

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

March 12, 2024

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

Anna T. Hamilton - District 4 [excused]

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

March 12, 2024

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Hank Hughes in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

Roll was called by Deputy County Clerk Jennifer Wilson and indicated the presence of a quorum as follows:

Members Present:

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

Members Excused:

Commissioner Anna Hamilton

C. Pledge of Allegiance

D. State Pledge

E. O'ga P'ogeh Owingeh Land Acknowledgement

F. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hughes, and the Moment of Reflection by Destiny Romero of Growth Management Department. Chair Hughes acknowledged that this building and Santa Fe County as being in the original homeland of the Tewa people also known as O'ga P'ogeh Owingeh, "White Shell Watering Place."

CHAIR HUGHES: There's three important people we want to have a moment of silence for. We've been made aware that one of our own Santa Fe County firefighter/engineers, Justin Sena, passed away on February 19th. We wish to offer our condolences to his family and we ask for a moment of silence for Justin.

Also the Board has been made aware that our of our own, Frank Ibarra, IT Systems Administrator, lost his wife, Aurelia Ibarra on February 26th. The Board wishes to offer condolences to Frank and his family during this time. We ask for a moment of silence for Aurelia.

SFC CLERK RECORDED 04/16/2024

And we all know, I think, that Representative Jim Trujillo passed away recently. Let's have a moment of silence for Jim. Thank you all.

COMMISSIONER HANSEN: Mr. Chair, if I could just say a few words about Representative Trujillo. I knew him for the last 40 years. He has been a really good friend to Santa Fe County, to Agua Fria Village and I just want to recognize that commitment he made and his hard work in the legislature. We didn't always see eye to eye. We disagreed, but it was always respectful and I am really grateful for all of his service and I want to send my deep condolences to Vicki, his wife from all of us, who was a former County employee in the Clerk's Office. Thank you.

CHAIR HUGHES: Yes, thank you, Commissioner Hansen. I think we can all be seated now.

G. Approval of Agenda

CHAIR HUGHES: Are there any changes to the agenda, Manager Shaffer?

GREG SHAFFER (County Manager): Mr. Chair, Commissioners, the initial agenda for today's meeting was posted last Tuesday, March 5th and the final amended agenda was posted on Friday at 6:00 pm, more than 72 hours in advance of today's meeting as required by the Open Meetings Act. Staff doesn't have any recommended changes to the final amended agenda but I would note the substantive changes from the original to the amended agenda were as follows: specifically, we added item 2. D which is to request that the Canvassing Board approve the minute of its last meeting to the agenda. We also added Consent Agenda item 5. B, relative to a budget adjustment request for law enforcement funds that we received via grant to move them into a new fund requested by the Department of Finance and Administration. We also updated some captions and some packet materials but in terms of actual substantive changes to the agenda those were it. Thank you, Mr. Chair.

CHAIR HUGHES: Thank you, Manager Shaffer. Any changes from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. I would like to reserve a minute or two for the Deputy Clerk of Elections to present all of the current folks that have filed, at least in a preliminary status after the filing deadline closes at 5:00 pm. So in our evening session some time in one of the – in between one of the public presentations if possible.

CHAIR HUGHES: Okay. And my understanding is that would be under Matters from Other Elected Officials. We just might do it at a different time, depending on when the Deputy Clerk gets here and where we are in the agenda. Thank you. Any other changes? Commissioner Hansen.

COMMISSIONER HANSEN: I will move to approve with changes.

COMMISSIONER GREENE: And I'll second.

The motion passed by unanimous [4-0] voice vote.

CHAIR HUGHES: I think it is time for us to temporarily adjourn. I guess

we need a motion for that.

COMMISSIONER HANSEN: Mr. Chair, I would move that the Board of County Commissioners temporarily recess and convene as the County Canvassing Board.

COMMISSIONER HAMILTON: Second.

The motion passed by unanimous [4-0] roll call vote.

2. County Canvassing Board Meeting

A. Call to Order

The Board of County Commissioners convened as the County Canvassing Board at 2:12.

B. Roll Call

Commissioner Bustamante	Present
Commissioner Greene	Present
Commissioner Hamilton	Excused
Commissioner Hughes	Present
Commissioner Hansen	Present

C. Approval of Agenda

CHAIR HUGHES: Okay, so we are adjourned and we will reconvene as the Canvassing Board.

CHAIR HUGHES: Can I have a motion for that?

COMMISSIONER GREENE: Move to approve the agenda as presented.

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: Okay, on a motion by Commissioner Greene, seconded by Commissioner Hansen.

The motion passed by unanimous [4-0] voice vote.

D. Request Approval of the November 17, 2023, Canvassing Board Special Meeting Minutes

CHAIR HUGHES: I think the minutes were in our packet.

COMMISSIONER BUSTAMANTE: So moved.

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: Okay, we have a motion from Commissioner Bustamante, seconded by Commissioner Hansen.

The motion passed by unanimous [4-0] voice vote.

E. Request Approval of the March 5, 2024, Espanola Municipal Election Report of the Canvass, Pursuant to NMSA 1978, Section 1-13-13(A)

CHAIR HUGHES: I think we have Espanola Municipal Clerk Debbie Garcia here to present the results.

DEBBIE GARCIA: Good afternoon, Santa Fe County Commission Chair and Commissioners. Thank you for serving as the County Canvassing Board. As you said I am Debbie Garcia, City Clerk, City of Espanola, and here accompanying me this afternoon is my dear Gloria Maestas. She was contracted to assist me with the election as required by the Election Code.

I'm here today to present the results of the 2024 City of Espanola municipal officer election that took place on Tuesday, March 5, 2024. You will find a copy of the results on your dais in addition to those reports. I would like to report that there was no provisional ballots issued to any Santa Fe County voters and that there were no uniformed service voters nor overseas voters from Santa Fe County that participated in the 2024 municipal officer election.

Early voting took place in City Hall in our Council Chambers from February 6th through March 2nd. There was a perfect match with the number of voters processed through the tabulators. There were 96 early voters in Santa Fe County. Absentee by mail voting was available from February 6th through February 20th, and there were three absentee ballots that were issued and all three returned and processed.

Election Day was Tuesday, March 5th at the Y's La Joya Fire Station and Richard L. Lucero Center. There were 102 Santa Fe County voters at Y's fire station and 23 at Lucero Center. There was a perfect match with the number of voters processed through the tabulators at both locations. From the results and the numbers I outlined you can see that the turnout was very light with a total of 224. There are 1,455 voters from Santa Fe County that are included within the City of Espanola.

Lastly, I would like to mention I am very grateful to your County Clerk's staff. They have been very gracious in supporting us, supporting the office through the elections. The main point of contact was Rosangela and her staff and they provided never-ending support. They were amazing. And thank you simply isn't enough for the recognition that they did, so thank you again and thank you for your time and we stand for any questions.

CHAIR HUGHES: Any questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: First of all, thank you for doing an election in the off-cycle. If it is possible to encourage you to consolidate with ours. I see nodding. Is there any way that we can help you do that, and it would make your life easier. I think it would also help with turnout. Turnout was light only in Santa Fe County or was it light both in Santa Fe County and Rio Arriba County?

MS. GARCIA: It was light in both.

COMMISSIONER GREENE: Do you know what the percentage of turnout was?

GLORIA MAESTAS: I believe Rio Arriba County, their turnout was 15 percent. We have less than a thousand voters grand total for the whole election.

COMMISSIONER GREENE: It would be great to get people more

involved.

MS. GARCIA: It costs a lot of money, right?

COMMISSIONER GREENE: Yeah. Elections cost a lot of money but it'd be better to get them consolidated. There'd probably be better turnout. But thank you very much for the information. Great job, guys.

CHAIR HUGHES: Any other questions or comments from the Canvassing Board? If not what is the pleasure of the Board?

COMMISSIONER BUSTAMANTE: Move to accept the canvassing results as presented.

COMMISSIONER GREENE: Second.

CHAIR HUGHES: Okay, we have a motion by Commissioner Bustamante, seconded by Commissioner Greene.

The motion passed by unanimous [4-0] voice vote.

F. Adjourn and Reconvene as Board of County Commissioners

CHAIR HUGHES: Okay, we have approved your canvassing results. Good work. All right, I guess we need a motion to adjourn and reconvene as the Board of County Commissioners.

COMMISSIONER GREENE: Move to adjourn and reconvene as the Board of County Commissioners.

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: Okay, we have a motion from Commissioner Greene, seconded by Commissioner Hansen.

The motion passed by unanimous [4-0] voice vote.

[The Board of County Commissioners reconvened at 2:20.]

3. Approval of Meeting Minutes: February 13, 2024

CHAIR HUGHES: Any comments or motions from the Board?

COMMISSIONER HANSEN: Mr. Chair, I move to approve.

COMMISSIONER GREENE: I'll second.

CHAIR HUGHES: Okay, we have a motion from Commissioner Hansen, seconded by Commissioner Greene.

The motion passed by unanimous [4-0] voice vote.

4. Consideration Proclamations, Resolutions, and/or Recognitions - None were presented.

5. Consent Agenda

A. Request (1) Approval to Utilize the Cooperative Educational Services

Contract No. 2024-02-C232-ALL with FSJ Tactical DBA Safe Haven Defense NM, LLC, to Furnish and Install Bullet and Riot-Resistant Film on Windows and Doors at the County's Administration Complex, Located at 100 Catron, in the Amount of \$324,854.39, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Negotiate, Sign, and Execute the Contract and Sign the Purchase Order(s). (Public Works Department/Phillip Montano and Finance Division/Bill Taylor)

- B. Resolution No. 2024-033, a Resolution Requesting a Budget Adjustment to the Law Enforcement Operations Fund (246) and to the Emergency Communications Operations Fund (245) in the Net Amount of \$0. (Finance Division/Yvonne S. Herrera; Sheriff's Office/Ken Johnson; and Public Safety Department/Roberto Lujan) (Item Added)**

CHAIR HUGHES: Is there anything on the Consent Agenda that somebody wants to remove to discuss? If not, what's the pleasure of the Board on the Consent Agenda?

COMMISSIONER BUSTAMANTE: Mr. Chair, I move to accept the Consent Agenda as presented.

COMMISSIONER GREENE: And I'll second it.

CHAIR HUGHES: All right. We have a motion from Commissioner Bustamante, seconded by Commissioner Greene.

The motion passed by unanimous [4-0] voice vote.

[Deputy Clerk Wilson provided the resolution and ordinance numbers throughout the meeting.]

- 5. Appointments/Reappointments - None were presented.**

- 7. Presentations**

- A. Presentation on the Modernization of Santa Fe County's Public Safety Land Mobile Radio System**

CHAIR HUGHES: From Federal Engineering we have Brad Barber. Is that correct? And if you gentlemen would introduce yourselves and then get started, that'd be great.

BRAD BARBER: Thank you, Mr. Chair. Brad Barber, Federal Engineering. I'm vice president of our LMR Wireless Practice. Federal Engineering is an emergency communications consulting firm. We specialize in public safety communication. We have business all over North America including Canada. I'm here today with Greg Senter who is the project manager for Santa Fe County on behalf of Federal Engineering.

Briefly, I'm going to try to sort of bring you up to speed on what's been about

five years worth of activity, so I'll try to give you the *Readers Digest* condensed version. We'll talk a little bit about what brought us to this point, why we're here presenting to the Board today, what some of the issues are that we're trying to resolve, and what we recommend as a solution for Santa Fe County moving forward. We'll also get into the costs for those solutions, as well as the current budgetary status for the County and the projected timeline for the solution to be implemented.

Some of the challenges that the County currently faces is you have a lot of aging infrastructure that's not fully supported by the manufacturers. This includes both equipment at radio tower sites as well as equipment that's installed in the vehicles and used by Sheriffs and fire employees when they're out doing their duties. The system is based on what we call analog conventional technology. It was very old. Most current public safety systems are migrating towards the predominant standard for public safety communications which is commonly called Project 25, or P-25 for short. Most federal grant funding requires Project 25 equipment to qualify for federal grants, so that's another significant driver in terms of where you're eligible to get grant funding for.

Some of the other things we're trying to address are the current coverage provided by the existing system isn't adequate for day-to-day public safety use. This is a combination of many different things – age of infrastructure, and because the band the system operates in, what we call VHF, is also subject to increasing levels of manmade noise. This is caused by a lot of different things – the plethora of electronic equipment that's out there today, including things that seem rather generic and non-threatening like LED lighting, raises the noise for communications which makes it harder for these radio systems to work. One of the ways to address that is to move to a different band, helps eliminate some of the issues that we continue to deal with in the current VHF band.

The other constraint that the current users had is looking at inadequate capacity and what that means is they have a finite number of channels to communicate on. So you could have multiple incidents occurring on a single Sheriff's Office channel or a single Fire Department channel, and when that occurs that leads to delays in communications, missed communications, etc. So one of the solutions is to expand the capacity of the current system. While we do this we also have to keep in mind that you have to retain interoperability with people that you interoperate with today. In some cases that's outlying counties that remain in the VHF band, but many of the users you do try to communicate with today are moving to the solution that we recommend which is the DTRS, or digital trunk radio system.

Last but not least, any new design needs to address reliability and redundancy concerns. We don't want to put a network out there that has a single point of failure, because that just exacerbates the problems you already have.

Back in 2017 we started working with the County, we asked you where are your current problem areas in terms of radio coverage. You can see on this particular slide, the blue highlights problem areas reported by the Sheriff's Office, the red identifies problems reported by Fire. You'll notice they're slightly different. That's in a lot of ways due to the way these different units operate. Sheriff's day-to-day activities are much different from the Fire Department's day-to-day activities in terms of where they respond to and how they operate once they get on scene.

As I mentioned, we started working with the County back in 2017. It was part of a

joint City-County project. We developed an alternatives analysis, talking about what are your options for improving your communications systems. We provided that alternatives analysis report. The County contacted us a year or two ago, asked us to update that report to identify the things that had occurred since our original report and what needed to be changed based on where we were back then and where we are today. After that report was delivered we worked with the County to develop conceptual design to migrate to the state system, the digital trunk radio system or DTRS, and we continue to work with the County to identify ways to facilitate that implementation.

A little bit of background – I'll try to keep this really high level. The digital trunk radio system that's being deployed by the State of New Mexico is owned and managed by their Department of Information Technology. That's important because it gives them statewide capabilities. It's supported by a large staff on their side as well. It has enhanced coverage everywhere that they've deployed, the sites that they're currently using the DTRS allows for digital voice communication instead of analog which provides better voice quality within the coverage of the digital trunk radio system and it also allows encryption. This has become more and more important for public safety as more and more actors are monitoring public safety communications to be either try to interfere with or determine where public safety activities are going to occur.

The next thing this also allows us to do is DTRS incorporates newer technologies and allows the radio to use things like wifi, LTE coverage on commercial networks to enhance the performance of the radio system. This comes into play when you're working in schools, large public buildings where radio coverage in and of itself may not be sufficient. The City of Albuquerque uses wifi in the schools to provide enhanced coverage for the public safety officers within those school buildings as an example.

Other features it allows you to incorporate are things like text messaging and unit ID. It actually goes beyond a little beyond unit ID. Unit ID just tells you that Unit 101 is calling or has a problem. In the new system you can actually alias that ID to a person's name or vehicle so the dispatcher knows when they hit the emergency button who's actually having an issue without having to look it up on a roster or a CAD register.

Those are just a few of the things that the new radio system will allow you to do. It also allows integration with computer aided dispatch, again, provides more relevant information to the dispatchers about what's going on in the field, and also allows the dispatchers to relay critical information to users in the field about incidents they're responding to.

Throughout the DTRS coverage area multiple different agencies can communicate on that system, so if you had an incident in Santa Fe County and you're in Albuquerque or Bernalillo County were responding into the County, they'd be able to talk directly to your public safety agencies without having to get a radio from them or do anything like that, get into directly interoperating those kinds of situations. Right now there are about 50 agencies that operate on the DTRS, a few of which are mentioned on the screen. The City of Santa Fe has already transitioned to the DTRS, and as I mentioned, Albuquerque, Rio Rancho, Sandoval are just a few of the agencies that also operate on DTRS today.

This is a really – probably great visual. It provides a map of what kind of coverage would be provided by the DTRS if you were to migrate to it. We would still

need to improve coverage in a few areas that your users had identified as problematic. You can sort of see those in the red there for mobile coverage.

The next is the portable coverage projections. This is for users using a hand-held radio. Again, you see sort of the same three areas where we'd still need to look at improving coverage in those areas marked in red.

Either way, either one of those coverages is going to be significantly better than the coverage you're experiencing today on your current systems. Because of the features and functions of the Sheriff's Office and Fire Department we're recommending mid-to higher tier radios. They provide more of the features and functions I talked about earlier like wifi and LTE, aliasing information, things like that. So you can get that benefit being able to utilize wifi and LTE inside buildings. It also allows us to use encryption on those radios to protect those communications.

Other more public service oriented or corrections oriented users might be able to utilize a lower tiered radio because they don't need as many of those features and functions because they're operating in a more constrained environment.

This is really kind of high level, but if you move to the DTRS you do have certain things you have to implement to be a user on that system. TDMA allows expanded capacity. The link layer authentication is just another layer of protection so that users can't go on the system without having all the correct credentials to be on that system. It's another layer of protection for your users.

Currently, there are no fees to join the DTRS other than things that you would have to purchase from an equipment standpoint or features that you want to implement that are above and beyond the state offering.

This again is a really high level view of the user radio equipment, what we project for Fire Department, Sheriff's Office and Corrections, equipment and services. Services include installation, programming, configuration, etc. That rounding up, it's about \$6.7 million for the user radio equipment. From the system infrastructure standpoint these are things the County would need to implement and would want to implement to join the DTRS.

The network management system allows you to manage your users, change aliases, do all those sorts of things. You have to update some of the equipment in the RECC. We would add in fire station alerting so you could be able to directly alert a fire station and give them dispatch information so they'd know when they were being called out to a site. One of the sites that the County currently uses would need some remediation to be able to support DTRS equipment, so that's what those numbers are for. We added in funds to decommission parts of your VHF system, your current system that we're not going to retain, and we're also going to develop two new Greenfield sites to fill in those coverage areas that we noted as problems in the coverage maps. And then of course there's ongoing consulting support for Federal Engineering as well. All told, for the system infrastructure, that's about \$2.9 million.

County staff provided us with these numbers to kind of give the Board an idea of where you're at from a budget standpoint. I think they're sort of self-explanatory but I'll run through them real quick. So you see the \$6.7 million for the radio equipment and services we showed earlier. The Fire Department did get a grant for some funding, about \$1.5 million is deducted from that number. But then we add in the system infrastructure

and services and that puts you right at \$8.1 million. The way I understand it, and please correct me if I'm wrong, the current 2024 budget had \$2.5 million in it for this project. You're waiting for a legislative appropriation of \$425,000 and you're anticipating a capital request for the next year's budget of \$5.1 million. That balances those two figures out. Did I correctly summarize that?

From a project timeline, how long will it take to implement all of these things, assuming that they're fully funded. One of the first things we have to do is finalize an agreement with the state, a memorandum of understanding, if you will, that formalizes the relationship between the County and the state, determined who's responsible for what activities, etc.

The next thing we go through is a design review process to look at what the state is already doing and what the County needs to do to migrate to the state and finalize that. We also do a further assessment of that Gold Mine site to see if we need to fine-tune any of those remediation numbers or design. Assuming that all our numbers and everything was good, we would move forward with the remediation of that site to get it ready for DTRS system equipment and begin the process of getting the County ready to migrate to the DTRS. We would place the equipment orders, get that equipment in, start installing and deploying the user radio equipment to the end users, and then begin the configuration process at the RECC, and do training for the users to incorporate training to get them up to speed on all the features and functions they'll be able to use on the DTRS going forward, and then begin the actually cut-over from your current system to the DTRS.

In parallel with that we'd also be looking at these two Greenfield sites that we want to try to build to enhance the coverage and begin the site development for those two sites as well as eventually integrating them into the digital trunk radio system the state operates.

I tried to keep that high level. I know I probably went through it pretty fast but are there any questions from the Board at this time for Federal Engineering?

CHAIR HUGHES: Thank you for the presentation. That was very helpful. Any questions? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you very much for the presentation. It sounds like you've taken, I would guess, every measure into account, and from where I'm sitting, I think of the end user of this system and what I'm really pleased to hear is the thoughts that you have about ensuring that the bad actors don't have access to how and what we're doing. And I think of those in the field and how much as the process is rolled out, you'll have the training at the end and I want to make sure that I have an understanding of what the comfort is in how things are transitioning, if there are any of these possible capabilities for stop-gap since it's out there until 2026, and making sure that the security and that it's expeditious and secure, right? And how much we can start maybe working some of these elements in with the end users and I'm wondering how much Chief Black and the actual users of the system are having the conversation with you and how it's going to meet those needs.

MR. BARBER: That was a lot of questions.

COMMISSIONER BUSTAMANTE: I know. And to put it short I just realized I rolled out a bunch of words. How much do the guys on the other end like it?

MR. BARBER: And I don't want to speak for them but they have been

part of this process all the way through with the Chief.

COMMISSIONER BUSTAMANTE: Great. Thank you. And that's important was well is how much have they been a part of the process or will be a part of the process and its roll-out and your ability to adopt it and use it well. Thank you.

JACOB BLACK (Fire Chief): Mr. Chair and Commissioner Bustamante, since Federal Engineering began this process we have been working with them. We've had a number of meetings going and assessing our current state and projecting – identifying the gaps and projecting the future state. That has been absolutely instrumental and we are facing significant radio communications issues. Essentially we do have some technology that is helping cover some gaps right now. We have a technology that actually sends 911 calls to individual cell phones for our crews to be able to receive 911 calls in that manner.

However, we do heavily rely on our current radio system in order to alert us of 911 calls and that system has aged and we're struggling. There's been a number of times where the tones might go out and it doesn't trip and notify our responders of emergencies. That's why we're relying on our stop-gaps of the technology going to our phones as well.

Additionally, we are having a number of communications problems even on scenes where our responders are looking at each other. Recently there was a call in the Tesuque area where our responders were looking at each other trying to communicate to one another and the radio system was not facilitating that. And so we are anxiously awaiting this. We are – the funding that we'll start laying the groundwork as we start replacing our current technology will immediately start addressing some of the needs. We are doing a trial on some of the equipment right now for our radios to identify what radios we need to move to and just that incremental step is increasing communications. And it's a good step forward as we begin this road.

COMMISSIONER BUSTAMANTE: Excellent. Mr. Chair, thank you very much, Chief Black and Mr. Senter and Mr. Barber. Did you have something you wanted to add? I appreciate it.

ELIAS BERNARDINO (Deputy County Manager): Mr. Chair and Commissioner Bustamante, I just want to add, when we started this journey we've included the Sheriff's Office through this process, including Corrections and RECC and we have conversations internally. Mari over there is very helpful in getting us all organized in one setting, but it's been a very collaborative approach, and we get input from all stakeholders and they've helped us package what we need and tailor it with New Mexico's DTRS system And then now we're in the implementation phase.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Bernardino. Appreciate it. Thank you, Mr. Chair.

CHAIR HUGHES: Thank you, Commissioner Bustamante. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, gentlemen, for the presentation and for staff for helping get this to this point. Three questions. One is about the dark spots, the holes in coverage. We have a bunch of mountains in the middle of this county and my understanding is for fire coverage and for police coverage that there's some of these spots. Are you taking all of those? I saw the

map but I didn't get a chance to sort of get a point by point review of that, but I know in my district there are a number of known dark spots. Do you expect that this will cover all of them?

MR. BARBER: I can't guarantee you we'll be able to cover all of them. That's a very difficult thing to do. Just as an aside, coverage modeling is more of an art than a science because the conditions change every day. We did try to address wherever possible where there's a gap. You're right. Topography in your area is a big issue, right? Where we place towers is difficult because of that. We did try to look at those areas, like looked at existing sites that exist today, even if they weren't County-owned sites, but where they are commercial sites perhaps we could utilize. And for two of those, as you saw, we had to, as you saw, there was no commercial or other alternatives so we're going to have to put new sites there. Those are the Greenfields that I talked about. The Gold Mine is exactly where we can modify that site to help pick up some of those areas that we were showing.

COMMISSIONER GREENE: I specifically bring up the Chupadero and Rio en Medio area up at the top of 592. My understanding is that that's a pretty dark spot, both for your communications but also for cell phone communication. So that leads kind of to the next question, which is using cell phone as a backup only works as good as the cell phone works. And so if you've done any analysis of where potentially we could partner with the cell phone companies to add some repeaters for the secondary system of that – I don't know if you've done any analysis on that system or if you're just doing the radio system.

MR. BARBER: Trying to get reliable data from the carriers about where they do and don't have coverage is a challenge, as the FCC's found out. One of the things I would mention is that one of the aspects of the radio user equipment that we were looking at is what we call the vehicular repeaters, which expands the coverage from the vehicle to the portable radio. Because in a lot of areas that are coverage gaps, they're coverage gaps for portable users, not mobile users. So that would allow those users to sort of bake in some of the coverage improvements without having to put a site in one of those areas. It is one of the things that we factored into the analysis and what type of equipment the users would need. I share your concern about commercial carriers and their level of reliability.

As you saw on the slide we mentioned First Net which was basically an option for ATT to own and operate spectrum that they could utilize for public safety use and as we all know that system was down most of the morning several weeks ago. So again, the problem we run into with the commercial carriers is we don't know how resilient their networks really are. At the sites they build, do they have backup power? Do they have generators? What are the run times for those backup systems? Right? And what kind of redundant back-haul do they have out of those sites to provide the resiliency that public safety's looking for. Those things are built into the designs that we do for land mobile radio. They're not necessarily built in the designs for the commercial carriers.

COMMISSIONER GREENE: To that point, your best practices, that you would be able to implement for a system on our behalf, are those best practices something that we can take away as recommendations that we can start to work with those carriers and to sort of say, look, we're going to put a tower, or you're asking for a

permit for a tower in so and so location, make sure you have redundant back-haul. Make sure you have battery backup or whatever those five check boxes of backup.

MR. BARBER: Those best practices exist and the carriers are aware of them. Organizations like NPSC, the National Public Safety Council have conveyed those requirements to the carriers, but again, that's a financial decision for them. I don't know that you could mandate, for example, what – you could certainly make it part of your process and some counties have tried to do that. How successful that would be? Unfortunately, their pockets are a lot bigger than yours, typically.

COMMISSIONER GREENE: Well, ultimately, there's five of us up here and when we give a permit for a tower, a tower that doesn't work when the power goes out is only so good.

MR. BARBER: The other problem that we typically see there too – there's varying different levels of coverage by the different carriers, right? Verizon coverage is not analogous to ATT or T-Mobile's coverage as an example, so it's sometimes hard to sort of put that jig saw together to figure out what the right backup or enhancement solution for public safety.

COMMISSIONER GREENE: And then last, is there – we're in the process of putting together a broadband master plan, and so part of that is figuring out some strategic fiber bills, first for getting fiber to our facilities, then for our constituents, but also it should be for first responders or cell phone towers because a first responder receives a phone call not from one of these fancy radios but from you and me calling the police from our cell phones these days.

MR. BARBER: And that should be part of the overall conceptual design and resiliency and redundancy overview when you put your system together. If you've got fiber going down the path that's close to an existing site, what's the cost to put in a feeder to pick that site up? Right? Fiber, as you guys I'm sure have already found out is really expensive so you have to make a lot of economic decisions about where it makes sense to do fiber where it might make more sense to do a wireless initiative. We've got numerous smart city projects where people just like you are trying to make those sort of determinations now. But we are trying to marry up those plans wherever we can, right? If there's fiber available, I would rather have fiber than microwave, because it has more bandwidth, but I would still probably want to have the microwave as a backup because you have things like backup fades, where unintended consequences on your fiber network can take all the paths down.

COMMISSIONER GREENE: Do you have on your map areas that you would hope for fiber and in these Greenfield locations are there areas there that specifically – boy, we really wish we had fiber. In District 4 I guess it is, over in the Glorieta area I know that is an underserved area for broadband and fiber is probably the solution for a lot of that. It's a good time for us to like break down the silos and start talking about that and say, boy, this would either be cheaper, faster or better if we included that in our broadband plan. It solves your problem but it also – we may be able to go get federal grants for the fiber, whereas – to bridge that. So I'm just trying to –

MR. BARBER: There's obviously BEED funding and ARPA funding for things like that, so I absolutely agree that where you can marry the two up you should. We can certainly do an overlay if you have sort of a conceptual idea of what your fiber

master plan is going to look like, we can overlay that with the wireless network to see what makes sense. You always want to trench once, right? If we can do that we certainly would like to.

COMMISSIONER GREENE: So to that point, have you been working with GIS at all? And are these dark spots onto our GIS system so that we can start to look – in three years when you’re going to be doing these new Greenfield sites, let’s try to get fiber to them.

MR. BARBER: WE haven’t done that yet, but we certainly can work with County staff to do that. All our coverage maps are exportable to a GIS format, or RGIS or whatever you want to use. So we can overlay the two, put the multiple layers on the same map.

COMMISSIONER GREENE: That’d be great if we could start working together on that. Great. Thank you very much for the presentation.

CHAIR HUGHES: Thank you, Commissioner Greene. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much for the presentation. I know we started this in 2017. I vaguely remember us talking about it then. Did we get delayed because of the pandemic? Is that part of what’s happened? Or – because this seems to be an important issue and –

MR. BERNARDINO: Mr. Chair, Commissioner Hansen, my understanding, why we didn’t put some resources toward the project and we didn’t put a good project timeline for it. We did have the report; we just didn’t put resources to then execute. I think it was a blessing in disguise because if we would have taken that endeavor the County would have to have forthcome with a lot of capital for such system. With the state having a network statewide, we’re leveraging their resources and their engineering team and we don’t have to put as much capital as we could have back in 2017.

COMMISSIONER HANSEN: That’s a very good answer and I like that. I also am a big fan of dig once, and I think the more fiber that we are able to get into the ground or wherever it can go is really important. Then I’m also wondering what happened with First Serve or First Net. They were supposed to be putting fiber throughout for schools to connect and for public safety to connect, I thought. Maybe it was just public safety. Isn’t that right?

MR. BARBER: First Net was primarily a wireless initiative.

COMMISSIONER HANSEN: Okay.

MR. BARBER: AT&T was contracted by the federal government to build out First Net to provide data to public safety, right? Basically mobile data. It has morphed into other things over time where it’s now being seen as a push to talk alternative, a radio alternative, if you will, more than enhancement to land mobile radio, rather than a replacement for it. And they have had to build out some fiber and some microwave to accommodate that build-out, but a lot of it was just leveraging the network that ATT already had. It wasn’t really an additional new build to serve community broadband initiatives per se.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR HUGHES: Thank you. And I have one question. Could you tell

me what the Greenfield development looks like? Is it simply a repeater antenna or is there more to it than that? Or is that not it at all?

MR. BARBER: It's really – Greenfields are sort of – probably a bad terminology to use for that. It's basically saying we're going to build a site where none has been before, right? There's no facilities there, there's no tower there, there's no building for the equipment, no backup power. So it's basically starting from scratch to put all those facilities in to support the equipment you have to place at that tower.

CHAIR HUGHES: Okay, so it's the tower plus all the equipment and hookups that need to go with that.

MR. BARBER: Yes, sir.

CHAIR HUGHES: Thank you. All right. I think we can thank you for your presentation. That was very helpful. I don't see any more questions.

MANAGER SHAFFER: One thing I would add for emphasis, Mr. Chair and Commissioners, is that one benefit from becoming part of the statewide digital trunk radio system is that we help other users of the system as well. So if those Greenfield or additional sites, new sites come on line, they don't just benefit us, they benefit all users of the statewide digital trunk radio system and in fact they get incorporated by the state Department of Information Technology into their system. And so as you go forward then, DoIT, the state Department of Information Technology, becomes responsible for the operation and maintenance

So again, it's not just for our own benefit, but it benefits all users of the system and I think it's an important point that I wanted you to be aware of. Thank you.

CHAIR HUGHES: Yes, that is an important point, so thank you.

7. B. Presentation on Santa Fe Regional Emergency Communications Center Construction

CHAIR HUGHES: We have from our Public Works Department Rod Lambert.

ROD LAMBERT (Public Works): Good afternoon, Mr. Chair, members of the Commission. I'm the Project Manager for the Regional Emergency Communications Center construction. My update here is just to kind of tell you where we are since this started. It was a project that was supposed to happen in three phases, so the first was the construction of the new building behind the Public Safety Complex out on Camino Justicia and then we were going to move into the Sheriff's Offices and expand the Public Safety Complex, the services there, do a little renovation and upgrade, and then renovation of the current RECC offices to expand Sheriff facilities and their services there.

I think as an introduction to the project it's important to note that currently, the main focus was to expand the workspace and the office space for the RECC dispatch offices. Currently they're existing in a 1,600 square foot space with one office that includes about five administrators that are sitting on the floor adjacent to dispatch. It's a building that's been retrofitted and refitted and furniture moved around, and so it was time to kind of give them a fresh face and a new environment to work in. The intent was to not only offer more space but kind of increase employee retention by having increased

morale, and then also be able to bring in better recruitment for new possible dispatch employees.

So 1,600 square foot space that they're currently in has been expanded to a 7,000 square foot space approximately. That leaves a 1,500 square foot space specifically for the dispatch workers themselves. That also includes nine offices for administrators, and also an IT area.

So our construction started in May 2023. The Phase 1 originally was supposed to be completed in November and Phase 2 and 3 were supposed to be in April of 2024. Due to supply chain/demand kind of issues, both on the construction side and on the information technology side we had to do a couple of delays, but I'll go through some of the milestones here while I discuss kind of the nuance of the building itself.

Everyone in Public Works on this project – the architect, the construction team and myself – we've all had an understanding from the very beginning that this is not just an envelope that we're putting employees in. This is a brain stem. This building has the technology that is very geographically specific. There's GIS, there's the radio dispatch, which was just discussed, there's GPS mapping system so they can find out where the calls are coming in. It's a very robust technology where there's several layers that are going on at the same time.

So our approach to this project wasn't just that we're building a building. We are creating kind of a brain center for all of the 911 calls in the region. And so we approached it from a user perspective with technology at the top but also the dispatch and the employees that are going to be occupying it. So here you say May, June, July, August of last year. The pictures get better; I promise. They get more dazzling anyway. Also, it's important in the consideration of the users, we wanted to make sure that there was a nice aesthetic in there as well. This isn't an easy job. There was an article in the Santa Fe New Mexican I think on Friday, the 1st, that was discussing kind of their jobs and kind of how this new building is going to be helping them with a more pleasant environment and also an increase in employee morale and hopefully recruitment as well.

So we have some more technology there, so it's getting more advanced. But we intentionally chose soft colors. Our architect really had to specifically try to walk a fine line here because there is the need for this to be a highly secure environment, but simultaneously there's a need for these employees to have a nice environment for them to be in. So it was a fine line that the architect had to walk. So as a result there's a lot of natural light. There's also a lot of security concerns, but the larger image here is from the dispatch room and then the smaller one is from the training center.

So in 2023 we were kind of wrapping up most of the larger construction issues. And then it started becoming more aesthetic, so there's the bathroom there. There's also a quiet room in this space that they never had before, so if employees kind of need to retire and take some time off, there's a room specifically dedicate to that, and there's an entire training center for them to keep their employees up to standard.

You can see there the color combination choices on the inside. We chose soft blues and browns and grays to kind of keep it a relaxing environment.

So in February it started to become more aesthetic concerns. You can see the break room there and that's the dispatch without any furniture in it. We actually have 13 dispatch desks that were delivered from Russ Bassett and they did deal specifically with

dispatch furniture so they have cup holders under the desk and LED lights and it's a top of the line furniture experience for them.

There's Roberto and his team out front, very excited at the early phases. What you see in that bottom image is the server room there. Those are the servers. There's five racks. Currently we're using about 2 ½ of them so we have another 1 ½ for expansion and sustainability in the design of the building.

So our Phase 1 new date is early March, which we're at now. I actually had a fire inspection this morning that we passed. So we're just waiting for an official Certification of Occupancy from the state and then we can move forward. Also, the delays of the IT hardware pushed back some of the IT connections that have to happen for this very nuanced machine to work, and so they're going to start bringing their IT probably in through late March early April, so that we can start testing the systems, get the systems in place and make sure everything's working correctly before we make a full move of Roberto and his team.

Here's more of the beautiful pictures after construction. So you can see there's a metal sheath on the building. That metal was actually one of the delays in the supply chain. You can see here there's an entire room for their files. It's very important that they have all of these private records that are secure in a secure space. Currently they're also in that same 1,600 square foot space with the staff, and so this offers an opportunity to give them a dedicated space just for that very important data.

There's also an IT kind of area there. We have six cubicles where members of the IT team can be to help service that IT server room. There are 38 lockers there for potential growth of employees. They have several shifts that they have to overlap, and so we need lockers for them and that will be the other wall of their break room across from their sink and refrigerator.

Concrete was poured about a month ago so all of that is in place. We now have a security fence that is going left to right across that image on the left, so everything is secure now and there's an example of a dispatch desk on your left. And then those shades are actually remote control, so that they can control the light that comes into that dispatch area. So I feel like this new design is offering them more control and comfort of their own environments as opposed to currently they feel as if they've kind of been confined to this space and it's just been retrofitted beyond belief.

So there's the beautiful cover shot for *Architectural Digest*. There's also two benches, one in the front and one in the back, on a back patio by the break room for employees to be able to sit on. So there's going to be some landscaping that's going in. We're going to use native plants. There's going to be some seeding thrown around, so it's going to be a little bald for a while but it will improve over time. So any questions?

CHAIR HUGHES: Any questions from the Board? I saw Commissioner Bustamante first.

COMMISSIONER BUSTAMANTE: I'm sorry. I don't have a question. I think it really looks great. I think the attention that you have paid to comfort and detail, the colors, you've done a really nice job. And I think that at least aesthetically it will be a really great place to work. Thank you for your good work.

MR. LAMBERT: Thank you

CHAIR HUGHES: Thank you, Commissioner. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Rod. So yes, thank you. I have been numerous times to the old RECC and I have seen it since 2017 and this is like a huge improvement and I completely believe in providing a good place to work for employees as part of why we built 100 Catron so that people had a healthy, happy place and that they knew that they were respected because I think it does show respect for employees when you provide them a good place to work.

So my one question is are you going to have art on any of the walls?

MR. LAMBERT: Commissioner Hansen, members of the Commission, I believe that the nature of this building is pretty private. There's not going to be any public entering the building and oftentimes public art funding and/or spending is used on public-facing buildings that have lobbies that are going to be experiencing that. But the nature of this building and its function, it's pretty private and secure, and so we could talk to Roberto about his budget and perhaps putting a budget in there for their own purchase of art to help change the environment. I think that's a good suggestion.

COMMISSIONER HANSEN: And maybe there's some sculpture outside that the public would see that we care about art, sculptors and our artists in the community. Otherwise I think it looks fantastic and thank you for your work on this.

MR. LAMBERT: Thank you, Commissioners. Also, we're going to be planning a ribbon-cutting as well so all of you will be invited – to be determined.

COMMISSIONER HANSEN: We look forward to it. Thank you.

CHAIR HUGHES: Well, that was going to be my question. When's the ribbon-cutting. So to be determined. But it certainly looks like a great project. Any other questions, comments? Thank you very much, Rod. Appreciate it.

7. C. Accounting of Physical Water, Water Rights, Allocations, and Water Deliveries Pursuant to Resolution No. 2006-057

CHAIR HUGHES: I think we have several people from the County Attorney's Office and the Water Department, so Paul Choman, Cristella Valdez and John Utton. Thank you.

PAUL CHOMAN (Utilities Director): Mr. Chair, I'd like to introduce – everyone knows Cristella Valdez, Esquire, from County Legal, and John Utton, our outside County Attorney for water. We'll start by reading the first part of the summary. It was written by two lawyers so I guess there's no better way to do this.

Among other things, the Santa Fe County Water Resources Department Line Extension and Water Service Policy which was adopted by Resolution No. 2006-057, requires the County Utilities Division to do two things: 1) maintain and periodically present to the Board of County Commissioners an accounting of physical water, water rights, allocations, and water deliveries, including requests for additional service.; and 2) promulgate twice annually a proposed schedule of new water deliveries for the upcoming six months, which shall be approved by resolution of the Board upon recommendation of the department.

The purpose of this memo is to provide the Board the required accounting. At a future meeting, the County Utilities Division will present a proposed schedule of new water deliveries and will do twice annually thereafter. So far as current staff can tell,

neither the accounting nor the schedule of new water deliveries has been provided since 2018.

In addition, this accounting provides needed context for two action items on this current Board's agenda. First would be request for approval of Agreement No. 2024-0198-PW, Buckman Direct Diversion, aka BDD, shared pool agreement and authorization for the chair of the board to execute the agreement and also, secondly, the Suerte del Sur water rights purchase.

I think you've all had a chance to look at the memo. It's quite lengthy, six page, I will hit the highlights and then invite any questions.

The first thing I'd like to point your attention to would be Table 3, and that summarizes the current water rights and contracts for the County. That totals 455 acre-feet per year. An acre-foot per year as you probably all know is 326,000 gallons of water. The second point I'd like to make is Table 5, acre-feet per year of 3927. That's the total current County allocations. "Allocations" is kind of a funny term. It's not what we actually have delivering each year; it's everything that's out there – requests from developers for developments that are going to happen, some that have not happened, some that may not happen. They may "fail".

So in summary, I'd just like to comfort everybody by stating this emphatically, that based upon the analysis described within this memo and in the attached supporting documents, the County Water Utility has sufficient water rights and capacity to meet current demand and will have sufficient supply to meet projected demand through 2040 and beyond, provided that it continues to make prudent and necessary investments in water rights, infrastructure, and other projects.

If I could ask that this exhibit here, the spreadsheet be put if there's any questions. What that does is it shows what happened in 2023. It also projects demand and supply up until 2040. Is that possible to do? And I invite any questions. Thank you very much.

I'll start out just by commenting, under 2023, row 5, you'll see the total of 1,513 acre-feet per year. That is the County water deliveries in 2023. And then we go to the right in successive years, and we have some very conservative numbers in there. For example, we show that the Pojoaque Basin interconnect coming on line in 2030, we expect that to happen prior to that. We also show the water reclamation facility to be delivering 525 acre-feet of water starting in 2031. We expect that to happen also. We believe that our projections on demand are very aggressive in order to make this more conservative and show the worst-case scenario, if you will, of about seven percent per year. Again, we believe that we are in a very good position with regards to water supply for the County up until 2040 and beyond.

CHAIR HUGHES: Are you ready for questions?

MR. CHOMAN: Yes.

CHAIR HUGHES: Questions from the Board. Commissioner Hansen.

COMMISSIONER HANSEN: What do you project as the growth?

MR. CHOMAN: Seven percent.

COMMISSIONER HANSEN: You're using seven percent? Okay.

MR. CHOMAN: Yes, ma'am.

CHAIR HUGHES: Other questions, comments? Does anyone else in your group, Paul have a comment they want to make or something they want to explain to us?

MR. CHOMAN: It was a total team effort with the three of us up here as well as several folks from Utilities. We also involved BDD. They were helpful in providing information and helped us validate all the numbers that we have presented before you.

CHAIR HUGHES: Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes, I appreciate this. I have a lot of things going through my head with regard to having had experiences of dried up wells in the La Cienega area over the last number of decades. Variables that I don't know how much, and I'm sure that there are risk or mitigation measures that are taken into account in the event of some type of off-normal, unexpected event. Let's say we did have either an unexpected severe drought, or in the case that we're in right now where water quality was more than suspect and we don't have a viable way for mitigating that, as well as just sort of hearing the old neighborhood.

I'm just going to share that I have more than spent my time around people who had worked historic water rights for generations and understanding the difference between wet water and dry water, which I've never had a really good grasp of paper water. And that being said, when we acquire the paper water rights, in acknowledging those situations that have already – and I'm just going to say in my brief lifetime, because I'm very young. I'm very young. But in my lifetime, and I have given the example at the risk of doing it again and it's a corny little story, but I went to bury a chicken in the 9th grade and that was at least 30 years ago now, and hit water. And now I can literally take a backhoe and keep digging and probably pile a few dead goats on top of each other. I'm a farm person, by the way.

So the question that I have is probably one that many people who have lived generationally and have seen having to redrill, and the County expectation that with the seven percent growth, that we wouldn't have wells dry up at whatever level or wherever those resources are coming from, or the quality of that water would be adequate for the communities in which we expect to consume it. And then when we look at that type of water availability for individual consumption what it means for those who are in our agrarian areas, because it's one to provide the potable water to households, but I think that we are remiss if we are not acknowledging that future generations have a right to grow food where they are, because we don't know.

So we have a lot of ideas and thoughts about what's going to happen in the future, but right now we have livestock that's at risk right now, given the PFAS issue that all of those variables play into the use of water – what is surface water, what is water right, that is wet water or paper, and how much of that is taken into account. We say, yes, we all walk away happy because we know there's enough water to 2040, which in the great scheme of things may not really be that far out there. We'll all probably be gone. That doesn't necessarily mean a whole lot in a bigger picture.

So I think it's more a philosophical question. I can't pretend that I know the answer because I do believe that we have to be more vigilant in how we are protecting and managing our water systems to assure that we're providing potable water in the future and not just for household use but for the assurance that local food is available to people. So how much of that, what types of risk assessments are built into the strategies of identifying what kind of water would be available when we procure paper water

rights?

MR. CHOMAN: Commissioner, I hear your passion loud and clear and I was very fortunate to be a part of the La Cienega-La Cieneguilla meeting last fall with you and – I'll say this in a kind way: you took charge of that and I think expressed your passion at that time also. I'd like to read with you if I could what's upcoming in 2024. Part of it will address your question and it may address other questions I've not yet anticipated. Here it is.

In the next twelve months, the Utilities Division will be working on the following projects: 1) a cost-of-service/rate/financial reserve study; 2) a wastewater reuse plan; 3) a 40-yr water plan which is required by the State Engineer); 4) Santa Fe 2100 water plan in conjunction with the City; and also 5) Lower Santa Fe River planning related to the return-flow pipeline; 6) assisting the BOR, the Bureau of Reclamation in design and construction of the Pojoaque Basin Regional Water System; 7) evaluating fee in lieu of and water right transfer policies; 8) audit of old water delivery agreements to determine actual supply obligations; and 9) establishing a more regular water rights acquisition program.

As I mentioned, some of this addresses your concerns; some does not. With regard to water rights, current policy, in essence, allows the County to acquire water rights and charge developers and other customers individual users and such – a fee in lieu of water rights or have them transfer water rights to the County to support their deliveries. County acquisition of water rights is necessary and desirable so that the County can provide water to affordable housing required by the SLDC, allow individual and small customers to connect to the County utility without purchasing and transferring water rights, and streamlines the development process.

So specific to your philosophical question which I completely understand and respect, the 40-year water plan as well as the Santa Fe 2100 Water Plan we're doing jointly. We try to work through the procurement process with that, I think will address those concerns that you have.

COMMISSIONER BUSTAMANTE: Thank you.

MR. CHOMAN: You're welcome.

MANAGER SHAFFER: If I could add to that, Mr. Chair, Commissioner Bustamante, is that as you see what looks at in Exhibit A as being our primary sources of supply. Those are surface water as well as reclaimed water, which, again, is anticipated to meet the needs of our customers through the projection period. And then in terms of diversifying supply, if that was part of your question, Commissioner Bustamante, is the fact that we have 1350 acre-feet of dedicated supply from the City of Santa Fe in perpetuity which would allow us to potentially back-fill in the event that some of those surface sources of supply or reuse water are not available. And then the final thing I would add is demand can be controlled through water conservation measures and others. But I wanted to add what I think was part of your question which is how diversified is our sources of supply. So I hope that that's useful to answering that part of your question if I understood it correctly.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So I know we're going to vote on acquiring some water rights. What I'm concerned about is what are we charging?

MR. CHOMAN: That's another very good question. Thank you. I think the original fee in lieu – that's the fee that we charge to a developer or to an individual that wants to come on. Say you want to build a three-bedroom, two-bath single-family home out in the county somewhere. The allocation for that is .25 acre-feet. That's a very formulaic approach that we've taken to that. We'll be revisiting that number as a part of our exercises later on this year. We add to that 20 percent, so it would be about .3 acre-feet.

It's unreasonable to expect an individual homeowner or home builder, developer, individual developer if you will, to go out and buy that amount of water. The market's not out there and for someone to peel off that amount, that low amount, would be astronomically expensive. So we offer this fee in lieu. To specifically address your question, it started, I believe at \$16,000 an acre-foot, then it went to \$19,430 dollars per acre-foot. I'm not sure when that was, John. Do you remember?

JOHN UTTON: Three years ago?

MR. CHOMAN: Three years ago or so. So the market's changed considerably. Water is top of mind for many, many. We believe that the presentation will make you know a little bit about the Suerte del Sol purchase. We'll price it around \$36,000 per acre-foot per year. That's very reasonable, we believe, and I don't want to get into too many details about that right now, but because it's unencumbered, it's parked at the BDD, there will be no protests. We think that's a fair number.

COMMISSIONER HANSEN: Yes, but, what are we going to raise our fee in lieu.

MR. CHOMAN: Oh. If the Board chooses to approve that resolution that fee will go up. Yes.

COMMISSIONER HANSEN: Today?

MR. CHOMAN: Yes.

COMMISSIONER HANSEN: And it will go up to what?

MR. CHOMAN: The \$36,000 per acre-foot per year.

COMMISSIONER HANSEN: For us to buy, and that's what a developer has to pay also?

MR. CHOMAN: Yes. Correct.

COMMISSIONER HANSEN: I just want to make sure we're not losing money.

MR. CHOMAN: I understand. Yes. And in conversations with Mr. Harwood who's here in the audience today, he's more active in the market and such, we've seen prices anywhere from Tesuque water rights for \$80,000 per acre-foot per year, a \$40,000, \$50,000 rate, so we believe that this is a very fair price for the market, yes. Not to get too far ahead in the agenda.

CHAIR HUGHES: Commissioner Greene, did you have another question?

COMMISSIONER GREENE: A few. Thank you very much, Mr. Chair. Thank you, Paul. Since we're talking about the value of water rights, do we have a historical trend that can show maybe the last 15, 20 years of the value, and then have we gotten any projections that show what we expect to be in five, ten, twenty years?

MR. CHOMAN: We have not done any historical analysis as far as I know. John, is that correct?

MR. UTTON: Mr. Chair, Commissioner Greene, I could give some comment on prices over time, if that would be helpful.

COMMISSIONER GREENE: Please.

MR. UTTON: So the Middle Rio Grande water rights, which are most of the water rights we have in the Buckman well field, in the mid-90s, those were going for about \$2,000 an acre-foot. They bumped up to about \$2,500 and about \$3,000 by the year 2000. The really started going up in the mid-00s when the homebuilding economy was really going. It even got up, some to \$35,000 that were being purchased in the Middle Rio Grande Valley, just in the field.

The great recession hit; the prices went down, then they started to recover, \$15,000 to \$18,000, I think the price in the middle valley is probably a median of \$20,000 to \$25,000. I don't know. What do you think? He's not going to tell us. But there's not additional water rights that are being made. If anything there's fewer because the actual wet water is going down. So as long as the demand stays where it is or increases the price of water rights should increase over time.

COMMISSIONER GREENE: So we should be buying sooner than later.

MR. CHOMAN: Yes. And this particular seller has offered us an opportunity to do that in the future. I don't have the particulars of that but they have expressed interest in allowing the County to buy some 200, 300 acre-feet, John? Maybe 400? Over time, as we would wish.

COMMISSIONER GREENE: And we've locked in the price?

MR. CHOMAN: That's in discussion right now. I believe they're Middle Rio Grande Valley rights, which is different than this. These are water rights that are parked at the BDD. So they're there available, just sign some documents, no protests involved. Middle Rio Grande rights would involve a protestation period to be allowed, which is I'm not sure how long.

MR. UTTON: And if I could just add other thing. One thing that the table shows is that by reusing water rights, making them more efficient, we can make the water go farther and I think the City is doing a similar thing through reuse. Because it's a consumptive use water right. Traditionally, we just use it one time and then the other, say, fifty percent of the water isn't used. It goes into a septic tank or it goes into return flow that isn't reused and over time I think all utilities are looking at reusing that water, trying to get 2X or more out of their water rights.

The City is going to go away from acquiring water rights. They're getting very difficult and expensive. The pueblos in the Middle Valley have started protesting those transfers, so our proposal here includes – this plan includes acquiring some additional water rights, but not large numbers. Forty acre-feet a year for some years. It's mostly based on what are projects that would maximize the water that we already have and trying not to rely so much on water rights from other areas and bringing them here.

COMMISSIONER GREENE: I'm not sure if I'm reading or if I'm missing this in here but I would love to see where we're showing 17 years of projections out here, what we need to buy, and matching that up with projections of what the cost of that is going to be. So right now, we're going to be at \$36,000 an acre-foot, and that's going to go \$40,000 – up a thousand dollars a year for whatever the next 17 years, or two thousand dollars, or three thousand dollars. We start to match that up and show what sort

of money is going to come out of our pocket and how we can adjust that fee in lieu formula to not be sort of historical and looking backwards but more looking pro-actively and knowing that we have enough money because as we've said, there's nothing better than an actual water right, right? It's real. The second best thing would probably be being more efficient and reusing it; that's great. But that's also expensive, right?

And so that kind of leads me to my next question is, is I see in here, line 12, reuse of water reclaimed from water reclamation facility. So that says I eight years from now, more or less, we're going to build a facility or how is this going to appear?

MR. CHOMAN: Two things. We are in the process of undergoing another master plan, with the Board's approval previously and I thank you all for that, called the regional effluent wastewater management plan, the REMP. We hired an engineering firm. We're about halfway through that process. Part of that process will be taking – designing, in addition to the existing facility known as the Quill plan or the WRF, down on the state prison grounds, and taking that water that's currently classified as 1-A. It's below potable but it's just below potable, taking that and being able to move it to a higher standard so it does become drinkable or potable, if you will, as part of that plan.

COMMISSIONER GREENE: And it will recirculate in that general vicinity?

MR. CHOMAN: Yes. With the growth, as you know, coming along the I-25 corridor that'd driven by the northeast-southeast connector, we will be able to supply water, either there or to other areas as the developments growing south.

COMMISSIONER GREENE: So it will supplement BDD water that wheels around into that area there.

MR. CHOMAN: Yes. And manifold benefits from there too, as far as our availability of water, what they call peaking factors. I don't want to get into that right now, but every gallon of water we can take from a different source than the BDD help us with our ability through the BDD.

COMMISSIONER GREENE: And so this is a big capital project sometime in the next three to five years to come on line in eight years.

MR. CHOMAN: Yes, sir. Once we have the master plan done, which will be this year, we will then prioritize the capital improvement projects based upon that.

COMMISSIONER GREENE: Do we have this project at least scoped out in terms of money anywhere in our capital projects?

MR. CHOMAN: To answer that question, I don't know if we do. We are waiting on the design – pardon me, the effluent management plan to be completed before we do that. We need to see what's defined in that plan and then build off of that.

COMMISSIONER GREENE: So it's a zero right now but it could be – it's certainly not going to be zero –

MR. CHOMAN: More than zero, yes.

COMMISSIONER GREENE: Do we have a scope? Is it \$20 million? Is it \$20 million?

MR. CHOMAN: So I were to guess right now, put a number on it, I would say it would probably be a \$5 million to \$10 million project. A couple parts to that. Expanding the existing plant which we just put on line last year or a year and a half ago, we'll be expanding that, and that was designed with a modular basis, .25 million gallons

per day, move up to four times that or a million gallons per day. Our projections up to 2040 on the wastewater side are just below that so I think we did a very good job in planning that. But also to your question, to your point, taking that water to the potable level, I'd say a \$5 million to \$10 million project.

COMMISSIONER GREENE: And then in terms of how much do we need – water rights purchased. So we're putting money aside with a fee in lieu. Is that fee in lieu only available to buying water rights or is that actually – could that go towards financing this reusable plant?

MR. CHOMAN: Good question. Currently the Utilities Division is blessed with a rather significant cash balance in its account. So we're going to take part of that money and apply it to the Suerte del Sur water rights. With the plan, we plan on again as part of this whole master planning process, finding out what portion of that money we feel comfortable allocating to capital projects in the future.

COMMISSIONER GREENE: So it is money that's eligible for –

MR. CHOMAN: Yes.

COMMISSIONER GREENE: Reuse projects or reuse infrastructure.

MR. CHOMAN: Yes. It's excess funding that's been building up in the Utilities account. We can deploy that as the Board approves.

COMMISSIONER GREENE: Okay. Thank you. So line 10 is – I'll skip to line 10 since I mentioned it. The return flow pipeline, is that our portion of the City's project to go back into the Rio Grande?

MR. CHOMAN: That's correct. Yes.

COMMISSIONER GREENE: And then are we providing comment or support or not support for the downstream folks that might be currently getting flow in their river in recharging the aquifer in La Cienega-La Cieneguilla, Cochiti? Are those folks being shortchanged by us or by the City – not us? We're participants somewhere in this. Are they getting shortchanged by not putting that water back in the river?

MR. CHOMAN: I would say no, and to address specifically your question, we are in the process of developing an MOA with the City to work on Water 2100, a lower Santa Fe River planning process and such. We are actively engaging with them and Commissioner Bustamante has been very vocal in what she'd like to see in that MOA and come out of that agreement.

COMMISSIONER GREENE: I'm concerned because the folks that are the down-streamers that are still using wells, the least – are not receiving that water, right? So it's like that community should be the one community that if we're taking it out of the river and not putting it back into the aquifer, boy, shouldn't they get water, either from BDD or whatever facilities that we have?

MR. CHOMAN: Yes. To answer your question, Commissioner, we have scoped out a project to provide water to that entire community via BDD.

COMMISSIONER GREENE: Okay. Great. And then last I see line 11, Pojoaque Basin-Santa Fe Basin interconnect. Is that a misnomer? Is that the Pojoaque Valley Regional Water System?

MR. CHOMAN: Yes.

COMMISSIONER GREENE: Yes? Using interconnect sort of starts to scare some people and to make you think, where is that water going? And it's a source in

the Pojoaque Valley. Interconnect sort of starts to talk about it moving to the Santa Fe Basin, and – can you clarify that a little bit. I’m sure John can.

MR. UTTON: Mr. Chair, Commissioner Greene, I could address that. So just to be clear, the water that would be supplied through that interconnect is not water being diverted in the Pojoaque Basin. It would be diverted at the Rio Grande where the San Ildefonso Raney wells are located that supply the regional water system. So it would be going through the pipelines. That, by agreement and by multiple agreements, that supply has to be made first to demand in the basin. So I think the parties, the four pueblos and the County, see this as beneficial in a number of respects. One would be it would make use of excess capacity in the system and help pay for it because the demand projections show that the regional system in the Pojoaque Basin will have excess capacity for a long time. In fact if it continues to be expanded it could have it forever.

And so the interconnect would provide an additional source of operating funds for that system. It would also provide additional water to the County water utility on this side of the divide in the Santa Fe Basin. Another key element is that the backup supply, and Commissioner Bustamante was talking about backup supply, there is no backup currently planned for the regional system in the Pojoaque Basin. There was going to be an ASR system but it was taken out as a cost-cutting measure.

So this interconnect would allow for backup supply to provide backup to the Pojoaque system. So pueblos and County representatives involved in that think that that would be an ideal solution to that backup problem.

COMMISSIONER GREENE: Backup, it would go back into the Pojoaque Valley?

MR. UTTON: Yes.

COMMISSIONER GREENE: So if, god forbid, something took that out for a few days or a few weeks there’s that interconnect that acts for resiliency.

MR. UTTON: It would flow the other direction.

COMMISSIONER GREENE: Okay and –

MANAGER SHAFFER: Mr. Chair and Commissioner Greene, if I could add one comment before we move on from that topic. Is that it’s also significant in all water system design that you be able to regularly churn the water. You have to get the water through the pipe to avoid disinfectant byproducts and other water quality issues. And so the interconnection would allow for the system overall to function at a higher level by ensuring that the water is consistently flowing throughout the entire distribution and transmission system in the Pojoaque Basin. And if you didn’t have that then you would have potential other water quality issues that you would have to attempt to address. And so there’s that aspect of the interconnection, which is significant as well and is important to add as we think about why that is a good idea. Again, it helps ensure that the water is used and that it remains at potable water quality standards.

COMMISSIONER GREENE: Thank you, Greg. The Pojoaque Basin, the line 11 in here, is that the County’s portion of the Pojoaque Basin? That’s the County’s portion? It doesn’t include the pueblos’ portion of this facility?

MR. CHOMAN: That is the County’s portion, yes. As Mr. Utton mentioned earlier, it’s of course the four pueblos plus the County and that is the County’s portion.

COMMISSIONER GREENE: And then so another backup potentially is to buy from the pueblos, right?

MR. CHOMAN: That's something – we spend a lot of time talking about what-if scenarios. What if this bad happened? What if this good happened? That's one of the scenarios we're looking at – potentially leasing water because the pueblos have excess, from them.

COMMISSIONER GREENE: Right.

MR. CHOMAN: For various reasons. As a show of good will as well as to establish relationship as well as to provide for us in a contingently needed basis.

COMMISSIONER GREENE: Okay. And so that is a source that is not on this chart.

MR. CHOMAN: Right.

COMMISSIONER GREENE: It is something in the 4,000 acre-feet realm if I remember correctly.

MR. CHOMAN: Yes. You're exactly right, and we didn't want to play too many what-ifs. We wanted to have in this initial presentation to your all today, what we know about. Again, it's subject to audit but we feel very comfortable with the numbers we have here being very, very close, but there's a lot of potential for other sources of water for us.

COMMISSIONER GREENE: Okay. If it's possible, as you've all heard me say a few times here, I like maps.

MR. CHOMAN: Yes.

COMMISSIONER GREENE: Is it possible to start to show either some level of maps that starts to show service areas and numbers of homes in sort of big chunks. You don't have to show the individual home dots, but like, oh, the Community College District has 5,000 home that are all 100 percent on water. La Cienega has 5,000 homes and none of them are being services. Pojoaque Valley will have this many homes and it's expected that ten percent will adopt the new system a year over the next 15 years. Whatever your projections are tied to so that for transparency and for us to learn more about this and our constituents who – I get it all the time. What about the water? What about the water? And you're our water experts standing up here and we have to be somewhere between our constituents and the water experts to ask the right questions and make sure that we can – even if we don't ask the right questions, solicit some of those answers in documents that we can then present for our constituents, for the newspaper, for you name it. For asking the federal government for more money for Pojoaque Valley projects, right? So there's a lot of – this is one snapshot and you've taken a great slice and tried to give us a presentation, but there's so many what-ifs and other contingencies and opportunities that are in this that I would love to have for us all to be able to discuss more comprehensively. But this is great. Good start. Great that this is being done. Let's do it again in six months.

MR. CHOMAN: Yes. Yes. Thanks. The resolution says twice a year so we can come back next month but we wouldn't do that. We'll need about six months to sort things out. But to your point, I just want to mention one thing too to brag on Public Works a bit is that in their foresight and the leadership of Brian Snyder, we are hiring a project manager specifically dedicated to Aamodt as well as other utility projects. That

transition will be made full-time to Aamodt as it develops and matures. So we are addressing those needs. I get calls from constituents saying, hey, when can I hook up? They've all been very gracious. I say it will be two or three years and like, okay. I understand but I just want to be ready. So we're addressing that need or that request as well.

COMMISSIONER GREENE: Please take their name, email, get them to put a deposit down so we can sort of hold them to it. But thank you.

MR. CHOMAN: Yes.

CHAIR HUGHES: Thank you, Commissioner Greene. Commissioner Hansen.

COMMISSIONER HANSEN: So I want to just remind the Board and the constituents that one of the things that we have regularly asked for at the legislature is money for water rights, and I think that it's really important that we continue to do that but maybe we need to be more specific about what we need the water rights for. I think specificity is going to help and I also want you to remember that the Village of Agua Fria, even though it has a mutual domestic and they do supply their own water, they do count on the Buckman Direct Diversion as a backup, and so I think that is important to remember about the village. And I think it is also really important that we start thinking about how we're going to lay the pipes to get out to La Cienega from Buckman, because I think with this PFAS issue there is a serious concern for the residents and that we need to pay attention to.

MR. CHOMAN: Lay the pipe with fiber.

COMMISSIONER HANSEN: Yes. With fiber. Absolutely, at the same time. Just don't forget about my village in Agua Fria.

MR. CHOMAN: Yes, ma'am.

COMMISSIONER HANSEN: Thank you very much.

MR. CHOMAN: You're welcome. Thank you.

CHAIR HUGHES: Thank you, Paul. I don't think you get to go away yet.

8. Miscellaneous Action Items

A. Request Approval of Agreement No. 2024-0198-PW, Buckman Direct Diversion Shared Pool Agreement and Authorization for the Chair of the Board to Execute the Agreement

CHAIR HUGHES: Paul, go ahead and explain that to us.

MR. CHOMAN: A brief summary. This came before the Board – what year was it, Cristella; do you remember?

CRISTELLA VALDEZ (Assistant County Attorney): I believe it was 2021.

MR. CHOMAN: 2021. Thank you very much. And for some reason, it was signed and approved by the City but we can't find the final signed copy. So this was renegotiated, if you will, four points in here, four revisions were made to it. I believe that they're all in the best interests of the County, the revisions that were made, and if you want me to go through them, I'll be happy to, but otherwise, the same thing that was approved back a few years ago and we're just asking for approval of this. And I promise

to make sure that this all gets signed and documented and put in the right file this time.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: I think you should go through it because I'm very familiar with this and I think it is an excellent idea and I want to credit John Dupuis for coming up with this idea, him and Jesse Roach when John Dupuis worked here. I'm sorry it never got signed, but I do think it is important for people to understand how beneficial this is to both parties, both the City and the County in the way that we use our water.

MR. CHOMAN: Correct. Okay, I'll go through each of the four proposed revisions. Number one, in paragraph 2 of the agreement, deposits into the BDD shared pool, was revised to delete the requirement for the County to advise the City and BDD of the quantity of additional County native water rights that will be available in the coming year for diversion by the BDD for delivery to the City on or before December 1st of each year. So basically it eliminates a notification requirement.

Number two, the new version of the BDD shared pool agreement also clarifies the terms and conditions under which the City, as BDD operator, may shut down the BDD. Paragraph 3(A) was revised to add language stating that a shutdown will be deemed discretionary at any river turbidity if the BDD is functional, and the County has sufficient water credits in the BDD Shared Pool at the end of the prior year to cover deliveries from the City. I'll just elaborate a little bit. There are times when that water is just so nasty the BDD doesn't want to touch it. It would go into the pumps and destroy them and wreck the filtration and everything downstream from that. So there are legitimate reasons for that facility to be shut down temporarily, and this allows for that to happen.

Number three, a new Paragraph 3(C) was added regarding the development of BDD standard operations procedure or SOP that defines how BDD operates as a function of river turbidity and availability of backup water sources to the County. An SOP defining BDD operations as a function of these parameters will be developed by BDD staff with City and County input. Basically, it refers to revision number two, it says when should we shut this down? There's discretionary and non-discretionary shut down that defines what was deemed as discretionary in number two.

And the item four refers to paragraph 4 in the agreement. Accounting of credit balance was rewritten to clarify the accounting process. This gets a little wonky here. The County's annual running balance, or "annual water rights balance" shall start at zero each calendar year and be increased by the quantity of water delivered to the City under Paragraph 2 of the agreement and reduced by the amount of water delivered by the City to the County under paragraph 2 during the calendar year. At the end of each calendar year, the annual water rights balance, if positive, shall be the amount available for deposit to the BDD shared pool, subject to conditions. If the annual water rights balance is negative at the end of the calendar year, that amount shall be withdrawn from the BDD shared pool. Basically, it's an annually accounting of whether we called on more than we were allowed or whether we had excess capacity.

I think each of these four items are in the County's best interest and that's validated by both of my –

CHAIR HUGHES: Any other questions?

MANAGER SHAFFER: If I could, Mr. Chair and Commissioners, just

taking a step backwards is that what the shared pool agreement really allows is for the efficient use of two different supplies of water, native water rights in the Rio Grande and then also San Juan-Chama Project water. And so by allowing the City to divert and utilize the County's native water rights when such diversions are available and possible from the Rio Grande, what the agreement allows is for the County to build up a credit to the extent that we're not paid back in the same accounting year using San Juan-Chama Project water from the City. So again, it's about the optimal use of those two existing resources, and to the extent that the City is able to use our native water rights and we're not paid back in the same water accounting year with San Juan-Chama Project water, that delta between those two is what goes into the shared pool, which we can then utilize in future years when the BDD is shut down. So I don't know if that's what you were asking for, Commissioner Hansen, was just that sort of high level overview, but if it was I hope that I didn't butcher it too much. I'm not water nerd. I just hang out with them from time to time, but I think I got the gist of it right.

CHAIR HUGHES: Thank you, Manager Shaffer. That was a good summary of what I understood to be happening. Commissioner Greene.

COMMISSIONER GREENE: Thank you. So just to understand more, and I'm relatively new to the BDD Board having sat through two meetings and the learning curve is pretty steep. So the first question is, does this go to the BDD Board for adoption as well and is this mutual agreement at the City that has already been approved or is it just us here?

MR. CHOMAN: The sign-offs on this do include the City. I don't believe the BDD Board.

MS. VALDEZ: Mr. Chair and Commissioner Greene, BDD is not a party to the agreement but it will go before them for sort of approval/acknowledgement.

COMMISSIONER GREENE: Okay. Thank you. And then as we were talking about other sources that are not BDD sources, so for instance Pojoaque Valley water that goes over the ridge and into the BDD pool, how does that fit into this or how does water that is maybe that we have no rights to that are from the Santa Fe River Basin, Upper River area, that's somehow going to the City, into our collective areas? How do those flows get accounted for? When BDD goes off line, because this is sort of what we're talking about, is one of those aspects, we could be wheeling water over from Pojoaque Valley for a little bit of time. Is that – start a new meter that we start to collect and calculate into that?

MR. UTTON: Mr. Chair, Commissioner Greene, let me try to – maybe one step at a time, but just looking at the sources of supply we have now, and Manager Shaffer gave a good description of this, one of the key reasons that this is very important is this diversifies the County's supply. Prior to the BDD shared pool going in place, the City oftentimes would want to turn off the BDD if there was high turbidity in the river, because it got to be more expensive. The City has three other sources of supply that it can draw on; our source of supply is the BDD. So we have one partner saying we want to shut this down because it's expensive and it's going to be much more in treatment costs to bring the water in.

Of course so that left the County with, well, we have the water resources agreement that allows us to get some water from the City. What this does is it adds yet

another source of supply. In fact it frees up the water resource agreement for use for other things as was shown on that Exhibit A. So what this does is the County builds up credits by allowing the City to use some of our native water rights. So currently we have 1,100 acre-feet of BDD shared pool credits. And so that makes it much easier, as Greg Shaffer was saying, to operate the system optimally, because now we have our interests aligned. If there are high treatment costs we can shut down the BDD and the County then gets its water at the same cost now from a different pool of water from the City, so from their other sources of supply. So either water from the Canyon or the Buckman well field or the City well field, we would get it from City sources of supply.

So that really doesn't have anything to do with the interconnect because that's not City water, but the interconnect would be yet another source of supply that would help diversify the County's portfolio. So one of the key features that I think gave the Utility confidence in making the presentation that was the item before this was the BDD shared pool coming on line, because that now is another source of backup supply that we can rely on.

COMMISSIONER GREENE: Thank you. I appreciate that.

MANAGER SHAFFER: If I could just answer one other component. I'm sorry to interject but I want to answer the second component of your question. As the Pojoaque Basin Regional Water System interconnect with the Santa Fe Basin comes on line, yes. That could be potentially factored into this accounting on a yet to be determined basis. So if that was part of your question, the short answer is yes, though we have not worked out those details yet because that's several years out in terms of that coming on line. So I'm sorry but I wanted to answer that question.

COMMISSIONER GREENE: No, that's perfect. Thank you. And so just to sort of tie this up in a bow, this interconnect will become another source that when BDD comes off line and we need to wheel water around for the County's folks, say in the Community College District or whether and the Agua Fria Village, that the interconnect will serve at that other source, as well as this pool, which will then be able to harvest from the City's other sources into that system.

MR. CHOMAN: That's correct,

COMMISSIONER GREENE: Thank you. Thank you, Greg.

CHAIR HUGHES: All right, if there are no other questions do we want to make a motion about this? Commissioner Hansen.

COMMISSIONER HANSEN: I want to approve agreement 2024-0198-PW, Buckman Direct Diversion shared pool agreement and authorization for the Chair of the Board to execute the agreement.

COMMISSIONER GREENE: And I'll second that.

CHAIR HUGHES: Any discussion? I was going to ask Daniel or Matt, is Commissioner Hamilton on line? We should probably mark her as excused at least for most of the meeting, since I don't know if she'll show up later. She did tell us she was going to be gone, so she's excused. Okay.

The motion passed by unanimous [4-0] voice vote. [Commissioner Bustamante's vote was recorded after the fact. See below.]

8. B. Resolution No. 2024-034, a Resolution Authorizing the County Manager to Sign a Water Rights Purchase Agreement and All Other Documents Necessary or Proper to Acquire Water Rights from Suerte del Sur, LLC and Have the Water Rights Permitted for Direct Division at the Buckman Direct Diversion

CHAIR HUGHES: Go ahead, Paul. It's you again.

MR. CHOMAN: So as we alluded to a bit earlier, perhaps a little bit prematurely, there are 44.803 acre-feet of water available at the City's pool, and I have had this discussion with the City about us acquiring them because it is technically in their pool. They were completely supportive of that, once I gave them the rationale for it. So this memo here is to allow us to purchase that. The broker, Bogle Realty, the 44.803 acre-feet per year of water for consumptive use at the rate of \$36,000 per acre-foot, plus the five percent commission to Bogle Realty.

This is part and parcel to the presentation we gave earlier about us continuing to acquire water rights. We're in the process of negotiating more in the future. These are parked at the BDD. No protests. It's all up there ready to go.

CHAIR HUGHES: Thank you, Paul. Are there any questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: So the point that I like here is that it resets the water rights fee. So does this adjust sort of an impact fee for the fee in lieu going forward for –

MR. CHOMAN: Yes.

COMMISSIONER GREENE: When does that take effect?

MR. CHOMAN: As soon as it's approved.

COMMISSIONER GREENE: So anybody who files for a development tomorrow suddenly gets the new bill.

MR. CHOMAN: Do we need to have another resolution to reset it, or does this do that automatically?

MS. VALDEZ: It will reset according to Resolution 2018-12 to the last cost per acre-foot paid by the County for pre-1907 surface rights that are divertible at the BDD. And I believe what is being approved now is a water rights purchase and I think the deed – when the purchase is actually completed is when the price will adjust. I don't know if –

COMMISSIONER GREENE: When do you expect this to be –

MR. CHOMAN: We have 30 days or so to review all the paperwork, make sure things are aligned at the OSE and make sure that there's no issues.

COMMISSIONER GREENE: Okay. Great. Thank you. And just maybe – this is a different question for a different sort of resolution, but again, going back to the concept of projecting water rights. It's the last time we've bought water rights since \$19,000. Now it's \$36,000. That's double. So we've been undercharging folks for a while.

MR. CHOMAN: Yes.

COMMISSIONER GREENE: And maybe there's a methodology that we can start to use to either flatten this out and have a projected growth so we don't have to

wait for this. Like, oh, here's a price in fact, but maybe today it's \$36,000 an acre-foot and we say it's going to go up \$1,000 an acre-foot per year, and maybe every ten years we adjust or do something. I'm just trying to give some clarity because maybe we buy some really cheap water rights next year. Does that suddenly adjust this down?

MR. CHOMAN: Potentially, what we're finding in this is our pre-1907 water rights parked at the BDD is extremely rare. We're very fortunate to have this opportunity. What we're finding is a plethora, if you will, of Middle Rio Grande water rights. They're a less price but again, they're subject to the protest period and other issues that go along with that. So there's costs associated with it. So to answer your question, I would like to be invited back to present that information to you in that regard about what's available in inventory and what we've proposed to do in the next few years.

COMMISSIONER GREENE: That would be great to know, sort of what we should be going out and going and finding. Thank you.

MR. CHOMAN: You're welcome. Thank you.

CHAIR HUGHES: Other questions on this topic? I'd like to give Commissioner Bustamante a chance to tell the recorder how to record her vote on item 8.A.

COMMISSIONER BUSTAMANTE: Yes. Thank you for that. Yes. I vote in favor with the other Commissioners. Sorry. I had a more imminent pressing –

CHAIR HUGHES: It happens. Are there any more comments on this 8. B? If not, what's the pleasure of the Board?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Yes.

COMMISSIONER HANSEN: I move to support a resolution authorizing the County Manager to sign a water rights purchase agreement and all other documents necessary or proper to acquire water rights from Suerte del Sur, LLC, and have the water rights permitted for direct diversion at the Buckman Direct Diversion.

COMMISSIONER GREENE: And I'll second that.

CHAIR HUGHES: Okay, we have a motion by Commissioner Hansen, seconded by Commissioner Greene.

The motion passed by unanimous [4-0] voice vote.

8. C. **Final Order for Case # 23-5071 Carlos Gallegos Variance Appeal.**
Stuart Stein, Appellant, Appealed the Santa Fe County Planning Commission's Final Order Regarding a Variance Request, to Allow a Second Dwelling on 2.69-Acres as Allowed by SLDC, Section 10.4 (Accessory Structures). Due to the Terrain Constraints on the Property the Applicant Requested a Variance of Section 10.4.2.3.3 to Allow a Separate Access and a Variance of Chapter 10.4.2.4 to Allow the Proposed Dwelling to Utilize a Separate Septic System and Utilities. The Property Lies within the Residential Estate Zoning District Within the La Cienega and La Cieneguilla Community District Overlay (LCLCCD). The Property is Located at 53 Sunset Road Within Township 16 North, Range 8 East, Section 28

Commission District 3, SDA-2

CHAIR HUGHES: And I think this is something that would normally be on the Consent Agenda but since it wasn't unanimous – do Commissioners have any questions or should we just go ahead and vote?

COMMISSIONER BUSTAMANTE: No, I would like to make a comment, sir.

CHAIR HUGHES: Go ahead, Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I was the one outlying vote on this and to make it clear, I want to make sure, because I do recall that it was very late and that people were quick to get to that. The problem with this variance and moving forward in not approving the appeal is that comprehensively, it undermines the intent for accessory dwelling units. This property failed an attempt at a lot split before we had the SLDC and is using this property – has absolutely no intention of living there, though that has only been reported, because we don't know since the property owner has not attended any of the meetings including – I've looked at the meeting minutes and actually had their representation at that.

But it was denied for a variance for density in 1999. Using the SLDC and the ADU allowance as a vehicle to undermine the density allowance and the intent of the ADU, which I'm going to ask that the community of La Cienega continue to because the SLDC has somehow gotten past the requirement that water availability, County availability and County able to provide water for new developments had been long a requirement on the LCDRC, which was dissolved in the early 2000s.

The LCDRC, the La Cienega Development Review Committee, made approvals based on future hookup to water from the County and only allowed that density given that that water would become available and that those property owners would hook up at that time. This is just getting around a specific variance that was not allowed in 1999. It's using an ADU to put two large double-wides – and it doesn't matter – two homes, that will be rented out and that is absolutely contrary to what the values and the – I would say the intent of the ADU and those abilities to have more density.

So my concern is onward. We have found a vehicle that basically just undermines the density requirements, specifically in a community that now has water quality and has had, as previously stated, water quantity issues. But we have now a work-around for the density requirements. And that's what happened that night and why I'm so passionate about it. So I appreciate your hearing me. I appreciate it being entered to the record that this needs to be reviewed as the community is going through their community planning process again. But to have further density without taking into account water availability, the ability for the County to bring water in, which was stated very clearly that night that it had been brought around near the Downs area, which is nowhere near the street that we're talking about with regard to the County's waterline. This individual hasn't been present to any of these hearings and found a way to get around it, and I find it really problematic because we have a vulnerable community but yet again, it's been by-passed.

So thank you for your understanding. I still hold that I will not support – I do support the appellant, but that's important for the record.

CHAIR HUGHES: Thank you, Commissioner. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Commissioner Bustamante. I am sympathetic to this issue. I don't necessary think that this is a full end-around and because it is a house and a guesthouse or a house and an ADU, it is not nearly like a lot split, which could have been two houses and two ADUs. So the impact on the density is still 50 percent of what is allowable. The only issue is a second well field or a well and septic tank and access point. So I understand the concerns and I'm sympathetic to it, but the terrain sort of made this something that allowed for this as a way to get around or seek a variance for not more density, per se, but just an allowable extra unit. Right? But without having a single point of access, a single well field and a single septic tank. So I appreciate your position on this and I will take it further advisement in future cases. I understand your concern.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So just to be clear, they're not getting any more water rights. They only are limited to the water that they have. We didn't give them

COMMISSIONER GREENE: We doubled the density under the allowable – they didn't seek a variance for the ADU. They saw the variance really for the other aspects of the utilities and the access that made the guesthouse or the second unit allowable.

CHAIR HUGHES: Perhaps we should just make a motion and carry on. We did debate this at the meeting. If someone would like to make a motion, that is.

COMMISSIONER HANSEN: I made the motion last time. I recognize and I understand Commissioner Bustamante's feelings about this. At the same time I think this is a reasonable solution and considering that we are in a housing crisis and we are not using any more water I will move to approve again.

COMMISSIONER GREENE: And having said my position on this I will second this just so that we can move on, and I will look closer at these end-around attempts in the future, so I second this.

CHAIR HUGHES: Thank you. We have a motion by Commissioner Hansen, seconded by Commissioner Greene.

COMMISSIONER BUSTAMANTE: Further discussion. Since we're assuming that there won't be any additional water use and we have one well, as I understand, but they aren't monitored, and if they are monitored they aren't reported, is there any way to have any assurance? Could there be a condition that there would be a water meter put on that new well? I didn't hear anything to that effect in the first round and that those reports – because I have a well meter and no one has ever asked or told me where I submit those. We have well monitoring requirements but they don't get –

COMMISSIONER HANSEN: I'm completely open to that suggestion, Commissioner Bustamante. I think well metering is incredibly important and I know that Sustainability had worked on well metering and monitoring and I think as the County grows, we need to be paying more attention to the use of – how much water is being used. So if you want to have a friendly amendment I'm willing to accept that as an addition.

COMMISSIONER BUSTAMANTE: We can't do it. We can't –

CHAIR HUGHES: Manager Shaffer, can you clarify whether we can add

a condition at this point?

JEFF YOUNG (County Attorney): Mr. Chair, Commissioners, the hearing and the order have already been prepared on this matter so at this point you're only voting whether to accept or not the final order. So I would not recommend that you go back and make conditions at this point.

CHAIR HUGHES: That's not to say we don't think it's a good idea, Commissioner Bustamante. It is and we can certainly next time this comes up, if it ever does.

COMMISSIONER HANSEN: I can bet you money that something like this will come up again.

CHAIR HUGHES: Okay. At this point we have a motion and a second. We've had discussion.

The motion passed by unanimous [3-1] voice vote with Commissioner Bustamante casting the nay vote.

8. D. Resolution No. 2024-035, a Resolution Authorizing the Disposal of Specified Solid Waste without Paying Service Fees in Santa Fe County

CHAIR HUGHES: And for that we have Michael Carr from Public Works.

MICHAEL CARR (Sustainability Specialist): Mr. Chair, Commissioners, thank you for the opportunity to speak and present for the first time to you. I'm joined virtually by Maria Gomez Molina, the Roads/Fleet/Solid Waste and Traffic Division Director of the Public Works Department. I want to confirm that she is online with us not.

MARIA GOMEZ-MOLINA (Public Works): Good afternoon. Yes. I'm online. Good afternoon, Mr. Chair and Commissioners.

MR. CARR: Thank you, Maria. I'm here to present a resolution authorizing the disposal of specified solid waste without paying service fees in Santa Fe County, otherwise known as free solid waste disposal days at the Santa Fe County solid waste convenience centers. The free waste days would consist of two free residential solid waste disposal days, which would take place on April 13, 2024, and September 21, 2024. And this would be in addition to six free green solid waste disposal days that would occur on the first Friday and Saturday of July, August, and September.

The free residential solid waste days correspond with the Keep Santa Fe Beautiful event on April 13, 2024 and the Toss no Más event on September 21, 2024. The greenwaste disposal days are scheduled to occur during the summer months when landscaping is common and greenwaste is more commonly disposed of and to support or discourage open burning of greenwaste in the county. These free waste days will be available to county residents with an active solid waste permit or punch card with deductions from those permits waived, first specified solid waste on the date of those stated free days. I stand for questions. Thank you.

CHAIR HUGHES: Okay. Questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. Thank you for

providing this service to the community. Is there a reason that we only do this at three facilities?

MR. CARR: As far as I'm aware, this is what was conducted last year and I believe it was due to staffing issues. If Maria has any more clarity I'll let her speak more to solid waste management of those days and facilities.

MS. GOMEZ-MOLINA: I don't have any more clarifications but I can certainly look into it for next year.

COMMISSIONER GREENE: Okay. Because if we're going to be open on those days at other facilities, any facility that's open should have that. It would disperse the use, dragging stuff from upper Tesuque all the way to Jacona or bypassing that Tesuque facility. Or from Nambe and Chimayo all the way to Jacona instead of going to the Nambe facility. It would be great to have every one of these facilities have their day. And even if it isn't the same day, but some solution to get that more convenient, but this is great. Thank you.

MR. CARR: Thank you.

CHAIR HUGHES: So which facilities are not covered? Obviously Tesuque. Are there others that aren't?

COMMISSIONER GREENE: Tesuque, Nambe in my district.

COMMISSIONER BUSTAMANTE: La Cienega.

COMMISSIONER HANSEN: They are not covered?

CHAIR HUGHES: Apparently, it's just at Stanley, Jacona and Eldorado.

COMMISSIONER GREENE: Glorieta has one too, right? Or –

MR. CARR: Just to clarify, the free residential solid waste free days, those are for all of the convenience centers, and the greenwaste free days are only for the Stanley, Jacona and Eldorado facilities.

CHAIR HUGHES: Okay. And it was my understanding you said that was because of the staffing level required?

MR. CARR: That is my understanding, yes.

CHAIR HUGHES: Okay. Are there questions or comments? What's the pleasure of the Board?

COMMISSIONER GREENE: I'll do it. So move to approve a resolution authorizing the disposal of specified solid waste without paying service fees in Santa Fe County.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Okay, we have a motion by Commissioner Greene, seconded by Commissioner Bustamante.

The motion passed by unanimous [4-0] voice vote.

- 8. E. Resolution No. 2024-036, a Resolution Authorizing Santa Fe County to Apply for a Federal Climate Pollution Reduction Grant and Delegating the County Manager Authority to Execute all Related Documents and Agreements**

CHAIR HUGHES: That's you again, Michael. Welcome back.

MR. CARR: Thank you so much. Thank you again for the opportunity to speak a second time. I'm presenting on the resolution authorizing Santa Fe County to apply for the federal climate pollution reduction grant and delegating the County Manager authority to execute all related documents and agreements. The Climate Pollution Reduction Grant or CPRG is an EPA grant that supports creative projects to reduce greenhouse gas emissions including carbon dioxide, hydrofluorocarbons, methanes, nitrous oxide, among other pollutants.

Grant application efforts would be in collaboration with the City of Las Cruces, Los Alamos County and the South Central Solid Waste Authority which serves Doña Ana County and the City of Las Cruces as well, whereas the grant application would be a coalition effort to secure funding for projects specific to each coalition member. The projects this grant would fund, should it be awarded is to support food waste diversion efforts at Santa Fe County senior centers and the detention center where congregate meals are served through the use of commercial food waste pickup services. The service would include the requirement to compost these County facility generated food waste into sustainable soil enrichment compost and be made available to the local community.

The estimated food waste produced annually by these facilities is approximately 68 tons and utilizing the EPA's tool for high level comparative estimates, known as the warm tool, the potential GHG emissions generated by diverting this waste from the landfill and composting them would reduce GHG emissions by approximately 23.8 metric tons of CO₂ emissions annually. The funding requested for the grant totals \$160,000 which would be utilized to fund five years of this commercial food waste pickup service for five senior centers, including the El Rancho, Abedon Lopez, Nambe, Ken and Patti Adam, and Bennie Chavez senior centers, as well as the Santa Fe County Detention Center.

The BCC has shown strong support throughout the years in supporting County-led efforts to reduce greenhouse gas emissions and to mitigate the negative impacts of climate change. These include Resolution 2018-59 in support of a pilot residential composting program that was a success and has led to an ongoing backyard composting program for county residents. The BCC has also shown support for soil health through Resolution 2019-42 which urged the New Mexico State Legislature to enact the Healthy Soils Act and directed staff to explore ways to incentivize soil health improvements. By developing soil health and prioritizing actions to reduce our GHG emissions are also driving forces of the County's Climate Action Plan which was passed in 2023. Thank you, and I stand for any questions.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Michael and thank you everybody. This is a no-brainer and what we are doing, what we have been supporting, we want staff to be applying for as many grants as possible, especially something that already supports a process that we have been involved in for the last 7 ½ years seriously, since joining the Paris Agreement in 2017. So I'm sure there are other people who would like to make comments but I'm going to make a motion to approve the resolution authorizing Santa Fe County to apply for a federal climate pollution reduction grant and delegating the County Manager authority to execute all related documents and

agreements.

COMMISSIONER GREENE: And I'll second that but with a comment.

COMMISSIONER HANSEN: Right.

CHAIR HUGHES: Okay, we have a motion and a second but we'll do some discussion first. Commissioner Greene.

COMMISSIONER GREENE: Thank you and thank you, Michael. Congratulations on your first two things. I hope we made it easy on you. You've got a pretty easy group to work with on issues that you work on. So thank you.

I'm wondering – so this is a great step in the ultimate food waste at the end of the day. I know of a program up in the Denver metro area that is starting to work on how to best practice facilities that are cooking in this format. So this large format meals. So it's not like I'm making an individual plate but I'm making enough food for 60 people but I only had 40 people eat. And so the extra 20 meals have an opportunity, before they actually become waste, to be reused. And there are these techniques that they have and programs that they have up in Denver and other places as well, and I'd love to get this in front of you to where this actually, a) at the kitchen it is prepared in a technique that allows it to be reused within a certain amount of time and not be destined for waste if there's surplus. And then it creates a program to then work with homeless shelters and other at-risk populations to make sure that it doesn't go from excess to waste immediately, but it goes from excess to one last potential stop to feed people where it has its highest and best value, and then it goes to – if it can't be used it goes into the waste and recycling stream.

This is a great idea. I'm fully in support of it but I would love the opportunity to talk to you and turn you on to this because I know that our facilities that are a part of this could probably benefit from this and maybe get even better. Reduce, reuse.

MR. CARR: Your ideas are very much appreciated.

COMMISSIONER GREENE: Happy to turn you on to it. Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So part of what Commissioner Greene is talking about is one of the things that is happening at Reunity Resources where they have a fridge where meals are put in there so that people can come and get them all ready, and to expand that is something that I know Reunity Resources is interested in, but expanding it further out into the county is a really great idea. So any way that we can help our unhoused population have good healthy food is really important. I just wanted to share that.

CHAIR HUGHES: Any other comments? I have two I guess. One is that I'm pretty sure the restaurants already have a system set up to bring extra food to the shelters – St. Elizabeth Shelter anyway and that does happen quite a bit, so expanding that would be great.

COMMISSIONER GREENE: The short answer is yes, but it doesn't happen enough and expanding it is definitely one of those techniques. But I know that in Denver they got the convention center to sign on to this and it was more of a corporate level, large banquets. And what it does is it basically doesn't heat food. One of the early techniques is don't prepare the food that can only be served or wasted. It is prepared in a holding level and it's just a technique for preparing and getting it ready for service so it

can be reused or reheated probably. But thank you.

CHAIR HUGHES: Okay. Good. The other comment I want to make is that I know the state is also applying to this same fund for charging stations along I-40 and incentives for trucks to convert to renewable energy. So in addition to this, at the next meeting I'll bring a support letter that they have asked for to support them in their efforts. It's not going to compete with us; it will be complementary, and I have asked my liaison and I've asked the Director of Sustainability, Jacqueline, to help me with that letter to make sure that we make it as strong as possible. Any other comments? I think we already have the motion and second, correct? Motion by Commissioner Hansen, seconded by Commissioner Greene.

The motion passed by unanimous [4-0] voice vote.

8. F. **Resolution No. 2024-037, a Resolution Declaring the Eligibility and Intent of Santa Fe County to Submit an Application to the New Mexico Department of Transportation for Federal Fiscal Years 2025 & 2026 Recreational Trails Program (RTP) Grant and Delegating the County Manager Authority to Execute all Related Documents and Agreements**

CHAIR HUGHES: And to tell us about that we have Adeline Murthy. There you are.

ADELINE MURTHY (Open Space & Trails): Good afternoon, Mr. Chair, Commissioners. The Planning Division requests the Board's approval of the resolution that directs staff to submit a recreational trail program, or RTP grant application in the amount of \$427,000, with \$72,800 in local matching funds for a total project amount of \$500,000 to the New Mexico Department of Transportation. And that grant is for the preliminary engineering of Segment 7 of the Rail Trail from US 285 to County Road 33.

This project is approximately a one-mile trail segment and the site map has been included in your exhibit, Exhibit C. The project will include the study and selection of the preferred trail alignment, the study and selection of a safe highway crossing at US 285, and the design of the trail from US 285 to County Road 33, which is also known as Old Lamy Trail.

The RTP is a reimbursable grant program with a 14.56 percent local match requirement and the grant application requires a resolution that indicates the following: that the County has sufficient funds for the local match; that the County has sufficient funds to pay for all project costs up front, as this is a reimbursement program; that the County agrees to pay any costs that exceed the project grant amount if the grant is awarded; and that the County acknowledges responsibility to operate and maintain the trail for the usable life of the project.

So I'm coming before you today for your approval of the resolution declaring the eligibility and intent of Santa Fe County to submit this application to NMDOT. However, I must say that recently it did come to my attention that the County needs to update its ADA transition plan and Title VI plan to main compliance with federal requirements. We hope to complete that in time for this grant cycle, but in case we're not able to there'll be

a second grant cycle this fall and this resolution would also be valid for that second grant cycle. Thank you, and I stand for any questions.

CHAIR HUGHES: Thank you, Adeline. Are there questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Adeline. Just a question. Is this the last segment of the Rail Trail then?

MS. MURTHY: That is correct.

COMMISSIONER GREENE: Yay. Good. Congratulations.

MS. MURTHY: Thanks.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I know that we've been working on ADA issues for quite some time and I know that it takes a lot of staff time to do those, so I have sympathy for you on those issues, so good luck with that because this trail and this connection is really important for us to have. One of the things that happened at the legislature was this matching fund that was created. We luckily at Santa Fe County do have the money to have this upfront but there are other counties and other cities and municipalities that don't always have, or tribal areas, who don't always have the money upfront to be able to do a project like this. And with this new matching fund people will be able to – or municipalities, counties, cities, and tribes will be able to apply and hopefully create more recreational space or whatever matching funds that they need to match federal government things. So with that, I'm going to make a motion to approve a resolution declaring the eligibility and intent of Santa Fe County to submit an application to the New Mexico Department of Transportation for federal fiscal years 2025 and 2026 recreational trails program grant and delegating the County Manager authority to execute all related documents and agreements. And I wish you good luck with the ADA.

COMMISSIONER GREENE: And I will second it.

CHAIR HUGHES: Okay, we have a motion and a second, but I have a quick question. Are we trying to make the whole Rail Trail accessible to people in wheelchairs or what are we thinking in terms of ADA?

MS. MURTHY: I'm not – it won't be like an ADA compliant trail, which is typically paved, so the answer is no. But this plan is required to access federal funding.

CHAIR HUGHES: Okay. Because I was thinking – I walk on the Rail Trail. It's right near my house and if I was in a wheelchair I don't think I would choose that as somewhere to be.

MS. MURTHY: It is one of the few County trails that's wide and relatively flat, so in that sense it is accessible, but it's not ADA compliant.

CHAIR HUGHES: Right. Right. Well, this is great. This takes the Rail Trail out of my district and crosses it into Commissioner Hamilton's district, which is very exciting. It's going to cross two Commission districts now. Any other comments? Okay, we have a motion from Commissioner Hansen, seconded by Commissioner Greene.

The motion passed by unanimous [4-0] voice vote.

8. Matters of Public Concern

CHAIR HUGHES: Is there anyone in the room from the public who wishes to address the Commission? Daniel, can you put up the three-minute timer?

ELIZABETH WEST: Good afternoon. My name's Elizabeth West and I wasn't planning on speaking but I decided to come in this afternoon and hear the various comments in relation to water issues. And I'm such a layperson I really don't know how to ask an intelligent question. So I'll start with a compliment for Commissioner Bustamante. I really appreciate your suggestion, your aim, your hope for a friendly amendment, and I suppose the only way you could have gotten that through would have been to just everybody vote it down and then start all over again and I know that's frustrating. However, the intent that I think I understood of what you were trying to suggest there is something I approve of. I think that's good. It's not the end of the world that it didn't go your direction, but it's very good that we're thinking about it.

And then Commissioner Greene, actually all of you, have been not dodging around but have been connecting to the idea of accountability. And of course that works in with transparency. I live part time out in the county and I see a tremendous amount of growth over the years. I used to live out there back in the sixties, and so I've been around for a while and now my main house is in town but I go out and help with my family out south of town, off Highway 14. And there's a lot of growth. And I'm wondering how you record how the water is metered and how it is controlled.

Mr. Shaffer – sorry. I appreciated your comments.

MANAGER SHAFFER: It's Shaffer, except for my wife and that's Shaffer. [laughter]

MS. WEST: Shaffer. I am so sorry. I really like pronouncing things correctly. Thank you very much. Your comments that are underscoring the importance of accountability or metering, which in the end, Commissioner Greene – you've pointed to this and others of you have also, the importance of knowing how much water we're using and not just expecting the paper water to float properly. So thank you for that. I don't know exactly what I'm asking you to do except that I think we should have more metering, but who's going to be doing it? There's a lot of work that's involved in that. So thank you very much.

CHAIR HUGHES: Thank you. Is there anyone else in the chambers who wishes to speak to the Commission? Is there anyone online, Daniel?

DANIEL FRESQUEZ (Media Specialist): Mr. Chair, there are no users online indicating they'd like to speak.

CHAIR HUGHES: All right. Well, thank you all very much we will close public comment for now and there will be a public hearing later where we'll hear more from the public I assume.

9. Matters from the County Manager [Also see page 48]

- A. Miscellaneous Updates, Including, But Not Limited To, Memorandum of Agreement Between the City of Santa Fe and Santa Fe County Regarding the Investigation, Modeling, and Planning for PFAS Contamination**

CHAIR HUGHES: Manager Shaffer.

MANAGER SHAFFER: Thank you, Mr. Chair and Commissioners. First, I wanted to remind the Board that we are having this Monday from noon to 1:00 p.m. the spring class graduation for our Matrix program at the adult detention facility. All of the Board of County Commissioners are cordially invited to attend that graduation ceremony if you would like, and you should have received a meeting request in Outlook for that event.

Looking forward also on the topic of the adult detention facility, it is the time of year for the Board's annual site visit and inspection of the adult detention facility. We have tried in recent history to schedule that in the morning with a short presentation here in chambers, followed by travel to and from the adult detention facility as well as the site visit and inspection. All told we would request that we set aside four hours for that. Beginning at 9:00. So we've identified four potential dates and would appreciate if the Commissioners could get back to Sara Smith as to which dates would work for you. They are Thursday, April 11th, Friday, April 12th, Tuesday, April 16th, and Friday, April 19th. So again, I'm not requesting an answer now and Sara will follow up with an email to you on those dates, but if you could look at your calendars and respond as to what dates work for you we would appreciate it.

In addition, on the topic of water quality and PFAS, I did want to call to the Board's attention the fact that City staff and County staff are working on a memorandum of understanding relative to cooperation as part of the County's implementation of the grant subsidy we received from NMED to investigate and model a potential PFAS plume, and the draft agreement is on BoardDocs and I'd be happy to make hard copies available to any Commissioner who would like to see them.

In essence it commits the City to cooperating with the County and its contractor in the characterization of the plume. It also commits the City to permit or would commit the City to permit access to the County and our consultants or contractors to the premises of the Santa Fe Regional Airport and wastewater treatment plant for the collection of groundwater data and sampling, and if it's determined to be necessary, the City would commit to allowing the County to drill monitoring wells on the premises of the airport or wastewater treatment plant with the City continuing to maintain those monitoring wells. And then finally, the City would agree to provide any groundwater data that it possesses for the airport and wastewater treatment plant to the County to assist us in the investigation and modeling of the potential PFAS plume.

So I'd be happy to hear any feedback that you have individually relative to the draft agreement but I did want you to know that that is something that we are actively working on with the City of Santa Fe. We would anticipate that it would come to the Board of County Commissioners for consideration and potential approval at the end of the month, March 26th, and would be going through the City committee process so that the governing body of the City of Santa Fe could consider that agreement at its March 27th meeting. So that was again another update that I wanted to provide to the Board in that area of intense public interest and concern as ways in which we're trying to build those agreements with stakeholders to ensure that we're working in concert to move forward. Thank you.

CHAIR HUGHES: Thank you, Manager Shaffer.

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 HUGHES: I don't remember which side I started on last time but I'm going to start with Commissioner Greene this time.

COMMISSIONER GREENE: All righty. Thank you, Mr. Chair. It's been a busy couple weeks. The thing that's made me happiest was working with Tesuque Pueblo over the past few months to work on animal welfare and animal care issues at the pueblo and bringing in our animal control team and Animal Protection New Mexico, and so the result of that was that there was a spay and neuter clinic that I mentioned a couple of weeks ago. Oh, sorry. There was a vaccination clinic a couple weeks ago and this past weekend was a two-day spay and neuter clinic that spayed and neutered I think just over 100 animals, dogs and cats. It was low cost. It focused on pueblo animals but it was also open to anybody really in Santa Fe County, and it was sold out.

And it was pretty amazing and part of this discovery was that there is a lot pent-up demand for this low-cost service and so this is something that we should be trying to find a way to offer it for more people in the county. But also that the pueblos actually have a superhuman ability to organize this because one of the problems in New Mexico and in Santa Fe is that we don't have enough vets. And so they can get a vet to volunteer their time or to be paid to come down here for a weekend from Colorado, but they're not allowed to perform surgery in the county, but they are allowed to perform surgery on the pueblos.

So the pueblos are in a great, unique position to leverage support from Santa Fe County and to offer the services to Santa Fe County that otherwise we wouldn't be able to muster if it wasn't on pueblo land. So I'm going to encourage us to add some money to next year's budget to be able to offer a few of these clinics that would be based at the pueblos should they feel willing to join in partnership with us and use their superhuman strength as I like to put it, to offer this licensing work-around.

I also worked with Rio Arriba County. We had a meeting up in Rio Arriba County a couple days ago. Maybe it's a couple weeks ago at this point, to talk about the post office in Chimayo and we continue to work on trying to find a solution to finding a new facility for a post office up there. As you may remember, a little over a year ago the facility that was up there burned down and they've gone without a post office and it seems like a lot of the players – Rio Arriba County and Santa Fe County are working in a very collaborative way, friendly way, to make something come out of that.

I also met with the folks from the Lensic and a member of the City Council to start working on a collaborative effort for looking at a regional amphitheater, something akin to the beloved but not available Paolo Soleri. And so this sort of working group is starting to discuss about how to make the steps forward, how to fund a feasibility study and to bring the right partners and a stakeholders group together so that we might have that sort of infrastructure again in Santa Fe, because Paolo Soleri was near and dear to a

lot of people.

I also spent an evening at the Transportation Advisory Committee and that committee was very thankful that I showed up and they were also thankful that Commissioner Hughes, Chair Hughes, showed up at the previous one, and I encourage all of our Commissioners to make an appearance there and watch their presentation and give them the encouragement to make great decisions and recommendations to us. They appreciated it.

Lastly, one of the issues that has become an issue in the north of the district, in the north of the county, just over the border in Rio Arriba County but in the City of Espanola is an issue of a homeless encampment and what happened in the past few weeks was the city and Ohkay Owingeh Pueblo dislodged a camp that was up by the Walmart and moved it down south, much closer to Santa Fe County, but just over the border, I think, and I hope that we can find the resources that we are good at to support this community effort to either find housing for these folks or the right treatment and support systems that these folks need there. They're currently asking for porta-potties or money to clean porta-potties, and then the next issue is to potentially send up a group to bring these people into our CONNECT system to make sure that they are enrolled and that we are able to find out what services are available to them so that we can get them on the road to either being housed or to getting the services that they need. I appreciate you all listening and thank you very much for what all you all are doing. So thank you.

CHAIR HUGHES: Thank you, Commissioner Greene. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair and Commissioners and constituents. We had a really beautiful march and ceremony on the plaza for Tibetan Freedom Day, which we proclaimed. The City, the state and the County all proclaimed it as different versions of Tibetan Rights Day, Tibetan Freedom Day, and it was incredibly sweet and wonderful.

Last night was the Casa Alegre Neighborhood Association meeting, which I happen to be the president of, and we had a really great presentation from Pete's Place where they were speaking about services for the homeless or the unhoused. Pet's Place now has a mobile clinic or a mobile shower that they are moving around, which I think is really fantastic because that is a big impairment with the unhoused and people are still very frustrated at what is happening with Lamplighter and Bella Luz and the amount of time that it's taking to move that forward. It seems to be, even though we did invest some money in that it seems to be taking a tremendous amount of time to get that up and running and it is sorely needed.

Commissioner Hughes and I met with Kristen from the Restaurant Association and they had some concerns and we hope to meet with her and Sarah Pierpoint about a few changes to the ordinance before our next meeting.

And then Agua Fria, also the other thing, numerous have been complaining about the Cementerio Road that runs along the cemetery in Agua Fria and thanks to Erle and his excellent work at GIS we know that that road is now part of the city from annexation, and so we have asked them to please fix many of the potholes and improve the road there. And that's all I have.

CHAIR HUGHES: Thank you, Commissioner Hansen. Commissioner

Bustamante.

COMMISSIONER BUSTAMANTE: Thank you. We are having the PFAS townhall. I am beyond grateful to Santa Fe County staff that have helped bring this together. A special shout-out and thank you of gratitude, I absolutely could not say it enough for the work that Rachel has done at Community Services and a whole team of people to ensure that the people in the La Cienega area have the information that they need, that they're requesting basically to be heard.

I do want to ask at this time for my purpose and probably – and I appreciate the question that came up. Without being able – so if something comes back to the agenda, and I will ask this of Jeff since he's the County Attorney although I know that the County Manager would be able to answer it, and just less understanding of a concept that even our recorder would be able to say, wait a minute. You can't do that. And how is it that would bring something back to the Commission to be heard but we can't impose conditions on it? What is the intent of bringing it back? And if it comes back, and conditions can't be made or proposed at that time, what is the point?

MR. YOUNG: So Mr. Chair, Commissioners, if you're referring to the vote that occurred earlier today –

COMMISSIONER BUSTAMANTE: Yes. Yes, thank you.

MR. YOUNG: On the final order. So the vote on the final order was whether to approve the final order or not, not to make further alterations or have another hearing on that matter. And so I think the public concern that was raised is probably fairly on point in that if you deny the order then potentially the process starts over again, and that's an extensive process but it could be an option.

COMMISSIONER BUSTAMANTE: Thank you very much. I appreciate that sincerely. That's all I have. But everything has been – everything – almost everything – has been around the townhall for the PFAS issue, so I hope that if anyone has questions or wants to know about this analyte that happens to be just about anywhere and everywhere, even though it is at the higher levels in the La Cieneguilla area, no one is taking it lightly from Santa Fe County but we all have a reason to have a question in our minds as to what we may have done in the past that may have exposed us to what we're now learning. The epidemiology is still very young, but I recall in my undergrad years, basically eating the bottom of a Teflon pan until my mom said, ooh, you're not supposed to have that anymore. So I invite people who want to get together and understand more about what these issues are. But that's going to be a very brief part of the conversation. The bigger picture is going to be more about how the County – and again, I commend the leadership – Manager Shaffer, I couldn't thank you enough for the organization and the good work that staff has done to bring not only staff from Santa Fe County but from our federal, from our City, looking at the work that you've done now to coordinate with the City, which will bring a lot of answers with what can be done between the City and the County and the National Guard, having the National Guard at the table. And again, the federal delegation doesn't really have a whole lot to say, so much as the question was what's the relationship between the DOD, the state, and how those contaminants got there.

So that's really what we want to make sure that people understand in a respectful environment where people will feel heard and information will be shared. So that is the

point and purpose of the Thursday, this Thursday, the 14th meeting. And again, people are invited to be there to understand the process and to understand more about what the City, the County and the National Guard can do. Thank you.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: I just want to make sure it's noticed so that all Commissioners can attend if they wish. Will it be noticed?

MANAGER SHAFFER: Yes. We can notice that, Commissioner, that more than a quorum may be in attendance though we won't be discussing public business as the body. So, yes, we can.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR HUGHES: Thank you, because I also intend to attend. Just a couple things from me, but first of all, Commissioner Hamilton, are you out there in the ether? I assume she would let us know if she's here. Okay, I will go ahead. I just want to mention that safety along Route 14 is still paramount in the minds of my constituents and we're looking forward to a report from the Public Works Department and then a public meeting including our Public Works Department and the DOT about that. I intend to be at the Matrix ceremony on Monday. I assume we're noticing that as well.

As your representative on the North Central Regional Transit District we did have a meeting a little bit ago and we are still, like everybody else in the United States, struggling to find electric buses to buy. It's a little bit discouraging but it's sort of like the roll-out of electric vehicles everywhere. It's just taking longer. One of the problems is that I think the federal funds that we have to purchase electric buses require that we buy them from bus companies in the United States, and so we can't buy the European versions which would be more available because they're a little further along. But anyway, we will get there eventually.

I too have questions about the Lamplighter project and I think maybe we should discuss it after we learn a little more at a future meeting. The last I had talked to the developer, he was very frustrated with the City process of getting a permit. The City was slowing him down greatly but I also imagine that has increased his costs and he may not have enough money to do the whole project at this point.

But I think we need to check on that because having worked on homelessness a long time, the answer to homeless is housing. It's no more and no less. It's just actually having housing and letting people have it. And so the Lamplighter was supposed to be our next project along the lines and it is frustrating that it's been delayed so much. We were able to do the Santa Fe Suites project in a matter of months. The Lamplighter does require a lot more renovation but it's been what years now. Two or three, four years since it was first proposed. It should be much further along. It shouldn't have taken this much time.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: I completely agree with you. The other thing that was very rewarding also was the Christ Lutheran safe shelters that they're putting up on the corner of Arroyo Chamiso and St. Mike's and Old Pecos Trail, and they're able to put ten shelters up and they'll be putting people in there very soon. It was

really nice to have Life Link there working with both of these groups but it is frustrating and I am – especially since the Lamplighter is in my neighborhood and I want to see it done well and making sure that people have access to a place to live so that they can improve their lives.

CHAIR HUGHES: Right. It's interesting, people say I don't want homeless people living next to me, but if they're in a house, they're not homeless. And interestingly enough, they behave like housed people. They take their showers indoors. Things like that. So, yes, it would be great for us to see if we are needed to assist somehow to get this project back on track. I think that's it for Matters from the Commission.

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

CHAIR HUGHES: Are there any elected officials online or in the room that I don't see that have something to present? Seeing none, I think we will reserve that we can come back to this item when the Deputy Clerk for Elections appears with the results of what happened in terms of signing the filing day today.

9. Matters from the County Manager

A. Miscellaneous Updates (continued)

MANAGER SHAFFER: Mr. Chair, I'm sorry if we could just go back to Miscellaneous Updates from the County Manager. And this is on the topic of potential post office sites in the Chimayo area. The US Postal Service has issued, as I understand it, a call for statements of potential interest. I underscore potential interest, relative to sites for a replacement post office. And so County staff does intend to provide comment in response to that to identify two assets in the area, the Bennie J. Chavez Senior Center and Community Center, and the Chimayo Community Center as potential locations, and I underscore potential.

Again, we're not committed. Obviously, that would be a poor decision, but we do want to identify for the Postal Services locations that we do have that fit the parameters set forth in the call for potential locations so that they could potentially spark a dialogue and conversation with the Postal Service about, again, a potential replacement location. All of that would be contingent upon Board of County Commissioners' approval.

In addition there would be steps and processes we would have to take in terms of public outreach as well as coordinating how our seniors, a handful of seniors that are currently served by the senior center would continue to receive services by Rio Arriba County or otherwise. So there would be a lot that would have to fall into place, but I did want the Board to be aware of the fact that we at the staff level will be taking that initial step so that we're part of the dialogue or potentially part of the dialogue going forward.

CHAIR HUGHES: Thank you for that.

12. **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 Contract Action Regarding Water Project**
 2. ***City of Santa Fe vs. Board of County Commissioners*, First Judicial District Court, Case No. D-101-CV-2023-01555.**

CHAIR HUGHES: Attorney Young.

MR. YOUNG: Mr. Chair, Commissioners, I'd ask that we go into executive session today 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 a breach of contract action regarding water project, and number two, *City of Santa Fe vs. Board of County Commissioners*, First Judicial District Court, Case No. D-101-CV-2023-01555. And I don't think it will take very long, Mr. Chair.

CHAIR HUGHES: Thank you, Attorney Young. Can I have a motion?

COMMISSIONER GREENE: I will move to approve our going into executive session to go over the items, the two items that the County Attorney has discussed.

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: Okay. We have a motion and a second. Madam Deputy Clerk, can we have a roll call?

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

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Not Present
Commissioner Hughes	Aye
Commissioner Hansen	Aye

[The Commission met in executive session from 5:02 to 5:48.]

CHAIR HUGHES: Okay, let's get started again. We need a motion to come out of executive session.

COMMISSIONER GREENE: So moved to come out of executive session, stating that we only discussed the items that were talked about and we didn't make any decisions.

CHAIR HUGHES: Is there a second?

COMMISSIONER BUSTAMANTE: Second.

The motion passed by unanimous [4-0] voice vote.

CHAIR HUGHES: Okay. We are out of executive session.

12. B. Waiver of Any Potential Conflict of Interest that may Arise from Modrell Sperling's Representation of the Tessera Sewer Cooperative Relative to Transfer, Assignment, and Assumption Agreement with Homewise, Inc., and Related County Utility Line Extension and Service Agreement

CHAIR HUGHES: I think we have one more matter from the County Attorney. Attorney Young.

MR. YOUNG: Mr. Chair, Commissioners, that's right. We have an action item for item 12. B and this involves basically a waiver request. The law firm of Modrell Sperling has a contract with the County to provide such services as the County Attorney may direct, and Tessera Sewer Cooperative has sought to engage Modrell as its legal representative related to a transfer assignment and assumption agreement with Homewise in a related County utility line extension and service agreement.

So Modrell Sperling has come to us requesting the consent of all parties affected by this transaction so that they may proceed with the representation of Tessera Sewer Cooperative. This matter is completely unrelated to Modrell Sperling's previous representation of the County. They don't represent us with respect to water rights issues. The attorneys who presented earlier do that, earlier today. So we're requesting a waiver any potential conflict of interest that may arise from Modrell Sperling's representation of Tessera Sewer Cooperative and for authorization for the Chair to sign the waiver.

CHAIR HUGHES: Are there any questions from the Board? Does someone care to make a motion?

COMMISSIONER GREENE: Sure. I make a motion to approve the waiver of any potential conflict of interest that may arise from the Modrell Sperling representation of Tessera Sewer Cooperative relative to the transfer assignment and assumption agreement with Homewise, Incorporated and related County utility line extension and service agreements.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: All right. A motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Hansen voted after the fact.]

11. Matters from Other Elected Officials (continued)

CHAIR HUGHES: With have with us Clerk Clark or Deputy Clerk, Rosangela Ortiz, one of whom is going to give us a quick summary of the results of filing day.

KATHARINE CLARK (County Clerk): Hello. Good afternoon. We had a very successful filing day. It was very smooth and I think we had 27 candidates file for office and Rosangela will give the brief update.

ROSANGELA ORTIZ (Deputy County Clerk/Elections): Okay, so yes. We had 27 candidates file, and that means that we have until the 19th to qualify them. That's when we'll let them know if they are successfully able to be candidates for this upcoming election. We had quite the turn out for Commission District 2 and Commission District 4, so we have a total of three candidates in each of those seats. In addition, Commission District 5 is unopposed and so we had quite a few other races.

So State Representative District 50 also had three and all of this information you can find in our candidate portal. Everyone now shows pending until we qualify whether we move them forward or there is quite some time for either us or the Secretary of State to disqualify for various reasons. One is failure to report campaign finance, failure to provide the financial disclosure statement or for any other reasons, not enough signatures being one of them.

So we kept on saying how everything was so smooth, so we're like, of course, we want everything to be as smooth as possible. We did have two candidate filing trainings ahead of today to make sure that everything was as smooth as possible and I believe it was a success. Anything else? Any questions?

CHAIR HUGHES: Any questions? Thank you for running a smooth filing day. Commissioner Hansen.

COMMISSIONER HANSEN: When's the deadline? When will we know who's qualified?

MS. ORTIZ: The 19th, March 19th will be the day we inform you, and we will send a letter, but we'll also email you and update the status on the candidate portal as qualified or whatever the outcome is.

CLERK CLARK: And we do have a period of time in which candidates can withdraw, which is longer this year. So after the first deadline for campaign finance on the 2nd is when candidates can – up to the 2nd is when candidates can withdraw. Typically in the past you've only had a week to withdraw but now there's a little bit more runway, and so sometimes candidates do withdraw, depending on the jostling after filing day, so we won't have a final amount of people who are running until after the 2nd.

COMMISSIONER HANSEN: I have one more question.

CHAIR HUGHES: Okay.

COMMISSIONER HANSEN: I'm a little concerned about the fact that the

online petition that if you've signed a petition it doesn't automatically stop you from signing another petition. And so is that something we need to fix in the law?

CLERK CLARK: I don't know if that's an implementation issue or a legal issue. It's probably the administrative rule, one that we could suggest. But typically, because of the way the paper petitions are, it's up to the candidates to contest each other's petitions, based on who has signed. The Clerk's Office just counts how many there are to qualify. We do not verify and cross-verify. That has always been the role of campaigns to go through each other's petition signatures and challenge them in District Court.

COMMISSIONER HANSEN: Okay.

CLERK CLARK: So it is in a way mimicking how paper petitions work.

COMMISSIONER HANSEN: Okay. Good to know. Thank you.

CHAIR HUGHES: Other questions? Commissioner Greene.

COMMISSIONER GREENE: Just thank you very much and congratulations to the unopposed and the opposed and people trying to do good on our behalf. So thank you, Rosangela. Congratulations on your first go-round with a County election here. Thank you.

CHAIR HUGHES: Yes. Thank you very much. Good job.

13. Public Hearings on Proposed Ordinances

A. Ordinance No. 2024-02, an Ordinance Amending Ordinance No. 2012-3 to Expand the List of Roadways Within Santa Fe County Where Engine Retarders are Prohibited

CHAIR HUGHES: We have four ordinances, the first one being an ordinance amending Ordinance No. 2012-3 to expand the list of roadways within Santa Fe County where engine retarders are prohibited. Are we going to have Maria online present that or Brett Clavio or both?

MANAGER SHAFFER: Mr. Chair and Commissioners, I believe that is Maria Molina, assuming she's still online. If not –

MS. GOMEZ- MOLINA: Yes.

MANAGER SHAFFER: Great. Thank you, Maria.

CHAIR HUGHES: Go ahead, Maria.

MS. GOMEZ- MOLINA: Good afternoon again, Mr. Chair, Commissioners. Public Works first presented a request to publish title and general summary on January 30, 2024. This request is to expand the list of roadways that prohibit the use of engine retarders within Santa Fe County. With this proposed ordinance, we would be adding New Mexico State Road 41 between mile marker 57 and 55 to the list of the roads within Santa Fe County that prohibit engine retarders. This stretch of road runs through the residential area of Galisteo, New Mexico in Santa Fe County and it is a little under two miles.

I'd also like to add that the use of engine retarders is noisy and can be disruptive to residential areas. Their use is regulated throughout the United States and is prohibited in certain municipalities and in residential areas. I open it to questions.

CHAIR HUGHES: Thank you, Maria. Are there any questions or comments from the Board before we go to the public hearing?

COMMISSIONER BUSTAMANTE: Mr. Chair.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: This is a request from the people of Galisteo. There has been a significant amount of roadwork that has increased the traffic as well as a fueling station somewhere near Stanley and Moriarty that is now allowing the big trucks to cut approximately 20 minutes off of their route from 285 and instead go through the Village of Galisteo. So the community is very concerned, one, about the speeding, the increased traffic, the widening of the road, but this just helps in a small way to calm a bit of the large truck traffic and their impacts on the community.

CHAIR HUGHES: Thank you. Any other questions or comments?
Commissioner Greene.

COMMISSIONER GREENE: So, thank you, Mr. Chair. I wonder, and this may be a County road. That's why we get the right to do this. I don't know if the state roads are eligible for that, but I know that Madrid may have this already. It's for a future conversation. This is a great first step or additional step for appeasing the neighbors.

CHAIR HUGHES: My understanding is that it's a state road, of course, but that they allow us to put this restriction on it since it's in our county.

COMMISSIONER GREENE: That's wonderful. Then we should start looking at all of those roads because there's a lot more of them that have this potential for disruption.

CHAIR HUGHES: Well, there we go.

COMMISSIONER GREENE: There we go.

CHAIR HUGHES: Let's go ahead and open the public hearing. Is there anyone in the audience or online who wanted to speak about this ordinance? I don't see anyone in the chamber. Is there anyone online?

MR. FRESQUEZ: Mr. Chair, I do not see anybody online.

CHAIR HUGHES: Okay. That is not necessarily surprising as this seems fairly straightforward. We'll close the public hearing. What is the pleasure of the Board?

COMMISSIONER BUSTAMANTE: Mr. Chair, I'd like to move to approve the proposed ordinance for no Jake brake use in the Galisteo area.

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: Okay. We have a motion from Commissioner Bustamante, seconded by Commissioner Hansen to approve the ordinance. Roll call.

The ordinance was approved by a 4-0 roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Not Present
Commissioner Hughes	Aye
Commissioner Hansen	Aye

13. B. Ordinance No. 2024-03, an Ordinance Amending the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9, to Amend the Sustainable Land Development Code, to Amend and Restate Appendix F, Map 2 (Santa Fe Community College District Circulation Map) & Appendix C, Map 5 – Official Map Series (Open Space, Trails, and Parks) of the Sustainable Land Development Code

CHAIR HUGHES: For that one, that is why we have Brett Clavio here. Okay, very good. Go ahead, gentlemen. Explain this to us.

BRETT CLAVIO (Planning Manager): Thank you, Chairman. Good afternoon, Chairman and Commissioners. Today I'm like to present to you an ordinance, 2024-, an ordinance amending the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9, to amend the Sustainable Land Development Code, to amend and restate Appendix F, Map 2, the Santa Fe Community College District Circulation Map, and Appendix C, Map 5, the official map series of open space, trails, and parks of the SLDC.

In summary, due to the recent increase in residential and commercial development located within Santa Fe County Community College District along New Mexico Highway 14, and within the interior of Santa Fe County's Sustainable Development 1, or SDA-1, it has been determined that an amendment is needed to the SLDC to amend and restate Appendix F, Appendix F, Map 2, the Santa Fe Community College District Circulation Map, and Appendix C, Map 5 of the official map series, the open space and trails resources of the SLDC to identify a new, proposed Santa Fe County Trail Route.

The proposed, multi-use trail route would start at the intersection of Rancho Viejo Boulevard and NM14 where an existing NMDOT trail ends, and then terminate at the NM599 New Mexico Rail Runner station. By integrating this proposed County trail route into the SLDC's official map series, the proposed trail would become more qualified to receive carbon reduction program funds as well as other potential state and federal grant funds to construct the trail.

This new, multi-use trail extension was originally proposed by the developers of the planned multi-family residential workforce housing and commercial projects along the NM14 corridor. The NM14 corridor here currently lacks a complete street design, without bike lanes or sidewalks to serve pedestrians or cyclists, either heading to the Rail Runner station or into town. This trail would improve connectivity between the Rail Runner station and the NM14- Cerrillos Road Corridor.

The draft 2040 Transportation Plan recommends staff work with NMDOT to improve and increase the NM14- Cerrillos Road corridor between Rancho Viejo Boulevard and Avenida del Sur to four lanes and to add sidewalks and bike lanes per the County's ADA plan, American with Disabilities Act, and Community College District road design standards. This stretch of roadway is a principal arterial classification.

Per the planned and newly installed infrastructure required to support the planned multiple mixed-use/employment center-driven developments located within the Santa Fe County Community College District along NM14 and within the interior of the Santa Fe County SDA-1, the County has agreed to work with the real estate developers and the New

Mexico Department of Transportation to expand the existing multi-use trail network in the CCD and to create this proposed trail in particular. NMDOT has agreed to work with the County to offer a trail easement along their right-of-way on NM14 and Fireplace Road. The developers have agreed to tie into the County's proposed multiuse trail to serve their multi-family developments.

This new County multi-use trail would connect to the existing NMDOT multi-use trail at NM14 and Rancho Viejo Boulevard and extend to the Rail Runner station along NM14 and Fireplace Road. The Board voted in favor, to authorize the publication of title and general summary of the proposed ordinance for this ordinance amendment on January 30, 2024. The publication occurred in both the *Albuquerque Journal* and the *Santa Fe New Mexican* on February 8th, February 26th, and March 4, 2024.

The Planning Commission voted in favor, to recommended approval of this ordinance amendment at their February 15, 2024 meeting. This ordinance amendment is now ready for public hearing and Board of County Commissioners vote. And with that I stand for any questions. Thank you.

CHAIR HUGHES: Thank you. Are there any questions or comments from the Board before we go to the public hearing? Seeing none. Thank you, gentleman. I think we'll go to the public hearing, and who in the audience – is there anybody else in the audience besides Nathan who wants to speak to this? I think you have to be sworn in and all that staff, and Daniel, can we set up a timer.

[Duly sworn, Nathan Manzanares testified as follows:]

NATHAN MANZANARES: Nathan Manzanares from New Mexico Land Solutions at 915 Mercer Street, Santa Fe, New Mexico. And I am under oath and will tell the truth.

CHAIR HUGHES: Go ahead.

MR. MANZANARES: Thank you, Commissioner Hughes, fellow Commissioners. I just wanted to thank staff for all their help with this. This has been a real collective effort with Brett as well as Robert Griego, the former Planning Director. He really was a big piece in all this and helped spearhead this to be a collaborative effort between our development, other developments and the County, and I just think this is going to be a great complement to the already vast trail system within the Community College District and will provide opportunities to reduce our carbon footprint and well as aid the workforce housing that is going to be planned in that area to be able to go around the city via the Rail Runner station or through bicycle or other modes of transportation. I just wanted to say thank you and thank staff and in full support of this. Thanks.

CHAIR HUGHES: Thank you very much. Daniel, are there any people online who want to speak?

MR. FRESQUEZ: Mr. Chair, I do not see any users online indicating that they'd like to speak.

CHAIR HUGHES: Okay. Anyone else in the chamber? You guys are here for the other ones. Okay, so we'll close public hearing on that issue and go back to the Board. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair and thank you to staff. This is not something new. This is cleaning up some stuff and the development of a neighborhood with a good trail system, so this is the example in Santa Fe County that we

should be trying to model all over the county, so I encourage us to have trails everywhere and this is great cleanup work to align this and make sure that it's easy to put trails in here. So thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: I want to thank staff for their work on this and also recognize Robert Griego for his work on this because this has been an ongoing project for some time and I have a special place in my heart for the Community College District. It's kind of where I cut my teeth on land use issues, so I am always happy to see more trails and more circulation and awareness for the community. So thank you.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: This is – I'm so grateful for this. This is an incredibly important trail. When we talk about the accessibility to the Community College and what it means for a student to take a bike off of the train and now to be able to continue on. All the trails around there are important. And I say that having worked for eight years at Santa Fe Community College knowing that it would ideal to ride my bike but there weren't any real safe long-term ways to get there. And what it means to the students who have transportation issues for our overall health, it keeps us physical and we walk and we can go to a beautiful community college within a pretty beautiful area. So I think there's good work and it's important to our community. So thank you all for making this happen.

CHAIR HUGHES: All right. My comments are the same as everybody else's. This is a wonderful plan and I realize that when our trail system is done I'll be able to hop on my bicycle in Eldorado and make it all the way up into town and back out to the train station on my bicycle. It will probably take me three or four hours but it will be possible. In my younger days I could have probably done it in an hour and a half or two hours. But I think this is great. Does someone care to make a motion?

COMMISSIONER BUSTAMANTE: I'd like to move, if I may. I would like to make a motion to approve the ordinance amending the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9, to amend the SLDC, if you will, to amend and restate Appendix F, Map 2, Santa Fe Community College District Circulation Map, and Appendix C, Map 5, official map series, open space, trails, and parks of the Sustainable Land Development Code as outlined in attached exhibits for moving forward on this extension. Thank you.

COMMISSIONER GREENE: And I'll second that.

CHAIR HUGHES: Okay. We have a motion by Commissioner Bustamante, seconded by Commissioner Greene. Any further discussion? So can we have a roll call vote?

The ordinance was approved by a 4-0 roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Not Present
Commissioner Hughes	Aye
Commissioner Hansen	Aye

13. C. Ordinance No. 2024-04, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-5, as Amended, to Amend Section 9.5 (Tesuque Community District Overlay) to Revise Purpose Sections; to Make Minor Technical and Grammatical Changes; to Revise the Fences and Walls Standards; to Amend Dimensional Standards for Base Zoning Districts; to Add and Amend Select Use Regulations in the Use Table and Base Zoning District

CHAIR HUGHES: And that would be Nathan Crail to give us the down-low on that. Thank you.

NATE CRAIL (Community Planner): I'm before you today. I have an ordinance amending the Sustainable Land Development Code, Ordinance No. 2016-5, to amend Section 9.5, the Tesuque Community District Overlay. On December 12th I presented the publish title and general summary and since then we've had the first hearing at the Hearing Officer that occurred on January 11th, followed by a second hearing at the Planning Commission last month on February 15th. And this is the third and final public hearing as required by Section SLDC Table 4-1.

Just to make a brief overview, in 2022 the Board adopted the 2022 Tesuque Community Plan via Resolution No. 2022-072. Throughout 2022 and 2023, we worked with the Tesuque Planning Committee to develop the appropriate overlay amendments that you see before you today. These amendments are based on the intentions and implementation strategies of the 2022 plan. One of the biggest revisions is the Fences and Walls section that was reached by consensus through a mediated Fence and Wall Subcommittee in 2021.

In addition to that, we did discuss cannabis regulations but determined that no cannabis-specific amendments were necessary. We also had community meetings last fall and essentially, it's the same amendments that I presented to you back in December. The one note was Commissioner Greene had mentioned that he would like to see additional fence and wall regulations in riparian corridors in Tesuque, and as explained in Exhibit G, Proposed Regulations on Fences and Walls in Riparian Corridors memo, the staff recommendation is that additional fence and wall regulations in riparian corridors should apply countywide and will come with other technical changes to Chapter 7 of the SLDC, and I can explain that further if you would like.

Otherwise, the other big amendments to Section 9.5 are as stated fence and wall standards, as well as increasing the maximum height to the County standard of 24 feet. And I will stand for any specific questions.

CHAIR HUGHES: Okay, are there any questions from the Board? Not seeing any questions, why don't we go to the public hearing? Anybody here in the chambers here to speak to this issue, come forward. Daniel, if you can set the timer.

[Duly sworn, Lynn Pickard testified as follows:]

LYNN PICKARD: My name is Lynn Pickard. My address is 44 Big Tesuque Canyon in Santa Fe, and I realize that I'm under oath so that my testimony will be valid. Mr. Chair, members of the Commission, I come before you as the co-chair of

the Tesuque Valley Community Association, which is the CO for the Tesuque district. And we have been working on an amendment to our plan as well as an amendment to the overlay since 2019, I believe it is, so it's been a long time. I think that Tesuque is probably one of the more entitled communities within your jurisdiction and we haven't always been easy to work with but I want to compliment staff for their patience in working with us and in bringing to you now an overlay that I believe the community fully supports. And more than that, I think they can't wait to get it passed. And that's all I have to say. I'll stand for questions.

CHAIR HUGHES: Thank you, Judge Pickard. It's always a pleasure to see you still working in the community. Is there anybody else who wishes to speak? How about online people? Anybody online?

MR. FRESQUEZ: Mr. Chair, I do not see any users indicating that they'd like to speak.

CHAIR HUGHES: Okay, it looks like we have one more person in the chamber. This is on the Tesuque overlay question. Is that what you're here for?

UNIDENTIFIED SPEAKER: I wanted to ask a question about 599 and Highway 14. Was it tabled, the meeting for this evening?

CHAIR HUGHES: Is that something that was tabled, so that will be heard at a different meeting later on. Anybody else on the Tesuque overlay. Daniel you said there was no one online?

MR. FRESQUEZ: Mr. Chair, that's correct.

CHAIR HUGHES: Okay, so we're back. We'll close the public hearing and come back to the Board. Any questions, thoughts about what we should do with this? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair and thank you to Nate and the Planning team over at Growth Management and to the community in Tesuque. They are pretty pro-active about this and really keep up on it, and it's a privilege for a representative to have a team that reaches out and tell you actually what they want and is very clear about it. So it's a lot easier to represent a community when you know what you want. So thank you.

I stand in support of this. I really like that there are things that are really peculiar or special to keep Tesuque special, and the one aspect that is reiterated in this plan that is a legacy is the wall standards. Bishop's Lodge Road is one of the more charming roads in Santa Fe County and when we drive it, it could, without these regulations, turn into a road of just walls. And so I like that the overlay district has protected that corridor and that streetscape in a way that allows people to have walls, but if they want to have one it's got to be set back, I think 25 feet from the road, which allows for landscaping and a different sort of streetscape than what happens a lot around Santa Fe and Santa Fe County. So I appreciate this and I like the updates and I will stand in support of this and look forward to driving around and eating and meeting with you all in Tesuque in the years to come.

Given that I can make a motion at this point I would like to make a motion to approve the ordinance amending the Sustainable Land Use Code, Ordinance No. 2016-5, as amended, to amend Section 9.5, the Tesuque Community Overlay District, to revise purpose sections, to make minor technical and grammatical changes, to revise the fences

and walls standards, and to amend dimensional standards for base zoning districts to add and amend select use restrictions in the use table and base zoning district.

COMMISSIONER BUSTAMANTE: I'd like to second that and I'd also like to make a statement.

CHAIR HUGHES: So we have a motion and a second, and this is discussion. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes, I have to thank the traditional historic village of Tesuque. As a La Cienega resident it was the Tesuque lead that really got a lot of what is happening with the traditional historic communities going. And we always heard of the good work in Tesuque and how they were taking the lead on the traditional historic communities, and more recently, maybe now five years ago, I had questions about something that was happening within the community, and again, it was referenced to contact Judge Pickard in Tesuque and I think it was through someone from Agua Fria Village. But I know that you have long been a leader in development and in how your community is the integrated voice of the people in that village.

So I want to thank you for your good work and I'm more than happy to support this, but I was flashing back to many, many, many years ago when you went traditional historic, and people got very excited about that prospect. And some wonderful names of some beautiful people who have long passed, but some great work and it truly is a beautiful part of our county. So thank you.

CHAIR HUGHES: Any other discussion?

COMMISSIONER HANSEN: I just want to say congratulations.

CHAIR HUGHES: All right. We have a motion by Commissioner Greene, seconded by Commissioner Bustamante. If the Clerk could call the roll?

The ordinance was approved by a 4-0 roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Not Present
Commissioner Hughes	Aye
Commissioner Hansen	Aye

13. D. **Ordinance No. 2024-05, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, as amended, to Amend Section 9.14 (San Marcos Community District Overlay) to Revise Purpose Sections; to Make Minor Technical and Grammatical Changes; to Remove Select Sustainable Design Standards; to Add a New Sustainable Design Standard to Prohibit Swimming Pools; to Amend Dimensional Standards for Base Zoning Districts; to Revise Architectural Design Standards in the Commercial Neighborhood Zoning District; to Revise the Home Occupations Table; to Add a New Section to Amend Commercial Cannabis Use Regulations; and to**

Add and Amend Select Use Regulations in the Use Table and Base Zoning Districts

CHAIR HUGHES: Nate, go ahead and lead us through that one.

MR. CRAIL: All right. Good evening again, Chair and County Commissioners. So this is similar to the previous item but in this case it's amending Section 9.14, the San Marcos Community District Overlay, to revise the purpose sections, to make minor technical and grammatical changes to reflect sustainable design standards, to add a new sustainable design standard to prohibit swimming pools, to amend dimensional standards for base zoning districts to revise architectural design standards in the commercial neighborhood zoning district, to revise the home occupations table, to add a new section to amend commercial cannabis use regulations, and finally, to add and amend select use regulations in the use table and base zoning districts.

So just like the Tesuque overlay, on December 12th they brought before you title and general summary of this ordinance. The first hearing was in front of the Hearing Officer on January 11th and then the second hearing was before the Planning Commission on February 15th and this is the third and final public hearing and that's required by the SLDC.

So just a little background for the record. In 2019, the Board of County Commissioners adopted the San Marcos Community District Plan via Resolution No. 2019-133. Throughout last year, we coordinated with the San Marcos Planning Committee to develop the appropriate overlay amendments. These amendments are based on the intentions and implementation strategies of the 2019 plan in accordance with SLDC Section 2.1.7.

Since the plan was adopted, the County did institute commercial cannabis regulations, via Ordinance No. 2021-03, which stipulates that Community district overlays can tailor commercial cannabis regulations for their community. So we worked with a consultant to survey all property owners in the community district about their sentiment on commercial cannabis via mailers and digital outreach and we got approximately 22.3 percent response rate, with approximately a 6.2 percent margin of error. In the most relevant survey result, 69.1 percent and 73.3 percent of survey respondents felt that cannabis producers who cultivate plants indoors and outdoors should not be allowed in residential areas, while only 30.9 percent and 26.7 percent of the respondents felt those uses should be allowed or allowed with limitations.

In the current code, outdoor cannabis grows are a Conditional Use Permit in the Rural Residential Zoning District, while indoor cannabis grows are prohibited. Based on these survey results and discussions at planning committee meetings, staff and the planning committee developed the appropriate regulations for commercial cannabis in San Marcos.

The only change since publication of title and general summary was a revision to the particular language that adds a new sustainable design standard to prohibit swimming pools. Based on discussion raised by the Planning Commission on the February 15th public hearing, staff made some revisions to the proposed swimming pool regulations which are explained in Exhibit I, Revisions to the Proposed Swimming Pool Regulations Memo, as well as the clean and redline copies of the overlay proposed ordinance reflect

those changes. And essentially the change was to clear up some non-clarity about the medical exemption language in the initial draft of this ordinance to make it more consistent with our current swimming pool standard in the SLDC.

And so just to kind of cover some of the big amendments within the overlay, it includes removing the NM14 setbacks, as stated, prohibiting swimming pools, revising the lot coverage standard as well as the setbacks in the community, specifically reverting the setbacks from the front, rear, and property lines to the countywide setbacks instead of 100 feet it will revert to 20 or 25 feet.

And then the other significant change is the addition of the commercial cannabis use regulations with the most significant one being the prohibition of cannabis grows outdoors in the rural residential zoning district. Otherwise, I stand for any questions or clarifications. Thank you.

CHAIR HUGHES: Thank you, Nate. Are there any questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Nate. So does that mean if somebody wants to grow private cannabis plants in their residential, are they prohibited?

MR. CRAIL: Chair, Commissioner Hansen, per state regulations, you're allowed to grow up to approximately 12 plants for personal use and so that is beyond – any of these regulations do not cover that. But if you were to have a microbusiness, for example, that grows up to 100 plants then you would be covered under these regulations.

COMMISSIONER HANSEN: Okay.

CHAIR HUGHES: Any other questions?

COMMISSIONER HANSEN: How large are the normal lots in the San Marcos area?

MR. CRAIL: Chair, Commissioner Hansen, so the district, as you may know, is a pretty – it's one of our largest district by area and so it's quite diverse in the parcel size. Like areas near Cerrillos that are part of the district are rural zoning districts, so 10, 20+ acres, but most of the residents live within the rural residential zoning district, which if I remember correctly is one dwelling per five acres, but there's a lot of actually non-conforming lots within that zoning district that are below that five-acre minimum.

COMMISSIONER HANSEN: And is cannabis allowed to grow on commercial areas in this area? Commercial and retail areas? I see right here where it says should be allowed, already allowed, but I don't know if that's what's in the rules.

MR. CRAIL: So Chair and Commissioner Hansen, so countywide, a cannabis producer can typically grow in a commercial neighborhood zoning district, and so that's carried through here as well. For indoor cannabis grow in the San Marcos Community District, the proposed regulations are that a cannabis indoor grow can – is a conditional use in both the commercial neighborhood zoning district as well as the rural fringe and rural zoning districts but the only exception to that is the rural residential zoning district.

COMMISSIONER HANSEN: Okay.

CHAIR HUGHES: Any other questions before we go to public hearing?
Commissioner Greene.

COMMISSIONER GREENE: Just to – looking at the map I see very little commercial availability. It does exist but – yes.

CHAIR HUGHES: Why don't we go to the public hearing then? Anybody in the audience here want to speak on this issue? Why don't you all stand up and get sworn in at the same time, all two of you.

[David Pittis and Elizabeth West were administered the oath.]

CHAIR HUGHES: When you want to speak you'll have to come to the microphone and Daniel will set the timer for three minutes.

[Duly sworn, David Pittis testified as follows:]

DAVID PITTIS: David Pittis, 31-B Red Raven Road, Santa Fe, New Mexico, 87508. I understand I am under oath. May I start by a little bit because I live in this neighborhood and you may recognize me because just a couple months ago you unanimously approved me for a microbusiness. On it you asked how large lots were. I have a 12-acre, two 6.5's, most of the lots around me are 12 acres. There's 40 acre lots. There's also lots that aren't even 200 feet wide down the road a little bit.

So good evening, Commissioners and I, as I said, I'm grandfathered in for a cannabis grow, but I'm here to support the community of mostly young people who have been completely left out of the San Marcos Overlay District in many, many ways. The first thing I want to say is the San Marcos Overlay District needs to fix what it already broke in 2016, which is when it instituted 100-foot setbacks for buildings. Now everyone realizes that this was a mistake and in this plan they're trying to reduce it back to the County standard of 25 feet, which I say I support, and that's all I'm going to say on it, but I hope that at least that gets through this.

So the go-to word at these meetings is that they want to support traditional use of things in the Santa Fe Overlay District. I want to say something about Madrid. I lived there for 30 years. I know many people there. Madrid, for a pretty good amount of time, maybe 40 years, supplied a big percentage of the cannabis that was consumed in the state. Now, obviously it was illegal at the time, but nonetheless, cannabis production in Madrid is a traditional use. You may not believe or like that idea. Okay. So there's a lot of expertise there. Right? And instead of using some of that they're stifling it and they talk about the survey. I've been to their meetings. There's no one under 50 years old.

I wrote a letter which has more information. I don't know if you guys read them. But I don't really quite understand why they're picking on cannabis so much because there's many things they added. They added business types like greenhouses, hog farms, kennels, movie ranches, galleries, wind facilities, cell towers and animal slaughtering, but yet cannabis is now prohibited.

We're not talking about big cannabis farms. We're talking in my case, it's 50 feet by 70 feet. This is a small thing. And to say to all those young people who are moving away in droves, that, hey, your families can't support this. The money I make on cannabis will put my daughter through graduate school. So that is I think my time is up. Thank you.

Anyway, I think that pools should be allowed. Kids – they outlaw even a 12 foot my three foot pool, which is 2,000 gallons. Kids are kids and there's not much to do in the country.

CHAIR HUGHES: Thank you. Next, Elizabeth.

[Previously sworn, Elizabeth West testified as follows:]

MS. WEST: My name's Elizabeth West and I live in town here at 318 Sena Street and I own property out there and I've lived out there since about 1966 and my family's out there and many of them are under 50, and they're there and have been to some of the meetings. When I was standing up here with this gentleman, we both said I do at the same time, and I love his jacket but I do have some disagreements, mostly based on the fact that having worked with this group off and on in its many change and Nate and Brett and others know that they came in after we'd been working on it for a long time, coming and going.

A little bit different from Tesuque because we're not one cozy little community and we don't have a lot of water. So a lot of the constraints that apparently seem to be constraint, individually, had to do with our interest in protecting the landscape because of water. And so it's not seen by the majority of people as punitive in any way. I found the whole process rather marvelous and my kids would come to the meetings occasionally. They're busy working of course but they came and one of my children is an elementary school teacher, fifth grade, and she drives into town to do that, and she say, you know, mom, I had no idea how important it is what people are doing.

So I'm very much in favor of this. Not perfect, but I'm pleased with the additions, the changes, and I've met so many wonderful people with whom I occasionally have disagreed, but like any community, even a funny one stretched out like a long snake, north to south and south to north, Turquoise Trail, we're going to have differences. However, we have produced something really terrific and I want to say that I'm impressed by the County. You guys see me here fairly often. I don't always agree, as you know, but when Nate and Brett and the others came in recently, we who had been working on it a long time said, yes, let's get this done. But let's not just get it done. Let's do it well.

And I want to salute the County for having people like this with whom we could work. It's – I think it's wonderful and I'm very, very pleased. I hope you will agree. Thank you very much.

CHAIR HUGHES: Thank you very much. Seeing no one else in the room, Daniel is there anyone on line with their hand up?

MR. FRESQUEZ: Mr. Chair, we currently have five people raising their digital hands. The first speaker is Dennis Kurtz.

CHAIR HUGHES: Okay. And you have to be sworn in, Dennis, and everybody else online.

[Duly sworn, Dennis Kurtz testified as follows:]

DENNIS KURTZ (via Webex): My name is Dennis Kurtz. I live at 42 San Marcos Road West, approximately in the middle of the San Marcos Community Planning District. I understand that I am under oath. Yes. Just a few words. Basically, I've been involved in this process since 2018 through the formulation and adoption of the plan, and then through the overlay, which started in 2019 and took a while because of COVID to get going. And I just wanted to make it very clear how much I and others who couldn't be here this evening appreciate the work that Nate Crail and other County staff and others who worked on this with us to help us organize our thoughts, to keep us in line, to make sure that we were putting things down that were legal and appropriate and that followed

the plan as written and so forth. They put up with us and that's something that I personally really appreciate.

Not everybody gets what they want in something like this and so it was not written by one person. But I fully support this. I'm president, by the way, of the San Marcos Association which is in that area but not connected to this. The San Marcos Association did not go to these meetings as any kind of a specific group. But for people who couldn't be here we really appreciate the County's work and so fully support this and hope that it will be approved this evening.

A comment made by an earlier speaker suggested – maybe I misheard, suggested somehow that the planning committee wrote the survey. That's not true. The County hired an outside consultant to write the survey and send it out to people. Statisticians are like lawyers – I apologize to any attorneys in the room – but you can always find them to audit you this way or that way on any given issue. So there was a very clear majority of people who felt like from their standpoint that they did not want the commercial cannabis microbusinesses in the rural residential areas. So that's the way the committee voted despite what some of us on the committee may have thought differently. We went with the community survey and vote on that and that was the way that we handled all of our business.

So again, thank you to County staff and we fully support this change to the SLDC and hope that you will approve it this evening.

CHAIR HUGHES: Thank you, Dennis. Can we have our next speaker, Daniel.

MR. FRESQUEZ: Mr. Chair, our next speaker is Becky.

[Duly sworn, Rebecca Gould testified as follows:]

REBECCA GOULD (via Webex): My name is Rebecca Gould and I live at 157 Horny Toad Road and I affirm that I am under oath. I live in the San Marcos Overlay District. I have a bachelors in business. I am retired from a heavy regulated global utilities company in a management position in gas and electric transmission and distribution. I've worked in three of the 19 counties associated with this company that at that time employed over 30,000 people serving 16 million customers. That being said, I would share with you that the teams I have been involved with worldwide firmly believed and operated in the mindset that in order to get the best educated results on and for any project one must solicit information from as many people as possible, and especially those with differing opinions.

This mindset in collecting information, both pro and con for every project resulted in this company becoming to this day a member of the Fortune 500 power company and is currently rated in the top ten of best workplaces for innovators.

That being said, when the San Marcos Overlay District sent the survey to households inquiring their opinion of recreational cannabis grows in the community, I not only filled out the survey with explanations on why I felt it was a good opportunity for small businesspeople and especially mom and pop farmers in the area to be a part of the ground floor potential of growing their wealth before the large commercial companies specializing in tens of thousands of plant grows set-up shop.

But I also filled out the application to join the board, of which I received absolutely no response. I'm sure I did not receive a response because of my stand on allowing recreational cannabis in the state.

That now said, I have a medical condition that I was able to control through New Mexico's medical marijuana program in 2012, thus ending an ongoing prescription for pain medication and endless ER trips when the pain medication's time to kick in took an hour and longer, causing uncontrollable pain.

I can attest to cannabis being substantially better for certain medical conditions, especially most that once were controlled by opioids and we know the current opioid crisis. Cannabis has also recently been declassified as a gateway to heroin and is now stated as a treatment of heroin addiction which is also a problem in New Mexico.

These are two examples of many positives that cannabis has been proven to be more effective than prescriptions, illegal opioids, alcohol, and in some cases cancer cures and chemo radiation. I feel the small association of San Marcos people dropped the ball on their due diligence in forming this ill-advised group. There is an abundance of documented information and educated people locally to talk to affirming the positives of cannabis in dispelling the inaccuracies that were so prevalent during the reefer madness days of yore, brought on by Hearst and Dupont to name a few. I do not believe to date the San Marcos data is in any way correct and only prohibits people from being able to grown their own businesses which has been one of the attractions of being a free citizen of the United States for almost 250 years.

CHAIR HUGHES: Thank you very much. Can we have our next speaker, Daniel.

MR. FRESQUEZ: Our next speaker is Jeminie Shell.

[Duly sworn, Jeminie Shell testified as follows:]

JEMINIE SHELL (via Webex); I do understand that I'm under oath. My name is Jeminie Shell. I live at 20 Crazy Rabbit Road, Santa Fe. I want to say that I do support this overlay, this amendment. I have purchased land in the San Marcos area and we've been here for five years. We live on Crazy Rabbit Road where there has been a recent approval of a cannabis grow, an outdoor cannabis grow, and I want to first say that I do not disapprove or whatever of cannabis. I fully support people's right to use it and I am very happy that it was approved for general use in New Mexico. I believe that it has a great deal of economic – there are a great deal of economic benefits and I absolutely am for it.

I am not an old person, as David Pittis may have indicated earlier in his testimony. I am a parent of a six-year-old child who is learning to ride his bike on Crazy Rabbit Road and he needs to be safe. I am also a person who has to haul water daily for the support of my small compound on Crazy Rabbit Road and I do not want commercial cannabis growth on this area because it will absolutely impact the water situation here. It absolutely will. I cannot tell you what a stress it is to have to haul water every day. It is extremely stressful, and to have the possibility that more cannabis grows can come here, commercial cannabis grows can come here and impact our daily life is not okay.

We have – when we bought our house we had a provision that said we were buying a house that was not allowed to have any business or commercial business on it, and that's why we bought our house. We wanted to have a very comfortable, secluded

life. We didn't want commercial properties. We didn't want trucks driving up and down that road. We didn't want to have to fight people for water. This is an area that is not designed for commercial cannabis growing. This is a residential area. We don't believe that this is an appropriate area for that. There are lots and lots of places around Santa Fe that can be rented or purchased to grow cannabis and this should not be one of them, and I do approve this new overlay. Thank you.

CHAIR HUGHES: Thank you very much for your comment. Daniel, can we have the net speaker?

MR. FRESQUEZ: Mr. Chair, the next speaker is Alexis Pittis.

[Duly sworn, Alexis Pittis testified as follows:]

ALEXIS PITTIS (via Webex): Yes, I am under oath. My current address is 4949 Roma Avenue, Albuquerque, 87501, and yes, I am under oath. Alexis Pittis. All right. Hello, everyone. My name is Alexis. I am most likely the youngest person here. I am 20 years old. I'm currently a college student. I don't have any fancy titles like everyone else does but I do have an advantage here is that everyone has been mentioning as I grew up in the Santa Fe County community with my father. I've lived there for most of my life until I recently moved and I think that kind of banning the cannabis grow is very discriminating against the younger generations who are interested in growing cannabis and having a business out there, because basically, from my understanding, what this is implying is that there's no opportunity for people like me who are interested in maybe doing a cannabis grow one day don't have the option to do that.

And I think it's a little unfair, personally, and I also think that everyone's always talking about the environmental impacts and all these issues and the thing that's so ironic as well is that my younger generation who everyone is complaining about is the people who are trying to collectively fix that environmental issue. So again, I'm sorry if this input isn't valuable but I am all for growing cannabis in that area. I think it should be allowed. There's people who are passionate about it and also most people who grow cannabis are environmentalists and they're not wanting to cause harm on the environment. I'm sure most people who are against it have never even talked to someone who is willing and who wants to grow cannabis. So I think it's quite hypocritical. So that is all I have to say. I thank you so much and good evening, everyone.

CHAIR HUGHES: Thank you very much. Daniel do we have one more person, I think?

MR. FRESQUEZ: Mr. Chair, we have five people still raising their hands. The next person is Katarina Pittis.

[Duly sworn, Katarina Pittis testified as follows:]

KATARINA PITTIS (via Webex): My name is Katarina Pittis and my address is 2 North Street, Apartment 3, Beacon, New York, 12508, and I know that I am under oath. Thank you all so much for hearing us all tonight. So I'm calling from New York but I was born and raised in the district of San Marcos, lived my whole life there and still come out and am very involved in New Mexico. It is the land that I was born on and really have lived. So that's kind of where I'm coming from today.

I strongly do not support the amendment because it prohibits growing recreational cannabis in our district. We need to allow our community and local cannabis producers to make a business out of it. I really do not agree with the process of this. I think that it has

been very much not transparent and I don't think that people know this is even happening. Who is actually being represented in this decision?

By prohibiting this it's not going – it's going to make it really hard for anyone who has a rural lot in our district to make money off of cannabis and improve their own economy. This is an untapped market in our local community. I was very, very happy to hear that it was legalized in New Mexico, and all the benefits of that in our state, and it's going to help uplift our local community and our families' economies. Like being able to have a business from that and be able to grow off the land can really change lives for people and by prohibiting that in our district we're going to further make it harder for people to make a living and be able to benefit from it.

I also identify as an environmentalist. I work as an environmental educator teaching kids about nature. I believe strongly in taking care of our land, including the one I grew up on, and from what I understand, if you are going to be making a microbusiness out of this you have to haul water. You have to get water from not your own personal well. And that's already happening. That is an issue that we are facing, but for that to be the reason that people are trying to ban it, just doesn't make sense to me. We already allow businesses like livestock and there's all kinds of businesses that are allowed in our district and are operating commercially. So it is just singling out cannabis.

Livestock needs water. People have tomato gardens and gardens and that needs water. Cannabis does not have to be like this huge thing. People think it's like a huge factory; it's a few plants outside. So I think that the way that they did the survey also just singles out a lot of people. They didn't even talk to that many people. From my understanding this is a completely bad idea and I will be very disheartened to hear if they could prohibit this. They will not be listening to young people and they will not be listening to a lot of other people about this. So thank you for listening to me today. Good evening.

CHAIR HUGHES: Thank you very much. Daniel, who's our next speaker?

MR. FRESQUEZ: Mr. Chair, we have four more speakers. The next one is Janet McVickar.

CHAIR HUGHES: Welcome, Janet.

[Duly sworn, Janet McVickar testified as follows:]

JANET MCVICKAR (via Webex): My name is Janet McVickar. I live at 17 Vista Alondra, Santa Fe, 87508, and I understand and acknowledge that I am under oath. I'm going to switch gears here and I want to thank the members of the County who worked very hard with us over many years to create this overlay that we are voting on tonight. I especially want to pick out Nate Crail and Brett for the most contemporary members of this County staff, but also the ones in the past, some of whom are no longer employed by the County. I just want to thank you for your hard work. We weren't always easy to work with but we appreciate your willingness to listen to us and listen to us many times. And I think that his is a reasonable good document and I approve it. Thank you.

CHAIR HUGHES: Thank you very much. Daniel, who's our next speaker?

MR. FRESQUEZ: Mr. Chair, we now have five hands up again. Our next speaker is Uzi Broshi.

[Duly sworn, Uzi Broshi testified as follows:]

UZI BROSHI (via Webex): My name is Dr. Uzi Broshi. I live in 26 Red Raven Road, Santa Fe, New Mexico, 87508, and I understand I am under oath. All I want to say is first of all, that I support very much the revision. I have testified in a meeting before and I hope you had a chance to read the minutes of the meeting so you already are quite well informed. Besides my support to the meeting I just want to remind the Board that the area is protected by covenant that was notarized by the County in 1980. Every person who buys property in the area gets this specific covenant. I urge the County not to ignore the covenant.

There is reason why this covenant was being put in place. It is to protect everybody in the area from exactly the kind of conflict and growth when there is – when a conflict came about the cannabis. In our process we are a neighbor of the person who spoke earlier, David Pittis. And the County chose to ignore it, telling us the only way to resolve it is to file a – to go through the court, and I think it’s wrong. I don’t think that – there is reason again why there is covenant to protect everybody. So I urge you in the future not to ignore it. And I thank you so much for your attention.

CHAIR HUGHES: Thank you very much. Daniel, who’s our next speaker?

MR. FRESQUEZ: Mr. Chair, our next speaker is Sherilee Vogt-Speer.

[Duly sworn, Sherilee Vogt-Speer testified as follows:]

SHERILEE VOGT-SPEER (via Webex): My name is Sherilee Vogt-Speer. I live at 100 Pine West, 87508, and I understand that I am under oath. So first of all, I just want to clear up something that commercial cannabis in this overlay is not banned except in rural residential areas. It does not affect personal grows. I also want to clear up the statement about hog farms and slaughterhouses, they’re also not allowed in rural residential areas and for whatever it means, I love pork but I don’t want to live next to a hog farm either. So I think that might be some of the sentiment some of the people have here.

The next thing I want to say is that the meetings were open to the public. Everybody was encouraged. There was signage out on 14. If people chose not to participate you can’t force them but a large amount of the community did participate in working on this. Regarding the survey, as Dennis pointed out, it was not a survey created by our team. I’ve been on this since 2018. We did not create the survey. The County hired someone that we assumed sent the survey out. Survey came out. I got a postcard. I got reminder postcards – make sure you fill this out. So everybody I knew got one. Again, you can choose to participate or not.

The other thing regarding Madrid, Madrid is not part of the San Marcos Overlay and I support them determining whatever they want in their overlay and hopefully they would support what we would have a choice in what we want in our overlay. I’m trying to think of all these things that occurred to me while everybody was talking. I want to recognize everybody from the County that worked on this. They did a great job. They worked hard on it. Everybody put in a lot of hours on this. I know that and I think they should be commended for their work.

Oh, the last thing I want to say, when I read the ordinance before regarding the cannabis commercial grows, it specifically said, what I saw in the County, that each

overlay can determine their own rules, so I'm just asking that that be honored. That's all. Thank you.

CHAIR HUGHES: Thank you very much. Daniel, who's our next speaker? Are we still at five?

MR. FRESQUEZ: Mr. Chair, we have three speakers left. The next one is Doug Speer.

[Duly sworn, Doug Speer testified as follows:]

DOUG SPEER (via Webex): My name is Douglas Speer. I live at 100-B West Pine in Santa Fe, 87508, and I acknowledge that I am under oath. So there are a few things that have been covered by other people that I want to address and some have already been addressed. One comment at the beginning tonight was that young people were left out. I have been involved with the San Marcos Community District Overlay Committee since its inception in 2108. We worked for several years to develop a plan, and then of course the COVID experience shut things down. We started again at the beginning of 2023, early 2023.

Many notices were sent out. They were mailed out by the County staff. They were announced on the billboard in front of the Fire Department. We did not exclude anyone at all from participating. We welcomed anyone who wanted to come. People came for a while. Some people dropped out. Some people joined later, but there was always a large group of people there who have been involved over this period of time.

The fact that young people may feel that they're not being heard on the San Marcos Community, San Marcos Association Board, we just did a survey and 90 percent of the people who responded to our survey, which is not the cannabis survey, 90 percent are homeowners. Not many 20-year-olds own homes in the San Marcos Community District. So I would suggest that perhaps that's a reason why we don't have a predominance of 20-year-olds. But in spite of that we listened to everyone who was welcomed and came and participated.

There is always confusion between the community district and the San Marcos Association, and I would suggest to the young woman, Becky, who said that she asked to join the board that she didn't hear from us. Well, the community district and the survey had nothing to do with that so they would have not communicated that to our San Marcos board. So I welcome her to join us if she wants to.

The cannabis regulation reflects the community. That's what we did. We talked long about it and again, a reminder that in the ordinance that this Commission voted, it says nothing shall prevent community districts from determining their own rules about cannabis, and that's what we're doing. And I support it and I think we've done a good job. Thank you.

CHAIR HUGHES: Thank you very much. Daniel, who's our next speaker?

MR. FRESQUEZ: Mr. Chair, our next speaker is Trina Bernier.

[Duly sworn, Trina Bernier testified as follows:]

TRINA BERNIER (via Webex): My name is Trina Bernier. My address is 4849 Gibson, Albuquerque, New Mexico, 87108, and yes, I understand I am under oath. Okay, so I frequently visit the area. I do have a companion on Raven Road, David Pittis, and I can tell you I've been coming out there for three to four months. I've heard a lot of

this, and in regards to the cannabis. I used to be a 911 operator as well as involved in law enforcement in Sierra County for many years, and I can tell you there have been more accidents and more crimes related to alcohol and other issues than cannabis. Cannabis is really just stigmatized.

When I drive out to that area the roads are awful and I believe that having commercial cannabis growers out there could trickle revenue down to help repair some of those roads. When I drive, my car bounces all over. It tears up my suspension. I know that commercial cannabis does generate revenue. All someone has to do is look at the numbers. I also understand it's rural, and not a commercially zoned area, but I do know that with rural areas, especially out in the country, there are plenty of places for people to ride their bikes and go for walks, and stay off the roads. The roads are meant to be driven upon; that's what they're there for. And the roads could be maintained. And even the revenue may even generate extra money to help with the water situation.

I just see that the possibility of having commercial cannabis out in the country like that would trickle revenue down to help the road situation, to maybe bring in more visitors and to help the overall revenue of that area. And I think that also being outdoors with commercial cannabis that any kind of odors or any kind of visual aspects are irrelevant. We're out in the country. There's fences. And also someone I agree with Becky from earlier, using cannabis medically had gotten me off of five opioid prescriptions and possibly saved my life. Before cannabis I was medically almost unable to work. After cannabis I'm now down to like one prescription and it really impacts my life.

And as someone who frequents the area I would like to see the revenue generated to repair the roads and help install possibly a better water system for the residents in that area. And that's all I have to say.

CHAIR HUGHES: Thank you very much. Daniel?

MR. FRESQUEZ: Mr. Chair, our final speaker is Cynthia Broshi.

CHAIR HUGHES: All right. Can you turn your camera on, Ms. Broshi?

[Duly sworn, Cynthia Broshi testified as follows:]

CYNTHIA BROSHI (via Webex): Cynthia Broshi, 26 Red Raven Road, and I'm honored to be under oath in this space. Thank you. Commissioners, thank you for the opportunity to speak. I support legalized cannabis and its production. It is not an appropriate activity in the rural residential San Marcos neighborhood. And I want to give a few reasons why. One, we are a crazy quilt of properties. For instance, Mr. Pittis who spoke earlier, his property shares borders with five other properties and his well, owned by five other owners, and nearly shares border with three others. County Ordinance 2021-03, 10/22/24, states cannabis cultivation, production and manufacturing creates strong odors. One applicant is being supported. Five to eight other property owners will be smelling the crop.

Ours is a wide-open landscape. For instance, one applicant's property is on top of the highest geographical feature in the whole area, a ridgeline in the view of dozens of homes. For many of these homes the view of the moon or the sunrise will now include a seven-foot cyclone fence. When the applicant benefits financially, many others lose quality of life. Fragile, community-maintained roads will be turned into regular arteries for 4,000 gallons of water, which is more than 50,000 pounds.

These roads have never been put under this kind of burden with any regularity before. Approximately 40 properties are accessed by the very same road that one applicant's property is accessed by. There's no stipulations that the business owner must make any contribution to the maintenance of these roads, which they will be burdening. To sum up, the commercial benefit of one is at the cost of the many and the property value and quality of life and possibly even in financial cost or road maintenance.

Number two. The same County ordinance states, cannabis cultivation requires security and other measures to reduce the risk of theft or other diversion to the illegal market. County staff have stated – two County staff have stated to me personally that there are not sufficient employees in the County to monitor any of the growth. They have said there will be no oversight, no inspections, unless a neighbor alerts staff that they believe permitting restrictions are being violated. This is a terrible idea. Give one person permission to deal with a controlled substance and make their neighbors police them?

This breaks neighborhoods and it has already in our neighborhood. The CUP code is also poorly written. A cannabis producer microbusiness is defined as a cannabis producer who possesses no more than 200 –

CHAIR HUGHES: Could you finish up, please?

MS. BROSHI: Yes, I'll finish with this one point. Thank you. At any one time, but there's no definition of mature plants. Nothing in the code will stop a grower from saying these 200 I'm harvesting today are mature today, and those 200 over there will be mature tomorrow. And that 200 will be mature on Friday, etc. So I urge you not only to pass these revisions, but please find funds for inspections for the grows that are going to be permitted in our area. We are owed, the neighborhood is owed that protection. Thank you very much.

CHAIR HUGHES: Thank you. Daniel, do we have anybody else?

MR. FRESQUEZ: Mr. Chair, there are no more speakers online.

CHAIR HUGHES: Okay. Any more speakers in the room? I don't think anybody entered since we started. I'm going to go ahead and close the public hearing. Thank you all who spoke and we'll go back to discussion among the Board members here. Do we have discussion from the Board?

COMMISSIONER GREENE: I'll go first. Thank you very much, Mr. Chair. Once again, thank you to Brett and to Nate and to their predecessors who have cultivated these overlay districts and plans and gathered community engagement and I appreciate the hard work and sometimes the extra effort that goes into reaching out to the community at large – this neighborhood here is pretty much adjacent to the Community College District that we discussed a little while ago, which was full of trails and amazing network of outdoor recreation system, and I wish we had a way of sort of creating trails in these areas so that they would connect to them and also give the people that live in this neighborhood more connectivity.

It's not in this plan. I hope that we can start to look at these efforts so that we could establish easements and ways to develop trails in these other communities. So it's not just these new growth areas like the Community College District that has trails.

In terms of cannabis, this is not a traditionally rich agricultural area. It might be a little bit of a ranching, a little bit of some animal ranching sort of stuff, but it wasn't like you had acequias and a lot of water to cultivate cannabis or anything out there. So the

appropriateness of cannabis out there is somewhat suspect. There are plenty of places in Santa Fe County where it works probably better and so I understand the need to restrict this. If somebody wants to harvest water off their roof and grow for their own personal consumption that is not illegal and will not be disallowed.

I think this is a generally good step in the right direction. Not so sure about the pool aspect. I think that if somebody wants to harvest water or do something for a small pool, that might not be a bad amenity for people's lifestyle but the people are speaking and I think I'm generally in favor of this ordinance. Thank you.

CHAIR HUGHES: Thank you. Other Commissioners' thoughts.
Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I just want to commend you, thank you, Nate, for going in and doing the community process for all the community members who participated. It is a long, arduous process getting all the voices, sorting it all out and coming up with something that really, this feels so balanced. You have the pros, the cons, and nothing's perfect, but it really seems to have come to something that you're quite comfortable bringing forth. And I see that even with those who were opposed to aspect of it. So thank you for your good work.

CHAIR HUGHES: Commissioner Hansen, anything, before I give my comments? Okay. No, I do want to thank Nate and all the people who participated in this and Brett. I think it was probably a good process. I know it was probably hard to wrestle with the cannabis issue. Having driven those roads with now two of my liaisons and almost getting stuck I do understand the problem with the roads out there, which I think we're going to have to address at some point because these roads were built before the idea of road maintenance agreements was really common, so there's no road maintenance agreements so the people don't have any incentive to pitch in to fix the roads. There's a few of them that are adopted by the County. I think the only answer really for the roads is for us to adopt a few more, because this is also an area where sometimes people buy a ten-acre parcel but then it gets subdivided into 2.5-acre parcels and so on and so on so eventually there's more and more people driving on these roads.

Probably we don't approve those subdivisions anymore but I do understand why people are so concerned about the water and it's a shame about the swimming pools but I do understand why with such limited water in this area why people would restrict things that use a lot of water. I want to respect what the community did. It sounded like the process was pretty fair and the fact that there aren't that many young people owning homes out there is unfortunate but that is who lives out there is a lot of people who are older rather than younger. Can we have a motion from somebody?

COMMISSIONER BUSTAMANTE: Mr. Chair, I'd like to motion to approve the proposed ordinance to go into effect 30 days after recordation.

CHAIR HUGHES: Is there a second?

COMMISSIONER GREENE: I'll second that.

CHAIR HUGHES: Okay, we have a motion and a second. Madam Clerk can you call the roll?

The ordinance was approved by a 3-1 roll call vote as follows:

Commissioner Bustamante

Aye

Commissioner Greene	Aye
Commissioner Hamilton	Not Present
Commissioner Hughes	Aye
Commissioner Hansen	Nay

CHAIR HUGHES: Thank you, everybody. By a vote of 3-1 that ordinance is adopted.

14. Public Hearings on Administrative Adjudicatory Matters


- A. Case # 23-5151 Tierra Pintada **TABLED**
- B. Case # 23-5140 Cresta Ranch **TABLED**

15. Concluding Business

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

Upon motion by Commissioner Bustamante and second by Commissioner Hansen, and with no further business to come before this body, Chair Hughes declared this meeting adjourned at 7:26 p.m.

Approved by:



Hank Hughes, Chair
Board of County Commissioners

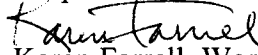
ATTEST TO:



KATHARINE E. CLARK
SANTA FE COUNTY CLERK



Respectfully submitted:


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

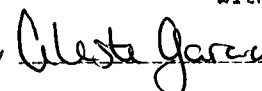


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 74

I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of April, 2024 at 03:27:03 PM
And Was Duly Recorded as Instrument # 2032008
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy  County Clerk, Santa Fe, NM

SFC CLERK RECORDED 04/16/2024