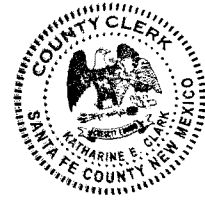


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 52

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of March, 2023 at 11:03:00 AM
And Was Duly Recorded as Instrument # 2009019
Of The Records Of Santa Fe County

Deputy *Destey Romero* Witness My Hand And Seal Of Office
Katharine E. Clar
County Clerk, Santa Fe, NM



SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

February 28, 2023

Anna Hansen, Chair - District 2
Hank Hughes, Vice Chair - District 5
Camilla Bustamante - District 3
Justin Greene - District 1
Anna T. Hamilton - District 4

SFC CLERK RECORDED 03/30/2023

SFC CLERK RECORDED 03/30/2023

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

February 28, 2023

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:20 p.m. by Chair Anna Hansen in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

Commissioner Anna Hansen, Chair
Commissioner Hank Hughes, Vice Chair
Commissioner Anna Hamilton
Commissioner Camilla Bustamante
Commissioner Justin Greene

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hansen and the Moment of Reflection by Carrie Gaston from the County Manager's Office.

Olivia Romo asked for a moment of silence for community member and Ethics Board Chair Carol Thompson.

F. Approval of Agenda

CHAIR HANSEN: County Manager.

GREG SHAFFER (County Manager): Thank you, Madam Chair. The initial agenda for today's meeting was posted last Tuesday, February 21st at approximately 6:17 p.m., and the amended agenda was posted on Friday, February 24th at approximately 5:06 p.m. In terms of changes made to the amended agenda and a request to move things around today they would be as follows: We did upload updated packet material for item 5. A, Appointments and Reappointments, specifically for the Advisory

SFC CLERK RECORDED 03/30/2023

Council on Food Policy; Miscellaneous Item 6. D, the caption as well as packet material were updated for that item.

And in terms of changes that we would request today, we would respectfully ask that Miscellaneous Action item 6. C be taken up as the first order of business after opening business. So in other words, that item, a resolution related to the County's RAISE grant be considered immediately before approval of the meeting minutes. Thank you.

CHAIR HANSEN: Okay. Are there any other changes or requests from Commissioners? If not, what's the pleasure of the Board? Commissioner Greene.

COMMISSIONER GREENE: Move to approve the agenda as amended by the County Manager.

CHAIR HANSEN: Do I have a second?

COMMISSIONER HAMILTON: I second.

CHAIR HANSEN: A motion by Commissioner Greene, a second by Commissioner Hamilton.

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

1. G. Years of Service, Retirements, and New Hire Recognitions

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I did want to recognize several employees who are recognizing milestones with the County during the month of February. Pauline Esquibel with our Corrections Division is recognizing ten years of service with the County. We have two individuals who are celebrating 15 years with the County, Rufino Romero in the Sheriff's Department and Deborah Leyba in the Public Works Department.

We also wanted to acknowledge on the other end of the spectrum, so new hires and volunteers for the County that came on line during the month of January. Kevin Hernandez and Evan Nunes were both hired as detention officers on January 14th in the County.

We have Arthur Anaya who joined the County as a volunteer firefighter and Tracy Carter as a secretary senior in the Sheriff's Department, so welcome those new team members to the County.

And formally, we want to recognize that several individuals retired from the County during the month of January. They were John Baca with the Public Works Department, Patrick Ficke with the Sheriff's Department, and Gary Giron in our Public Works Department. So we wish our former colleagues all the best in the future endeavors.

H. Recognition of Employees for Awards, Accreditations, Recognitions and Other Accomplishments

MANAGER SHAFFER: We have two employees from the County Attorney's Office that we wanted to recognize today. Francine Lovato was a paralegal and the County's records custodian, and Estevan Sanchez, who is an assistant County

Attorney, as well as primary practice areas, works in the area of the Inspection of Public Records Act, public records request. This is very high volume operation for the County that requires a lot of resources, both from the County Attorney's Office as well as all of the departments and elected offices that help respond to IPRA requests.

We're recognizing Francine and Estevan today because we just recently implemented a new online portal through which members of the public can submit their IPRA requests. It's a software that the Board appropriated money for. NextRequest is the name of it. It has a lot of attributes that will help us modernize our response to IPRA requests as well as become even more transparent, and in particular a feature that I'm excited to see its impact on is the fact that you'll be able to search closed requests. So in other words you can go to the online portal and you'll be able to see what IPRA requests other entities have made as well as the response of records.

This has already streamlined out ability to provide information to the public. For example, there was a lot of interest in the application for a large commercial solar array off of Highway 14. We responded to the request once all of the documents that were requested are available through the portal, so when additional constituents ask for that information they could simply be directed there so that they could download the information.

So it does have the ability, again, to increase our transparency by making available to the public prior IPRA requests but also increase the efficiency with which we're able to respond to duplicative requests or even potentially avoid requests all together.

It took a lot of work on Estevan and Francine's part, both to work with the vendor to stand up the software, but then also to work with all of their counterparts in the departments and elected offices to train them on the software and how it works. So again, it may seem like a relatively small matter to move forward in that direction, but as with most things that we do, it wouldn't have been possible without the Board leadership in appropriating the money, but also the hard work of County employees to make it so. So that's the two individuals we'd like to recognize today. Thank you.

CHAIR HANSEN: Thank you, Manager Shaffer. I have certificates of appreciation for both of you and I'm hoping you will come forward and we will take a picture and we are very honored that you have made this effort, because working with IPRA requests is extremely difficult. We all know that. We all know that it is a pain, so to speak, and anything we can do to make it easier is really a gift. So these certificates of appreciate are just a small gift of recognition for your hard work.

[Photographs were taken.]

6. C. **Resolution No. 2023-022, a Resolution Declaring the Eligibility and Intent of Santa Fe County to Submit Two Grant Applications to the United States Department of Transportation (USDOT) for the Federal Fiscal Year 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program and Acknowledging the 100% Federal Match for Reimbursable Costs Required by the RAISE Grant for (1) CR68A-San Ysidro Crossing**

Grade Separation Project: Design, Right of Way Acquisition, and Construction of a Grade Separated Crossing of CR68A-San Ysidro Crossing and the Santa Fe River, Located in Agua Fria Village, with an Estimated Project Cost of \$9,000,000 and a County Match of \$0 and (2) CR84-Oweegeh Road Corridor Grade Separations Project: Planning, Design, Right-of-Way Acquisition, and Construction of Five Grade Separated Crossings Along CR84 and One Grade Separated Crossing on CR84D, Located in the Pueblo of San Ildefonso, the Pueblo of Pojoaque, and the Communities of El Rancho, Jacona, and Jaconita, with an Estimated Project Cost of \$25,000,000 and a County Match of \$0 and Authorizing the County Manager to Execute any Necessary Documents to Submit the Grant Applications to the USDOT

BRETT CLAVIO (Transportation Planner): Thank you, Madam Chair. Madam Chair, members of the Board, this resolution directs staff to prepare and submit two grant applications to the United States Department of Transportation in their Rebuild American Infrastructure with Sustainability and Equity grant program, or RAISE.

Project #1 is CR68A – San Ysidro Crossing grade separation project. That includes design, right-of-way acquisition and construction of a grade-separated crossing of CR68A at the Santa Fe River in Agua Fria.

Project #2 is CR84 – Oweegeh Road Corridor grade separations project, which includes planning, design, right-of-way acquisition and construction of five grade-separated crossing along CR84, and one grade-separated crossing on CR84D located in the Pueblo of San Ildefonso, Pueblo of Pojoaque, communities of El Rancho, Jacona, Jaconita, and authorizing the County Manager to execute any necessary documents to support the grant applications to the US DOT.

I'll try to give you a little background about this grant project and these bridge projects. US DOT issued a competitive grant back at the end of November as part of the bipartisan infrastructure law, and staff identified that the grant program aligns really well with the County's bridge program. And going back to 2022, Public Works and Planning worked with New Mexico DOT to identify and categorize all the bridges in Santa Fe County. We looked at that to determine their current condition and whether they were in need of rehabilitation, reconstruction or replacement.

And with that, we hired a consultant, Cobb Fendley to assist with the task of this bridge inventory, and also to identify grant opportunities and to prepare grants. So when this grant opportunity came around we really felt like it was a strong one that we could pursue. So as of now, all of the bridges have been inspected and all the safety concerns have been evaluated. The County bridge program does seek funding and again, this RAISE grant aligns well with that program.

So as a result of this study we found two projects that really need to be addressed rather urgently and that is CR68A, San Ysidro Crossing, and the numerous drainage crossings on CR84, Oweegeh Road and Pojoaque Valley. CR68A is a County-maintained road. It crosses the Santa Fe River at grade in Agua Fria Village. During heavy storm events the road is often closed to motorists and non-motorists because of the

SFC CLERK RECORDED 03/30/2023

flooding. A grade-separated structure would allow for motorists and non-motorists to travel across the river year-round.

CR84, Oweengeh Road, is a County-maintained road. This project includes 84D which is also County-maintained and that stretches across the Pojoaque River. Many segments of this roadway also become impassible during heavy rains and the arroyos are rushing with water and there's no grade separations.

So staff and the consultants reviewed the RAISE program, concluded that these were good matches, and we'll just tell you some of the merits. Safety, number one, is a priority. These grade separation structures will address that. Environmental sustainability is also a factor, and putting these grade separation structures will help protect the riparian corridors of the Santa Fe River, Pojoaque River and Tesuque River. Quality of life will be improved as people will have a better opportunity to walk and bike by providing bike lanes and pedestrian sidewalks on the deck for example, at the San Ysidro Crossing.

Mobility will be enhanced because we're going to surmount the physical barrier of the rivers and give people an opportunity to cross, have access to transit. Economic opportunities will be improved because businesses and deliveries can have continuity during rain events. State of good repair will be improved by these new crossings, and partnership and collaboration has been achieved through the long-range planning of this project with the Santa Fe Metropolitan Planning Organization.

Innovation is one other factor to these projects. We are proposing to put in a roundabout at the Agua Fria/San Ysidro intersection. Roundabouts don't only relieve congestion but they relieve time wasted and also emissions wasted.

So again, RAISE grants are provided on a reimbursement basis and this resolution would indicate to the US DOT that we're prepared to implement these projects and execute these projects. The total cost for the design, right-of-way and construction of CR68A San Ysidro grade separation is \$9 million. And the planning, design, right-of-way and construction of CR84 Oweengeh Road is capped at \$25 million through this ask. The grant is \$25 million. The project is going to be a little bit over \$25 million, but we're going to ask for the max for this phase of the project.

These projects are also highly ranked in the County's FY 24-28 Infrastructure Capital Improvement Program. We anticipate that these projects will take between two and four years to complete. With that, staff recommends approval of this resolution and I stand for any questions or for Ivan.

CHAIR HANSEN: Thank you, Brett and thank you, Ivan. Are there any questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Brett and thank you, Ivan. This is great. Two questions. First one, does this help with the construction of Yellow Bird? Is this part of the completion, the link over the Pojoaque River help with that? Or is this a separate project? I think most of it is a separate project but maybe some of it has some of that.

IVAN TRUJILLO (Public Works): Madam Chair, Commissioner Greene, you are correct. Those are independent projects but the mobility between the El Rancho area from the south side of the Pojoaque River to the north is greatly enhanced by these projects specifically.

COMMISSIONER GREENE: Great. And then if in the future when these

are being presented to us, is it possible to – not a full design of course, but just a site plan? Put a dot on a map and show, like, here are the five arroyo crossings to be improved, in the case of the Pojoaque project, or here is where the crossing is at San Ysidro. Some people know exactly where these are but some people don't and a map is actually the easiest way to identify where these crossings would be.

MR. TRUJILLO: Madam Chair, Commissioner Greene, as part of the application there are maps and there's conceptual engineering in terms of the spans and the amount of roadway that needs to be improved as well, so we definitely share that with the Commission. In this case as the applications were being prepared literally to the minute, identification of the grant opportunity deadline came on this a little bit later than we had anticipated, but the team in general pulled together and we were able to pool all that information and it's available for anybody that has the time or desire to review it.

COMMISSIONER GREENE: Great job with this. Thank you.

CHAIR HANSEN: Anyone else have any questions? I want to thank you both very much. I've been working with you both on this and I think that these two projects definitely deserve the RAISE grant. We have chosen really strong projects. I was very happy to be in Washington, DC when we were requesting the letters from our delegation, and were able to help move that forward. They have been very receptive to us and I believe helpful in this process. And so I want to recognize Senator Heinrich, Senator Lujan, and Representative Leger Fernandez' office for their work on getting this all together, and Lisa, who is the coordinator, who pulled this all together for us. We were able to have a conversation with her and just make sure that everything was moving along.

So thank you, thank you, thank you. I'm really excited about us submitting this grant application. And so with that, what's the pleasure of the Board?

COMMISSIONER GREENE: Move to approve.

COMMISSIONER HAMILTON: So moved.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay, so I have a motion to approve from Hamilton and Greene and a second from Commissioner Hughes.

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

CHAIR HANSEN: Yay. So go forth.

[Deputy Clerk Ganz provided the resolution numbers throughout the meeting.]

2. APPROVAL OF MEETING MINUTES: January 31, 2023

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

COMMISSIONER BUSTAMANTE: Madam Chair, I'd like to approve the meeting minutes from January 31st as written.

COMMISSIONER GREENE: I'll second, but I have a correction to make.

CHAIR HANSEN: I have a motion Commissioner Bustamante, a second by Commissioner Greene. Under discussion, you have changes to the minutes?

COMMISSIONER GREENE: Yes, Madam Chair. It's on the cover page. It's that this meeting was a special meeting and it was a regular meeting of the County Commission. So everything else looked great. So if that is a friendly amendment to –
CHAIR HANSEN: Thank you.

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

3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS

A. Request Approval of a Proclamation Proclaiming March 10, 2023, as “Tibetan Freedom Day”

CHAIR HANSEN: For the new Commissioners, this is a yearly proclamation that I have brought forward since I have been a Commissioner. We do have two of my Tibetan friends in the audience, Jamyang and Lama, and I'm going to read the proclamation – it's short, into the record and then I will ask them to come up and if they wish to say a few words and then we'll take a picture. So Santa Fe County proclaims March 10, 2023 as Tibetan Freedom Day.

Whereas, Santa Fe County recognizes the rich cultural history and heritage of Tibet and the Tibetan people, and the depth and richness that the local Tibetan Community of Santa Fe adds to the County; and

Whereas, March 10, 2023, marks the anniversary of the Tibetan Uprising when the Country of Tibet was occupied by the People's Republic of China, resulting in more than a half-century of occupation and exile, and the exodus of about 80,000 Tibetans across the Himalayas; and

Whereas, Santa Fe County supports the conclusion of the United States Congress that, under the established principles of international law, Tibet is an occupied country whose true representative is the exiled Tibetan government based in India, headed by Sikyong Penpa Tsering; and

Whereas, the Tibetan people acknowledge and honor His Holiness, the Dalai Lama, recipient of numerous awards from many governments and institutions, including the Nobel Peace Prize, the United States Congressional Gold Medal, as the Spiritual and Temporal Leader of Tibet, and Santa Fe County encourages the People's Republic of China to enter into discussions with His Holiness, the Dalai Lama and the Tibetan Government to solve the questions of Tibet based on the will of the Tibetan people and to ensure respect for the fundamental rights of the Tibetan people.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the 10th of March, 2023 as: “Tibetan Freedom Day.”

Yay. I would like to ask the Board if I could have a motion to support this proclamation. Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I move that we adopt the proclamation for Tibetan Freedom Day.

COMMISSIONER GREENE: And I'll second that.

CHAIR HANSEN: Thank you. I have a motion from Commissioner

Hughes and a second by Commissioner Greene. Under discussion. Are there any comments?

COMMISSIONER HAMILTON: Yes. I very much appreciate that you make this recognition and bring this forward every year. I think it's a small but really valuable thing to do for something that's very important.

CHAIR HANSEN: Thank you very much.

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

CHAIR HANSEN: Jamyang and Lama would you like to please come forward, and would you like to say a few words? Jamyang is the president of the Tibetan Association.

JAMYANG THAYAI: Thank you so much to all the people of the United States for all this help. Thank you so much.

CHAIR HANSEN: Thank you, and we're going to take a picture so we'll come around.

[Photographs were taken.]

4. CONSENT AGENDA

- A. Resolution No. 2023-023, a Resolution Requesting an Increase to the Healthcare Assistance Fund (223) in the Amount of \$13,588 (Finance Division/Yvonne S. Herrera and Community Services Department/Rachel O'Connor)**
- B. Resolution No. 2023-024, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) in the Amount of \$1,525,000 (Finance Division/Yvonne S. Herrera and Fire Department/Jacob Black)**
- C. Resolution No. 2023-025, a Resolution Requesting an Increase to the Utilities Enterprise Fund (505) in the Amount of \$400,343 (Finance Division/Yvonne S. Herrera and Public Works Department/Brian Snyder)**
- D. Request (1) Approval of a Purchase Order in the Amount of \$385,613.60, Exclusive of NM GRT, in Accordance with Agreement No. 2021-0051-PW/APS-A with Associated Asphalt and Materials, LLC, for Road Maintenance and Road Construction Materials and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Finance Division/Bill Taylor and Public Works Department/Brian K. Snyder)**

CHAIR HANSEN: Is there anything on the Consent Agenda that anybody would like to have removed? Or what is the pleasure of the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: Move to approve the Consent Agenda.
COMMISSIONER HUGHES: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second from Commissioner Hughes on the Consent Agenda.

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

CHAIR HANSEN: I want to recognize and I want to thank the Sheriff, Adan Mendoza and Undersheriff Ken Johnson for being here in the chambers. Thank you very much. It's great to see you both. And our Fire Chief, Jacob Black. It's good to see all here, and thank you staff also for being here.

5. APPOINTMENTS/REAPPOINTMENTS

A. Request Appointments of Five Members to Santa Fe City and County Advisory Council on Food Policy

CHAIR HANSEN: Welcome, Patricia Boies. Nice to see you. Welcome.
PATRICIA BOIES (Health Services Director): Good afternoon, Madam Chair, Commissioners. I'm here this afternoon to request the approval of two County staff members and three private sector volunteers to serve on the Santa Fe City and County Advisory Council on Food Policy. We just call it the Food Policy Council. It does consist of people who are appointed by the City and by the County, both staff and volunteers.

At present, due to staff departures, there are no appointed County members on the Food Policy Council and typically, the County staff members come from – one from the Community Services Department and one from the Growth Management Department. Senior food issues, including nutrition and local procurement of food for senior meals have been a recent focus of the Food Policy Council and also on the Growth Management side, enhancing Agri-Gate of Santa Fe County is one of the priorities.

So for the County staff appointments we recommend the appointments of Kika Ortiz and Nate Crail. Kika Ortiz is Senior Services Program Manager within the Community Services Department and she has a long history of working on senior programs and food-related issues in northern New Mexico, and she herself is a local farmer.

Nate Crail is a Community Planner within the Growth Management Department. He administers the Agri-Gate of Santa Fe County and implements agricultural planning. He's also been a Peace Corps agriforestry volunteer.

Then on the private sector side, we did advertise on the County website and through press releases, and the three people who applied all have served on the Food Policy Council and are now seeking reappointment. There is one vacancy remaining but we deemed it preferable to move forward with these three now to ensure a quorum and the continued work of the Food Policy Council.

And let me add that the Food Policy Council would like very much to do a presentation to this body in a couple of months about all the work that they've been doing. I know during the pandemic it changed somewhat because there was so much focus on getting food out to the community, which we were all very much involved in, both in Growth Management and in Community Services. So in a couple of months we'd

like to do a full-blown presentation on the Food Policy Council's current work and recommendations.

CHAIR HANSEN: Patricia, I think that it has been a long time since we have had a presentation and I think that would be fantastic, especially since we have two new Commissioners. I'm sure this body would be happy to have a presentation from the Food Policy Council in the next couple of months some time. So thank you. I think that's a wonderful suggestion.

MS. BOIES: Madam Chair, we will make sure to arrange for that. So the three private sector members are Sue Perry, Emigdio Ballon, and Tejinder Ciano. They've all been with the Food Policy Council for varying lengths of time. Sue Perry has a background in diabetes prevention, nutrition and chronic disease. Emigdio Ballon is the agriculture resource director for the Pueblo of Tesuque, and he operates their organic farm and has been very involved in teaching the community about conserving seed, harvesting crops on pesticide-free land, and the use and growth of medicinal plants. Tejinder Ciano, as I believe most of you know, is the head of ReUnity Resources, which is dedicated to regenerative and community farming, composing, and education.

So I would like to recommend that all five of these suggestions be appointed by the Board of County Commissioners. All of their information was part of the packet as well.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I'm just really grateful for the good work that you all do, Madam Chair, and acknowledging the way this group has stayed together over a number of years and want to acknowledge just the quality of those individuals that you have recommended. If there's no discussion I'd like to recommend acceptance. I'd like to move to approve the nominees for the Food Policy Council as submitted.

COMMISSIONER HAMILTON: Second.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: Okay, so I have a motion from Commissioner Bustamante and a second by Commissioners Hamilton and Greene. Under discussion, I think we all recognize the value that everyone offers to the Food Policy Council and how important it is to Santa Fe County and everything that they do. So I think this is a great addition and we look forward to you finding another one. Congratulations, Nate. I see you see sitting in the audience. I see Pam Roy sitting out there. Thank you very much. Am I missing anybody else in the audience? I'm going to let Commissioner Hughes say a few words also.

COMMISSIONER HUGHES: Thank you. I wanted to echo Commissioner Bustamante's comment that where did you find such good qualified people? That's very good, great, and I also want to – even before you mentioned it, I was going to suggest that we have a presentation, because I don't really know enough about what the Food Policy Council does or what we should be doing, if you're going to advise us to do stuff. So I look forward to the presentation. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. Is there any other comments from the Board?

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

CHAIR HANSEN: I'm going to take a moment right here, I want to know, Sheriff Mendoza, I know that you are taking time away from your office and I'm very happy to see you here and I'm wondering if you would like to address the Commission in any way, I wanted to give you that opportunity.

ADAN MENDOZA (County Sheriff): Madam Chair, thank you, and Commission. I appreciate it. It's good to be here in person. It's been a while. I don't have anything specific today. We're here to answer any questions in reference to some additional budget that's requested during this fiscal year that we're getting reclassified. But I know there may be some matters from the public that may come up and I'm here to answer any questions. I'll stick around for that portion of the meeting, but I don't have anything specific.

CHAIR HANSEN: I would appreciate that because there are people that are very concerned in the Village of Agua Fria and I believe that they will be online making comments about the issue that we have happening there.

SHERIFF MENDOZA: Absolutely. I'll be here.

CHAIR HANSEN: Thank you very much. Appreciate it.

6. MISCELLANEOUS ACTION ITEMS

- A. **Request Authorization to Publish Title and General Summary of Ordinance No. 2023-___, an Ordinance Repealing and Replacing Ordinance Nos. 1999-10 and 2020-1 and Section 7 of Ordinance 2022-07, Adding and Amending Definitions and Exemptions for the Lodgers' Occupancy Tax to Align with State Law, Increasing the Lodgers' Occupancy Tax, Establishing Financial Reporting Responsibilities, Adding Lien Provisions, Adding Further Uses of Lodgers' Occupancy Tax Proceeds, and Clarifying Collection of Lodgers' Occupancy Taxes for Short-Term Rental Platforms**

CHAIR HANSEN: County Attorney Jeff Young, Paul Olafson and Lisa Katonak, so between the three of you, welcome.

PAUL OLAFSON (Community Development): Okay, this is really dense so I'll try and present it as fast as I can and Attorney Young knows it far better than I so I will defer to him on the challenging questions. So just in summary, the County is recommending repealing and replacing Ordinance No. 1999-10, which is also called the Occupancy Tax Ordinance to make a number of updates. This would include adding definitions of "County Treasurer", "Dwelling", "Short-Term Rentals", "Short-Term Rental Platforms", "Taxable Premises", "Temporary Lodging", "Tourist", "Tourist-Related Events", "Tourist-Related Facilities and Attractions", and "Tourist-Related Transportation Systems."

So, additionally the proposed ordinance would amends the definition of "Taxable Premises"; transfer lodgers' occupancy tax collection responsibilities from the County Clerk to the County Treasurer; it adds the phrase "unless those premises are temporary lodging" to the vendee exemptions to the lodgers' occupancy tax; raises the current

lodgers' occupancy tax rate from 4 percent to 5 percent of gross taxable rent; requires short-term rental platforms to collect and pay lodgers' occupancy taxes and applicable gross receipt taxes.

It also requires short-term rental platforms to register and provide monthly reports on short-term rentals. Further, it adds uses of the lodgers' occupancy tax proceeds, including for costs on prior redemption premiums and charges pertaining to certain revenue bonds, and to provide police and fire protection and sanitation service for tourist-related facilities, attractions, and events.

The proposed ordinance also adds financial reporting relating to certain budgets, reports, and audits related to the expenditure of the lodgers' occupancy tax funds and it clarifies that the BCC makes the appointments for the Advisory Board and lastly adds provisions relating to liens for the lodgers' occupancy taxes.

So, that's the summary. The background on this is the occupancy tax, or lodgers' tax was first passed in 1999. It has been amended twice by Ordinance No. 2020-1 and 2022-7. State law on occupancy taxes, the Lodgers' Tax Act, has also gone through multiple amendments, most recently in 2020, and given the number of proposed changes in all these ordinances, we're recommending repeal and replacement of the previous ordinances.

So some of the definitions: We would be adding the following definitions to bring this proposed ordinance into alignment with the 2020 legislative amendments to New Mexico State law. Those terms would include: "Temporary Lodging", "Tourist", "Tourist-Related Events", "Tourist-Related Facilities and Attractions", and "Tourist-Related Transportation Systems."

The definition of "Taxable Premises" would be amended to be also consistent with state law. The definitions of "Short-Term Rentals" and "Short-Term Rental Platforms" would be added from the recent Short-Term Rental Ordinance No. 2022-07. The definition of "dwelling" from the Sustainable Land Use Development Code, SLDC, also would be added as the term is used in the definitions of Short-Term Rentals and Short-Term Platforms.

Additionally, the collection of the lodgers' tax would be shifted from the County Clerk's Office to the County Treasurer. Staff did meet with those elected offices and everyone was in agreement that that would be a good idea.

This ordinance would also provide exemptions. The vendee exemption would be clarified to state that it does not apply to temporary lodging to also be consistent with state law.

The lodgers' occupancy tax rate increase – it's been at four percent since 1999 and state law does allow us to increase it to five percent if that's the Board's decision and some local governments do have it at five percent, including the City of Albuquerque, City of Santa Fe, City of Socorro, Rio Arriba County, the Village of Ruidoso, Sandoval County, Taos County, Town of Taos, Taos Ski Valley, and Truth or Consequences. The maximum amount allowed rate would be five percent per state law.

Additionally, short-term rental platforms would be addressed – the Board of County Commissioners adopted Ordinance No. 2022-07, that amended Ordinance No. 1992-3, the Business Registration and Licensing Ordinance, and Ordinance No. 1999-10, which is the current Lodgers' Occupancy Tax Ordinance, to license and regulate short-

term rentals in Santa Fe County. This was passed on October 25, 2022. The changes in the proposed ordinance would address lodgers' occupancy taxes collection by so-called short-term rental platforms by adding definitions of short-term rentals and short-term rental platforms to the ordinance language, and setting forth a process for the County to collect lodgers' occupancy taxes for these platforms.

In preliminary conversations with two of the largest short-term rental platforms, Vrbo and Airbnb, both recommended that the County adopt an ordinance to address tax collection at short-term rentals. There are an estimated 150 short-term rental platforms in operation, and this ordinance would allow for equal application to all short-term rental platforms.

Additionally, under the proposed ordinance, short-term rental platforms would be required to collect and remit occupancy taxes on behalf of vendors using their platforms. The ordinance would also require short-term rental platforms to disclose to the County on a monthly basis each of their short-term rental listings located in the county, the name of the person responsible for the listing, the address of each listing, the length of stay of each such listing, and the price for each stay. Short-term rental platforms must ask vendors using their platforms to identify whether their lodgings are located within the city or county of Santa Fe so that occupancy taxes can be directed to the correct jurisdiction.

Next, we have the use of tax proceeds. Currently, 50 percent of the lodger's occupancy tax proceeds from the first three percent, and 100 percent of the proceeds from the next one percent is used for advertising, publicizing, or promotions of tourist-related facilities, attractions, and events. The remaining 50 percent from the first three percent is used for facilities. Should the lodgers' occupancy tax be changed and increased from four percent to five percent, staff would ask direction from the Board on how that extra one percent would be allocated or modify where additional proceeds could be spent.

This ordinance would add additional items for which tax proceeds could be used, such as prior redemption premiums and other charges pertaining to revenue bonds, and to provide police and fire protection and sanitation service for tourist-related facilities, attractions and events located in the county.

Under financial reporting, state law requires that the governing body furnish to the advisory board that portion of any proposed budget, report or audit filed or received by the governing body pursuant to either the Local Government Finances Statute or the Audit Act that relates to the expenditure of the lodgers' occupancy tax funds within ten days of the filing or receipt of such proposed budget, report or audit by the local governing body.

Further, state law requires that the governing body report to the Local Government Division of the Department of Finance and Administration on a quarterly basis any expenditure of the lodgers' occupancy tax funds pursuant to specific sections of state law, and also must furnish a copy of this report to the Advisory Board when it is filed with the Local Government Division. The Advisory Board section would be changed to reflect the BCC appoints members to the Advisory Board.

The ordinance would also propose per state law that requires that ordinances, in closing, lodgers' occupancy tax have procedures for liens, distraint, and sales to satisfy such liens, which is outlined by the law. The proposed ordinance would include this

information as well.

And lastly, the effective date: The ordinance will take effect on June 1, 2023. This will allow time for staff to send notifications to the hotels, motels, resorts, bed and breakfasts, RV parks, short-term rental platforms, etc. and for these vendors to change lodgers' tax collection in their booking system from the four percent to five percent, and to notify their accounting departments of this change as well as where they would remit it.

Staff is recommending publishing title and general summary of this ordinance and moving the process forward. With that I defer to Attorney Young if I missed anything or misstated anything.

MR. YOUNG: Thank you, Paul, Commissioners. There were a lot of things going on with this ordinance, obviously, and that's why it's a repeal and replacement. A lot of the discussion originated or surrounded the discussion of short-term rental platform collection and setting the record straight on that piece of it, but in doing so there were a lot of things that staff recognized the need to be improved with the ordinance. So we stand for questions, Madam Chair.

CHAIR HANSEN: Questions from the Board? I'll go to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I know we need to do this so I think it's a good idea and great that we're bringing this forward and thanks to whoever put all the work into – put all these red words on the page. Do we need to make a decision today about that extra one percent or at what point do we need to – you said we need to give you advice on that. Because I notice the ordinance is written to raise the rate to five percent. Is there something we need to do to put in the ordinance where that extra one percent goes?

MR. YOUNG: Madam Chair, Commissioner Hughes, today we are only asking, requesting authorization to publish title and general summary. So after that's done it would run in the paper for several weeks and then we would have the hearing on this matter, a public hearing including public comment regarding the proposed draft ordinance. So at that time there would be further discussion and a decision made by the Board, but we wanted to definitely preview that for the Board as a potential decision point surrounding this ordinance, not only to increase the occupancy tax from four percent to five percent but then also how to use those proceeds according to the statutory – there are some statutory allocations that are mentioned in the ordinance but there is some flexibility there as well.

COMMISSIONER HUGHES: Okay. So you're envisioning us making the decision before we vote on the final version of the ordinance. Okay. I was just looking at this and I noticed that open space and trails looks eligible and I would nominate that for some of the funding because I know our open space program always needs some more money to make it as effective and I'm sure that draws tourists here. So, thank you, Madam Chair. That's all I have at this moment.

CHAIR HANSEN: Thank you, Commissioner Hughes. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Commissioner Hughes, for bringing up that point, both of those points. Those were great

and those were questions of mine as well. But the question I had was two things about the tax. Are we going to mandate that the platforms attribute tax collections to specific properties? My understanding is in some communities they aggregate them and so you can't actually prove where somebody's – you can't get a report from the platforms as to how much you've paid, if you are actually a part of their platform, and you can get a receipt saying that this was attributed to this license, and so on.

And then second, are we going to be able to go back and audit maybe the past two, three, four, five years where maybe some of this money has gone to the City's collection pot for lodgers' tax when it was due to the County? I don't know where that goes, actually.

MR. OLAFSON: I can help with the first question. The second question I'd defer to the County Attorney. The way I read this is that yes, they would identify individual peoples as well as days that they were renting. And that would be a requirement of our ordinance. So we won't be aggregating. But that's my understanding. I don't know if –

MR. YOUNG: Madam Chair, Commissioner Greene, that is correct. The ordinance as currently stated would require the short-term rental platforms to provide such reports. That may come in different forms, depending on the platform, so I think there still remains to be seen how that would actually work in practice. But that would be the ordinance requirement.

Secondly, on your question regarding auditing, that would depend on the cooperation of the platforms, I think, as well as the City and County effort. Certainly this ordinance looks forward in many respects as to collection on behalf of vendors by the short-term rental platforms, but certainly that could be one aspect as well, looking backwards in terms of auditing that piece.

CHAIR HANSEN: Okay. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I don't have any real specific questions. I'm understanding that we're just proposing that this move forward for the notifying of the new ordinance. Thank you.

CHAIR HANSEN: So I have one question, which did concern me. I kind of wondered what had happened with the County Treasurer and the County Clerk and I see here under this proposed ordinance that it was possibly unclear who was going to make the certificate and who was going to collect the money. Is that what happened in October when we passed this rule? And so now we're defining it as that it will be the County Treasurer rather than the County Clerk that will – and in the past, has the County Clerk collected the lodgers' occupancy tax?

MR. OLAFSON: Madam Chair, my understanding is yes. The Clerk has traditionally had that role. And in discussion with staff and with both offices, we felt it might be more appropriate to have the Treasurer collecting that because then it's like just a one-stop shop. And this is only for the lodgers' tax that we're referring to.

CHAIR HANSEN: What about the short-term rental certificate?

MR. OLAFSON: That I would defer to Jeff.

CHAIR HANSEN: Because there seems to be some delay in getting people their licenses or vendors because we don't have a platform for them to get their temporary or their license. So will this help clear it up?

LEANDRO CORDOVA (Deputy County Manager): Madam Chair, I think they're two separate issues, so in regards to licenses and registrations, those run through the Treasurer's Office already and through Growth Management. So as I understand it, Growth Management has been working with the Treasurer's Office and the Clerk's Office as well but it's more to get the proper wording on these registrations, and I think we're almost there to be able to start issuing them. But this – the registration and licensing has always gone through Growth Management and the Treasurer. The tax itself, the lodgers' tax, had been collected in the past by the Clerk's Office and with the increased collections and the fact that it's a tax that – it just made sense and the Treasurer's Office agreed to go ahead and collect that on behalf of the County.

CHAIR HANSEN: Okay. Some of us up here have been getting complaints about people not being able to get their license, so I'm just trying to make sure that that's actually moving forward so that people feel like they've gone through this whole process, which seems to be arduous, and hopefully we can make it more streamlined as we go forward. So are there any other questions about this publishing of title and general summary for this ordinance?

COMMISSIONER GREENE: I move to approve item 6. A, request for authorization to publish title an general summary of Ordinance No. 2023-__, an ordinance repealing and replacing ordinance Nos. 1999-10 and 2020-1, and Section 7 of Ordinance 2022-7.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Etc. Okay. So I have a motion from Commissioner Greene, a second from Commissioner Hamilton.

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

CHAIR HANSEN: Paul

MR. OLAFSON: I just wanted to make a couple clarifying statements. Also attached with this item is a redline version of ordinance, and then a clean version. And that's just for the public record. So if folks wanted to look at it they can compare what the changes before and after were.

And lastly, I'd like to really especially thank Lisa Katonak and Jeff for putting this – helping get this all together. I'm a fairly newbie on lodgers' taxes but they really helped us navigate is and it was a pretty big lift. So thank you.

CHAIR HANSEN: It looks like it, and thank you, Lisa. Thank you, Jeff. Absolutely. And thank you, Paul for learning how this all goes.

- 6. B. Request (1) Approval to Utilize an Outside Contract for General Construction Services to Complete Romero Park Phase II Project, for a Total Contract Sum of \$2,493,851.52, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Construction Contract and Purchase Order(s)**

CHAIR HANSEN: Hi, Bill. Welcome.

BILL TAYLOR (Purchasing Director): Madam Chair, Commissioners,

thank you.

CHAIR HANSEN: I'm very happy to see this.

MR. TAYLOR: Thank you very much. I just wanted to briefly clarify what all has been done for this project. As you stated, Madam Chair, this has been a long time coming. We've done multiple procurements competitively without receiving acceptable bids or bids at all. The procurement code does allow, after two attempts of not receiving bids we could go and negotiate within open market.

As it turns out, the contractor that we finally are coming before you with, is utilizing his statewide price agreement pricing for materials and labor, and therefore that's why that is in the caption, pursuant to our procurement regulations that we get Board of County Commissioners' approval to utilize that outside existing contract for these services.

So that's the procurement end of it. More importantly, the long awaited project, and so of course it's before you because of the amount of the money of \$2,493,851.52, exclusive of tax. A lot of improvements at the park. I'm not going to get into too much detail other than it's approving the parking, access, ADA, other activities within the park, electrical connections, and sports, but I'll stand for any questions regarding this presentation, and Dan Anderson with Public Works is here to answer any questions you may have specific to the project.

CHAIR HANSEN: Okay. Are there any questions from the Board?
Commissioner Greene.

COMMISSIONER GREENE: Thank you, Bill. Thank you, folks. This is a long overdue project and it's been waiting to happen. One of the things that again, I'll reiterate is the visual needs of community and a great, long, 70-page contract is wonderful, but a beautiful picture of what is to come there would be great in the public record to show people what we're voting on and so if it was possible in future submissions to have the site plan or whatever the sort of annotated plans, so people could say, wow. That's going to look great, or not. And so a more informed public. So transparency and clarity if possible. Thank you for bringing this forward.

MR. TAYLOR: Thank you, Madam Chair. Thank you, Commissioner Greene.

CHAIR HANSEN: Over the years we have seen many different site plans on this project. So it is exciting to see this coming forward, and with that, since this is my district, I am going to make a motion to request approval to utilize an outside contract for general construction services to complete Romero Park, Phase 2 project.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: Okay, I have a motion by Commissioner Hansen, a second by Commissioner Greene. Discussion.

COMMISSIONER BUSTAMANTE: Madam Chair, Bill, do people really still play tetherball? I saw that. Just kidding. Got to pull back on that one. But I do need some confirmation. Do we really still play tetherball? I thought it was replaced by pickleball.

MR. TAYLOR: Madam Chair, Commissioner, it's there if they would like to start playing it again.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HANSEN: I know people are very happy to have pickleball out there.

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

CHAIR HANSEN: Thank you. Congratulations to the County for moving this forward and thank you, Bill.

MR. TAYLOR: Thank you, Commissioners.

6. D. Resolution No. 2023-026, a Resolution Requesting a Budget Increase to Various Funds in the Net Amount of \$2,378,524 for Departments Mid-Year Budget Requests

CHAIR HANSEN: Welcome, Yvonne.

YVONNE HERRERA (Finance Director): Madam Chair, Commissioners, in January of 2023 mid-year budget hearings were held with the departments to review the status of their fiscal year 2023 budgets. The budget before you includes requests for additional funds for the following summarized purchases: operational needs, such as contractual services and travel and training, fixed assets, including new requests, and shortfalls due to price increases, anticipated maintenance projects, and shortfalls in scheduled maintenance projects, as well as new capital project funding, a request for the reallocation of available funds between projects, and a project contingency funding. And finally, two personnel position reclassifications for the RECC and Sheriff's Office, including estimated cost increases.

With that Madam Chair, the department and I stand for any questions.

CHAIR HANSEN: Are there any questions from the Board? Mm.

COMMISSIONER HUGHES: Thank you, Madam Chair and Yvonne. Is the \$2,300,000 consistent with what we're seeing in our income so far this year?

MS. HERRERA: Madam Chair, Commissioner Hughes, yes. We have several funding sources. We have the general fund, which is just under \$7000,000 in additional money for departments, and then we have GRT for the maintenance projects. The Clerk's filing fees fund is covering some of that cost, some of that increase. And then the utilities enterprise fund. So given the different sources of revenue – well, actually cash balances. So all of these are prior year revenues that were not spent as opposed to new revenue.

COMMISSIONER HUGHES: Okay. So we're using our cash balances from prior years.

MS. HERRERA: Yes.

COMMISSIONER HUGHES: Thank you, Madam Chair. That was my question.

CHAIR HANSEN: Okay. Any other questions from the Board? What's the pleasure of the Board?

COMMISSIONER GREENE: Move to approve Resolution 2023-__, item 6. D, a resolution requesting a budget increase to various funds in the net amount of \$2,378,524 for departments' mid-year budget requests.

SFC CLERK RECORDED 03/30/2023

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay. I have a motion from Commissioner Greene and a second from Commissioner Hughes. Under discussion? Seeing none.

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

7. PRESENTATIONS

A. Update on the Implementation of the Aamodt Settlement, Including Construction of the Pojoaque Basin Regional Water System

CHAIR HANSEN: Welcome, Michelle.

MICHELLE HUNTER (Utilities): Madam Chair, Commissioners, hello. Thank you for having me today. So I am doing this update today on the Pojoaque Basin Regional Water System because on Thursday there is a public meeting in Pojoaque that is being held by Representative Andrea Romero and I hope that you all have seen that invitation and if you'd like to attend that would be great. It is going to snow on Thursday, so we may not have this meeting. I just wanted to put that out there that we are aware of the weather. We're going to have a call tomorrow to determine whether or not it looks like we're going to have the meeting because she does not want to have it if the speakers are not comfortable showing up. And the BOR is coming from Albuquerque and so she's taking that into account with respect to planning and the weather, so don't be surprised if it is postponed for another few weeks or a month.

That being said, what I'm going to show you today is not the exact presentation I'm giving on Thursday. It is expanded a little bit so that I can show you some of the – what the other entities that are going to talk, which are the Bureau of Reclamation and the Office of the State Engineer. I just have a slide or two for you so that you understand. The County is speaking in between the other two entities about the – kind of giving the public an update for each of the entities.

And so this is my first slide. So this is the information slide regarding where, when, who, and basically, it's just 5:30 to 7:30, BOR, Santa Fe County, and OSE with the representative as the moderator. So this is a photograph – several of you have been out there but this is a photograph of the place in the river where the intake structure is for the new water plant. And it's a picture that I took from the Bureau of Reclamation's website and it's just an excellent sort of bird's eye view of where the construction is taking place.

Here are two updated photographs of just some construction, photographs that I got from the Bureau of Reclamation showing some of the progress and the buildings being put up and some of the soil nail walls and things like that, just for those of you who haven't been out there just to be able to see that.

So this is the first slide that isn't an informational slide that shows you and the public where the system is, where it's going to be. Currently we are in the green, the Phase 1 San Ildefonso, El Rancho, Jacona and Pojoaque. That is Phase 1. There's some confusing parts about Phase 1 in that Phase 3 is also being planned at the same time as phase 1. It got too confusing putting that up on the slide, so I just – keeping it simple. Phase 1 is where the green is, where we are in San I and the surrounding communities, where the intake structure is, where the treatment structures will be with the treatment

plant building, and those activities should go on for the next few years. Gave us a little bit of buffer there, 2022 to 2026.

Phase 2 is what's in purple below and off to the east in Nambe where the water system will come next in Phase 2. This is where we're planning on putting the rest of the infrastructure.

So this is the Phase 1 green area that was in the last slide enlarged and shown here in red are the easements that the BOR has identified in Phase 1 that the County is helping the Bureau of Reclamation attain. It is really the Bureau of Reclamation's – it's part of their purview to get these easements but they know that because the County is kind of boots on the ground out here we understand the lay of the land better so this is part of our in-kind contribution to the system that the County is responsible for, and there are 33 – and you can't really see them but they're where the red areas are where the main large transmission distribution lines will be.

So in red, right now we are working with BOR, we're meeting with them weekly. We have a right-of-way consultant who is helping us figure out these easements and it's wildly complicated. It really is. It's really – it's taken us a couple of months to really get to the point where the right-of-way consultant is able to give very direct instructions to BOR as to what they need in order to really be able to do this easement acquisition. So it's an ongoing process. We just received the next, what they call package or easements from the BOR that we then pass onto our consultant. We meet with BOR and the consultant about them, and then kind of work through the details of them.

We have done that for these easements that are on this slide. We have just this week received the next package, so we will be working with BOR on that package coming up in the next several months. And I think these are the only two slides I'm really going to have. After I speak, the Office of the State Engineer will give a presentation which we saw yesterday and it's very long. Just so you know. It's probably at least a half an hour long regarding metering requirements, how they're working to try and get compliance with meters in the basin, and then kind of what their watermaster is doing with respect to the settlement and how they're making sure how they're able to figure out all the moving parts under their purview, and some of the sharing agreements that go along with the wells.

So that will – the OSE presentation will be right after mine. Then they'll take questions. I'm thinking the questions will go at least an hour. So it's 20 minutes, 20 minutes, 20 minutes with presentations, and then questions by the public. And so then I'll have a slide with my contact information on it and then I'll take questions.

But our purview with respect to the easements is extremely specific so I don't really want to stray at all from that and just talk about what we're doing with respect to getting the easements. People are going to start seeing us. We'll be knocking on doors. We're going to be talking to people. And so we want to give them a heads-up about that.

So, thank you.

CHAIR HANSEN: Thank you, Michelle. Are there questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Michelle. Thank you for attending and helping coordinate with Representative Romero. Our districts pretty much dovetail over each other and so a lot of the questions she has are the questions that our

constituents have as well, so that's great. Thank you.

I have a couple questions in regards to coordination that may not be presented on the Thursday but more of questions for coordinating the dig. And we have a dig once policy here and while the Aamodt settlement is not taking into consideration other utilities. Are we going to start coordinating with REDI-Net or other broadband providers in an effort to solve two solutions, two problems with one solution? Dig once.

MS. HUNTER: Madam Chair, Commissioner Greene, that is definitely something that I will bring up in the next meeting with BOR. I think it needs to be a collaborative kind of thing and I don't want to say anything about the Bureau of Reclamation per se but it is the kind of thing, I think they'd have to hear several times before they could really think about helping us out with that. So I will start to talk about that with them, and I know you did at the meeting that we had there at the construction trailer and so it's good. You planted the seed. I will continue to try and nurture that as much as possibly can. I agree with you. It's important.

COMMISSIONER GREENE: Okay. Thank you. And if we not only put it in their brain but ask for a specific meet-up with the folks from REDI-Net and maybe have our Public Works folks sit in on that and show how we're collaborating and we're not just giving it to them because they won't do it; it's not their mission. But once we've got a trench built, especially because this water system is a voluntary hook-up, and if we can have more value added to how people hook up to it, such as broadband, potentially, I get a lot of requests for broadband up in that area so let's try to do it and get ahead of it as much as possible so we can source money and be ready for it. Thank you.

CHAIR HANSEN: Are there any other questions from the Board? I just – one added note on the background on the agenda item, it says for a meeting on March 4th but I believe it's meant to say March 2nd.

MS. HUNTER: Oh, second. Yes.

CHAIR HANSEN: So just if people see that, if they see March 4th, it's actually March 2nd. And hopefully the weather will hold and we'll have this meeting. At least I hope so because I think it's been a long time coming and I know that many people are extremely interested in what is happening.

COMMISSIONER GREENE: Last little point. I don't know if anybody else is planning on going, but if we get to the three we should probably be noticing this as a possible meeting. I'm going to be there myself.

CHAIR HANSEN: It is a public meeting, so I would assume that it is noticed but I was hoping I would be able to go.

MANAGER SHAFFER: Thank you, Commissioner, Madam Chair. We notice the possibility of a quorum being present. We would counsel against three Commissioners discussing public business at the meeting. So we will notice it so that the public knows of that potential quorum, but again, it won't be advertised as a meeting of the Board of County Commissioners. Thanks.

CHAIR HANSEN: Thank you, Commissioner Greene. Thank you, Michelle Hunter, Public Works Department. Thank you very much for your work on this.

MS. HUNTER: Thank you very much.

8. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: Daniel, I see I have two people here.

DANIEL FRESQUEZ (Media Specialist): Madam Chair, we have William Mee attending virtually. He's like to speak during public comment.

CHAIR HANSEN: Okay. William, are you there?

WILLIAM MEE (via Webex): Madam Chair Hansen and Commissioners.

CHAIR HANSEN: Welcome. Okay. Go ahead.

MR. MEE: Thank you for a previous of our San Ysidro Bridge and our Romero Park. That's a pleasant surprise coming through the meeting. But the Junta del Alamo is a historic alternate route to the El Camino Real de Tierra Adentro, and it goes from Agua Fria to a place in La Cienega by Commissioner Bustamante's house. That all said, it's with great sadness and shock that we report an incident on Saturday, the 25th whereby a resident, Mr. S., was checking his mail on Junta del Alamo and he stepped out of his car to open the mailbox and a woman jumped into the seat of his car in an attempt to hijack it. And then she ran over Mr. S. and assaulted his partner who was in the car.

The Sheriff's Office arrested the hijacker shortly after, but this is not the first incident here at the 2500-A Lopez Lane lot. And it's been on the radar of the Sheriff's Department. For instance there's been three stolen cars there from last month and in 2022 there were three overdoses and the Sheriff's Office has been consistently arresting people for outstanding warrants and that type of thing. So what Agua Fria Village wants is the District Court enforcement of Ordinance 2009-11, the public nuisance and property ordinance, so that the Sheriff's Office can be supported in their efforts to reduce crime at that location.

And thank you very much for giving me the opportunity to speak about this and get it on the public record. It's kind of shocking to us. We're seeing a lot of difference incidences and I've been talking to some of the neighbors and they're just really at a loss as to what to do. So if the County can help us in that we would greatly appreciate it. Thank you.

CHAIR HANSEN: Thank you, Mr. Mee. Yes, I have spent the morning dealing with this, speaking with our District Attorney and speaking with the Sheriff. This is a very serious concern that is happening in Agua Fria Village in District 2 and it is way beyond what anybody should have to endure. The gentleman who was attacked is still in the hospital. And this piece of property is the consistent place where the Sheriff spends way too much time in having to deal with these problems, so I think we need to do some code enforcement and I don't want any of the code enforcement to go out there without Sheriff assistance, because I think it's way too dangerous, and I really – I don't know if the next step is going to the Attorney General, because possibly this might include drug smuggling from other areas, because this is a constant place of drugs being sold every night, every day, and it has to be being brought in from somewhere. So it is very concerning to me and I really appreciate William bringing this forward so that it can be talked about publicly, because this is an extremely serious issue. Sheriff, if you would like to say anything I would –

SHERIFF MENDOZA: Madam Chair, Commission, thank you. I share the concern that Mr. Mee's brought to the Commission and I know that Commissioner

Hansen and her district have dealt with a lot of the complaints that have come out of this area. This property is an old tow yard which is now a defunct business. It's not – I don't think it's owned anymore for vehicle storage. Part of the issue is that the property owner is not very receptive to the issues that are happening on the property. And I know there's other properties within Santa Fe County that there have been issues and some in Commissioner Hughes' district, where we have constant issues with certain residents where the property owners are not present. Maybe there in another state or just not very present or very concerned about what's going on at the property.

We have made several arrests on that property in the Agua Fria district, including stolen cars. There's been several drug-related incidents there, overdoses, drug arrests. This recent incident in reference to the aggravated assault and the taking of the stolen vehicle, this is another property that is in close proximity to the property there on Lopez Lane. And so we're going back and forth, and so we've been doing our due diligence as a Sheriff's Office to get out there and our patrol officers and our detectives are very aware of the situation that's happening out there and we've made over a handful of arrests.

Unfortunately, these individuals may not meet the criteria to stay in jail until their court hearings and so they are released but it appears that there's a lot of criminal activity that's happening between these two properties. I'm not sure exactly what needs to be done. I think we should explore code enforcement issues and I'm not sure that the County has the authority for condemnation of property, but maybe that's something that we can explore and focus on. But it would help us.

I did talk to the District Attorney herself this morning and I know she had a conversation with Commissioner Hansen in reference to the issues that are happening out there. We are now compiling a list of those arrests and the individuals that were charged in this specific vicinity in the hopes that the District Attorney can at least pursue aggressive prosecution of those cases, and I'm hoping that can solve the problem. We are exploring the option of charging or holding the property owner responsible because apparently the property owner claims that she has no idea what's happening out on the property and that's – I feel is an excuse as a property owner.

But those are some of the things that we're doing and anything that the County can do – code enforcement and exploring other options or ordinances that can be enforced on this property would absolutely help in the effort of making sure that that neighborhood and the village remain safe. Thank you. I'll stand for any questions.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Sheriff. Thank you, Madam Chair. Is there – I don't know if this is for our attorneys or out policymakers, but is there like a model ordinance and law that says like when this sort of behavior becomes perpetuated on a property that the property can be cited or the owner can be cited, even if they're remote and they say they claim they don't know about it, their ignorance and their negligence is not necessarily an excuse in this and does that suddenly put a lien on the property? Is there something that can start to trigger something? When it's two people it's a conspiracy. When it's a repetitive thing at a certain location it sort of becomes – people know that that's the place to do it and if we can't enforce it it perpetuates itself. So I'm wondering out loud if there's something that we can look at and if there's a model ordinance somewhere else – we don't have to invent the wheel but we can probably find

a successful ordinance somewhere else that would enable you to be able to enforce things a little stricter on these sorts of properties.

SHERIFF MENDOZA: Madam Chair, Commissioner Greene, I agree. There may be model ordinances. I know Albuquerque and Bernalillo County may have some ordinances in reference to some issues that they've had with specific properties but I'm not, I guess, well versed in the ordinances Santa Fe County has and whether or not there is an ordinance that would address that specific situation. But we will look at possibly holding the property owner in a criminal aspect if there's a statute that fits we would definitely explore that option of charging the landowner but again, there may be an ordinance that we need to fall back on in order to get some better results.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I just wanted to really briefly state as Sheriff Mendoza mentioned, there's a similar house in District 5 that's been causing problems for a couple years so Olivia and I have been researching possible ordinances and one of the things I'd like to work on this year is – because we don't have – in that case we didn't have the authority to just go in and take over the house and kick the people out who were causing all the problems, but I think as the Sheriff mentioned, there is an ordinance in Bernalillo County that we could adopt for Santa Fe County. It would be a bit of work, but if we're going to continue having these problems we probably need to move in that direction. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. It is an extremely serious issue and I appreciate the Commission taking this moment in time to talk about this, because this has been going on for as long as I have been Commissioner, and we have consistently tried to address this. But when somebody is put in the hospital and attempted to be run over and possibly killed, it's incredibly serious and something that we need to work on. So thank you, Sheriff, very much for being here. I'm extremely grateful.

SHERIFF MENDOZA: Thank you.

CHAIR HANSEN: I believe we do have another person who wants to make a comment from the public.

MR. FRESQUEZ: Madam Chair, Christina Nixon pre-registered on our online comment form to speak during public comment, but she does not appear to be online.

CHAIR HANSEN: Okay. Thank you so much. So is there anybody else in the audience who would wish to speak for Matters of Public Concern? Seeing none, I will close that.

9. MATTERS FROM THE COUNTY MANAGER
A. Miscellaneous and COVID-19 Updates

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. The only real COVID-related update that I have at this time is the fact that there is an ongoing COVID-19 and flu vaccine event organized by our Office of Emergency Management. It is again currently underway and will continue until 7:00 pm at the Agua Fria fire station.

With regard to Miscellaneous Updates, I did want to see if we could steal some

more of your time relative to some special meetings and events. In particular, as I mentioned during the Housing Authority Board meeting, we want to respectfully request a short special meeting next Wednesday, the 8th of March for us to present to you our proposed congressionally directed spending request so that we can ensure that what we're proposing is in line with the Board's desires relative to those potential funding opportunities. If you could let us know if you might be available in the afternoon we would promise to do our level best to keep it very short. That's it.

CHAIR HANSEN: March 8th.

COMMISSIONER GREENE: Which is next Wednesday?

CHAIR HANSEN: Yes. I could do 2:00 pm on Wednesday. Does that work for everyone else?

COMMISSIONER HAMILTON: I could do anything from 2:00 on.

CHAIR HANSEN: Okay.

COMMISSIONER HUGHES: Yes, 2:00 works for me.

COMMISSIONER GREENE: Yes, ma'am. 2:00/

COMMISSIONER BUSTAMANTE: That should be fine.

CHAIR HANSEN: Okay, so 2:00 pm on March 8th.

MANAGER SHAFFER: Great. Thank you, Madam Chair and Commissioners. And then it is that time of year for the Board's annual site visit and inspection of the Santa Fe County Adult Detention Facility. We're looking at potential dates at the end of March or the first half of April, specifically all the dates we're going to propose would be at 9:00 and we're looking at Thursday, March 30th, Friday, March 31st, or Friday, April 7th or Friday, April 14th at 9:00 am. And again, we only need one date, but this would be for an annual site visit and inspection of the adult detention facility. As we did last year, we would proposed to have a presentation that would be open to the public here in chambers before the County Commissioners departed for the visit and inspection.

CHAIR HANSEN: So I did not get those dates at all.

MANAGER SHAFFER: They're all at 9:00 am, and they're Thursday, March 30th, Friday, March 31st, Friday, April 7th or Friday, April 14th. So I've proposed four potential dates, all of them at 9:00 am.

COMMISSIONER GREENE: How long does this take? Sorry.

CHAIR HANSEN: It takes a good three, four hours.

MANAGER SHAFFER: I would plan on four hours, all in.

COMMISSIONER GREENE: Great. Thanks.

COMMISSIONER HAMILTON: I can do any date except I would have a conflict, which I could change, I could miss. If it's the only date I would miss. The only conflict I have is with the 31st. It's just a staff meeting; not a terribly big deal.

COMMISSIONER BUSTAMANTE: And I have a conflict on the 30th. Otherwise I'm open for any other date.

CHAIR HANSEN: Okay. So then we have April 7th. Is that correct?

COMMISSIONER HUGHES: The RTD board meeting is the morning of April 7th.

CHAIR HANSEN: Okay, then we have April 14th? Is that they next date?

COMMISSIONER HUGHES: That's open for me.

CHAIR HANSEN: It looks open for me also. How about the 14th?

COMMISSIONER HAMILTON: That's fine. If there's any reason that's too late –

MANAGER SHAFFER: That would be timely. Thank you, Madam Chair and Commissioners.

CHAIR HANSEN: Okay, so we have April 14th from 9:00 am until 1:00 pm. And you'll send out an invite on that?

MANAGER SHAFFER: That's correct. Thank you.

CHAIR HANSEN: Okay. Thank you. So we have that.

MANAGER SHAFFER: That is all I have. Thank you.

9. B. First Session of the 56th Legislature: Updates and Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced [Exhibit 1: Legislation Identified for Potential Formal Position Consideration; Exhibit 2: Legislation of Interest]

CHAIR HANSEN: Welcome, Hvtce. Nice to see you.

HVTCE MILLER (Intergovernmental Coordinator): Good afternoon, Madam Chair, Commissioners. Just a moment and I can pass out your handouts.

CHAIR HANSEN: Before we start, Hvtce, I wanted to ask the County Manager a few things. Who replaces a Magistrate Judge?

MANAGER SHAFFER: I believe that vacancies in the office of Magistrate Court are filled by the Governor, if I'm not mistaken. But we can confirm that before the meeting ends, but that's my understanding.

CHAIR HANSEN: Okay. That was my understanding also, but the District Attorney did call me and ask me that this morning, so I wanted to make sure we clarified that. Since I had her on the phone we talked about a couple other things. Okay. Thank you, Hvtce.

MR. MILLER: Madam Chair, the first item I was going to go over is this item here which is provided on BoardDocs and it's a 23-page report and it's going over the various legislation which corresponds to resolutions which are already in place for the County. The same information as I usually start with. Tomorrow will be the first and the session ends on the 18th, so there are 17 ½ days left, since they enter at noon on a Saturday the 18th. So we're on the home stretch, I would say.

So far there have been three bills signed into law from the Governor, House Bill 1, the budget for the operation of the legislative session; Senate Bill 6, which is the interest free loans for those affected by the wildfires last summer; Senate Bill 364, which is a bill allowing state legislators to appear before state agencies to assist individuals or persons that need the expertise in presenting whatever item it may be before a state agency.

Overall, it looks like we got 1089 bills introduced so far. So that's about the average number for a 60-day. As far as the capital outlay, as I presented last time, it was delayed and it still is delayed. It was announced on the Senate floor yesterday that they finally received the information from the Governor's Office for her capital outlay requests, so they were verifying any duplications that might exist between individual

legislators and the Governor's Office.

So looking forward to a capital outlay bill coming out sometime this week, and we can see what items are going to be funded by the legislators and also the Governor's Office. So we'll have an update on that but I will make sure to provide that information to you once it's released there at the Capitol so you can take a look and see what projects within your districts are funded and at what funding levels they are provided at.

On the following pages are the particular bills related to the individual resolutions, so I wasn't going to spend much time on that because we have particular legislation that are not included in any of the resolutions that are in place, so I wanted to present those items and get direction on those particular bills.

So everything that's here in green is indicating that that particular piece of legislation has been moving forward and right here on the first resolution item, page 3, I just wanted to state that House Bill 432 is currently scheduled for House Consumer Public Affairs this afternoon, so Commissioner Hughes, I'll make sure and give you an update as to the result. I think if I hurry up I'll get to see the result.

So if there's any particular bill within the listing here on the following pages that you want me to provide an update on as to how the bill may have changed from amendments or substitutions through its committee journey I'll make sure and provide that to you. You can let me know here or you can have your liaison or yourself email me and I will make sure and give you an update on any or on all of the particular pieces of legislation listed here.

So what I handed out are two separate sheets. The first item is titled Legislation Identified for Potential Formal Position Consideration, and I have these broken down into three categories. The first item is return to work, and the piece of legislation that we have identified that we're seeking your particular position on is Senate Bill 124. And the staff recommendation is provided there just below the title and sponsor. And what we have here is – what this bill does is looking at helping address the employee shortage that we're facing right now through county governments and statewide as well. And what this is looking to do is have those people that are already retired through the PERA system be eligible to return to work for a period of two years. They would still be contributing back into the PERA system, yet they return to work at a government agency so they would be eligible to collect their retirement but at the same time they would be paying into the system as well. And so we thought that this may not be the long-term solution but it is a solution that is viable and that would be encouraged for the state legislature to take this action currently.

So I don't know, Manager Shaffer, did we want to get the direction as we go through each bill, or do you want me to present each of the items?

MANAGER SHAFFER: I think that would be at the pleasure of the Chair and the Board, whether you want to react to this list. Obviously, you don't have to take a formal position for or against any piece of legislation, but there were, as Hvtce indicated, items that we felt warranted some specific consideration on your part. So again, it's at the discretion of the Chair and the Board whether you want to hear all of the bills before making a decision as to whether or not to take a formal position or do them one at a time.

CHAIR HANSEN: I think it's probably wise to do them one at a time. So let's do Senate Bill 124, return to work.

COMMISSIONER HAMILTON: Madam Chair, I think it's a good idea. I really think we should support it.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I concur.

CHAIR HANSEN: Okay. Commissioner Hughes.

COMMISSIONER HUGHES: I guess I'm not sure, because didn't AFSCME publish as editorial opposing this? And I don't – their concern I think was – I don't know. They had some valid concerns about it, not that I think it's a bad idea, I just wanted to point that out, that they seemed to be concerned that – because I think this allows people to double-dip for a little while.

CHAIR HANSEN: That's probably true, but at the same time they will be also paying into PERA while they're double-dipping.

COMMISSIONER HAMILTON: And if you don't mind, that's a phrase that's been vilified. I'm not sure what the ethical concern about that is. Like, I just don't believe that's a valid concern.

COMMISSIONER HUGHES: I think the concern had more to do with misplacing younger worker, which obviously that's not a problem at the moment.

COMMISSIONER HAMILTON: Right. That would be a valid concern except for the studies that Manager Shaffer presented from the Association of Counties, that even if we got every single worker in the State of New Mexico actually working, there's still –

COMMISSIONER HUGHES: 37,000.

COMMISSIONER HAMILTON: 37,000 open jobs. So there's just no competition.

COMMISSIONER HUGHES: So I would suppose putting a time limit on it should address that concern.

CHAIR HANSEN: It has a time limit.

COMMISSIONER HUGHES: That's what I mean; it has a time limit. So I'm fine supporting it. I just wanted to mention that.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you. In general I would say I'm in support of this, given the crisis in hiring right now, but I've had friends that worked at the state who used to jokingly say, who has to die around here to get a promotion? So sometimes this could make it where there isn't the upward mobility, and so now, I think having a timeline on it and also maybe having a secondary – if vacancies get to less than ten percent then maybe that there would also be a trigger to say we've achieved our aim but I can't imagine that this is going to last that long and that there's going to be a lot of young people flooding the state.

CHAIR HANSEN: It's two years.

COMMISSIONER GREENE: It's two years, so it's probably fine for now.

CHAIR HANSEN: So, yes, is what I'm hearing from the Commission, so we can go on to the next one. Public Works project contributions. Is that your next one, Hvtce?

MR. MILLER: So the next bill that we have for your consideration for support or opposition is House Bill 46, public works project contributions apprentice and

training programs. This took further review and I provide this to our Public Works Department for further examination. And what this does is – what’s in place right now is that there is this requirement to the apprentice and training fund, that there’s certain public works projects which are excluded in law and this change, House Bill 36, would eliminate the exclusions for certain projects, and those projects include street, highway, bridge, road, utility or maintenance contracts.

So any public projects that fits under those categories will now have to start providing a contribution to the apprentice and training fund and what that ultimately creates is an added project cost for anyone who’s funding that public project. So whether it be the state or local governments, they would have to start making a contractor pay into that apprentice and training fund. And thereby – if their cost goes up and they have to pay into that fund now, they then would pass that – it’s conceivable that they would pass that price increase on to those fitting the bill, the governments fitting the bill. So either the state or the local entities who are undergoing those projects right now.

So in our recommendation here on page 2, what it says is we encourage the legislature to meet the goal of the expanded apprentice and training programs by using one-time state money to fund the expansion. So rather than allowing this particular bill to take effect, since the state is currently flush with money, they might be able to just fit the bill themselves right now, fund the program right now where they could provide the services to the apprentices and training program and not pass on the bill to the governments who are paying for the public projects. So in our opinion in review of this particular piece of legislation we would recommend an opposition to this.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: It makes sense to me to oppose this.

COMMISSIONER GREENE: I agree. I also agree with the idea of a hold-harmless sort of incentive if this is something that the legislature thinks is such a great idea and their flush with money, maybe they should fund it and therefore we could be in support of it, but just as it stands, it does not seem supportable.

COMMISSIONER HAMILTON: I agree.

COMMISSIONER BUSTAMANTE: Madam Chair, Mr. Miller, I agree as well. I think these are really important things to fund, apprenticeships. The government stepping in and requiring the employers to do that is one thing. The employers establishing those mechanisms on their own might actually maybe even allow them to be more inspired to do so if the government were to provide the one-time funds. We’re flush right now with the money; let’s show them the value of having apprenticeships but requiring it – it’s sort of the antithesis of their own will to grow their own operations. So I completely agree and think it’s very important to have these programs but not to be forced for compensation from the contractors or whoever – the employers.

CHAIR HANSEN: Okay. I think you got your direction there. Next.

MR. MILLER: The next one is film production tax credits, and the particular bill in question that we have here is Senate Bill 12 from Senator Rodriguez. And the particular change that they’re making to the film production tax credit relates to a particular item within this change and that is incentivizing film production from outside the Bernalillo and Santa Fe County areas. So it would be – what the incentive is is that you get between a five to ten percent incentive in addition to the already established

rebate if you're outside a 60-mile radius from the county borders itself. So effectively, if you're getting a bigger rebate from 60 miles outside of Santa Fe County or Bernalillo County, your cost of production is cheaper. So it would make sense that if a film production has a cheaper price outside those areas it is more likely that they would go outside those areas to film their larger film productions. And so for that reason we were looking at this particular bill in the way that it is crafted currently in its form, in its current state is that we would look at opposition to this particular change in the film tax credit.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Hvtce. Thank you, Madam Chair. I'm all in support of the film industry growing as we've talked about up here but this bill is pretty terrible, both for Santa Fe County in general, but I want to very specifically bring up a point to my fellow Commissioners. The film tax credit appears to be one of the most unjust rules in New Mexico right now, where they're giving 30 to 40 percent tax rebates to films for being shot on state land, on fee-simple land, and penalizing all of the pueblos and tribes in the state. So one of the issues that I think that we should be advocating for as three of the pueblos in our county have shown an interest, and Tesuque was one of the first to create a tribally owned film facility is asking for equity and justice in the film industry, in Senate Bill 12, that allows for the pueblos to partake and the tribes and Navajo Nation as well, to partake in the film tax rebate and finding the appropriate language to change the bill in a way that we could advocate on behalf of our pueblos.

CHAIR HANSEN: I don't see any issue with that, but do the pueblos get any other rebates at all?

COMMISSIONER GREENE: No.

CHAIR HANSEN: There are no tax incentives?

COMMISSIONER GREENE: They've been cut out of the film bills at this point.

CHAIR HANSEN: Okay. It seems – I don't know if there's enough time in this legislative session but in the future I think it's an important thing to look at. Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. Thank you for the information. I don't know what the timeframe would be but for this specific request I agree with opposing this for the reasons stated.

CHAIR HANSEN: Yes. Anybody else?

COMMISSIONER HUGHES: I'm willing to go along with my fellow Commissioners, because I find this – I have to study this for a long time to really understand what's going on.

COMMISSIONER GREENE: If I may, for a second, one of the interesting parts of this is the champion of this bill is Senator Rodriguez, our very own. And so this is literally bad for us, bad for our tribes. It's a potentially good thing though, except for how it cuts out Santa Fe County and the tribes. And Santa Fe County is just a five or ten percent penalty. This is really for – everybody at the Roundhouse is currently calling this the Las Cruces bill and the fact that the tribes are cut out 100 percent statewide. And I think we need to sit with Senator Rodriguez and just reiterate this, that this is bad for

Santa Fe County and she's our rep and she needs to understand very specifically this five or ten percent penalty for us as well as the 30 to 40 percent penalty for tribal films.

Pure opposition is one thing but actually advocating and saying this is ridiculous. You're our rep.

CHAIR HANSEN: I don't have any opposition to speaking with her about this. I think we're looking out for Santa Fe County, and we have three tribes in Santa Fe County that are interested in film.

MANAGER SHAFFER: To be clear, if I could, Madam Chair. We weren't suggesting we oppose the whole bill. I think there are things in it that the film industry supports such as raising the cap relative to payouts of the refundable tax credit, but that one particular provision which again, further incentivizes productions outside of Santa Fe and Bernalillo County. We want to be able to take a position against.

The other issue that we wanted to highlight is that there is a provision in the bill that creates a film and media fund and limits its use to so-called film academies. And the concern that has been raised by several entities is that it doesn't allow for funding from that fund for other institutions of higher education that also have very worthwhile film programs. And so that would be another aspect of the bill. Again, we're not opposing it in total but an aspect of the bill that we wanted to bring to your attention and get direction. Then we could lobby to have that changed so as to free up the use of that fund for other institutions of higher education.

COMMISSIONER BUSTAMANTE: Madam Chair, I just want to say that would be important, particularly because Santa Fe Community College has been the benefactor in the early days of the film programs and programming and we don't want them to be left out of any potential sources of funds that would again, continue to allow us to do more films in Santa Fe County. So, thank you.

CHAIR HANSEN: Thank you, Commissioner Bustamante. Okay, so you have direction on that. On the second thing you handed out we have Legislation of Interest.

MR. MILLER: Yes, Madam Chair. These are particular items that we aren't looking for a particular position on currently, but should you want to provide one but you can do so. But they are very important and they will be impactful to Santa Fe County so we did want to bring them to your attention. We have four different categories within this particular handout that I've provided you. The first one is GRT distribution to counties, and there's two bills here, Senate Bill 514 and House Bill 440, and in review of these particular bills they are very similar in what they're trying to accomplish. On face value, it looks like it's a good idea because they're taking away a percentage of overall state GRT and just putting that into a fund, and then providing that to counties and municipalities, because all that GRT goes to the state and they're just looking to provide a fund to provide additional resources to local governments.

But what this relates to is House Bill 367 and this particular piece of legislation, what House Bill 367 is trying to do is eliminate the pyramiding taxing that occurs for small businesses. So within that they would eliminate the tax on particular professional services such as legal services, payroll services and some HR services. And that would eliminate a lot of GRT that's collected by both the City and the County here in Santa Fe. And so from preliminary calculations, the distribution provided by Senate Bill 512 and

House Bill 440 aren't enough to make the City and the County whole again from the lack of the – elimination of the pyramiding. So we're looking more towards some sort of fix that would provide that continuous revenue stream to localities if such – the elimination was provided in House Bill 367. So these will go through some changes as they go forward, both House Bill 367 and these particular bills as everything tax-related gets ultimately condensed into a tax package.

We just wanted to make you aware that this was one of the items which is trying to I guess dampen or lessen the impact that would be created from the elimination of pyramiding.

On page two of this particular handout there are two bills here which are very concerning and they relate to allowing additional housing and ultimately what they are allowing with the passage of these two bills, House Bill 425 and Senate Bill 333, is that if you have a single-family zoning lot and you have a house on it, then you would be allowed to build on that an additional 1,000 square foot single-family residential housing unit on that lot. And it doesn't exclude any size. And so that just raises a lot of concerns regarding a lot of different items. Water usage, electricity, usage, sewer usage, parking usage – just overall density within a community.

The one advantageous thing in this is that if there was more building created within a particular local governing area it would raise property taxes because you would have more places to tax. But there are a lot of issues still related to this and we're just bringing this to your attention. Neither one of these bills has made it to its first committee hearing. House Bill 425 has been scheduled twice on Friday and also again today, but these may be reworked and trying to fit specific geographical locations within the state, but just the way that they're written now is that they're very problematic in the way that they would affect our own Santa Fe County SLDC.

CHAIR HANSEN: And I have gotten numerous letters from my constituents opposing this 425. Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, but I just want to – I just feel kind of compelled that there are multiple sides to this. So in Santa Fe County, there is a lot of concern about increased housing density and zoning very much followed that. And there are valid concerns about water. On the other hand we have a tremendous problem with lack of housing and we're not talking about building housing to invite new people in. The very fact that we have people who need housing – they're here, using water, living in what not. There's not enough housing for them.

And so the other side of it is this is one of the most effective ways nationwide to increase housing. I've been a Commissioner for a little over six years. Getting more housing is one of the hardest nuts to crack. And so on the one hand, we don't want to upset our constituents who want only big properties and big houses. And I'm not saying that cynically and I'm not actually slighting anybody. I actually don't think something like this would cause infill everywhere. I recognize it would make our Land Use Department and make everybody's head explode. And I respect that too, because of how hard everybody worked on the SLDC. But there's more than one side to this, and I think dismissing it out of hand is inappropriate. I think it has some merit.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I think Commissioner

Hamilton brought up some of the exact issues that make this bill – one of the co-sponsors is our own Reena Szczepanski. I'm sure she did this for the best of motives to try and increase affordable housing and I did send her an email expressing some of my concerns because there are places in Santa Fe County where there really isn't enough water to double the housing. And most of the way the bill is written there are no exceptions hardly, and so theoretically, someone who lived in a townhouse in Rancho Viejo could convert their garage into a whole other dwelling unit and rent it out to a family and where would everybody park?

It could – it has some potential for doing good and the analysis showed some examples of other communities that have passed laws like this but they always have – were exceptions for, okay, the lot has to be a certain size. It has to have enough room to actually build an additional dwelling unit. And it has to have water and things like that. So I think it's another opportunity for us to work with Representative Szczepanski over the interim if she wants to pursue this to make it into something that would be good.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Reiterating what the two previous Commissioners have said, I also want to say that I'm a big advocate for the additional dwelling units. In the world full of NIMBYs, YIMBY is the solution and nobody gets to tell you what you can do on your own property. So lead by example and build a guest unit and rent it to somebody that's worthy and working for our community is the best solution that we can all do ourselves. However, this bill is something that sort of takes a lot of our rights and our regulations out of the way and it's much more complicated than this one size fits all.

So while I think that we should work on trying to lead by example for our own county, with our own SLDC and how we can make it easier for ADUs, whether it's for water use or parking use or other requirements here, this is probably not the best bill going forward right now. So I look forward to working with you all on our own solution for this and not having something shoved in our face. So thank you.

CHAIR HANSEN: Yes, I think that is – the City has already allowed people in the City of Santa Fe to build an additional dwelling unit on their property if they wish, or two. So I think this is more of a neighborhood or a city, county issue that we should consult our homeowners associations. The homeowners association that is more opposed for me is my Las Campanas constituents, but they also have very severe water restrictions. So I don't know if they could build another house on their property, because it's not allowed. But I think it's clear that we don't have to make any position or take any position here. We can move on.

MR. MILLER: Thank you, Madam Chair. The next item here on page 3 is salary increases, and this relates to County officials' salary increases. And this is more just an FYI because this ultimately would relate to the County budget and if these salary raises were okayed by the legislature it would still take the enactment of the County Commission to okay a salary increase for the particular County official offices. So it would take effect in the next election cycle, so 2024. It's just an FYI.

Senate Bill 324 has actually passed the Senate today and it went through unanimously, 38-0, and that's related to assessors and also appraisers in the Assessor's Office. So these are more just informational that these could be potential budgetary items

in the few years to come.

And the last item I have here on page 4 is the loud car exhaust. And this was just more of a standalone update for the Commission. It was highlighted in a previous meeting that we just wanted to know how this was going and where it stood in the legislature currently. So it has passed its two committee assignments so far, and it's next stop would be the Senate floor. The way the legislation is written is that it's authorizing Class A counties and municipalities to enact such ordinances related to the loud car exhaust. So the legislature is giving these Class A counties the okay, but it would go down the individual counties or municipalities themselves to give the okay whether they want to implement and enforce such a regulation.

And so with that, those are all the items, particular, specific legislative items that I wanted to bring to your attention today.

CHAIR HANSEN: Thank you, Hvtce. I have one item that somebody asked me to bring forward. It's a House Memorial. It's introduced by – it's House Memorial 36 and Representative Sanchez is interested in a memorial to study the distribution of gross receipts tax from Los Alamos County and distributing it to other counties in the surrounding area that are affected by Los Alamos. I believe it has a hearing on Friday. I'm asking the Board what your positions are on this.

COMMISSIONER HAMILTON: Are you going to speak on it?

CHAIR HANSEN: I've been asked to speak on it.

COMMISSIONER HAMILTON: Speaking as an individual.

CHAIR HANSEN: Of course, but I haven't made any decision and I wanted to know how the Board felt about it.

COMMISSIONER HAMILTON: Do you or maybe Hvtce have a little bit more information on it? I honestly don't know.

MR. MILLER: Madam Chair, Commissioners, I'm sorry. I don't have specific information on this House Memorial right now.

COMMISSIONER GREENE: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER GREENE: So in the past, Los Alamos County has taken the majority or all of the gross receipts tax paid, either voluntarily or through direct purchases from Los Alamos National Laboratories, and the main of their subcontractors and environmental contractors. Some of the work happens in other counties, whether it's Santa Fe County or Rio Arriba County and the municipalities such as Santa Fe or Española in our general area and now with the moving of a couple thousand jobs into the Santa Fe LANL facilities on Pacheco Street and on Guadalupe Street, some of those purchases and some of those slightly voluntary because they're non-profit tax compensating arrangements could be discussed for being given to other jurisdictions and spreading the wealth a little bit.

Los Alamos County has voluntarily offered places like Española a half a million dollars to help them with some of their projects they otherwise wouldn't be able to fund, and they found an alignment with that. This would just make it a study of maybe some equity amongst these things. So it's a study. It's something that would be a great opportunity for us to understand and participate with the study in the interim, and then maybe next year we would get some traction and understand by then whether 2,000 jobs

are stretching our police thin. Do we need the support for housing or whatever it is, but if that's 20 percent or 15 percent of the lab's workforce, 10 percent, wouldn't 10 percent of their gross receipts tax be nice to be given to our communities.

CHAIR HANSEN: Especially since seeing we have probably more than ten percent of their workforce living in Santa Fe County.

COMMISSIONER HAMILTON: So getting information like that and data is good. Flying blind is not, so that certainly makes sense to me.

COMMISSIONER GREENE: Madam Chair and Commissioner, the study's just that. It's to study all those things such as where people live, where people shop. They're going to try to get a bunch of research into that so that they could really present this next year, hopefully, with a more equitable solution. I think we should support it.

MR. MILLER: Madam Chair.

CHAIR HANSEN: Yes.

MR. MILLER: Commissioner Greene is correct in the fact that – I pulled up the House Memorial and that's exactly what it would be. It would be a study and what it says is the study looking at equitable regional tax distributions from Los Alamos National Laboratory or similar federal research facilities in New Mexico, request that the Legislative Finance Committee and the Revenue Stabilization and Tax Policy Committee study the issue in the event no Taxation Task Force is commissioned in 2023.

So what the House Memorial is asking is that specific direction from the legislature to look at LANL or other federal research facilities and its impact on the surrounding communities in providing equitable contributions, so it's, like Commissioner Greene said, it's a study and the specific direction.

CHAIR HANSEN: I think it goes along with when I spoke to NNSA of them saying that they really needed to do more for the surrounding communities. This is a way to look at that and actually move it forward. And since it's a study I think it's valuable to find out what the impacts are in Santa Fe County and what impacts LANL has on us.

COMMISSIONER GREENE: And one more point to this is hopefully, if this does pass, that we could really participate in this. This is everything from emergency management and Chief Vigil talking about nuclear waste coming through our community and all of the different aspects, whether it's housing, emergency services – there's a lot of ways that we could actually present and be very forthcoming with our information and the impacts on our county towards this study and then so I would hope that this would, a) pass, and then b) we would actually put forward a presentation that talks about all of these different aspects that we could put forth to the interim study on this. So thank you.

COMMISSIONER HAMILTON: That sounds like a real good idea. Thanks for bringing that forward.

CHAIR HANSEN: Okay. So I feel like if Commissioner Greene was there we could say that Santa Fe County supports this study. And I think that Representative Sanchez would be grateful for our support since he represents Rio Arriba.

The other issue I wanted to bring up, you brought up earlier, Commissioner Hughes, is Senate Bill 398, allowing housing Commissioners multiple city jobs. Is that where your – and this is brought by Rodriguez – is there where the Housing Board is? It

says it allows a Commissioner of a local housing authority to hold office or employment for the same city where the Housing Authority operates?

COMMISSIONER HUGHES: Yes, Madam Chair. That is the one I wanted to bring up and get some direction on. And this is – we passed a resolution in support of this. That's a terrible title.

CHAIR HANSEN: Totally.

COMMISSIONER HUGHES: For what it is. It goes along with the way, as I mentioned, that the Municipal Housing Statute is written to be as confusing as possible, I think. But it's our request to remove the sentence in part of the bill that says a housing commissioner can't hold any other office. In other words – but since that time, as I mentioned, I've been talking to the director of the Eastern Regional Housing Authority who was around when a lot of the legislation was written and he pointed out that there is another part of the bill that allows the County Commission to basically be the board. Our concern I think in that case would be then we can't have our two additional members.

My suggestion this morning to staff was that either we not pursue this bill, and I have a personal reason for wanting to do that. Senator Rodriguez is going to present this tomorrow but only if I'm her expert, and I don't feel like I'm an expert at the moment because for one thing, we can't find our own agreement with HUD. So I don't know if we are – if the HUD agreement is with the County, and then therefore we are operating under Section 4, which means the County Commission is the board and we're in violation probably by having two additional members, or if our agreement is with a housing authority which is a separate entity, and then we're in violation for having the Commissioners on the board.

And given that it's so late in the session and we know it's not going to pass I guess there's two options. One is we can go ahead and present it tomorrow and see what comments we get from the Senators, or we could – I'm sure Senator Rodriguez would be perfectly happy for me to say, let's wait till next year and study it over the summer. Or two years. Or if we get on the Governor's call. I'm happy to go either way, but I'm looking for direction but I'm just saying that I'm a little uncomfortable being her expert with so much uncertainty and the fact that if they start asking, well, how is Santa Fe County set up and I don't know the answer.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I guess – I would totally support you in everything you've said. So my question is, this was – we were trying to get something done quickly to fix what our Legal Department thought was having us in a little bit of a bind. So what would that do to that situation?

COMMISSIONER HUGHES: Well, it might fix it but it might not.

COMMISSIONER HAMILTON: The bill might fix it or not.

COMMISSIONER HUGHES: The bill might fix it.

CHAIR HANSEN: But it might not.

COMMISSIONER HUGHES: But it might not.

COMMISSIONER HAMILTON: Which makes sense like maybe we should just drop this if it doesn't fix it, but then what do we do in the interim until next year or two years from now.

CHAIR HANSEN: County Manager.

MANAGER SHAFFER: I think the bill would fix the issue. It would. Because it would remove an impediment to having an independent Housing Authority on which the Board of County Commissioners sit. I don't think there's any doubt about that, that it would have that effect, and therefore open up possibilities for this Board or for the City Council or the Board of County Commissioners of any entity subject to the Municipal Housing Law to have greater flexibility in how they structure their operations.

I think as a practical matter, notwithstanding the existence of the Housing Authority Board, for all intents and purposes the Housing Authority is a division within the County. So I think we will be able to exist in some form and continue to discharge power under the Municipal Housing Law if the act does not go forward, but I think at some point there needs to be some clarity brought to this issue in terms of what our exact structure is. So that's a long answer to your question but in terms of the actual effect of the bill, I don't think there's any doubt but that it clears up this issue so that again, County Commissioners could in fact serve on the Board of a truly independent Housing Authority which we currently do not have.

COMMISSIONER HAMILTON: Thank you for the answer. In which case I would strongly recommend that we try to get it passed this year, all these uncertainties notwithstanding and maybe you could get Attorney Young or somebody to go with you.

COMMISSIONER HUGHES: That's what I was going to say. If someone could come with me that might be helpful.

COMMISSIONER HAMILTON: That I'm sympathetic with.

COMMISSIONER HUGHES: I don't know whether Attorney Young wants to sit over there in the Senate Health and Public Affairs with me. I think it's fourth on the agenda so it probably will come up tomorrow. And I guess my discomfort level is a little bit increased because I can say that certainly our intent has been to have an independent Housing Authority with Commissioners on it. And I think Manager Shaffer is right. This fix would fix that. And so –

CHAIR HANSEN: How about Jordan? Is he comfortable – are you comfortable, Jordan, speaking on this? You're our Housing Director so – I don't mean to put you on the spot.

JORDAN BARELA (Housing Director): Madam Chair, I certainly would be comfortable going. In terms of the specifics of the legalities, that would be information that I have brought in from the County Attorney's Office and something I couldn't speak to maybe to the degree that the County Attorney's Office could. But certainly regarding my understanding of the background of the Housing Authority, why we're making this request, I would certainly feel comfortable speaking in that respect.

COMMISSIONER HUGHES: So if you're willing to come with me then I'm fine. I think – part of my worry was that it would pass and then we would find that there was something else we really wanted to fix that's still in there because it's so complicated, but I think the chances of it passing this time are very slim. So I'm not actually – so there is some value in finding out if there are other concerns that the Senators bring up that we aren't aware of. Okay. So we will go tomorrow. I'll see you there at 1:30 or half hour after the Senate floor session. Thank you.

CHAIR HANSEN: You'll get his cell phone.

COMMISSIONER HUGHES: Text me your cell phone.

COMMISSIONER HAMILTON: Okay. Hvtce, I know we've kept you quite a long time. Is there anything else anybody wants to say about these bills?

MR. MILLER: Madam Chair, I just want to offer my thanks for your direction provided at today's meeting and also offer my thanks to the staff who has helped me review many, many bills and their effect on the County. So I just want to offer my appreciation. Thank you.

CHAIR HANSEN: Thank you very much.

10. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS

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

CHAIR HANSEN: Who would like to go first? Commissioner Hamilton.

COMMISSIONER HAMILTON: I actually don't have anything at this time. Thank you.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I don't have anything at this time either.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Just to remind everybody that on March 2nd we're going to be having the Aamodt update with Representative Romero and the Bureau of Reclamation up at Pojoaque High School. This is a great opportunity for folks that didn't hear the presentation today and to get more information from the BOR on Thursday. Drive carefully. The weather is supposed to be a little messy, so if it gets really bad tune in to find out whether it's been postponed a few weeks to wait for spring. So thank you and I'll look forward to seeing you all up there.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. At least my list is longer than anybody else's but I'll be very quick. I do want to invite anybody who's interested. Olivia and I were going to meet with Rachel Brown to talk about the condemnation ordinance, which can also be called like a lien or clean, like either you clean it up or we put a big lien on your property and take it away ordinance, which is what Bernalillo County has. Because there is a property in District 5 that has been causing problems as well as yours has.

I wanted to mention that Rancho Viejo has a ladies club and the Ladies Club of Rancho Viejo would like a senior center, and so Manager Shaffer and I discussed this and talked about maybe at some point doing a study to see where we might need new senior centers. But the Community College District is growing so quickly it's pretty easy to imagine that we might at some time in the next few years want a senior center there. And they of course – they look across the desert to Eldorado and see the nice senior center and library that we have over in Eldorado and they want the same on their side.

I'm having a townhall on March 7th online, Webex, and just a couple

announcements. The sewer project that's going to connect Arroyo Hondo through Oshara over to the Quill Plant eventually is starting to be laid out and there's a lot of questions from residents over there. But Olivia and I have been filled in and think we understand what's going on.

And finally, the Regional Transit District has restarted bus service to Eldorado, and so I can ride the bus in tomorrow for the hearing at the legislature, and hope that it doesn't go so late that I have to get a ride home. But anyway, I encourage everybody who lives in Eldorado, if they're listening, to take the bus when you can. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. I have a few updates. Laura and I have been working with the EPA and NNSA to set up some townhalls. EPA is going to be here at the end of the month to discuss WIPP and the tritium release, and NNSA, I believe, is looking at April 6th to be here to have public comment on the issues that they deal with up at LANL. And so more to be said about that when they firm up the dates. But that is all I have at the moment, but I see Michelle is standing there so she must have something she wants to say.

MS. HUNTER: Madam Chair, Commissioner Greene, I wanted to note that the meeting for Aamodt has been moved to the Intermediate School. So I just wanted to make sure that you knew that.

CHAIR HANSEN: Moved again?

COMMISSIONER GREENE: This is the fourth time. Are we 100 percent sure?

MS. HUNTER: That, in our meeting, our prep meeting yesterday with BOR, OSE, and the Representative, that is what I heard.

CHAIR HANSEN: What's the address?

MS. HUNTER: I will get you that.

COMMISSIONER GREENE: Okay. It was at the high school –

MS. HUNTER: It's very close to the high school.

CHAIR HANSEN: Right at the intersection?

MS. HUNTER: I think, yes. One's on one side and one's on the other side.

COMMISSIONER GREENE: One's in front; one's in back.

MS. HUNTER: Yes.

COMMISSIONER GREENE: Okay.

CHAIR HANSEN: It's been a dilemma of where it's actually going to take place. Okay. Everybody up here, the Commissioners are done?

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

CHAIR HANSEN: Is there anybody on line, Daniel, that wants to speak. And then we have in the office we have Deputy Clerk. Do you have anything you would like to share?

EVONNE GANZ (Deputy County Clerk): No, Madam Chair. Nothing today.

CHAIR HANSEN: Okay. Daniel, do we have any elected officials online who would like to speak?

MR. FRESQUEZ: Madam Chair, Treasurer Manzanares is online.

CHAIR HANSEN: And would she like to speak to us?

JENNIFER MANZANARES (County Treasurer): Good afternoon, Madam Chair, members of the Commission. We have nothing other than we're preparing for a second half property tax collection.

CHAIR HANSEN: Okay. Well, thank you, to remind everyone to pay your property tax when you get your bill on April 10th to May 10th, I believe is the correct dates. If I'm wrong, please correct me, Treasurer Manzanares. Okay.

11. 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 Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:**

1. **Breach of Settlement Agreement and Related Agreements Related to Annexation**

CHAIR HANSEN: Mr. Young, would you like to take it away?

MR. YOUNG: Thank you, Madam Chair and Commissioners. I would request that we go into executive session this afternoon to discuss 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, specifically including breach of settlement agreement and related agreements related to annexation. I don't expect it to be a long session, Madam Chair.

CHAIR HANSEN: Mr. Young, can we adjourn from now or should we wait until afterwards? Your call.

MR. YOUNG: Madam Chair, I think I would defer to the Commissioners on that. We could certainly adjourn now and then wait for the record next meeting that we went into executive session, discussed on the matters that were on the agenda, did not take any action. So whatever the pleasure of the Board is.

COMMISSIONER GREENE: Just to be clear, you have no recommended actions for us. It's just a briefing?

MR. YOUNG: Correct. It's just an update and there is no action on the agenda to come out of that session. Of course the Board, if they felt like there was some action we could come on the record and we could take that but I'm not anticipating any at this point.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I would suggest we adjourn now. Otherwise everybody has to stick around.

CHAIR HANSEN: And thank you for all the informational reports and Director Snyder, you may leave.

COMMISSIONER HAMILTON: So Madam Chair, I would move that we adjourn from the general meeting and convene in executive session for the matters Attorney Young mentioned.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay, I have a motion by Commissioner Hamilton and a second by Commissioner Hughes. Roll call vote.

The motion to go into executive session passed by unanimous roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Aye
Commissioner Hughes	Aye
Commissioner Hansen	Aye

[The Commission met in executive session at 5:05.]

12. PUBLIC HEARINGS

- A. Case # 21-5010-5054 Suerte del Sur LLC/Rancho Cielo Grande Subdivision Preliminary and Final Plat Approval. Suerte del Sur LLC, Applicant, NM Land Solutions (Victoria Dalton), Agent, Request (1) Approval of an Affordable Housing Agreement for Rancho del Cielo Grande Subdivision and (2) Preliminary and Final Subdivision Plat Approval for Rancho del Cielo Grande Subdivision (12 Lots) on a Total of 127.94 Acres. The Proposed Development is Accessed via Las Campanas Drive, Los Suenos Trail, and La Vida Trail, within T17N, R9E, Section 24, (Commission District 2) (Growth Management Department/John Lovato, Case Manager) **TABLED BY APPLICANT**

13. INFORMATIONAL ITEMS / REPORTS

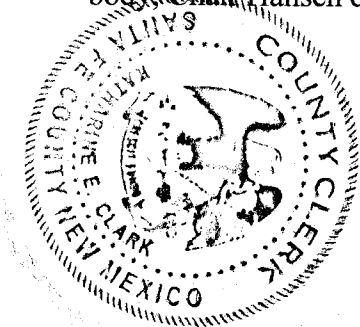
- A. Community Development Department January 2023 Monthly Report**
- B. Community Services Department January 2023 Monthly Report**
- C. Finance Division December 2022 Monthly Report**
- D. Growth Management Department January 2023 Monthly Report**
- E. Human Resources Division January 2023 Monthly Report**
- F. Public Safety Department January 2023 Monthly Report**
- G. Public Works Department January 2023 Monthly Report**

There were no comments regarding the Informational Items. [See under Executive Session.]

14. CONCLUDING BUSINESS

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

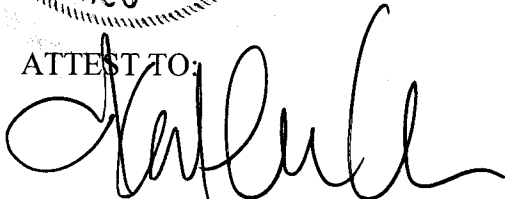
Having completed the agenda and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 5:05 p.m.



Approved by:



Anna Hansen, Chair
Board of County Commissioners

ATTEST TO:

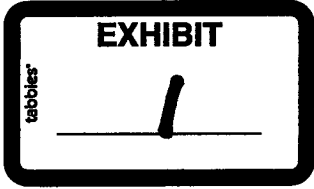


KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:


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

SFC CLERK RECORDED 03/30/2023



Legislation Identified for Potential Formal Position Consideration

RETURN TO WORK

Bill: SB124

Sponsors: Padilla (D14)

Title: PERA RETURN TO WORK AND MAXIMUM BENEFIT CHANGES

Staff Recommendation Officially support because it may help with staffing challenges by encouraging (1) existing employees to work longer to earn a larger pension and (2) retired employees to return to work since they would not have to suspend their pensions. Staff does not believe that the number of people returning to work will take all available jobs. Consequently, County will still need to continue to increase salaries to compete in this exceedingly tight labor market. Board of County Commissioners has already expressed support for targeted return to work bill for detention officers. This broader bill may help staffing issues in all areas of County government.

Analysis: Introduced 01/19/2023 — (Governor’s bill; combines 2022 SB50 and SB243) Permits a retired public employee under any coverage plan to return to work for an affiliated public employer and continue to receive their pensions, under certain conditions; and increases maximum amount of a PERA pension for long-time employees from 90 to 100 percent of final average salary.

First, the measure introduces a new return-to-work provision for retired PERA members. To qualify:

- The retired member must not have been an employee of or independent contractor for an affiliated public employer from which the member retired for at least 12 consecutive months from retirement to subsequent employment or reemployment
- The member’s pension shall continue to be paid during the subsequent employment
- The retired member shall not become a member during the subsequent employment
- The member shall not accrue service credit for any portion of the subsequent employment
- The member and the member’s subsequent affiliated public employer shall make contributions required under the applicable coverage plan during the entire period of subsequent employment
- Contributions paid by or for the member during the subsequent employment are not refundable at termination
- Subsequent employment occurs for a period of no more than 36 consecutive or nonconsecutive months.

Second, the bill amends several sections of the Public Employees Retirement Act to increase the maximum amount of a pension a PERA member may be able to earn from 90 to 100 percent of final average salary. This provision benefits a very long-time state employee whose service credit is 30 years or longer. A retiree with 30 years of credit would currently be entitled to 90% of final average salary (.03 x final average salary x 30 years). The substitute caps maximum possible pension at 100% of final average salary after roughly 33 years of service credit.

Effective date is July 1, 2023.

SHPAC Committee Report 02/06/2023 — Senate Health and Public Affairs Committee amendment to SB124 limits the right of a retired public employee to return to work for an affiliated public employer to the time period beginning July 1, 2023 and continuing through July 1, 2029.

Goes next to Senate Finance Committee.

Amendments In Context 02/06/2023 — Senate Health and Public Affairs Committee amendment to SB124 limits the right of a retired public employee to return to work for an affiliated public employer to the time period beginning July 1, 2023 and continuing through July 1, 2029.

Goes next to Senate Finance Committee.

Subjects: Public Employees/Retirement; Labor; Family and Juveniles

Related: 2022:SB50; 2022:SB243

SFC CLERK RECORDED 03/30/2023

Progress: 1st House: Reported from Committees
Status: 02/06/2023 — Senate Finance Committee
History: 01/19/2023 — S Introduced and referred to Senate Health and Public Affairs.
01/19/2023 — S Also referred to Senate Finance.
02/06/2023 — S Reported Do Pass as amended by Senate Health and Public Affairs.

PUBLIC WORKS PROJECTS CONTRIBUTIONS

Bill: HB46
Sponsors: Garratt (D29)
Title: PUBLIC WORKS PROJECT CONTRIBUTIONS: APPRENTICE AND TRAINING PROGRAMS
Staff Oppose in current form, since it will add to the cost of public works construction projects.
Recommendation Encourage Legislature to meet goal of expanded apprentice and training programs by using one time State money to fund expansion.
Analysis: Prefiled 01/10/2023 — (Similar to 2021 HB21 and 2019 HB550) Requires all employers on public works construction projects to contribute to approved apprentice and training programs or to the Public Works Apprentice and Training Fund. Makes conforming references to the Workforce Solutions Department.
The existing exemption from this requirement for certain public works construction projects is eliminated; those projects include street, highway, bridge, road, utility or maintenance contracts.

HLVMC Committee Report 01/26/2023 — House Labor, Veterans and Military Affairs Committee amendment to HB46 creates an Apprenticeship Scholarship Fund to be administered by the Workforce Solutions Department Proceeds in the fund are to be used for purchasing books, tools, and other equipment needed for the apprenticeship program; necessary fees for the program or any related licenses or certifications; and covering unreimbursed expenses incurred by apprentices to successfully complete an apprentice and training program, such as child care and transportation. (No provision is made for funding the Scholarship Fund.)
Goes next to House Government, Elections and Indian Affairs Committee.
Subjects: Labor; Construction and Materials; Public Finance and Budgets; Business, Manufacturing and Economic Development
Related: 2021:HB21; 2019:HB550
Progress: 2nd House: Referred to Committee
Status: 02/20/2023 — Senate Tax, Business and Transportation Committee
History: 01/10/2023 — H Prefiled in the House.
01/18/2023 — H Introduced and referred to House Labor, Veterans' & Military Affairs.
01/18/2023 — H Also referred to House Government, Elections & Indian Affairs.
01/26/2023 — H Reported Do Pass as amended by House Labor, Veterans' & Military Affairs.
02/09/2023 — H Reported Do Pass by House Government, Elections & Indian Affairs.
02/17/2023 — H Opened for floor debate.
02/17/2023 — H Passed 36-25.
02/20/2023 — S Received in the Senate and referred to Senate Tax, Business & Transportation.
02/20/2023 — S Also referred to Senate Finance.

FILM PRODUCTION TAX CREDITS

Bill: SB12
Sponsors: Rodriguez (D24)
Title: FILM PRODUCTION TAX CREDIT ACT CHANGES
Staff Oppose (1) increase in tax credit from 5 to 10% for film productions that are not a New Mexico film partner and are located more than 60 miles outside of Bernalillo and Santa Fe Counties and (2) limiting use of film and media fund for film academies (as opposed to other institutions of higher learning). The increase in the tax credit will make Santa Fe County less competitive for film productions, all other things being equal. Limiting the use

of film and media funds to film academies may disadvantage other institutions of higher learning offering film training.

Analysis: Introduced 02/08/2023 — Makes a series of changes to the New Mexico Film Production Act, including increasing the annual aggregate tax credit cap from \$110 million to \$210 million in \$10 million increments each July 1 (starting July 1, 2023), revising the amount and type of wages for which credit will be granted, boosts the credit percentage for work, services and items provided outside Bernalillo and Santa Fe Counties from 5% to 10% and creates a film and media fund to operate one or more media academies.

Definition (Section 7-9F-2) changes:

- “film” - includes national or regional advertising messages streaming in more than one state;
- “New Mexico film partner” – simply moves the definition from 7-9F-12;
- “qualified production facilities” for film production companies commencing principal photography after December 31, 2023 – a building or complex of buildings designated as a qualified production facility by EDD’s Film Division under EDD rules establishing minimum requirements, including for a sound stage and a standing outdoor set.

For certain productions on which a tax credit claim is based, adds that the production company must report to the Film Division the results and final outcome of the strategy, tactics and specific goals in hiring a diverse and inclusive workforce.

Makes vendors to film production companies subject to random audits and site visits, requires them to provide documentary proof that the vendor meets Film Production Act requirements and declares that they may lose Act status for falsification in the documentation.

Adds requirements for Film Division certification of the company’s budget:

- Agreement of the film production company to make a financial or promotional contribution toward media-related education or workforce development efforts in New Mexico.
- For films with budgets over \$5 million, the film production company provides a strategy, tactics and specific goals in hiring a diverse and inclusive workforce.

Dumps the existing provision allowing for roll-over of unused aggregate tax credit capacity. To receive the tax credit, the production must acknowledge not only New Mexico but also any other New Mexico jurisdiction in which the production filmed or was permitted to film. The film production company must also agree in writing, for productions over \$5 million, to submit to the Film Division a physical asset within 60 days of TRD approval of the tax credit. Division shall manage the asset and have rights to use the assets and its images in marketing.

Excludes from the \$5 million cap on expenditures for services of performing artists the services of resident performing artists cast in an industry standard feature performing role. For NM film partners, caps the aggregate expenditure for services of nonresident performing artists, directors, screenwriters and editors at \$15 million.

Additional tax credit amounts (Section 7-9F-14):

- Limits 5% additional for production on qualified production facilities to days the facility is used for production;
- Allows 10% instead of 5% for direct production expenditures and postproduction expenditures for work, services or items provided on location for production at least 60 miles outside the exterior boundaries of Bernalillo and Santa Fe Counties;
- Awards only to film partners an extra 5% for television series with a New Mexico budget of at least \$15 million per episode, with a minimum of 6 episodes, or a non-television film with a NM budget of at least \$100 million but this 5% is not in addition to the existing 5% for standalone pilots or shooting on a qualified production facility.

Nonresident below-the-line credit changes:

- o Excluded from the eligible wage payments are payments for producers, directors, screenwriters, cast and production assistants and payments to personal services businesses.
- o Total amount of wages creditable toward this tax credit limited to the amount of resident below-the-line wages claimed;
- o For film production companies other than film partners, a mostly new set of requirements:
- o Total eligible wages for nonresident below-the-line crew limited to 15% of the production’s total NM budget for below-the-line crew wages (existing requirement);
- o Film production company must employ specified numbers (up to 20) of nonresident

SFC CLERK RECORDED 03/30/2023

below-the-line crew depending on the size of the production's final NM budget.
Doubles from \$2 to \$4 million the amount of development training funds that may be used to reimburse film and media production companies and to provide on-the-job training.
Creates the non-reverting Film and Media Fund, administered by EDD, to equip, furnish and operate one or more media academies to train students and promote filmmaking.
Repeals Section 15-3B-7.1 which requires that GSD provide free access to state buildings to the motion picture industry.

STBTC Committee Report 02/17/2023 — Senate Tax, Business and Transportation Committee amendments to SB0012 do three things.

- (1) Audits required under Section 7-2F-11 will be performed by Taxation and Revenue Department, not the Film Division.
- (2) Re-organizes the incentives in Section 7-2F-14, as amended by the original bill, into those applying to New Mexico film partners and those applying to other film production companies but does not change the incentives from the original bill with one exception. NM film partners may continue to receive the additional 5% credit for using qualified film production facilities without regard to the number of days the facility is used.
- (3) For the nonresidential below-the-line crew credit, adds a requirement that the film production company provide a 72-hour notice of the opportunity to be hired as resident below-the-line crew.

Bill advances to SFC.

Subjects: Business, Manufacturing and Economic Development; State Affairs and State Agencies; Taxation, Fees and Audits; Public Finance and Budgets

Progress: 1st House: Reported from Committees

Status: 02/17/2023 — Senate Finance Committee

History: 02/08/2023 — S Introduced and referred to Senate Tax, Business & Transportation.

02/08/2023 — S Also referred to Senate Finance.

02/17/2023 — S Reported Do Pass as amended by Senate Tax, Business & Transportation.



Legislation of Interest

GRT DISTRIBUTION TO COUNTIES

Bill: SB514

Sponsors: Kernan (R42)

Title: ALL CITIES AND COUNTIES FUND; DISTRIBUTION OF STATE GROSS RECEIPTS TAX REVENUE

Analysis: SIRC Committee Substitute 02/21/2023 — Senate Indian, Rural and Cultural Affairs Committee Substitute for SB0514 (generic bill; near duplicate of HB0440), starting with July 2023, requires 24% of the revenues attributable to the gross receipts tax be distributed to the "cities and counties fund" created by this act rather than to the state GF. By November 1, 2024 and each November 1 thereafter, allocates the fund's balance to municipalities and counties by formula, based on their relative populations and gross receipts tax revenues in the prior fiscal year.

Formulas—

1. Distribution to a municipality equals—

Municipal population (EXACTLY as set forth in the bill):

* (0.7 * fund balance/state population) + 0.3 * ((county EGRTR/all county EGRTR) * fund balance) / county population)).

2. Distribution to a county equals—

County area population (EXACTLY as set forth in the bill)

* (0.7 * (fund balance / state population) + 0.3 * ((county EGRTR/ all county EGRTR) * fund balance) /county population))

Where:

- a. "county area population" is the population in that portion of a county located outside the boundaries of any municipality; except that for Los Alamos, it is the population of the entire county;
- b. "county EGRTR" is the equalized gross receipts tax revenue of the county receiving a transfer or, in the case of a municipality, the county in which the municipality is located.
- c. "equalized gross receipts tax revenue" is the net receipts received by TRD in the prior fiscal year, subject to any 7-1-6.15 adjustment, attributable to a county gross receipts tax rate of one-fourth percent.

All population data according to the most recent estimate of resident population for incorporated places as published by the US Census Bureau.

By October 1, 2024 and each October 1, thereafter, TRD to certify to the State Treasurer the amounts to be transferred to each municipality and county.

Substitute moves to Senate floor.

Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies; Energy Resources and Chemicals

Progress: 1st House: Reported from Committees

Status: 02/21/2023 — Senate Tax, Business and Transportation Committee

History: 02/16/2023 — S Introduced and referred to Senate Indian, Rural & Cultural Affairs.

02/21/2023 — S Committee referrals changed.

02/21/2023 — S Referral withdrawn from Senate Indian, Rural & Cultural Affairs.

02/21/2023 — S Referred to Senate Tax, Business & Transportation.

02/21/2023 — S Note: To correct a procedural error, by unanimous consent, Sen. Wirth's motion returned SB514 to SIRC for substitution..

02/21/2023 — S Reported Do Not Pass but Substituted without recommendation by Senate Indian, Rural & Cultural Affairs.

02/21/2023 — S Also referred to Senate Tax, Business & Transportation.

02/21/2023 — S Also referred to Senate Finance.

02/21/2023 — S Note 2: By unanimous consent, Sen. Wirth's motion was adopted to switch sponsor from Sen. Baca to Sen. Kernan..

Bill: HB440

Sponsors: Scott (R62)

Title: ALL CITIES AND COUNTIES FUND; DISTRIBUTION OF STATE GROSS RECEIPTS TAX REVENUE

SFC CLERK RECORDED 03/30/2023

Analysis: Introduced 02/15/2023 — Starting with July 2023, requires 8% of the revenues attributable to the gross receipts tax be distributed to the “cities and counties fund” created by this act rather than to the state GF. By November 1, 2024 and each November 1 thereafter, allocates the fund’s balance to municipalities and counties by formula, based on their relative populations and gross receipts tax revenues in the prior fiscal year.

Formulas—

1. Distribution to a municipality equals—

Municipal population (EXACTLY as set forth in the bill):

$* (0.7 * \text{fund balance} / \text{state population}) + 0.3 * ((\text{county EGRTR} / \text{all county EGRTR}) * \text{fund balance}) / \text{county population})$.

2. Distribution to a county equals—

County area population (EXACTLY as set forth in the bill)

$* (0.7 * (\text{fund balance} / \text{state population}) + 0.3 * ((\text{county EGRTR} / \text{all county EGRTR}) * \text{fund balance}) / \text{county population})$

Where:

- a. “county area population” is the population in that portion of a county located outside the boundaries of any municipality; except that for Los Alamos, it is the population of the entire county;
- b. “county EGRTR” is the equalized gross receipts tax revenue of the county receiving a transfer or, in the case of a municipality, the county in which the municipality is located.
- c. “equalized gross receipts tax revenue” is the net receipts received by TRD in the prior fiscal year, subject to any 7-1-6.15 adjustment, attributable to a county gross receipts tax rate of one-fourth percent.

All population data according to the most recent estimate of resident population for incorporated places as published by the US Census Bureau.

By October 1, 2024 and each October 1, thereafter, TRD to certify to the State Treasurer the amounts to be transferred to each municipality and county.

Subjects: County Affairs; Municipalities/City Government; State Affairs and State Agencies; Taxation, Fees and Audits

Progress: 1st House: Referred to Committee

Status: 02/15/2023 — House Government, Elections and Indian Affairs Committee

History: 02/15/2023 — H Introduced and referred to House Government, Elections & Indian Affairs.

02/15/2023 — H Also referred to House Taxation & Revenue.

Scheduled: 03/01/2023 — House Government, Elections and Indian Affairs Committee, 8:30 a.m., Room 305

ADDITIONAL HOUSING PER LOT

Bill: HB425

Sponsors: Borrego (D17)

Title: ALLOW ADDITIONAL DWELLING UNIT PER SINGLE-FAMILY LOT

Analysis: Introduced 02/14/2023 — (Related to SB333) Amends the Municipal Code to allow the construction of one additional dwelling unit for each lot within a single-family zoning district, regardless of the size of the lot.

The additional dwelling unit shall:

- be no more than one thousand square feet
- be with or without kitchen facilities
- have side and rear setbacks that are no more than five feet from the property line and ten feet from any other structure on the property.

The owner of the additional dwelling unit shall obtain approval from the appropriate health officer prior to any installation of a private liquid waste disposal system.

Prohibits a zoning authority from:

- imposing single-family or owner-occupancy requirements on the additional dwelling unit
- charging additional impact fees if the existing utility infrastructure is sufficient to accommodate the additional dwelling unit
- requiring alternate covered or off-street parking when an existing garage is converted into the additional dwelling unit
- using additional standards to evaluate the proposed additional dwelling unit, except that a zoning authority may require that the additional dwelling unit shall be used for rentals of terms longer than

30 days.

A zoning authority shall consider a permit application for the additional dwelling unit without a discretionary review, hearing or the issuance of a variance or special use permit. A local ordinance, policy, regulation or neighborhood or homeowner association restriction shall not be a basis for a delay or a denial of a building permit for the additional dwelling unit.

An additional dwelling unit that conforms to this bill shall not be deemed to exceed the allowable density of dwellings for the lot on which it is located and is considered a permissive, residential use that is consistent with the existing general plan and zoning designations for the lot.

A covenant, restriction or condition contained in a deed or other instrument affecting the sale or transfer of an interest in a development or association that prohibits or restricts the construction or use of an additional dwelling unit on a lot zoned for single-family residential use that meets the requirements of this act is void as against public policy and unenforceable.

Subjects: Family and Juveniles; Land, Housing and Real Estate; County Affairs; Municipalities/City Government

Related: 2023:SB333

Progress: 1st House: Referred to Committee

Status: 02/14/2023 — House Government, Elections and Indian Affairs Committee

History: 02/14/2023 — H Introduced and referred to House Government, Elections & Indian Affairs.
02/14/2023 — H Also referred to House Judiciary.

Bill: SB333

Sponsors: Maestas (D26)

Title: ZONING LAWS: HOUSING ACCOMMODATIONS

Analysis: Introduced 02/03/2023 — Directs zoning authorities, including home rule municipalities, to accommodate multigenerational housing by allowing additional detached dwelling units within a single-family zoning district. Directs zoning authorities to accommodate one additional dwelling unit within each lot in a single-family zoning district as a permissive use. Prohibits establishing single-family zoning districts after July 1, 2023.

The effective date of the provisions of this act is July 1, 2023.

NMLR NOTE: Is Single-Family Zoning on the Way Out? This question and the general efficacy of single-family zoning is explored in two viewpoints in the Journal of the American Planning Association: "It's Time to End Single-Family Zoning" by Michael Manville, Paavo Monkkonen, and Michael Lens, and Jake Wegmann's "Death to Single-Family Zoning."

"What to Expect in State Legislatures in 2023," American Planning Association:

<https://www.planning.org/blog/9263443/what-to-expect-in-state-legislatures-on-zoning-reform-in-2023/>

Subjects: Land, Housing and Real Estate; County Affairs; Family and Juveniles

Related: 2023:HB425

Progress: 1st House: Reported from Committees

Status: 02/25/2023 — Senate Judiciary Committee

History: 02/03/2023 — S Introduced and referred to Senate Health and Public Affairs.
02/03/2023 — S Also referred to Senate Judiciary.
02/25/2023 — S Reported Do Pass by Senate Health and Public Affairs.

SALARY INCREASES

Bill: HB410

Sponsors: Pettigrew (R61); Ingle (R27)

Title: RAISES COUNTY OFFICIAL SALARIES

Analysis: Introduced 02/14/2023 — Raises salary maximums of elected county officials in Class A, Class B (both high valuation and intermediate valuation) and H class counties by approximately 22.5% and adjusts those salaries annually according to the consumer price index, starting July 1, 2024. Offices affected are those of county commissioner, treasurer, assessor, sheriff, county clerks and probate judge.

Subjects: County Affairs; Public Finance and Budgets

Progress: 1st House: Reported from Committees

Status: 02/22/2023 — House Judiciary Committee

SFC CLERK RECORDED 03/30/2023

History: 02/14/2023 — H Introduced and referred to House Government, Elections & Indian Affairs.
02/14/2023 — H Also referred to House Judiciary.
02/22/2023 — H Reported Do Pass by House Government, Elections & Indian Affairs.

Bill: SB324

Sponsors: Gonzales (D6)

Title: INCREASING COUNTY COMPENSATION TO ASSESSORS AND APPRAISERS

Analysis: Introduced 02/03/2023 — Allows county assessors to receive additional cumulative compensation from the board of county commissioners, up to \$3,500 per year, depending on the level of Appraiser Certificate the appraiser has, to both compensate appraisers for their attained level of expertise and to motivate appraisers to seek higher level certificates.

For county assessors' additional cumulative increments are as follows:

- \$750 for Appraiser 1
- \$1,750 for Appraiser 2
- \$3,000 for Appraiser 3
- \$3,500 for Appraiser 4

For appraisers within office of the assessor, additional cumulative increments are as follows:

- \$750 for Appraiser 1
- \$1,750 for Appraiser 2
- \$3,000 for Appraiser 3
- \$3,500 for Appraiser 4

The effective date of the provisions of this act is July 1, 2023.

Subjects: County Affairs; Land, Housing and Real Estate

Progress: 1st House: Reported from Committees

Status: 02/25/2023 — Senate Calendar

History: 02/03/2023 — S Introduced and referred to Senate Rules.
02/03/2023 — S Also referred to Senate Health and Public Affairs.
02/13/2023 — S Reported Do Pass by Senate Rules.
02/25/2023 — S Reported Do Pass by Senate Health and Public Affairs.

Scheduled: 02/28/2023 — Senate Calendar, 11:00 a.m., Senate Floor

LOUD CAR EXHAUSTS

Bill: SB48

Sponsors: Wirth (D25); Szczepanski (D47)

Title: VEHICLE NOISE OR SAFETY INSPECTION ORDINANCES

Analysis: Introduced 01/18/2023 — Amends the Motor Vehicle Code to include a section authorizing Class A counties and municipalities within them to enact ordinances establishing mandatory vehicle inspections for vehicle noise or safety maintenance. Includes failure to provide proof of such inspection as grounds for the Motor Vehicle Division to refuse, suspend or revoke a vehicle registration, certificate of title or transfer of such certificate. Creates a penalty assessment of \$50 for the offense of improper location of registration to avoid inspection.

The new section (Sec. 66-3-7.2) permits a Class A county, or municipality within such a county, to establish the inspection ordinance, which may exempt or exclude certain categories, classes, ages or types of vehicles.

Prohibits the Division of Motor Vehicles from registering a vehicle that is owned by a resident of a jurisdiction with such an ordinance who does not present proof of the required inspection or exemption, unless the ordinance of the jurisdiction specifically excludes division enforcement.

A jurisdiction that enacts such an ordinance must inform the division director about the ordinance and its requirements and exemptions within 30 days of passage.

It is a penalty assessment misdemeanor pursuant to Sec. 66-8-116 for a person to register a vehicle in a county or municipality that does not conduct a noise or safety maintenance inspection, if the purpose is to avoid an inspection required by the jurisdiction where the person actually resides.

SJC Committee Report 02/20/2023 — Senate Judiciary Committee amendment to SB48 creates an

exception to the requirement for a vehicle owner to show proof of a locally mandated noise or safety inspection at the time of vehicle registration. The requirement would not apply to vehicles for a two-year period after purchase from a licensed auto dealer.

Goes next to the Senate floor.

Subjects: Courts and Civil Matters; Municipalities/City Government; Transportation; State Affairs and State Agencies

Progress: 1st House: Reported from Committees

Status: 02/20/2023 — Senate Calendar

History: 01/18/2023 — S Introduced and referred to Senate Tax, Business & Transportation.

01/18/2023 — S Also referred to Senate Judiciary.

02/03/2023 — S Reported without recommendation by Senate Tax, Business & Transportation.

02/20/2023 — S Reported Do Pass as amended by Senate Judiciary.

Scheduled: 02/28/2023 — Senate Calendar, 11:00 a.m., Senate Floor

SFC CLERK RECORDED 03/30/2023