR HANSEN: All in favor?

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

VI. A. 2. Resolution No. 2018-126, a Resolution in Support of State of New Mexico Rio Grande Trail Master Plan
[Exhibit 4: Bike Santa Fe support letter, dated 12/10/18; Exhibit 5: Rio Grande Trail Fact Sheet – New Mexico Energy, Minerals & Natural Resources Department]

CHAIR HANSEN: I want to acknowledge that Rosemary Romero and the woman from the National Trail Association were here earlier in support of this resolution. What is the pleasure of the Board?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER MORENO: Second.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: All those in favor?

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

C. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

CHAIR HANSEN: Is there anything from the Commission?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Madam Chair, a dear friend of mine, Mike Griego, laid his daughter to rest today, Audra, and I just want to have a moment of silence in honor of her life and prayers to her family. If we could have a moment of silence for Audra and the Griego family.

Also, Madam Chair, thank you, I wanted to ask that we have a moment of silence for Paul Montoya. Paul Montoya lost a battle, tough battle, with cancer on Friday, last Friday. And in his last days I want to thank Tony and Rudy and Katherine and Chris and John Dupuis and anybody else that stepped up to help him. He had to get some stuff in order and, Madam Clerk, you guys helped out with that as well. And so I just want to thank the collective team for their efforts. Paul was a good guy and may God rest his soul. If we could have a moment of silence for him. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. Are there any things that any other Commissioners have anything? I received an email from the EELU of NACo and waters

released, the waters of the US rule today. I have not read it. It has come out and it is just being released. I will be on a phone call on Thursday with the Environment Energy and Land Use of NACo and I'm sure we'll hear about part of it then.

COMMISSIONER HAMILTON: Just for the record, that's regressing from the significant nexus to the significant connection to navigable water. So it's going to reduce substantially the waters that are protected.

CHAIR HANSEN: That is true.

COMMISSIONER HAMILTON: That is what I anticipate and that's what the preview was.

CHAIR HANSEN: I believe that I have heard in the past and many people have argued opposed to that but –

COMMISSIONER HAMILTON: They are taking Scalia's reading which was, of course, not put into law that was documented and they're trying to go back to that.

CHAIR HANSEN: I want to say that we also have a wonderful holiday party, Christmas holiday party, on Saturday that many of us attended from 5:30 to 11 or something like that. And I think that is all I have to say for the moment. And I'll wish everyone happy holidays and since this is our last meeting of the year and please have a safe and happy and healthy New Year.

MS. MILLER: Madam Chair, real quick before you move to the next item. I just want to remind everybody that the inauguration of our newly elected or reelected County officials is Friday, December 28th at 2 p.m. in the chambers.

CHAIR HANSEN: I look forward to seeing everybody here.

VII. Matters from Other Elected Officials (Non-Action Items)

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

CHAIR HANSEN: Clerk Salazar.

CLERK SALAZAR: Chair Hansen and Commissioners, thank you. The State Canvassing Board met yesterday to certify the results of the automatic recounts for State Representatives in Districts 22, 23, and 63. District 23, there is a small portion of that district in Santa Fe County, so we participated in District 22's automatic recount. The official results can be found on the Secretary of State's website. The Canvassing Board for the state's members are the Secretary of State, the Chief of Supreme Court Justice, and the Governor. The recounts did not result in any changes to the election night results. So the election is now fully over and the automatic recounts were certified yesterday morning. Thank you so much.

CHAIR HANSEN: Thank you.

MS. MILLER: Madam Chair, before we do matters from the County Attorney, could we do the Fire Code Ordinance?

CHAIR HANSEN: Of course, yes, let's go to the public hearing since it is passed 5 o'clock.

IX. Public Hearings (To Begin No Earlier Than 5:00 P.M.)

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A. Ordinances

1. Ordinance No. 2018-08, an Ordinance Establishing A Fire Code For Santa Fe County By Adopting And Modifying the 2015 Edition Of The International Fire Code; Adopting and Modifying the 2015 Edition of the International Wildland-Urban Interface Code; Regulating Fireworks and Excessive Fire Alarms; Requiring Fire Inspections; Providing for Fire Protection System Plan Reviews; Regulating Gates Obstructing Access to Properties; Providing for the Issuance of Permits and Collection of Fees; Repealing Santa Fe County Ordinance Nos. 1988-3, 1991-7 as Amended By 1998-11, and 2001-11; and Repealing Santa Fe County Resolution Nos. 2001-114 as Amended By 2003-47, And 2000-55. (Fire Department/Jaome Blay, Fire Marshal) (Second and Final Public Hearing)

CHAIR HANSEN: Mr. Blay.

FIRE MARSHAL BLAY: Madam Chair, County Commissioners, as you know in the past year the Fire Department has been researching the possible adoption of a new fire code to align the County with other departments in the state.

In collaboration with the County’s legal team and the Chief of the Santa Fe Department, the Fire Department requests the adoption of a new ordinance establishing a fire code for Santa Fe County by adopting and modifying the 2015 edition of the International Fire Code; adopting and modifying the 2015 edition of International Wildland-Urban Interface Code; regulating fireworks and excessive fire alarms; requiring fire inspections; providing for fire protection system plan reviews; regulations gates obstructing access to properties; proving for the issuance of permits and collection of fees; repealing Santa Fe County Ordinance Nos. 1988-3, 1991-7 as amended 1998-11; and repealing Santa Fe County Resolution Nos. 2001-114 as amended by 2003-47 and 2000-55.

Thank you for your attention and I stand for any questions you may have.

CHAIR HANSEN: Thank you. Are there any questions from the Board? Then I need to open the public hearing. Is there any one from the public that would wish to speak? Seeing none, I will close the public hearing. What is the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I’d like to move for approval of this.

COMMISSIONER MORENO: Second.

COMMISSIONER HAMILTON: I have a motion by Commissioner Hamilton and a second by Commissioner Moreno. Roll call.

Commissioner Anaya	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye

Commissioner Moreno	Aye
Commissioner Roybal	Excused

The ordinance passed by roll call vote as shown above.

CHAIR HANSEN: Do we want to go to Executive Session?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Madam Chair, I appreciated the request to have the item that we're going to hear land use heard, but it's my understanding that Commissioner Roybal would be coming back?

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: So I think we want go to executive and then give Commissioner Roybal a chance to come back.

COMMISSIONER HAMILTON: And just of the record, I wanted to thank Chief Sperling and Jaome for all of the work on this ordinance. I know this is a big advancement for the Fire Department and I know it took a huge amount of effort.

FIRE MARSHAL BLAY: Madam Chair, Commissioner Hamilton, thank you very much. It was our pleasure.

VIII. Matters From the County Attorney

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

CHAIR HANSEN: Ms. Brown.

RACHEL BROWN (Deputy County Counsel): Madam Chair, if we could go into executive session pursuant to NMSA 1978 10-15-1(H)(2) and (6) and (7) to hear the three items listed on the agenda. The Aamodt settlement, contract negotiations under the Procurement Code and limited personnel matters.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I'd like to move that we go into executive session noting that we will only discuss that that which Deputy County

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Attorney Brown just listed.

COMMISSIONER MORENO: I second the motion.
CHAIR HANSEN: Roll call.

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

Commissioner Anaya	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Excused

[The Commission met in executive session from 6:35 – 8:00.]

COMMISSIONER ANAYA: Madam Chair, I'd move to come out of executive session.

COMMISSIONER HAMILTON: I'll second noting that we discussed only those items listed in the agenda.

The motion passed by unanimous [3-0] voice vote.

- B. Resolution 2018-127, A Resolution Authorizing the County Manager to Secure Multi-Line and Law Enforcement Insurance Coverage for 2019 and to Finalize Negotiations for Multi-line and Law Enforcement Insurance Coverage and to Execute all Documents Necessary to Effectuate Such Coverage**
[Exhibit 6: Resolution 2018-127]

CHAIR HANSEN: And we have a resolution.
COMMISSIONER ANAYA: So moved, Madam Chair.
COMMISSIONER HAMILTON: Second.
CHAIR HANSEN: We have a motion and a second. All those in favor.

The motion passed by unanimous [3-0] voice vote. [Commissioner Roybal and Commissioner Moreno were not resent for this action.]

IX. PUBLIC HEARING

B. Land Use Cases

- 1. BCC CASE# APP 18-5071 Angelo Ortega, Appeal. Angelo Ortega, Appellant, James W. Siebert & Associates, Agent, is appealing the Santa Fe County Planning Commission's decision to deny a variance of the Sustainable Land Development Code (SLDC), of Chapter 10, Section 10.4.2.1 to allow an accessory dwelling within a major**

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subdivision. If the appeal is approved by the Board of County Commissioners (BCC), the Appellant, requests a partial plat vacation to modify a plat note that prohibits guest houses within the Vista de Sandia Subdivision to allow lot 10 to have an accessory dwelling unit. The property is located at 120 North Paseo de Angel, within the La Cienega and La Cieneguilla Community District Overlay (LCLCCD) (RES-E), within Section 22, Township 16 North, Range 8 East (Commission District 3). Miguel “Mike” Romero, Case Manager
[Audio difficulties – staff report provided in summary and attached as Exhibit 7]

Miguel “Mike” Romero, Case Manager, summarized that the appellant is requesting the BCC overturn the Santa Fe County Planning Commission’s decision to deny the variance request to allow an accessory dwelling unit within a major subdivision. If the appeal is granted and the variance is approved by the BCC, the appellant requests a partial plat vacation to modify a plat note that prohibits guest houses within the Vista de Sandia Subdivision to allow lot 10 to have an accessory dwelling unit.

Staff recommends denial of the appellant’s request, and that the BCC uphold the Santa Fe County Planning Commission’s decision to deny the appellant’s variance request to allow an accessory dwelling within a major subdivision and therefore not act upon the partial plat vacation. However, if the BCC’s decision is to approve the applicant’s request, staff recommends imposition of the following conditions:

1. The applicant must request a partial plat vacation to modify the note that prohibits guest houses and rerecord the plat.
2. The applicant must install a meter on the well and submit proof at time of development application.
3. The applicant will ensure that water use on Lot 10 does not exceed a total of .25 acre-feet per year for the dwelling and accessory dwelling combined, and shall provide annual water meter readings to the Land Use Administrator.

[Duly sworn, Wayne Dalton, testified as follows:]

WAYNE DALTON: Good evening, Madam Chair, Commissioners. My name is Wayne Dalton and I am with James W. Siebert and Associates. Just like Mike mentioned in his staff report the accessory building would be for our client’s daughter and our client’s daughter only. The applicant does not plan to rent this dwelling or sell the property. This is strictly for his daughter, in order for him to supply her with an affordable place to live here in Santa Fe. His daughter is in her 20s. She’s currently living with him in the property and I don’t know if any of you have any 20-somethings living with you, but it’s – it can get hard. I have a 20-something year old living with me and it’s really hard.

Just want to let you know that we feel there is not increase to water, liquid waste or traffic being that the applicant’s daughter already resides with him in the main residence. And like Mike says, since this case was heard by the Planning Commission we have worked with NMED staff and County staff and got ourselves a permit that complies with the SLDC so therefore we no longer need a variance to that section of the code.

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I also want to state in the record that we do disagree with the decision of the Planning Commission which was based on the purpose of a variance and not to authorize the use of land that is otherwise prohibited.

Commissioners, I want to let you know that everything around this subdivision would be allowed an accessory dwelling unit.

COMMISSIONER HAMILTON: I'm sorry, could you repeat that.

MR. DALTON: Every property outside of the boundaries of the 16-lot subdivision will most likely be allowed to have an accessory dwelling unit. So our client and we just feel that the basis of their decision was incorrect, based on that fact, that accessory dwelling units are allowed outside of this previously approved subdivision.

And I do have a map here if you'd like to see it?

CHAIR HANSEN: Did we get it in our packet? There were a number of maps in our packet.

MR. DALTON: If I could approach, Madam Chair.

CHAIR HANSEN: Yes, you may.

MR. DALTON: I just want to show the Commission – outlined in red is actually the subdivision in question. That is the applicant's property. This property here the Planning Commission approved to allow an accessory dwelling on this property and these two pieces of property were actually subdivided through small-lot family transfer so instead of a 16-lot subdivision we have now an 18 lot subdivision. And as you know, the old code allowed – there was a mechanism in the old code that allowed family transfers which would allow a property owner to go to half the minimum lot size. That would be an acre and a quarter. That mechanism went away with the SLDC and was replaced with the accessory dwelling unit. Just to give you guys an idea the properties outlined here in blacks are the properties that took advantage of the small-lot family transfers – which is a lot.

COMMISSIONER HAMILTON: Question.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: The splits that occurred within that subdivision did those two or three or whatever you point out go out to 1.25 acres also?

MR. DALTON: Madam Chair, Commissioner Hamilton, yes. Those properties are an acre and a quarter.

Madam Chair, Commissioners, we ask that you overturn the Planning Commission's decision and allow our client the privilege that has been enjoyed by the surrounding properties within the same zoning district. We also ask that if the decision of the BCC is to approve the requested variance that you also approve the partial plat vacation, number 12, that states, guest houses are prohibited.

Again, Madam Chair, Commissioners, we are in agreement with staff's conditions. We are not asking for additional water. Our client, the applicant, will install a meter and water use will not exceed .25 acre-foot per year for the main house and the accessory building. That's the end of my presentation. If you have any questions, I would be happy to answer.

CHAIR HANSEN: Thank you, Mr. Dalton. It's nice to see you again. It has been a long time.

MR. DALTON: Excuse me.

CHAIR HANSEN: It's been a long time since I've seen you.

MR. DALTON: Yes, it has.

CHAIR HANSEN: I would like to open this up for public hearing. Is there anybody from the public who would wish to speak? Seeing none, I'm going to close the public hearing.

And then I will go to the Commissioners; are there any other questions from the Commissioners?

COMMISSIONER HAMILTON: Madam Chair, I wonder if the other Commissioners would agree with going into a brief executive session to talk about certain questions.

COMMISSIONER ANAYA: I'm fine with going into a brief, as long as it is brief.

COMMISSIONER HAMILTON: Yes, I have a few –

COMMISSIONER ANAYA: I'm fine with that.

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

COMMISSIONER ANAYA: I move to go into executive session.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: We'll go into executive session to talk about his land use case only.

The motion to go into executive session as permitted by Section 10-15-1 (H)(3) NMSA 1978 passed by unanimous roll call vote as follows:

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

[The Commission met in executive session from 8:10 – 8:30.]

CHAIR HANSEN: Okay, I would like a motion to come out of executive session.

COMMISSIONER ANAYA: So moved.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: The only thing we spoke about was the case before us in executive session. All those in favor?

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

CHAIR HANSEN: What is the pleasure of the Board? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I'm going to do this in two motions. I'm going to move approval of the appeal with staff conditions on the variance.

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COMMISSIONER ROYBAL: I'm going to second.

COMMISSIONER ANAYA: And I'm going to also state that from my perspective the criteria have been met to substantiate the variance.

COMMISSIONER ROYBAL: I would agree as part of my second.

CHAIR HANSEN: Okay, any other discussion?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I want to make for the record particular note of the condition on water use based on all the information that was presented meets the one concern and limitation for this subdivision so that even with the accessory dwelling as long as water is limited to the .25 acre-feet per year use we are fulfilling the spirit of the subdivision – the restrictions on the subdivision.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: I appreciate that comments, Commissioner Hamilton. I would also add that the additional work and information that the applicant went to NMED to modify the liquid and solid waste permit, right? That that also provided additional information that wasn't available at the time that the case went to Planning Commission; is that correct?

MR. ROMERO: Yes.

COMMISSIONER ANAYA: So I think that is also pertinent.

CHAIR HANSEN: I thank you for that comment, Commissioner.

COMMISSIONER HAMILTON: Can I make one final comment?

CHAIR HANSEN: Yes, you can, Commissioner Hamilton.

COMMISSIONER HAMILTON: And that is unless you have other instances to make mention of there is no evidence in the public hearing that there is any real opposition from other residents of the subdivision that this would be considered a concern to them and that addresses the variance and having to do with being in the public interest.

CHAIR HANSEN: Okay, we have a motion. All those in favor.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Consistent with this case, I move that we vacate the plat to accommodate this adjustment. Is that good verbiage, Ms. Brown?

COMMISSIONER HAMILTON: I'll second.

CHAIR HANSEN: Anything else we need in the motion to do for this case? Are we good? So we have a motion to vacate the plat; do we have a second?

COMMISSIONER HAMILTON: I did second.

CHAIR HANSEN: Okay, all those in favor.

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

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X. Concluding Business

A. Announcements

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I just want to state for the record that the resolution that Commissioner Anaya passed in appreciation of MaryAnne Anaya –

CHAIR HANSEN: The proclamation.

COMMISSIONER ROYBAL: The proclamation. That I voted in the affirmative with the Commission. I had to step out just momentarily but I do want to say that it is put on the record that I do vote in the affirmative for that. Thank you.

CHAIR HANSEN: Thank you very much. Any other announcements?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: Madam Chair, one last time as I vacate this seat, I want to sincerely thank the four of you and the manager and the team for everything. Again, it's been an excellent experience. I have enjoyed the interaction that we had on this Commission as I did on prior Commissions but I think we really gelled as a team and advanced everything in the interest of the public and the interest of our districts collectively. And I sincerely, from the bottom of the heart, appreciate and thank you for that.

CHAIR HANSEN: Thank you, Commissioner Anaya. I agree with you on that. I think that we have worked well as a team together and we will miss you. That is definitely the truth. As I've said before, we've had disagreements but they've always been respectful and I have truly enjoyed serving with you because I think adversity and disagreement make a stronger and also make us wiser. I want to thank you for that, very much. With that –

COMMISSIONER MORENO: Hold on, Madam Chair. Under the business of gratitude, I would like to appreciate you for your service and I've learned a lot from you and how you make your case and I have learned from you quite a bit, thank you.

COMMISSIONER ANAYA: Thank you so much.

CHAIR HANSEN: Thank you, Commissioner Moreno.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: I know we've all said this probably several times this evening and this afternoon but it was truly an honor and I just want to close the evening with reiterating that and saying that it was truly an honor and I cherish your friendship and look forward to a continued friendship over the years. Thank you, sir.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: Can't leave it, we've all said it. But it is bitter sweet and it really was an honor.

COMMISSIONER ANAYA: I feel the same. Thank you.

CHAIR HANSEN: Yes, thank you to everyone here and happy holidays,

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happy New Year and have a wonderful season. We will have an inaugural for our new Commissioner on December 28th at 2 p.m. so please join us in the chambers. Thank you and good night all.

B. Adjournment

Having completed the agenda and with no further business to come before the Commission, Chair Hansen declared this meeting adjourned at 8:40 p.m.

Approved by:

Anna Hamilton
Board of County Commissioners
Anna ~~Hansen~~, Chair
Hamilton



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: 103

I Hereby Certify That This Instrument Was Filed for
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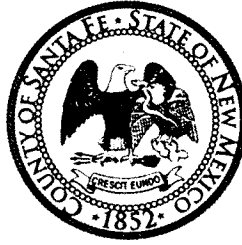
Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy *Estrella Martinez* County Clerk, Santa Fe, NM

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Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



TO: Board of County Commissioners

FROM: Jordan Barela, Affordable Housing Administrator 
Robert Griego, Planning Manager 

Via: Penny Ellis-Green, Growth Management Director

DATE: December 4, 2018

RE: **REQUEST APPROVAL FOR AN AFFORDABLE HOUSING AGREEMENT FOR HIGH SUMMIT III PHASE 2 BETWEEN SANTA FE COUNTY AND OREO LLC**

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SUMMARY

OREO LLC, as owner of High Summit III Phase 2, is requesting approval of an Affordable Housing Agreement in accordance with an approved Affordable Housing Plan. Phase 2 is a 22 lot subdivision which received approval in December of 2016. An approved Affordable Housing Plan for High Summit III Phases 2-6 currently exists which identifies a total of 4 affordable units for High Summit III Phases 2-6 and indicates that the developer will seek an alternative means of compliance. OREO LLC has agreed to the terms indicated in the attached Affordable Housing Agreement, which will allow them to utilize an alternative means of compliance to meet their affordable housing obligations.

BACKGROUND

On December 9th, 2003, the BCC granted Master Plan Approval for the High Summit III residential subdivision consisting of 105 lots in multiple phases. On June 15th, 2005, High Summit Corporation entered into an agreement with the City of Santa Fe through a Housing Opportunity Program (HOP) Agreement and HOP Home Lien for fourteen HOP homes to be located within the High Summit III subdivision. The subdivision currently consists of 6 Phases. The agent for High Summit III Phase 2 is seeking a release of the City of Santa Fe HOP agreement dated June 15, 2005 and seeks to replace that agreement with the proposed agreement with Santa Fe County for High Summit III Phase 2.

On December 13, 2016, the Board of County Commissioners approved an Affordable Housing Plan submitted by White Bear Properties LLC for High Summit III Phases 3-6. The Affordable Housing Plan includes Phases 3-6 of High Summit III owned by White Bear Properties LLC and Phase 2 of High Summit III, which is currently owned by OREO LLC.

In accordance with the Affordable Housing Plan, the overall affordable housing obligation for High Summit III Phases 2-6 is (4) Affordable Units.

AFFORDABLE HOUSING AGREEMENT SUMMARY

The Affordable Housing Agreement includes two (2) affordable units for High Summit III Phase 2 and two (2) affordable Units for Phase 3-6 which meets the overall obligation of four (4) Affordable Units for High Summit III Phases 2-6. OREO LLC and White Bear Properties LLC have proposed to utilize an alternative means of compliance in accordance with the Affordable Housing Plan, and build the Affordable Units off-site in accordance with Chapter 13 of the Sustainable Land Development Code (SLDC). OREC LLC and White Bear Properties LLC are also proposing to utilize the Income 1 Range Bonus pursuant to Section 13.2.1.2 of the SLDC. By utilizing the Income Range 1 Bonus and designating one (1) Affordable Unit for an Income Range 1 Buyer, each Developer will be credited for having provided two (2) Affordable Units.

OREO LLC and White Bear Properties LLC have proposed to designate two (2) Income 1 Range affordable lots within High Summit III Phases 2-6, until which time the Developers are able to obtain the two (2) off-site lots located within the areas designated for affordable housing on Map 14-1, to ensure their compliance with their affordable housing obligations. Per the terms of the agreement, OREO LLC will designate lot 32 in Phase 2 as an Income Range 1 Affordable Lot, and White Bear Properties LLC will designate lot 58 in Phase 4 as an Income Range 1 Affordable Lot, which meets the affordable housing requirements of the SLDC.

STAFF RECOMMENDATION

The Affordable Housing Agreement for OREO LLC is in accordance with the Affordable Housing Plan for High Summit III Phase 2-6 and the Affordable Housing requirements in Chapter 13 of the SLDC. Staff recommends approval of the Affordable Housing Agreement.

EXHIBITS

Exhibit A: Affordable Housing Agreement for High Summit III Phase 2 between Santa Fe County and Oreo LLC

SANTA FE COUNTY
AFFORDABLE HOUSING AGREEMENT

This Affordable Housing Agreement (the “Agreement”) is entered into as of this ____ day of _____, 20__, by and between OREO, LLC (the “Applicant”), a New Mexico Limited Liability Company, with its principal place of business at 3957 Agua Fria Street, Santa Fe, New Mexico 87507, and Santa Fe County (the “County”), a political subdivision of the State of New Mexico.

RECITALS

WHEREAS, the Applicant received approval of a 22 Lot Subdivision, known as High Summit III, Phase 2, recorded in Plat Book ___, Pages ___ through ___ from the Board of County Commissioners, and has submitted for approval from the Land Use Administrator for allowing for the consolidation of lots from 22 Lots to 17 lots for said High Summit III Phase 2 (the “Project”), which shall be reviewed for compliance with the SLDC and which shall reference and be recorded with this Agreement; and,

WHEREAS, as part of the initial application, Applicant submitted an affordable housing plan, which was approved by the Board of County Commissioners of Santa Fe County; and,

WHEREAS, the County adopted the Sustainable Land Development Code (“SLDC”) as Santa Fe County Ordinance 2016-9, which contains regulations pertaining to Fair and Affordable Housing, and adopted Resolution 2010-189 (the “Regulations”) to provide for the provision of affordable housing in Major and Minor Projects within central and northern Santa Fe County; and,

WHEREAS, the SLDC requires, among other things, the Applicant to provide Affordable Units within the Project and/or comply with the SLDC through an alternative means; and,

WHEREAS, Section 13.2.1.2 of the SLDC states, “Each affordable dwelling provided to an eligible buyer in Income Range 1 shall count as two affordable dwellings in any income range chosen by the Applicant”; and,

WHEREAS, the purpose of this Agreement is, among other things, to implement the Affordable Housing Plan, previously approved by the Board of County Commissioners of Santa Fe County, and set forth the number of Affordable Units required for the Project under the County’s Affordable Housing Program, including the SLDC and Regulations; and

WHEREAS, the purpose of this agreement is to fulfill the requirements of the SLDC and Regulations.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and obligations contained herein, the County and Applicant hereby agree as follows:

1. **Definitions.** All capitalized terms herein have the same meanings given them in the Regulations.

2. **Required Affordable Units and Lots.** The total number of subdivided residential lots for High Summit III Phases 2, 3, 4, 5 and 6 will be twenty-nine (29) upon approval of the Lot Consolidation Plat for Phase 2. Based on the total number of residential lots, High Summit III Phases 2, 3, 4, 5 and 6 are considered a Major Project with an affordable housing obligation of fifteen (15) percent, pursuant to Section 13.2.1.1 of the SLDC. County agrees that the overall affordable housing obligation for High Summit III Phases 2, 3, 4, 5 and 6 is four (4) Affordable Units.

Of the overall affordable housing obligation of four (4) Affordable Units, the Applicant has agreed to provide two (2) Affordable Units, specifically for High Summit III Phase 2. High Summit Phases 3, 4, 5 and 6 has provided for Affordable Housing Units pursuant to a separate Affordable Housing Agreement recorded as Instrument No. _____ in the records of the Santa Fe County Clerk.

As such, the total number of Affordable Units required for High Summit III Phase 2 shall be two (2), and the Applicant shall elect to build and sell one (1) affordable unit to an Eligible Buyer in Income Range 1. The single Affordable Unit provided in Income Range 1 shall satisfy the Applicant's obligation of two (2) Affordable Units, pursuant to Section 13.2.1.2 of the SLDC.

The Affordable Unit shall be a three bedroom home and shall meet the minimum structural requirements, minimum bathrooms and floor area, and other requirements set forth in the Regulations. The Affordable Unit shall be sold to an Eligible Buyer at a Maximum Target Housing Price of \$118,287.00. Lot 32 of High Summit III, Phase 2, shall be designated as the Lot for the Affordable Unit and shall be held and designated as such on the consolidation plat of survey for the Project as security of the Applicant's obligation to build said Affordable Unit in accordance with the alternative means of compliance provided herein. The Applicant will identify the off-site lot and notify County of Santa Fe of the same prior to beginning construction. Once the Affordable Unit is built and sold in accordance with this Agreement, then Lot 32 within High Summit III, Phase 2 shall be released from any obligation under this Agreement.

The Maximum Target Home Price set forth above shall be valid for one year following execution of the Agreement, and shall be adjusted annually thereafter to the then current Maximum Target Home Price established by the Affordable Housing Administrator.

3. **Alternative Means of Compliance.** The Applicant has received approval from the Board of County Commissioners pursuant to Section 13.7.1 of the SLDC for an Affordable Housing Plan

that allowed for an “alternative means of compliance” to provide Affordable Housing outside the Project, but within central and northern Santa Fe County as shown on Map 14-1. The Board of County Commissioners hereby approves the alternative means of compliance as provided in this Agreement. The Applicant will identify the off-site lot and notify County of Santa Fe of the same prior to beginning construction, which shall be subject to approval by the Land Use Administrator for compliance with the Affordable Housing Requirements of the County. Once the Affordable Unit is built and sold in accordance with this Agreement, then Lot 32 within High Summit III, Phase 2 shall be released from any obligation under this Agreement.

4. Development Schedule. The Applicant agrees to build and offer for sale the Affordable Unit prior to the construction of the sixth market rate unit within Phase 2 of High Summit III.

5. Final Plat Recordation. This Affordable Housing Agreement must be filed and recorded simultaneously with the Lot Consolidation Plat for the Project or the phase to which this Agreement relates. Should the Final Plat be filed and recorded without this Affordable Housing Agreement, such filing and recordation shall be null and void and without any legal effect.

6. Marketing Plan. In accordance with the Affordable Housing Plan, Applicant agrees to market the Affordable Units by working with the Santa Fe Housing Trust and other local non-profits whose primary objective it is to promote affordable housing within Santa Fe County. Specific marketing venues may include: (i) print media, (ii) broadcast media, (iii) billboard advertising and (iv) internet advertising.

7. Incentives. In consideration of Applicant’s obligations hereunder and in accordance with the SLDC and Regulations County has agreed to provide the following incentives to Applicant:

A. Relief from Development Fees. County agrees to waive all development fees for the Affordably Priced Housing Unit to be provided by Applicant hereunder.

B. Relief from Additional County Water Utility Connection Charge. County agrees to waive any additional water connection charges that exceed the cost of the water meter for the Affordably Priced Housing Unit to be provided by Applicant hereunder; provided, however, that nothing herein shall relieve Applicant of any obligation it may have under any Water Service Agreement with the County to provide a line extension or other infrastructure to the Affordable Unit.

C. Water for Affordable Unit. County agrees to supply the Affordably Priced Housing Unit and identified in Section 3 above with water, including all necessary water rights.

8. Successors, Assigns, and Buyers of Affordable Lots. Applicant’s obligations hereunder shall be binding upon its successors and assigns as well as any developer, contractor, or other third party (other than an Eligible Buyer) to whom an Affordable Lot identified in Section 3 is transferred. Applicant agrees to provide County with ten (10) business days’ advance written notice of its intent to transfer an Affordable Lot to someone other than an Eligible Buyer, such notice to include a copy of the sales contract or other agreement by which such third party shall irrevocably assume Applicant’s obligations hereunder with respect to such Affordable Lot.

County shall have the right to (i) request further assurances that Applicant's obligations with respect to the Affordable Lot are being assumed by the transferee; (ii) require changes to the portion of the sales contract or other agreement concerning the transferee's assumption of Applicant's obligations; and (iii) attend the closing of the transfer to assure that the sales contract or other agreement whereby the transferee assumes Applicant's obligation is executed.

9. Closing of Qualified Transactions.

A. Notice of Closing; Appraisal. The Applicant shall give the County at least ten (10) days' advance written notice of the scheduled closing date for a Qualified Transaction. The notice shall include:

1. The name of the Eligible Buyer(s) as well as a copy of their Certification of Eligibility;
2. The date and time of the scheduled closing;
3. The name and location of the title company closing the transaction and the name and telephone number of the closing agent(s).
4. An appraisal of the Affordable Unit being sold, which appraisal shall (i) be prepared by a properly licensed, MAI certified real estate appraiser; (ii) be paid for by the Applicant, unless such appraisal is required by the mortgage lender, in which case it shall be paid for by the lender or the Eligible or Entry Market Buyer; and (iii) have been prepared within the previous 6 months.

B. Recordation of Affordability Mortgage or Lien. At least two (2) business days prior to the date of the scheduled closing, the County shall deliver to the title company (with a copy to the Applicant and the Eligible Buyer) the Affordability Mortgage and Lien along with written instructions to the closing agent concerning the execution, recording, and returning of the Affordability Mortgage and Lien. Any cost associated with the recording and returning of the Affordability Mortgage and Lien shall be borne by the Applicant.

C. Settlement Statement. The Applicant shall cause the title company to transmit, within ten (10) days of the closing of a Qualified Transaction, a copy to the County of the Settlement Statement for the Qualified Transaction, signed by the seller, purchaser and mortgagee.

D. Certification of Qualified Buyers by County. Any Eligible Buyer must receive certification from County prior to closing. The purchaser of an affordable lot or unit who has not been certified as an Eligible Buyer by the County prior to closing, shall not be certified retroactively, and the transaction shall not count towards the Applicant's affordable housing obligations.

10. Remedies. Applicant acknowledges and agrees that, but for this Affordable Housing Agreement, County would not have approved the final plat for the Project or the phase of the Project to which this Affordable Housing Agreement relates. Applicant further acknowledges and agrees (i) that, because the Affordable Unit to be provided by Applicant is a public good, no adequate remedy exists at law to remedy Applicant's failure to fulfill its obligations hereunder; and (ii) an appropriate remedy for Applicant selling Affordable Lots to non-Eligible Buyers, is to pay County the Maximum Target Home Price for the unit, so as to enable County to provide affordable housing elsewhere. Accordingly, County shall be entitled to the following remedies

for the indicated breaches by Applicant of this Affordable Housing Agreement, which remedies Applicant acknowledges and agrees are fair and reasonable.

A. Selling Home on Affordable Lot to Non-Eligible Buyers: In the event Applicant sells the home built on the Affordable Lot to someone other than an Eligible Buyer or Entry Market Buyer, County shall be entitled to:

- (i) an injunction halting all construction or development on the Project until such time as Applicant remedies its breach and complies with its obligations hereunder;
- (ii) refuse to grant preliminary or final plat approval for any future phase or portion of the Project;
- (iii) collect all development fees and water connection charges that were waived, pursuant to Paragraph 7(A)-(B) of this Affordable Housing Agreement, for each house on an Affordable Lot Applicant sold to a non-Eligible Buyer or non-Entry Market Buyer, as the case may be;
- (iv) collect the current market price of water rights utilized by the County to provide water to the house on the Affordable Lot that Applicant sold to a non-Eligible Buyer; and/or
- (iii) collect as damages the Maximum Target Home Price for the Affordable Unit that Applicant was required to build on the Affordable Lot that it improperly sold to a non-Eligible Buyer, such damages to be paid into the fund or trust established pursuant to Section 18(G) of Santa Fe County Ordinance 2006-02.

B. Failure to Timely Build the Affordable Unit. In the event the Applicant fails to time build the Affordable Unit, the County shall be entitled to:

- (i) an injunction halting all construction or development on the Project until such time as Applicant remedies its breach and complies with its obligations hereunder; and/or
- (ii) refuse to grant preliminary or final plat approval for any future phase or portion of the Project.

11. Miscellaneous Provisions

A. If any provision of this Agreement or the application thereof to any person or circumstances is held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable.

B. This Agreement shall be construed and enforced in accordance with the SLDC and Regulations and the Laws of the State of New Mexico.

C. No actions taken by the parties following a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any claim or consent to any succeeding breach of the same or any other term.

D. This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this written Agreement. No prior or contemporaneous agreement, covenant or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement. It is expressly understood and agreed by the parties that this Agreement shall have no affect upon the terms or conditions of the City of Santa Fe Housing Opportunity Program Agreement covering said Phase 2. The liens created by the City of Santa Fe Housing Opportunity Agreement covering said Phase 2 have been released by separate instrument recorded in the records of the Santa Fe County Clerk on _____, 2018, as Instrument No. _____.

E. This Agreement shall not relieve Applicant from complying with present or future County ordinances, duly adopted resolutions or regulations applicable to the development.

F. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto.

APPLICANT:

OREO, LLC.
A New Mexico Limited Liability Company

By: _____
Justin Young Date: _____

SANTA FE COUNTY

By: _____
Anna Hansen, Chair Date: _____
Board of County Commissioners

ATTEST:

Geraldine Salazar, County Clerk Date: _____


Bruce Frederick, County Attorney

STATE OF NEW MEXICO)
) SS
COUNTY OF SANTA FE)

The foregoing was acknowledged before me this ____ day of _____, 20__ by Justin Young as Manager of White Bear Properties, LLC.

My commission expires:

OREO, LLC - High Summit III Phase 2
Affordable Housing Agreement
Page 7 of 7

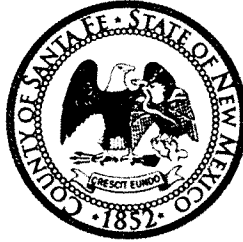
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II.A.2.

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



TO: Board of County Commissioners

FROM: Jordan Barela, Affordable Housing Administrator *JB*
Robert Griego, Planning Manager *RG*

Via: Penny Ellis-Green, Growth Management Director

DATE: December 4, 2018

RE: **REQUEST APPROVAL FOR AN AFFORDABLE HOUSING AGREEMENT
FOR HIGH SUMMIT III PHASE 3-6 BETWEEN SANTA FE COUNTY AND
WHITE BEAR PROPERTIES LLC**

SUMMARY

White Bear Properties LLC, as owner of High Summit III Phases 3-6, is requesting approval of an Affordable Housing Agreement in accordance with an approved Affordable Housing Plan. White Bear Properties LLC has received approval of a conceptual plan and preliminary plat approval for a 12 lot subdivision known as High Summit III Phases 3-6, a final plat approval for Phase 3, and an amended Conceptual Plan. An approved Affordable Housing Plan for High Summit III Phases 2-6 currently exists which identifies a total of 4 Affordable Units for High Summit III Phases 2-6 and indicates that the developer will seek an alternative means of compliance. White Bear Properties LLC has agreed to the terms indicated in the attached Affordable Housing Agreement, which will allow them to utilize an alternative means of compliance in order to comply with their affordable housing obligations.

BACKGROUND

On December 9th, 2003, the BCC granted Master Plan Approval for the High Summit III residential subdivision consisting of 105 lots in multiple phases. On June 15th, 2005, High Summit Corporation entered into an agreement with the City of Santa Fe through a Housing Opportunity Program (HOP) Agreement and HOP Home Lien for fourteen HOP homes to be located within the High Summit III subdivision. The subdivision currently consists of 6 Phases. The agent for High Summit III Phases 3-6 is seeking a release of the City of Santa Fe HOP agreement dated June 15,

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecountynm.gov

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2005 and seeks to replace that agreement with the proposed agreement with Santa Fe County for High Summit III Phases 3-6.

On December 13, 2016, the Board of County Commissioners approved an Affordable Housing Plan submitted by White Bear Properties LLC for High Summit III Phases 3-6. The Affordable Housing Plan includes Phases 3-6 of High Summit III owned by White Bear Properties LLC and Phase 2 of High Summit III, which is currently owned by OREO LLC.

In accordance with the Affordable Housing Plan, the overall affordable housing obligation for High Summit III Phases 2-6 is (4) Affordable Units.

AFFORDABLE HOUSING AGREEMENT SUMMARY

The Affordable Housing Agreement includes two (2) affordable units for High Summit III Phase 3-6 and two (2) affordable Units for Phase 2 which meets the overall obligation of four (4) Affordable Units for High Summit III Phases 2-6. White Bear Properties LLC and OREO LLC have proposed to utilize an alternative means of compliance in accordance with the Affordable Housing Plan, and build the Affordable Units off-site in accordance with Chapter 13 of the Sustainable Land Development Code (SLDC). White Bear Properties LLC and OREO LLC are also proposing to utilize the Income 1 Range Bonus pursuant to Section 13.2.1.2 of the SLDC. By utilizing the Income Range 1 Bonus and designating one (1) Affordable Unit for an Income Range 1 Buyer, each developer will be credited for having provided two (2) Affordable Units.

White Bear Properties LLC and OREO LLC have proposed to designate two (2) Income 1 Range affordable lots within High Summit III Phases 2-6, until which time the Developers are able to obtain the two (2) off-site lots located within the designated affordable housing area indicated on Map 14-1, to ensure their compliance with their affordable housing obligations. Per the terms of the agreement, White Bear Properties LLC will designate lot 58 in Phase 4 as an Income Range 1 affordable lot, and OREO LLC will designate lot 32 in Phase 2 as an Income Range 1 Affordable Lot, which meets the affordable housing requirements of the SLDC.

STAFF RECOMMENDATION

The Affordable Housing Agreement for White Bear Properties LLC is in accordance with the Affordable Housing Plan for High Summit III Phase 2-6 and the Affordable Housing requirements in Chapter 13 of the SLDC. Staff recommends approval of the Affordable Housing Agreement.

EXHIBITS

Exhibit A: Affordable Housing Agreement for High Summit III Phase 2 between Santa Fe County and White Bear Properties LLC

SANTA FE COUNTY
AFFORDABLE HOUSING AGREEMENT

This Affordable Housing Agreement (the “Agreement”) is entered into as of this ____ day of _____, 20__, by and between White Bear Properties, LLC (the “Applicant”), a New Mexico Limited Liability Company, with its principal place of business at 2011 Botolph Rd, Santa Fe, NM 87505, and Santa Fe County (the “County”), a political subdivision of the State of New Mexico.

RECITALS

WHEREAS, the Applicant received approval of a conceptual plan and preliminary plat approval for a 12 lot subdivision known as High Summit III Phases 3, 4, 5 and 6, and a final plat approval for the Phase 3 thereof, (the “Project”), which is located along Hyde Park Road, within central or northern Santa Fe County; and,

WHEREAS, as part of the initial application, Applicant submitted an affordable housing plan, which was approved by the Board of County Commissioners of Santa Fe County; and,

WHEREAS, the County adopted the Sustainable Land Development Code (“SLDC”) as Santa Fe County Ordinance 2016-9, which contains regulations pertaining to Fair and Affordable Housing, and adopted Resolution 2010-189 (the “Regulations”) to provide for the provision of affordable housing in Major and Minor Projects within central and northern Santa Fe County; and,

WHEREAS, the SLDC requires, among other things, the Applicant to provide Affordable Units within the Project and/or comply with the SLDC through an alternative means; and,

WHEREAS, Section 13.2.1.2 of the SLDC states, “Each affordable dwelling provided to an eligible buyer in Income Range 1 shall count as two affordable dwellings in any income range chosen by the Applicant”; and,

WHEREAS, the purpose of this Agreement is, among other things, to implement the Affordable Housing Plan, previously approved by the Board of County Commissioners of Santa Fe County, and set forth the number of Affordable Units required for the Project under the County’s Affordable Housing Program, including the SLDC and Regulations; and

WHEREAS, the purpose of this agreement is to fulfill the requirements of the SLDC and Regulations.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and obligations contained herein, the County and Applicant hereby agree as follows:

White Bear Properties, LLC – High Summit III Phases 3, 4, 5 and 6

Affordable Housing Agreement

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1. **Definitions.** All capitalized terms herein have the same meanings given them in the Regulations.

2. **Required Affordable Units and Lots.** The total number of subdivided residential lots for High Summit III Phases 2, 3, 4, 5 and 6 will be twenty-nine (29) upon approval of the Lot Consolidation Plat for Phase 2. Based on the total number of residential lots, High Summit III Phases 2, 3, 4, 5 and 6 are considered a Major Project with an affordable housing obligation of fifteen percent (15%), pursuant to Section 13.2.1.1 of the SLDC. County agrees that the overall affordable housing obligation for High Summit III Phases 2, 3, 4, 5 and 6 is four (4) Affordable Units.

Of the overall affordable housing obligation of four (4) Affordable Units, the Applicant has agreed to provide two (2) Affordable Units, specifically for High Summit III Phases 3, 4, 5 and 6. Phase 2 has provided for Affordable Housing Units pursuant to a separate Affordable Housing Agreement recorded as Instrument No. _____ in the records of the Santa Fe County Clerk.

As such, the total number of Affordable Units required for High Summit III Phases 3, 4, 5 and 6 shall be two (2), and the Applicant shall elect to build and sell one (1) affordable unit to an Eligible Buyer in Income Range 1. The single Affordable Unit provided in Income Range 1 shall satisfy the Applicant's obligation of two (2) Affordable Units, pursuant to Section 13.2.1.2 of the SLDC.

The Affordable Unit shall be a three bedroom home and shall meet the minimum structural requirements, minimum bathrooms and floor area, and other requirements set forth in the Regulations. The Affordable Unit shall be sold to an Eligible Buyer (the "Buyer") at a Maximum Target Housing Price of \$118,287.00. Lot 58 of High Summit III, Phase 4, shall be designated as the Lot for the Affordable Unit and shall be held and designated as such on the plat of survey for such Affordable Unit as security of the Applicant's obligation to build an said Affordable Unit in accordance with the alternative means of compliance provided herein. The Applicant will identify the off-site lot and notify County of Santa Fe of the same prior to beginning construction. Once the Affordable Unit is built and sold in accordance with this Agreement, then Lot 58 with in High Summit III, Phases 3, 4, 5 and 6 shall be released from any obligation under this Agreement.

The Maximum Target Home Price set forth above shall be valid for one year following execution of the Agreement, and shall be adjusted annually thereafter to the then current Maximum Target Home Price established by the Affordable Housing Administrator.

3. **Alternative Means of Compliance.** The Applicant has received approval from the Board of County Commissioners pursuant to Section 13.7.1 of the SLDC for an Affordable Housing Plan that allowed for an "alternative means of compliance" to provide Affordable Housing outside the Project, but within central and northern Santa Fe County as shown on Map 14-1. The Board of County Commissioners hereby approves the alternative means of compliance as provided in this Agreement. The Applicant will identify the off-site lot and notify County of Santa Fe of the

same prior to beginning construction, which shall be subject to approval by the Land Use Administrator for compliance with the Affordable Housing Requirements of the County. Once the Affordable Unit is built and sold in accordance with this Agreement, then Lot 58 within High Summit III, Phase 4 shall be released from any obligation under this Agreement.

4. Development Schedule. The Applicant agrees to build and offer for sale the Affordable Unit prior to the construction of the sixth market rate unit within High Summit III Phases 3, 4, 5 and 6.

5. Final Plat Recordation. This Affordable Housing Agreement must be filed and recorded simultaneously with rerecorded Final Plat for Phase 3 for the Project or the phase to which this Agreement relates. Should the Final Plat be filed and recorded without this Affordable Housing Agreement, such filing and recordation shall be null and void and without any legal effect.

6. Marketing Plan. In accordance with the Affordable Housing Plan, Applicant agrees to market the Affordable Units by working with the Santa Fe Housing Trust and other local community housing organizations whose primary objective it is to promote affordable housing within Santa Fe County. Specific marketing venues may include: (i) print media, (ii) broadcast media, (iii) billboard advertising and (iv) internet advertising.

7. Incentives. In consideration of Applicant's obligations hereunder and in accordance with the SLDC and Regulations County has agreed to provide the following incentives to Applicant:

A. Relief from Development Fees. County agrees to waive all development fees for the Affordably Priced Housing Unit to be provided by Applicant hereunder.

B. Relief from Additional County Water Utility Connection Charge. County agrees to waive any additional water connection charges that exceed the cost of the water meter for the Affordably Priced Housing Unit to be provided by Applicant hereunder; provided, however, that nothing herein shall relieve Applicant of any obligation it may have under any Water Service Agreement with the County to provide a line extension or other infrastructure to the Affordable Unit.

C. Water for Affordable Unit. County agrees to supply the Affordable Unit and identified in Section 3 above with water, including all necessary water rights.

8. Successors, Assigns, and Buyers of Affordable Lots. Applicant's obligations hereunder shall be binding upon its successors and assigns as well as any developer, contractor, or other third party (other than an Eligible Buyer) to whom an Affordable Lot identified in Section 3 is transferred. Applicant agrees to provide County with ten (10) business days' advance written notice of its intent to transfer an Affordable Lot to someone other than an Eligible Buyer, such notice to include a copy of the sales contract or other agreement by which such third party shall irrevocably assume Applicant's obligations hereunder with respect to such Affordable Lot. County shall have the right to (i) request further assurances that Applicant's obligations with respect to the Affordable Lot are being assumed by the transferee; (ii) require changes to the

White Bear Properties, LLC – High Summit III Phases 3, 4, 5 and 6
Affordable Housing Agreement

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portion of the sales contract or other agreement concerning the transferee's assumption of Applicant's obligations; and (iii) attend the closing of the transfer to assure that the sales contract or other agreement whereby the transferee assumes Applicant's obligation is executed.

9. Closing of Qualified Transactions.

A. Notice of Closing; Appraisal. The Applicant shall give the County at least ten (10) days' advance written notice of the scheduled closing date for a Qualified Transaction. The notice shall include:

1. The name of the Eligible Buyer(s) as well as a copy of their Certification of Eligibility;
2. The date and time of the scheduled closing;
3. The name and location of the title company closing the transaction and the name and telephone number of the closing agent(s).
4. An appraisal of the Affordable Unit being sold, which appraisal shall (i) be prepared by a properly licensed, MAI certified real estate appraiser; (ii) be paid for by the Applicant, unless such appraisal is required by the mortgage lender, in which case it shall be paid for by the lender or the Eligible or Entry Market Buyer; and (iii) have been prepared within the previous 6 months.

B. Recordation of Affordability Mortgage or Lien. At least two (2) business days prior to the date of the scheduled closing, the County shall deliver to the title company (with a copy to the Applicant and the Eligible Buyer) the Affordability Mortgage and Lien along with written instructions to the closing agent concerning the execution, recording, and returning of the Affordability Mortgage and Lien. Any cost associated with the recording and returning of the Affordability Mortgage and Lien shall be borne by the Applicant.

C. Settlement Statement. The Applicant shall cause the title company to transmit, within ten (10) days of the closing of a Qualified Transaction, a copy to the County of the Settlement Statement for the Qualified Transaction, signed by the seller, purchaser and mortgagee.

D. Certification of Qualified Buyers by County. Any Eligible Buyer must receive certification from County prior to closing. The purchaser of an affordable lot or unit who has not been certified as an Eligible Buyer by the County prior to closing, shall not be certified retroactively, and the transaction shall not count towards the Applicant's affordable housing requirement.

10. Remedies. Applicant acknowledges and agrees that, but for this Affordable Housing Agreement, County would not have approved the final plat for the Project or the phase of the Project to which this Affordable Housing Agreement relates. Applicant further acknowledges and agrees (i) that, because the Affordable Unit to be provided by Applicant is a public good, no adequate remedy exists at law to remedy Applicant's failure to fulfill its obligations hereunder; and (ii) an appropriate remedy for Applicant selling Affordable Lots to non-Eligible Buyers, is to pay County the Maximum Target Home Price for the unit, so as to enable County to provide affordable housing elsewhere. Accordingly, County shall be entitled to the following remedies for the indicated breaches by Applicant of this Affordable Housing Agreement, which remedies Applicant acknowledges and agrees are fair and reasonable.

A. Selling Homes on the Affordable Lot to Non-Eligible Buyers: In the event Applicant sells the home built on the Affordable Lot to someone other than an Eligible Buyer, County shall be entitled to:

- (i) an injunction halting all construction or development on the Project until such time as Applicant remedies its breach and complies with its obligations hereunder;
- (ii) refuse to grant preliminary or final plat approval for any future phase or portion of the Project;
- (iii) collect all development fees and water connection charges that were waived, pursuant to Paragraph 7(A)-(B) of this Affordable Housing Agreement, for each house on an Affordable Lot Applicant sold to a non-Eligible Buyer or non-Entry Market Buyer, as the case may be;
- (iv) collect the current market price of water rights utilized by the County to provide water to each house on an Affordable Lot that Applicant sold to a non-Eligible Buyer or non-Entry Market Buyer, as the case may be; and/or
- (iii) collect as damages the Maximum Target Home Price for each Affordable Unit that Applicant was required to build on the Affordable Lot that it improperly sold to a non-Eligible Buyer, such damages to be paid into the fund or trust established pursuant to Section 18(G) of Santa Fe County Ordinance 2006-02.

B. Failure to Timely Build Affordable Units. In the event the Applicant fails to time build the Affordable Unit, the County shall be entitled to:

- (i) an injunction halting all construction or development on the Project until such time as Applicant remedies its breach and complies with its obligations hereunder; and/or
- (ii) refuse to grant preliminary or final plat approval for any future phase or portion of the Project.

11. Miscellaneous Provisions

A. If any provision of this Agreement or the application thereof to any person or circumstances is held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable.

B. This Agreement shall be construed and enforced in accordance with the SLDC and Regulations and the Laws of the State of New Mexico.

C. No actions taken by the parties following a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any claim or consent to any succeeding breach of the same or any other term.

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such agreements, covenants and

White Bear Properties, LLC – High Summit III Phases 3, 4, 5 and 6

Affordable Housing Agreement

Page 5 of 7

White Bear Properties, LLC – High Summit III Phases 3, 4, 5 and 6
Affordable Housing Agreement
Page 6 of 7


Bruce Frederick, County Attorney

[illegible]

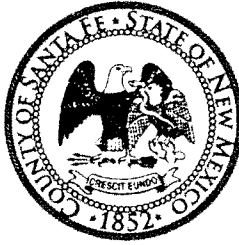
Notary Public

V.2.a.1.

Henry P. Roybal
Commissioner, District 1

Anna C. Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager



DATE: December 11, 2018

TO: Santa Fe Board of County Commissioners

FROM: Tony Flores, Deputy County Manager

VIA: Katherine Miller, County Manager

RE: Resolution 2018 - ___, A Resolution Opposing any Legislation that Affects Santa Fe County Revenues, Programs or Services.

BACKGROUND:

During the current Legislative Session, there are several measures that, if enacted, could affect the financial and programmatic interests of Santa Fe County. Mandates imposed by State government that affect the administration of County government can cause issues on several different levels including, but not limited to strategic planning, investment policies and constituent services.

In addition, we hope to uphold the policies approved by the County Commission and the top-quality services being provided by Santa Fe County. In order to do this, it is important that we maintain revenues, programs and services at the current or a higher level.

ACTION REQUESTED:

Staff recommends the approval of this resolution in the interest of protecting and safeguarding Santa Fe County services.

SFC CLERK RECORDED 01/30/2019

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

RESOLUTION No. 2018-_____

**RESOLUTION OPPOSING ANY LEGISLATION THAT ADVERSELY AFFECTS SANTA FE
COUNTY REVENUES, PROGRAMS OR SERVICES**

WHEREAS, Santa Fe County provides essential services to create and maintain a healthy, safe, vibrant and economically resilient community; and

WHEREAS, Santa Fe County moves forward by building infrastructure, maintaining roads and bridges, providing health care, administering justice, keeping communities safe, conducting elections, managing solid waste, preserving records and much more; and

WHEREAS, it is necessary for Santa Fe County to maintain the superior services being provided to County residents and visitors; and

WHEREAS, certain measures being proposed during the current Legislative Session, that, if enacted, could adversely affect the interests of Santa Fe County; and

WHEREAS, in order to preserve the services and policies, it is important that we maintain revenues, programs and services at the current or a higher level;

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Santa Fe County opposes any legislation that adversely affects Santa Fe county revenues, programs or services.

APPROVED, ADOPTED AND PASSED this 11th day of December, 2018.

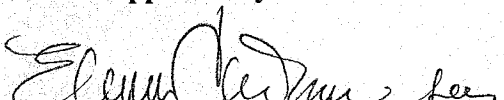
BOARD OF COUNTY COMMISSIONERS

Anna C. Hansen, Chair

Attest by:

Geraldine Salazar, Santa Fe County Clerk

Form Approved by:


Bruce Frederick, County Attorney

~~1~~. 4. 2.



Bike Santa Fe
P.O. BOX 6181
SANTA FE, NM 87502-6181

December 10, 2018

Board of County Commissioners of Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276

VIA EMAIL TRANSMITTAL

Re: Proposed County Resolution to Support the Rio Grande Trail Master Plan

Dear County Commissioners:

Commissioner Anna Hansen has proposed a County Resolution to support the Rio Grande Trail Master Plan that will be considered by the Commission on Tuesday, December 11, 2018. Bike Santa Fe fully supports this proposed Resolution and urges its adoption.

The Rio Grande Trail Plan and subsequent development of the Trail with connectivity to the County's trails system will grow the outdoor recreation and tourism economies here as well as promote the health and wellbeing of County residents

Yours very truly,

Brian P. Kreimendahl

Brian P. Kreimendahl, B.A., M.R.E.D., J.D., LL.M.
For Bike Santa Fe
A 501(c)(3) Corporation Advocating for People on Bicycles
Mobile: 505-228-4499
Email: bpk@zianet.com

cc: Katherine Miller, County Manager

SFC CLERK RECORDED 01/30/2019

VI.

EXHIBIT

5

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Rio Grande Trail

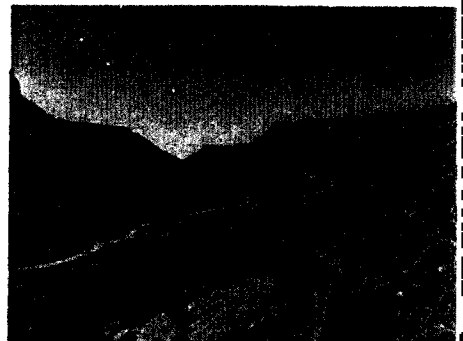
A 500-MILE RECREATION PATH

The Rio Grande Trail Commission was created in 2015 to establish the Rio Grande Trail. It is hoped that this trail will run the length of the state from Colorado to Texas - a total of nearly 500 miles - providing visitors with unique recreational opportunities and beautiful views of our state.

In 2015, Governor Martinez signed House Bill 563 establishing the Commission led by the New Mexico Energy, Minerals, and Natural Resources Department. The Commission has regular meetings and is soliciting public and stakeholder input.

The Rio Grande Trail will:

- Support outdoor recreation
- Showcase the history of New Mexico
- Minimize environmental impacts and avoid areas of significant habitat value
- Be planned and constructed with input from a variety of committees and stakeholders
- Support local economies



SFC CLERK RECORDED 01/30/2019

"A trail is a place that connects us with those of 10,000 years past and 10,000 years in the future."

- Bob Sears, American Trails

Participation in the Rio Grande Trail project is voluntary.

The Rio Grande Trail will only cross land that is authorized by the landowner and eminent domain shall not be used to establish the trail or features.





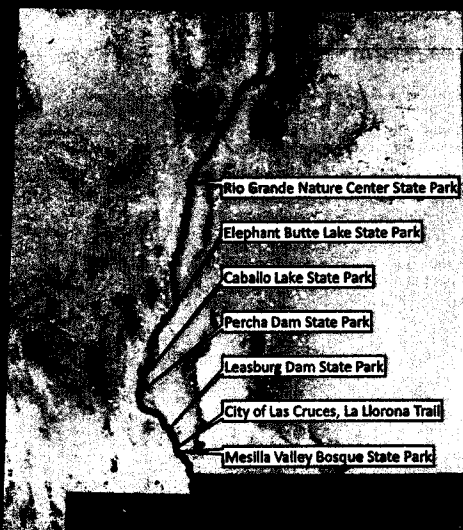
Elephant Butte Lake State Park, West Lakeshore Trail

The Rio Grande Trail will follow the river for which it is named, and pass through two national wildlife refuges, three national monuments and six state parks. It would also go through or near 10 counties and 22 towns with populations exceeding 5,000.

- The Rio Grande Trail Commission will consult with stakeholders, including but not limited to:
- Federal, state, county and local governmental agencies
- Native American tribes or pueblos
- Conservancies or irrigation districts
- Acequia associations
- Land grants



Establishing the Rio Grande Trail
will be an historic achievement
for New Mexico.



Through the Governor's directive, the first segments of the Rio Grande Trail have been established within the boundaries of six New Mexico State Parks and in the city of Las Cruces. The trail encompasses nearly 25 miles including:

- Elephant Butte Lake State Park
- Caballo Lake State Park
- Leasburg Dam State Park
- Mesilla Valley Bosque State Park
- Percha Dam State Park
- Rio Grande Nature Center State Park
- La Llorona Trail, Las Cruces

Contact Us

Let us know if you would like more information about the Rio Grande Trail or if you would like to participate in planning or development of the trail.

Visit us on the web at:

www.emnrd.state.nm.us/ADMIN/riograndetrailcommission.html
riograndetrailcommission@state.nm.us



New Mexico Energy, Minerals & Natural Resources Department

VII. B.

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
RESOLUTION NO. 2018-_____



A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO FINALIZE
NEGOTIATIONS FOR MULTI-LINE AND LAW ENFORCEMENT INSURANCE
COVERAGE FOR CALENDAR YEAR 2019 AND TO EXECUTE ALL DOCUMENTS
NECESSARY TO EFFECTUATE SUCH COVERAGE

WHEREAS, Santa Fe County (County), through its insurance broker, HUB International, solicited competitive proposals for multi-line and law enforcement insurance coverages in 2017; and

WHEREAS, the County thereafter entered into a one year contract with the New Mexico Association of Counties (now New Mexico Counties) Multi-Line Pool and Law Enforcement Pool; and

WHEREAS, the County renewed the coverage for calendar year 2018; and

WHEREAS, Santa Fe County's insurance broker, HUB International, on behalf of the County, secured quotes for multi-line and law enforcement coverage for 2019.

NOW, THEREFORE, BE IT RESOLVED by the Board that the County Manager is hereby authorized to finalize negotiations for multi-line and law enforcement insurance coverage for calendar year 2019, and to execute all documents necessary to effectuate such coverage.

PASSED, APPROVED, AND ADOPTED this 11th day of December, 2018.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: _____
Anna Hansen, Chair

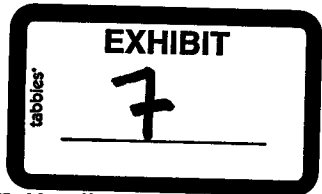
ATTESTATION:

Geraldine Salazar
Santa Fe County Clerk

APPROVED AS TO FORM:

R. Bruce Frederick
County Attorney

SFC CLERK RECORDED 01/30/2019



Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

DATE: November 13, 2018

TO: Santa Fe County Board of County Commissioners

FROM: Miguel "Mike" Romero, Senior Development Review Specialist **MR**

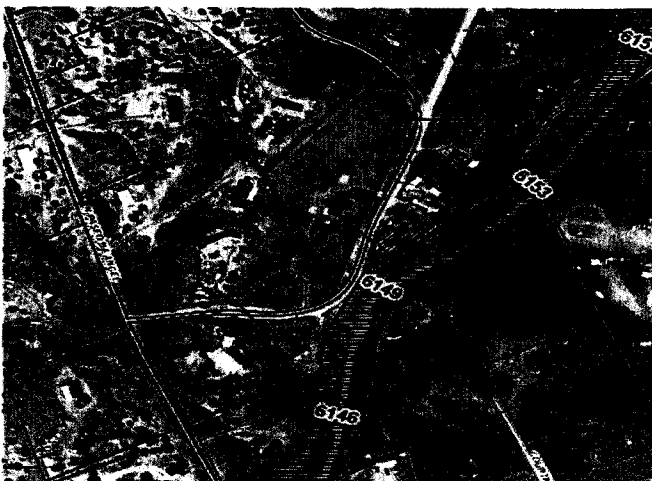
VIA: Penny Ellis-Green, Growth Management Director **PEG**
Vicki Lucero, Building and Development Services Manager **VL**

FILE REF: CASE # APP 18-5071 Angelo Ortega, Appeal.

ISSUE:

Angelo Ortega, Appellant, is appealing the Santa Fe County Planning Commission's decision to deny a variance of the Sustainable Land Development Code (SLDC), of Chapter 10, Section 10.4.2.1 to allow an accessory dwelling within a major subdivision. If the appeal is approved by the Board of County Commissioners (BCC), the Appellant, requests a partial plat vacation to modify a plat note that prohibits guest houses within the Vista de Sandia Subdivision to allow lot 10 to have an accessory dwelling unit. The property is located at 120 North Paseo De Angel, within the La Cienega and La Cieneguilla Community District Overlay (LCLCCD) (RES-E), within Section 22, Township 16 North, Range 8 East (Commission District 3).

Vicinity Map:



Site Location

SUMMARY:

On April 16, 2018, Angelo Ortega submitted an application requesting a variance to allow an accessory dwelling unit within a major subdivision and a variance to allow an accessory dwelling to have its own separate liquid waste system.

On June 14, 2018, that application was presented to the Hearing Officer. The Hearing Officer recommended supporting the application based on the evidence and testimony presented at the public hearing as well as the precedent of the Dorothy Montoya variance application. Ms. Montoya's application was a request to allow an accessory dwelling unit within a major subdivision and to allow an accessory dwelling to have its own separate liquid waste system within the same subdivision. In regards to Angelo Ortega's application, the Hearing Officer found that the application was not contrary to the public interest, was in the spirit of the SLDC, and since there was a finding in Ms. Montoya's application of extraordinary and exceptional situations or conditions of the property, as required in order to grant a variance, that the same finding will be made here. In a written Order, the Hearing Officer recommended approval of a variance of Chapter 10, Section 10.4.2.1 to allow an accessory dwelling within a major subdivision (Vista de Sandia Subdivision), and a variance of Section 10.4.2.4 (Utilities) to allow a separate liquid waste system for the accessory dwelling unit. The Hearing Officer supported the application as memorialized in the findings of fact and conclusions of law in a written order subject to the following conditions:

1. Applicant must request a partial plat vacation to modify the note that prohibits guest houses and re-record the plat;
2. Applicant must install a meter on the well and submit proof at time of development application; and
3. Applicant will ensure that water use on Lot 10 does not exceed a total of 0.25-acre feet per year for the dwelling and accessory dwelling combined.

The written order and minutes of the June 14th hearing are attached as Exhibit 6.

On July 19, 2018, the variance application was presented to the Santa Fe County Planning Commission. The Planning Commission denied the variances requested to allow an accessory dwelling unit within a major subdivision and the variance request to allow a separate liquid waste system for the accessory dwelling unit. The Planning Commission denied the request, in part, because there was insufficient information to determine whether the accessory dwelling would impact the limited resources of the development and the Applicant failed to provide any documentation from NMED that an additional septic system is required. The written order and minutes of the July 19th hearing are attached as Exhibit 7.

On September 27, 2018, Angelo Ortega filed an application requesting an appeal of the Planning Commission's Findings of Fact and Conclusion of Law, pertaining to the requested variance to allow an accessory dwelling unit within a major subdivision. In addition, the Appellant provided an updated/approved liquid waste permit attached as Exhibit 3, from New Mexico Environment Department (NMED) stating "The proposed system constitutes one system or designed dtd." Staff has determined that the approved liquid waste permit is compliant with the SLDC, meeting the code requirements set forth in Chapter 10, Section 10.4.2.4 (Utilities). Therefore, a variance a Chapter 10, Section 10.4.2.4 is no longer needed.

Mr. Ortega referenced a fellow neighbor, Dorothy Montoya, in his letter of appeal (Exhibit 1). The letter stated, "This request was also presented to the Santa Fe County Hearing Officer on June 14, 2018. The Hearing Officer supported the Application based on evidence and testimony presented at the Public Hearing as well as the precedent of the Montoya Application (Case # V 17-5230) described above."

On December 21, 2017, hearing, the Planning Commission granted Ms. Montoya's request of a variance from Chapter 10, Section 10.4.2.1 to allow an accessory dwelling unit within a major subdivision and a variance of Chapter 10, Section 10.4.2.4 (Utilities) to allow a separate liquid waste system for the accessory dwelling unit. The Commission found that both variances would not be contrary to the public interest, exceptional situations exist, and the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner and the spirit of the SLDC is observed. The written order and minutes of the December 21st hearing are attached as Exhibit 19.

On March 13, 2018, Ms. Montoya went before the Board of County Commissioners (BCC) hearing for a request to allow a partial plat vacation to modify a plat note that prohibited guest houses within the Vista de Sandia Subdivision to allow lot 7 to have an accessory dwelling unit, and an amendment to a previously imposed condition by the BCC prohibiting guest houses. The BCC approved Ms. Montoya's request to allow a partial plat vacation of the Vista de Sandia Subdivision (Exhibit 22).

Angelo Ortega's variance requests differed from Ms. Montoya's variance requests, which was approved on December 21, 2017. Mr. Ortega's variances did not provide unique facts to the Planning Commission. Contrary to Ms. Montoya, Mr. Ortega did not prove undue hardship or unique situations. In addition, Mr. Ortega's did not allege any similar facts with regard to the condition of his property that creates a hardship.

If the appeal and the variance is granted to allow an accessory dwelling unit within a major subdivision, the Appellant, requests a partial plat vacation to modify a plat note 12 on the Plat of Survey for Vista de Sandia Corporation Subdivision, duly recorded in Book 333 Page 004 of the Records of Santa Fe County Clerk, that prohibits guest houses within the Vista de Sandia Subdivision to allow lot 10 to have an accessory dwelling unit. The plat is attached hereto as exhibit 5. The Applicant has submitted an acknowledged statement, declaring a portion of the final plat to be vacated, which is attached hereto as Exhibit 8.

Appellant's Statement: The use matrix depicts an "A" within this zoning district which is an Accessory Use. The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract/lot as the principal use.

The subject property is located within the Residential Estate (RES-E) zoning district which is one dwelling unit per 2.5 acres. The proposed accessory dwelling unit which is an "A" in the RES-E use matrix fully complies with the standards of the underlining zoning district. The zoning district allows accessory dwelling units and in no way authorizes a use that is otherwise prohibited in the zoning district. The Planning Commission's decision deprived the property owner of privileges that are enjoyed by other property owners in this same district as described below.

Staff Response: The Appellant's property is located within a major subdivision. Chapter 10, Section 10.4.2.1, states that platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and SRAs allowed and accounted for this. On January 10, 1995, the BCC granted final approval for a 16-lot residential subdivision (Vista de Sandia Subdivision) on 42.0 acres. In a memorandum prepared by staff, staff presented the memorandum to the BCC that contained staff recommendations and conditions of approval for the final approval of the Vista de Sandia Subdivision. Within the memorandum, contained a list of conditions one being water restrictions of 0.25-acre feet per lot, per year and one condition that prohibits guest houses within the subdivision. The memorandum is attached as Exhibit 20. The Vista de Sandia Corporation Subdivision completed a Hydrological Review in August, 1994. The Vista de Sandia subdivision Hydrological Review water availability report, attached hereto as Exhibit 17, concluded that 0.28-acre feet per lot, per year, was available. Water was found to be sufficient to support 2.5 acre lots within the development with one single family residence, which would include water restrictions. Therefore, the submittals for approval of the Vista de Sandia Corporation Subdivision failed to establish there was sufficient water for two dwelling units. None of the reports accounted for a primary residence and accessory dwelling unit on each lot of the subdivision. Staff recommended denial of the Applicant's variance request because water use was restricted to 0.25-acre feet per lot, per year in the Vista de Sandia Subdivision and because Chapter 10, Section 10.4.2.1., Number Permitted states, "[o]nly one accessory dwelling unit shall be permitted per legal lot of record. Platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and SRAs allowed and accounted for this."

Appellant's Statement: On December 21, 2017, a matter went before the Planning Commission on the Application of Dorothy Montoya. The Planning Commission granted approval of the Application for the variance from Chapter 10, Section 10.4.2.1 to allow an accessory dwelling unit within a major subdivision and a variance of Chapter 10, Section 10.4.2.4 (Utilities) to allow a separate liquid waste system for the accessory dwelling unit. The Dorothy Montoya property is located within the same Subdivision (Vista de Sandia) as our client and the variance requests were similar in nature. The BCC also approved a partial plat vacation to remove note # 12 and allowed an accessory dwelling unit (Guest House) on the property.

This request was also presented to the Santa Fe County Hearing Officer on June 14, 2018. The Hearing Officer supported the Application based on evidence and testimony presented at the Public Hearing as well as the precedent of the Montoya Application (Case # V 17-5230) described above.

Staff Response: The approval of Dorothy Montoya's variance requests and partial plat vacation does not set precedent in this matter.

As to the requested variance from Chapter 10, Section 10.4.2.4 to allow a separate liquid waste system for the proposed accessory dwelling, the Commission found that Ms. Montoya's property was split level causing terrain constraints making it difficult, costly and ineffective to utilize the primary septic system. The Applicant did not allege any similar facts with regard to the condition of his property that creates a hardship.

As to the requested variance from Chapter 10, Section 10.4.2.1 to allow an accessory dwelling within a major subdivision, the Commission found that the request was not contrary to the public interest, exceptional situations exist, and the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner and the spirit

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecountynm.gov

of the SLDC is observed. Again, Ms. Montoya provided very unique facts to both the Planning Commission and the BCC. Ms. Montoya came in for an addition on August 23, 2016, with the intention of adding on to her existing modular home to increase the size, so she could obtain a permit for an accessory dwelling unit of 1,350 square feet that met the standards of Ordinance 2015-11 (SLDC). At the time, the SLDC did not prohibit accessory dwelling units in a major subdivision. This provision was added as part of Ordinance 2016-9. The changes also included that heated floor area be used for determining size of the accessory dwelling unit which previously was building footprint. The SLDC changes along with plat note #12 held up the application process for Ms. Montoya.

Appellant's Statement: Since the case was heard on July 19, 2018, we have met with the New Mexico Environment Department and have received a new permit which combines the new septic system with the existing system so that they are in common as required by Chapter 10, Section 10.4.2.4. We feel that this satisfies the Code requirement and we no longer will be requesting a variance of this standard. The new septic system permit is attached with the Application.

Staff Response: The Appellant has provided staff with an amended/approved liquid waste permit identifying the liquid waste system as one system. Staff agrees that the Appellant no longer needs to request a variance of Chapter 10, Section 10.4.2.4 (Utilities).

4.9.7. Variances.

4.9.7.1. Purpose. The purpose of this Section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements and standards of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

4.9.7.4. Review criteria. A variance may be granted only by a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) based upon the following criteria:

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

4.9.7.5. Conditions of approval.

1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
3. All approved variances automatically expire within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.

The Applicant has addressed the Variance Criteria as follows:

1. *Where the request is not contrary to the public interest.*

Applicant's Statement: The proposed accessory dwelling unit will be occupied by the daughter of the Applicant. The Applicant's daughter already resides on the property within the existing home. Accessory dwelling units are an important means by which persons can provide separate and affordable housing for elderly, single parent and multi-generational family situations. There will be no immediate or significant impact to the public in regards to water, liquid waste and traffic. The proposed accessory dwelling unit complies with all other provisions as outlined in Chapter 10, Section 10.4 of the SLDC.

Staff Response: Accessory dwelling units are permissible only: where permitted by the Use Matrix, where constructed and maintained in compliance with section 10.4 and within major subdivisions if their approval and reports and Studies Reports and Assessments (SRA's) allowed and accounted for this. In 1996, Vista de Sandia Subdivision was approved for a 16-lot subdivision. Lot sizes were derived from a Hydrologic Review, which proved 0.28-acre feet per lot. Water was found to be sufficient to support 2.5 acre lots within the development with one single family residence, which would include water restrictions. Therefore, the submittals for approval of the Vista de Sandia Corporation Subdivision failed to establish there was sufficient water for two dwelling units. The Appellant has asserted that the intent for approval of an accessory dwelling unit is to provide housing for his daughter. However, once an accessory dwelling unit is approved, there is no restriction as to whom or how many people can live in the accessory dwelling unit. Water usage may increase if an accessory dwelling unit is approved for Lot 10.

2. *Where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner.*

Applicant's Statement: Chapter 4, Section 4.9.7.3 (Applicability) of the SLDC states, "The Planning Commission may grant a zoning variance from any provision of the SLDC except that the Planning Commission shall not grant a variance that authorizes a use of land that is otherwise prohibited in the relevant zoning districts."

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505-995-2740 www.santafecountynm.gov

The use matrix depicts an "A" within this zoning district which is an Accessory Use. The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract/lot as the principal use. The Planning Commission's decision to deny the requested variance to allow an accessory dwelling unit and require strict application of the SLDC deprived that Applicant of privileges enjoyed by other properties in the same vicinity or zone based on the property being located within a Major Subdivision.

Staff Response: Chapter 4, Section 4.4.10., Review and Final Action by the Planning Commission or the Board states, "[u]pon receipt of a complete application and appropriate recommendation of the Administrator or the Hearing Officer, the Planning Commission or the Board shall review the application for compliance with the SLDC and other applicable law. Following completion of the review and following a public hearing on the application, the Planning Commission or the Board, as applicable, may take final action, make the appropriate recommendation or take other appropriate action."

Chapter 4, Section 4.4.11. Conditions states, "[i]n acting upon an application, the decision-making body shall be authorized to impose such conditions upon the application as allowed by law and as may be necessary to reduce or minimize any potential adverse impact upon other property in the area or to carry out the general purpose and intent of the SLDC, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact.

The Appellant's property is located within a major subdivision. Chapter 10, Section 10.4.2.1, states that platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and SRAs allowed and accounted for this. On January 10, 1995, the BCC granted final approval for a 16-lot residential subdivision (Vista de Sandia Subdivision) on 42.0 acres. In a memorandum prepared by staff, staff presented the memorandum to the BCC that contained staff recommendations and conditions of approval for the final approval of the Vista de Sandia Subdivision. Within the memorandum, contained a list of conditions one being water restrictions of 0.25-acre feet per lot, per year, and one condition that prohibits guest houses within the subdivision. The memorandum is attached as Exhibit 20. The Vista de Sandia Corporation Subdivision completed a Hydrological Review in August, 1994. The Vista de Sandia subdivision Hydrological Review water availability report, attached hereto as Exhibit 17, concluded that 0.28-acre feet, per lot, per year, was available. Water was found to be sufficient to support 2.5 acre lots within the development with one single family residence, which would include water availability. Therefore, the submittals for approval of the Vista de Sandia Corporation Subdivision failed to establish there was sufficient water for two dwelling units. None of the reports accounted for a primary residence and accessory dwelling unit on each lot of the subdivision. Staff recommended denial of the Applicant's variance request because water use was restricted to 0.25-acre feet, per year in the Vista de Sandia Subdivision and because Chapter 10, Section 10.4.2.1., Number Permitted states, "[o]nly one accessory dwelling unit shall be permitted per legal lot of record. Platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and SRAs allowed and accounted for this."

3. So that the spirit of the SLDC is observed and substantial justice is done.

Applicant's Statement: Based on the decision of the Planning Commission to deny the requested variance to allow an accessory dwelling unit substantial justice was not done. The Applicant was deprived the privileges that other property owners enjoy in the same zoning district. The Applicant cannot provide affordable housing for family members (daughter) which is why this mechanism was placed within the SLDC and;

On December 21, 2017, a matter went before the Planning Commission on the Application of Dorothy Montoya. The Planning Commission granted approval of the Application for the variance from Chapter 10, Section 10.4.2.1 to allow an accessory dwelling unit within a major subdivision and a variance of Chapter 10, Section 10.4.2.4 (Utilities) to allow a separate liquid waste system for the accessory dwelling unit. The Dorothy Montoya property is located within the same Subdivision (Vista de Sandia) as our client and the variance requests were similar in nature and;

This request was also presented to the Santa Fe County Hearing Officer on June 14, 2018. The Hearing Officer supported the Application based on evidence and testimony presented at the Public Hearing as well as the precedent of the Montoya Application (Case # V17-5230).

Staff Response: As previously stated in the staff response to this statement, Ms. Montoya applied for several variances that were not the equivalent to the Appellant's request. The Planning Commission approved Ms. Montoya's variance request of Chapter 10, Section 10.4.2.4 and Chapter 10, Section 10.4.2.1 based on terrain constraints, the request was not contrary to the public interest, exceptional situations existed, and the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner and the spirit of the SLDC is observed. Mr. Ortega's variance requests differed from Ms. Montoya's variance requests. Mr. Ortega's variances did not provide unique facts to the Planning Commission. Contrary to Ms. Montoya, Mr. Ortega did not prove undue hardship or unique situations. In addition, Mr. Ortega's did not allege any similar facts with regard to the condition of his property that creates a hardship.

The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9 (SLDC), which govern this Application are the following:

4.5.4. Appeal of a Final Decision of the Planning Commission. Any party with standing may appeal a final decision of the Planning Commission to the Board. The application seeking an appeal of a decision of the Planning Commission must be filed with the Administrator. An appeal from a decision of the Planning Commission must be filed within thirty (30) working days of the date of the decision and recordation of the final development order by the Planning Commission. The application shall be forwarded by the Administrator to the Board. The Administrator shall provide to the Board a copy of the record of the proceedings below of the decision appealed. The appeal shall be placed on the docket of the Board for consideration on the next available agenda. An appeal of the decision of the Planning Commission shall be reviewed *de novo* by the Board. The timely filing of an appeal shall stay further processing of the application unless the Board determines that special circumstances exist.

10.4. ACCESSORY DWELLING UNITS.

10.4.1. Purpose and Findings. Accessory dwellings units are an important means by which persons can provide separate and affordable housing for elderly, single-parent, and multi-generational family situations. This Section permits the development of a small dwelling unit separate and accessory to a principal residence. Design standards are established to ensure that accessory dwelling units are located, designed and constructed in such a manner that, to the maximum extent feasible, the appearance of the property is consistent with the zoning district in which the structure is located.

10.4.2. Applicability. This Section applies to any accessory dwelling unit located in a building whether or not attached to the principal dwelling. Accessory dwelling units shall be clearly incidental and subordinate to the use of the principal dwelling. Accessory dwelling units are permissible only: (a) where permitted by the Use Matrix; and (b) where constructed and maintained in compliance with this Section 10.4.

10.4.2.1. Number Permitted. Only one accessory dwelling unit shall be permitted per legal lot of record. Platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and SRAs allowed and accounted for this.

5.11.2 Vacation of Approved Plat

5.11.2.1. Applicability. Any final plat filed in the Office of the County Clerk may be vacated, or a portion of the final plat may be vacated, if:

1. the owners of the land proposed to be vacated sign an acknowledged statement, declaring the final plat or a portion of the final plat to be vacated;
2. the statement is approved by the Board; and
3. if the plat, or portion of plat, to be vacated was initially approved through an administrative process, the Administrator may approve the vacation or partial vacation of the plat.

5.11.2.2. Application. The owners of all or a portion of the lots in any approved subdivision may initiate a plat vacation by filing an application with the Administrator. The application shall include the acknowledged statement required by Section 5.11.2.1.1. The application requesting vacation of the plat and an application requesting a re-subdivision of the plat may be filed concurrently.

5.11.2.3. Review.

1. **Process.** The Administrator shall review and process the application and the acknowledged statement of the plat vacation as provided [by] Table 4-1. The application and acknowledged statement shall be approved, conditionally approved, or disapproved at a regular public meeting of the Board, or by the Administrator in accordance with Section 5.11.2.1.3 above.

2. **Standards.** The Administrator or Board shall approve the application for vacation on such terms and conditions as are reasonable to protect the public health, safety, and welfare. The Administrator or Board shall not approve an application for vacation if it will adversely affect the interests of the persons on contiguous land or persons within the subdivision being vacated.

Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of a hearing on the application, the Appellant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for fifteen days on the property, beginning on October 18, 2018. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on October 23, 2018, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property. In addition a list of persons who were sent a mailing is contained in the record.

This Appeal was submitted on October 3, 2018.

APPROVAL SOUGHT:

The Appellant is requesting that the BCC overturn the Santa Fe County Planning Commissions decision to deny the variance request to allow an accessory dwelling unit within a major subdivision. If the appeal is granted and the variances is approved by the BCC, the Appellant, requests a partial plat vacation to modify a plat note that prohibits guest houses within the Vista de Sandia Subdivision to allow lot 10 to have an accessory dwelling unit.

STAFF RECOMMENDATION:

Staff recommends denial of the Appellant's request, and that the BCC uphold the Santa Fe County Planning Commission's decision to deny the Appellants variance request to allow an accessory dwelling within a major subdivision and therefore not act upon the partial plat vacation.

If the decision of the BCC is to approve the Applicant's request, staff recommends imposition of the following conditions:

1. The Applicant must request a partial plat vacation to modify the note that prohibits guest houses and re-record the plat;
2. The Applicant must install a meter on the well and submit proof at time of development application; and
3. The Applicant will ensure that water use on Lot 10 does not exceed a total of 0.25-acre feet per year for the dwelling and accessory dwelling combined, and shall provide annual water meter readings to the Land Use Administrator.

EXHIBITS:

1. Letter of Appeal
2. Chapter 10, Section 10.4.2.1
3. Approved NMED Liquid Waste Permit
4. Aerial of Site of Surrounding Area
5. Recorded Plat of Survey for Vista de Sandia Subdivision
6. Hearing Officer's Final Order/Meeting Minutes

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7. Planning Commission's Final Order/Meeting Minutes
8. Acknowledge Statement
9. Proposed Site Plan
10. Chapter 5, Section 5.11.2.1
11. Notice
12. Fire Prevention Division Fire Plans Review
13. Public Works Division Memorandum
14. Letter of Support from Chika N. Ezeanyim (NMED)
15. Warranty Deed
16. Pre-Application Neighborhood Meeting Material
17. Vista De Sandia Subdivision HydroGeologic Review
18. Vista de Sandia Declaration of Covenants, Conditions, and Restrictions
19. Planning Commission's Final Order/Meeting Minutes (Dorothy Montoya)
20. January, 1995 Staff Memorandum for Vista de Sandia Subdivision
21. January 10, 1995, BCC Meeting Minutes for Vista de Sandia Subdivision
22. BCC Final Order/Meeting minutes (Dorothy Montoya)
23. Letter of Opposition from the LCVA

SFC CLERK RECORDED 01/30/2019



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

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9/25/18

Miguel "Mike" Romero
Development Review Specialist Senior
102 Grant Ave.
Santa Fe, NM 87504

Re: Angelo Ortega Appeal

Dear Miguel:

On behalf of Angelo Ortega, we request to appeal the decision of the Planning Commission to deny a variance to the requirements set forth in the Sustainable Land Development Code (SLDC) of Chapter 10, Section 10.4.2.1 to allow an accessory dwelling unit within a major subdivision to the Board of County Commissioners (BCC). With this Application we also request that the BCC take action on a partial plat vacation and remove note # 12 which prohibits guest houses on the property. The property is located at 120 North Paseo De Angel, within the La Cienega and La Cieneguilla Community District Overlay (LCLCCD) (RES-E), within Section 22, Township 16 North, Range 8 East (Commission District 2).

The use matrix depicts an "A" within this zoning district which is Accessory Use. The letter "A" indicates that the listed use is permitted only where it is accessory to a use that is permitted or conditionally approved for that district. Accessory uses shall be clearly incidental and subordinate to the principal use and located on the same tract/lot as the principal use.

The subject property is located within the Residential Estate (RES-E) zoning district which is one dwelling unit per 2.5 acres. The proposed accessory dwelling unit which is an "A" in the RES-E use matrix fully complies with the standards of the underlining zoning district. The zoning district allows accessory dwelling units and in no way authorizes a use that is otherwise prohibited in the zoning district. The Planning Commission's decision deprived the property owner of privileges that are enjoyed by other property owners in this same district as described below.

