

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING
March 13, 2018

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

SFC CLERK RECORDED 04/11/2018

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

March 13, 2018

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:08 p.m. by Chair Anna Hansen in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

Commissioner Anna Hansen, Chair
Commissioner Anna Hamilton, Vice Chair
Commissioner Robert A. Anaya [telephonically from 3:20]
Commissioner Ed Moreno
Commissioner Henry Roybal

Members Excused:

None

- C. Pledge of Allegiance**
- D. State Pledge**
- E. Moment of Reflection**

The Pledge of Allegiance was led by Alyssa Sena, the State Pledge by Marianne Martinez and the Moment of Reflection by Lori Armijo of the Treasurer's Office.

I. F. Moment of Poetry

Ann Valley Fox read her poem "Border Crossings."

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 Tabled or Withdrawn Items**

CHAIR HANSEN: Manager Miller, do we have any additions or changes to the agenda?

KATHERINE MILLER (County Manager): Madam Chair, the agenda is

the same as when we posted it one week ago on Tuesday the 6th. However, I did want to note that in the Public Hearings, Land Use Cases in the evening, item VIII. A. 2 is still tabled.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: If it works for you I was going to suggest that perhaps under VI. Matters from the County Commissioners, the matter that was originally brought by Commissioner Anaya, A. 2, might be moved forward on the agenda, the proclamation having to do with the Glorieta Pass Battle, because we have some people in the audience who are going to speak to that and what not and maybe it would be good if we attended to that before we did all the other regular business, so maybe after the Consent Agenda.

CHAIR HANSEN: Let's do that after the Consent Agenda. And what is the number again?

COMMISSIONER HAMILTON: That would be VI. A. 2.

CHAIR HANSEN: VI. A. 2. Okay, we will move that to right after the approval of the Consent Agenda.

COMMISSIONER HAMILTON: Thank you, Madam Chair.

CHAIR HANSEN: Do I have a motion to approve with the changes?

COMMISSIONER ROYBAL: So moved.

COMMISSIONER HAMILTON: Second.

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

I. H. Approval of Minutes

1. Approval of February 13, 2018, Board of County Commissioners Meeting Minutes

CHAIR HANSEN: Do we have any changes or additions? I have changes. On page 1, third line – never mind there. That's fine. On page 13, second paragraph, actually Hvtce Miller let – I think it should be left, left you this report. And then on page 19, under the 8th paragraph, line 4, the fourth line starts with work, and I think it should be worry. It was Ms. Miller, but in the past it has been so you don't have to work, but I think it was worry about any parking or anything. Do you see that, Katherine? Okay. That's fine. I'm pretty sure it's but in the past it has been so you don't have to work about any parking. I think it is worry about any parking.

MS. MILLER: Yes. I think that is worry about parking. Because they would pick you up here and take you over there.

CHAIR HANSEN: Okay. Those are all the changes I have. Can I have a motion to approve?

COMMISSIONER HAMILTON: Move to approve with those amendments.

COMMISSIONER ROYBAL: Second.

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

II. CONSENT AGENDA

A. Final Orders

1. **Case # APP 17-5101 Regina Buckley Appeal. Regina Buckley, Appellant, Scott Hoeft, Agent, Appeal of the Santa Fe County Planning Commission's Denial of a Variance of Ordinance 2016-9, Chapter 8.6.5 Table 8.9, (Dimensional Standards) Residential Fringe (RES F) to allow 9.19 Acres to be Divided by Way of Family Transfer, into Two 4.6-Acre Lots. The Property is Located at 11 Sudeste Place, within Section 24, Township 16 North, Range 9 East (Commission District 4) John Lovato, Case Manager: Approved 4-0**
2. **Case # V 17-5161 Prabhu Khalsa Appeal. Prabhu Khalsa Appellant, Oralynn Guerrerortiz, Agent, Appeal of the Santa Fe County Planning Commission's Decision to Deny a Variance of the Sustainable Land Development Code Ordinance 2016-9 (SLDC) Chapter 7.17.9.3.2, Governing height of a Structure, to Exceed 18' on a ridgetop, and to Deny a Variance to Allow a Two Story Residence on a Ridgetop. The Property is Located at 01 Anand Nivas Way Within the Vicinity of Sombrillo Within, Section 12, Township 20 North, Range 8 East (Commission District 1) John Lovato, Case Manager: Approved 4-0**

B. Resolutions

1. **Resolution No. 2018-27, a Resolution Amending a Budget Adjustment for the Law Enforcement Fund (246) to Budget Funds for Region III, Edward Byrne Justice Assistance Grant Program / \$15,107 (Finance Division/Stephanie Schardin Clarke)**

CHAIR HANSEN: Does anyone need to pull anything from the Consent Agenda? Can I have a motion to approve?

COMMISSIONER HAMILTON: Move to approve.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Okay. I have a motion by Commissioner Hamilton and a second by Commissioner Roybal.

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

[Clerk Salazar provided the numbers of the resolutions throughout the meeting.]

VI. A. 2. Approval and Presentation of a Proclamation for the Friends of the Pecos National Historic Park, Proclaiming March 24, 2018, "The Battle of Glorieta Pass Day and Memorializing the Civil War Battle of Glorieta Pass"

COMMISSIONER HAMILTON: Thank you, Madam Chair. So I apologize ahead of time for the wealth of what I don't know about the whole process that went into this but I know we have Andres Romero here from the Friends of the Pecos who's been involved the whole time and he has said he would say a few words about what this means, this proclamation and some other efforts are intended to memorialize the Battle of Glorieta, part of the Civil War. So perhaps we should start with reading the proclamation if that's okay with everybody. I'll start out and maybe we could do our traditional going around and reading the proclamation. I'll start. And I guess we should really – if I didn't already say this, really thank Commissioner Anaya for taking the lead in developing this.

So Santa Fe County Proclamation, proclaiming March 24, 2018 as the Battle of Glorieta Pass Day and memorializing the Civil War Battle of Glorieta Pass.

Whereas, on March 26, 1862, during the Civil War, the Union and Confederate forces clashed in the Battle of Glorieta Pass, called the Battle, which was fought at Apache Canyon; and

COMMISSIONER ROYBAL: Whereas, between nine and 37 Union and Confederate soldiers were killed during the first day of the Battle, which took place approximately one mile east of Cañoncito, then the location of Johnson's Ranch; and

COMMISSIONER MORENO: Whereas, the following day of March 27, 1862, the Union and Confederate forces buried their dead and regrouped; and

CHAIR HANSEN: Whereas on March 28, 1862, the main Union and Confederate forces re-engaged at Pigeon's Ranch, approximately one mile east of the Village of Glorieta, while another smaller Union force fell upon and destroyed the Confederate wagon supply train at Johnson's Ranch; and

COMMISSIONER HAMILTON: Whereas, on March 28, 1862, approximately 94 soldiers were killed in the fighting around Pigeon's Ranch, where the remains of 31 Confederate soldiers were found, 27 of whom remain buried there; and

COMMISSIONER ROYBAL: Whereas, after the Union and Confederate forces buried their dead on March 29, 1862, the Confederate forces began their withdrawal to Santa Fe and the Union forces commenced their withdrawal toward Fort Union; and

COMMISSIONER MORENO: Whereas, many New Mexicans played a vital part in the Battle and contributed and sacrificed all; and

CHAIR HANSEN: Whereas, Lieutenant Colonel Manuel A. Chaves and a contingent of New Mexico Volunteers, who fought alongside Union Regulars and Colorado Volunteers, spearheaded a Union flanking movement at the Battle; and

COMMISSIONER HAMILTON: Whereas, Union Regulars, along with New Mexico and Colorado Volunteers, ultimately caused the Confederate forces to retreat to Texas, and thereby giving up on their effort to annex the entire West and parts of northern New Mexico to the south; and

COMMISSIONER ROYBAL: Whereas, it is important not to forget those Union and Confederate soldiers who gave their lives in the Battle of Glorieta Pass, because they played a significant role in the shaping of our nation and the preservation of the freedom that we all enjoy as citizens of the United States of America.

Now, therefore be it resolved, that we, the Board of County Commissioners of Santa Fe County do hereby proclaim March 24, 2018 as The Battle of Glorieta Pass Day and to memorialize the Civil War Battle of Glorieta Pass. And it's approved, adopted and passed on this 14th day of March 2018, signed by all five Commissioners, our County Manager, our County Attorney, and our County Clerk.

CHAIR HANSEN: Thank you Commissioner Roybal and Commissioner Hamilton.

COMMISSIONER HAMILTON: Madam Chair,

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: Can we give a moment to – I know Andres Romero is here from the Friends of Pecos to say a few words about this.

CHAIR HANSEN: Absolutely. Please come forward.

ANDRES ROMERO: Madam Chair Hansen and Santa Fe County Commissioners, Andres Romero. I'm the vice president of Friends of the Pecos National Historical Park. March 24th we'll be commemorating the 156th anniversary of the Battle of Glorieta. As you mentioned in your proclamation, this was a very significant battle. If the Texans won it was their plan to take over the Colorado mines and from there march into Utah, ally with the Mormons, take over California, come down and take over the Baja California, the Mexican states of Sonora and Chihuahua. They were stopped cold at this battle. That changed the whole complex – it probably changed the whole complex of the war. Had they been successful we might be in a different country now.

I want to thank you again for issuing this proclamation. My colleagues and I appreciate it. Thank you.

CHAIR HANSEN: Thank you very, very much.

COMMISSIONER HAMILTON: Thank you so much.

CHAIR HANSEN: And with that, do we have a motion to approve the proclamation?

COMMISSIONER ROYBAL: So moved.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: Motion by Commissioner Roybal, second by Commissioner Moreno.

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

III. ACTION ITEMS

B. Appointments/Reappointments

1. **Re-appointment of Members to the County Fair Board**

ANNA BRANSFORD (Community Services): Good afternoon, Commissioners. I'm here today because the Community Services Department is

submitting recommendations to reappoint members to the County Fair Board. Santa Fe County Ordinance 2000-5 establishes duties, powers and procedures of the County Fair Board. The current ordinance allows for no less than nine members on the board and no more than 13. Based on the Fair Board's recommendations from our October meeting there was six members whose terms expired December 31, 2017. They were Bruce Martin, Jim Butler, Grant Mitchell, Natalie Baca, Tom Spindle, and JoAnn Brennan.

So our by-laws allow for the nomination and vote of the association members for the Fair Board to recommend these people to the Board of County Commissioners. We are recommending that the above-noted members be reappointed until December 31st of 2019. With that I stand for questions.

CHAIR HANSEN: Are there any questions from the Board? Do I have a motion?

COMMISSIONER HAMILTON: I move to approve.

COMMISSIONER MORENO: Second.

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

CHAIR HANSEN: I have one question. So how many members do you have on the board right now?

MS. BRANSFORD: Currently 12.

CHAIR HANSEN: Twelve. So you're at capacity.

MS. BRANSFORD: Yes.

CHAIR HANSEN: Okay. Perfect.

MS. BRANSFORD: And I did want to also let you know that in January they took a vote and we do have a new chair this year. It is Bruce Martin. So in July you all will meet him when they come and invite you all to the County Fair.

CHAIR HANSEN: Okay. We look forward to it.

MS. BRANSFORD: Thank you, Commissioners.

CHAIR HANSEN: And we look forward to all the buildings being finished for the next County Fair. At least I hope they are.

MS. BRANSFORD: Yes. Definitely, Madam Chair.

III. C. Miscellaneous

- 2. Approval of Amendment No. 3 to the Professional Service Agreement No. 2015-0188-CSD/MM Between Santa Fe County and Presbyterian Medical Services, Extending the Term of the Agreement an Additional Year and Increasing the Compensation an Additional \$450,000, Inclusive of NM GRT for a Total Agreement Amount of \$1,600,000, for the Operation of the Mobile Crisis Response Team and Granting the County Manager Authorization to Sign the Purchase Order**

BILL TAYLOR (Procurement Director): Thank you, Madam Chair,

Commissioners. We're here to present to the Board for approval the amendment #3. This is the final amendment to the contract and agreement with Presbyterian Medical Services to provide the Mobile Crisis Response Team services for county residents and requires Board approval due to the amount of the contract and I'll stand for any questions from the Board.

CHAIR HANSEN: Okay. Any questions from the Board?

COMMISSIONER HAMILTON: Move to approve.

CHAIR HANSEN: Thank you. Do I have a second?

COMMISSIONER ROYBAL: Second.

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

CHAIR HANSEN: Thank you. We look forward to another year working with Presbyterian on the Mobile Crisis Team. Thank you.

III. C. 2. Request Authorization to Publish Title and General Summary of Ordinance No. 2018 - ___, an Ordinance Amending Section 6 of Santa Fe County Ordinance No. 2008-14 to Extend to January 1, 2024, the Time in Which an Election May Be Held to Reauthorize the Regional Transit District Gross Receipts Tax [Exhibit 1: Staff Report]

TONY FLORES (Deputy County Manager): I'm going to pitch hit, Madam Chair.

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Yes. Thank you, Madam Chair. This issue comes about because of the sunset clause that is imposed right now that is relative to the RTD system, the blue bus, and because of the sunset of the counties and cities that are involved agreed to propose that they have the opportunity to extend the part of the – before the sunset. And so I will defer to Tony.

MR. FLORES: Thank you, Commissioner Moreno. So Madam Chair, this request is to publish title and general summary of an ordinance that would amend Section 6 of the County Ordinance 2008-14, extending the time in which an election may be held to reauthorize the GRT. In the packet Mr. Matthew provided the ordinance number that currently exists and Section 6 states repeal or reauthorization. This ordinance, if it becomes law shall be repealed effective January 1, 2024, which is the reference to sunset that Commissioner Moreno used, unless a reauthorization election for continuation of the Regional Transit gross receipts tax is held and approved at a general election in November 2022 or a special by 2023.

So NCRTD has requested that this be placed on there trying to get ahead of the timeframe that's currently listed in the ordinance. Staff has provided the information today only to request the approval to publish title and general summary of the ordinance, which we would bring back if the Board approved it, at the April 10th Board of County Commission meeting for a public hearing on the ordinance. I hope that screwed up

everything I was trying to say.

So for today's discussion it's purely to allow staff to publish the title and general summary of that ordinance change.

CHAIR HANSEN: Okay. Manager Miller.

MS. MILLER: Madam Chair and Commissioners, when the RTD was expanded to cover all the counties that it covers and the Rail Runner was put into place, all of the transit districts that helped support the Rail Runner passed a GRT. They were given authorization in statute to have a GRT increment to support the Rail Runner. This particular increment is one that was authorized for specifically regional and rural transit and was voted into place in Los Alamos County, Santa Fe County, Taos County and Rio Arriba County. And this ordinance needs to be passed simultaneously by all four counties in order to renew this tax, keep it going past the current sunset that's in the existing ordinance, and allow them to have assured funding for the RTD bus system as well as the Rail Runner. And so they'll be – the RTD will be asking all four counties to pass this ordinance so that we can move forward with an election in each county to support renewing this particular GRT increment.

CHAIR HANSEN: Okay. Thank you, Manager Miller. Any other comments or questions from the Board? Mr. Flores, do you have any other comments?

MR. FLORES: No, Madam Chair. We stand as submitted.

COMMISSIONER MORENO: I move to approve.

CHAIR HANSEN: Okay, we have a motion. Do I have a second?

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: And I have a second from Commissioner Hamilton.

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

III. C. 3. Requesting Approval of a Cost Sharing Agreement Between the City of Santa Fe and Santa Fe County for the Solar Photovoltaic System Booster Station 2A of the Buckman Direct Diversion Project

ERIK AABOE (Public Works): Madam Chair, Commission, we're requesting approval for the County to enter into an agreement to pay for half of the cost of a solar electric system that was installed in June of 2014 at Booster Station 2A of the Buckman Direct Diversion. We became aware that an agreement was not in place when we received a bill a little over a year and a half ago for interest and principal payments and since that time we've been working with the City to negotiate this cost sharing agreement. And so what this does, this system was funded with a 50 percent grant, 50 percent loan from the New Mexico Finance Authority and what this agreement does is not only share the cost burden but ensure that the benefits of the system will accrue equally to the City and County. So I stand for questions and request approval.

CHAIR HANSEN: Are there any questions or comments from Commissioners? I'm very happy to see this moving forward. This is sharing this photovoltaic system with the City is a good step forward in City-County relations and

with a new mayor in place I look forward to more City-County relationships. So with that, do I have a motion?

COMMISSIONER HAMILTON: I move to approve.

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: We have a motion from Commissioner Hamilton, a second from Commissioner Roybal.

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

III. C. 4. Approval of Multiple Source Award, Multiple Year Contracts No's. 2018-0058-A-PW/MAM, and 2018-0058-B-PW/MAM to Provide On-Call Material Testing, Sampling and Inspection Services for Existing County Road Improvements and Maintenance Projects; Granting Signature Authority to the County Manager to Sign the Purchase Orders

MR. TAYLOR: Thank you, Madam Chair. Purchasing Division issued a request for proposals for services to be procured that would be on an on-call basis/indefinite quantity for material testing and sampling and also provide inspection services during road construction projects. Qualification based, the qualifications definitely required where cost wasn't the only factor so that's the reason for the RFP for these services. The two contracts that we're asking approval on are contracts we'd be entering into with Bohannon Huston and Horrocks Engineering Firm. And with that I'll stand for any questions with this request.

CHAIR HANSEN: Are there any questions from the Board? We've worked with both of these firms before?

MR. TAYLOR: Madam Chair, we have, for design services and also for inspection services, and I believe both firms have provided testing and sampling of road materials.

CHAIR HANSEN: That's what I thought but I just wanted to ask. So what is the pleasure of the Board?

COMMISSIONER MORENO: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER MORENO: I move to approve.

CHAIR HANSEN: We have a motion by Commissioner Moreno. Do I have a second?

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Second by Commissioner Hamilton.

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

III. C. 5. Approval of Change Order No. 4 to Agreement No. 2017-0226-PW/KE Between Santa Fe County and RCC, LLC in the Amount of \$54,426.42, Excluding NM GRT, for the Agricultural Extension Office Remodel at the Santa Fe County Fairgrounds for a Total Contract Sum of \$1,119,934.87, and Grant Signature Authority to the County Manager to Sign the Purchase Order

MR. TAYLOR: Thank you, Madam Chair. It's a pleasure to be back. We entered into a construction contract, Madam Chair and Commissioners, with RCC Construction Company to complete the renovation and improvements of the agricultural extension office at the County Fairgrounds. This change order is for additional services or construction services to improve functionality of the facility that is a total of \$54,426.42. This amount is slightly over 10 percent increase to the original contract and therefore requires BCC approval. With that, Madam Chair, I'll stand for questions.

CHAIR HANSEN: Are there any questions from the Board? Okay. Seeing none.

COMMISSIONER MORENO: I move approval.

CHAIR HANSEN: Okay, I have a motion to approve by Commissioner Moreno. Do I have a second?

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Second by Commissioner Roybal.

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

IV. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: Do we have anybody from the public here to speak?

MIGUEL CHAVEZ: Good afternoon, members of the Commission. I had a couple of concerns or suggestions that I wanted to share with you.

CHAIR HANSEN: Would you please state your name and address for the record?

MR. CHAVEZ: Miguel Chavez, 1615 Camino Porvenir. And what I would like to ask at this time, Commissioners, is that you accommodate matters of public concern to fit into the public's work schedule. I and someone else was hoping that public comment or Matters of Public Concern would be closer to the 5:00 hour, not so much the middle of the afternoon. So I did share with another member of the public that Matters of Public Concern would be before. They are hoping to be here around 4:30, so I'm asking if you could accommodate both of us at that time. Thank you.

CHAIR HANSEN: I don't see any problem with that, if we're not in executive session that will be possible. Thank you. Manager Miller.

MS. MILLER: Madam Chair, in the past we have, if there's people here who have wanted to speak early on the agenda we've let them and we've had it twice if there have been people who couldn't come until later.

CHAIR HANSEN: That should more than reasonable to me.

MS. MILLER: If you wanted to do that.

CHAIR HANSEN: So Mr. Chavez, would you like to speak now?

MR. CHAVEZ: If it's okay with you I would rather wait until other members of the public are here with me.

CHAIR HANSEN: Okay. Thank you.

V. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

1. New Mexico Legislative Wrap-up [Exhibit 2: Legislative Report]

MS. MILLER: Madam Chair, I'm going to have Hvtce Miller give an update on what actually ended up being signed into law or vetoed or pocket vetoed by the governor.

HVTCE MILLER (Intergovernmental Outreach Coordinator): Good afternoon, Madam Chair, Commissioners. As you had mentioned earlier, this is the report I will be speaking from today. It's got a purple picture on the front cover. It's the 2018 Legislative Report.

As Ms. Miller was saying, March 7th, I would think is the actual close of the legislature because that is the closing period for the governor to give final authorization on any bills needing the executive branch's authorization, and that has since come and gone. If you wanted to follow along I'm on page 3 now where it says signing deadline passed. I'll just go over briefly the concluding actions that have taken place.

Most of the bills which were passed at the end did have to do with the budget and then there were a few bills dealing with anti-crime matters. I have here there were no drastic changes to state-funded projects or programs and no major changes have been enacted related to the tax code, which is good news for local governments because that meant that there were no changes in GRT collection or distribution. That includes there were no changes to any hold harmless payments or any changes to expedite the hold harmless phase-out which is currently underway right now.

The two major crime bills which were passed were House Bill 19 and House Bill 173. House Bill 19 was somewhat of a conglomerate a few crime bills which were introduced separately but they ended up being combined into one bill and the House Bill 19 dealt primarily with felons, stiffer penalties for felons, using firearms in future crimes, and also the processing of repeat offenders who are believed to have substance abuse problems or mental health issues, and the final component of House Bill 19 was also a bonus reward system for retaining police officers.

The other crime bill, House Bill 173 was the creation of an automobile theft board, and so the state was trying to take a closer and specific look at auto theft problem issues within the state specifically. So those were those two.

Also I have here highlighted were that capital outlay funds were available in this session and a lot of capital outlay appropriations were signed into law which was House Bill 306. Unfortunately Santa Fe County had several of its projects which were included in House Bill 306 were ultimately vetoed in the final version. With that being said a large amount of funds were allocated to be used in Indian water rights settlements and funds

which are to be utilized for the planned Pojoaque regional water system project which Santa Fe County is part of. So on a good note, those were included in the House Bill 306 and did remain in the final version of House Bill 306.

Broken up in the report are signed and chapter bills on page 7 and those are the same which have been presented at the last Commission meeting and no major changes had occurred. If you have questions on those please let me know.

The next section would be the vetoed bills which are starting on page 18 and there are two notable bills that were vetoed here which had the support of the Commission, the first one being House Bill 64, the pet food fee. That was vetoed and the reason being offered by the governor was that it was considered as a tax and she's always been anti-tax through her entire term and this was seen as another tax and that was her reasoning for not signing that one.

The next one is particularly related to Santa Fe County and that's Senate Bill 17. That's gross receipts for certain non-profits and that one is relating to the taxation of a possible not-for-profit operator of the national laboratory in Los Alamos. And that was vetoed so taxing of a non-profit operator wouldn't be allowed at this time, and the reason being given by the governor for that veto was that it was not considered to be a comprehensive part of tax changes for the whole state and it was too specific and I would say too much of a specific carve-out for one business or one industry within the state. And that was her reasoning for that one.

Going on to the final part of bills is on page 20 and that's pocket vetoed bills. There are 22 of these items and I just wanted to mention that the pocket vetoes and vetoes were considerably smaller since the last legislative session. There were more bills signed into law than there were vetoed and pocket vetoed. First notable bill within this section is House Bill 81 and that is related to traditional historic community eligibility. This was the second consecutive go-round for this particular piece of legislation. In the last legislative session the same piece of legislation was also vetoed and it didn't make it again.

The second item here, House Bill 246, still on page 20, there was also no action taken on that one as well and therefore pocket vetoed. That was related to the advanced mapping fund.

Lastly is the section on capital outlay, starting on page 23, and this second continues all the way to the end which is page 28, and within this section there is the strike-through indicating any of the projects within Santa Fe County that had been line-item vetoed within the bill. The specific Santa Fe County managed projects are also highlighted in yellow and they also have the title highlighted in red and that means that they were vetoed. Just to go through, the First Judicial District security wall cameras, \$60,000, First Judicial District speaker system at \$57,500. I think lastly was for the Judicial Complex file room, which was that \$200,000.

The other highlighted in yellow projects did remain intact and did not receive any budget cuts or line-item vetoes altering those projects. And those were the Indian water rights settlement at \$6,175,000, Santa Fe County Eldorado Subdivision trails at \$100,000, and in the latter part of the bill, Section 45, Indian water rights settlement fund for \$2,825,000. With that, that's the conclusion. I'm happy to take any questions that you have for me right now.

CHAIR HANSEN: Are there any questions from the Board?

COMMISSIONER MORENO: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Moreno.

COMMISSIONER MORENO: Have you been able to assess the impact of the LANL non-profit bill?

MR. MILLER: Madam Chair, Commissioner Moreno, at this time I do not know of any future actions to be taking place by either Santa Fe County or the surrounding local governments who had supported this particular piece of legislation. I'm not sure if anybody has any information on that.

MS. MILLER: Madam Chair, Commissioner Moreno, the estimate at the time of the bill was something like \$50 million that is currently spent on average by the labs in gross receipts tax and they indicated in the fiscal impact that about half of that is the state and half of that is Los Alamos County. So that would be a \$25 million hit to a local government. However, in the veto message, one of the statements made in the veto message was that it's only the prime contract who's the non-profit and therefore only the prime contractor who would not have to pay gross receipts but all subcontractors would, so the estimate of that fiscal impact they felt was overstated.

So I don't know if anyone has analyzed it further on that basis. Additionally, it does depend on who actually proposes on the contract and how ultimately gets it as to whether that exemption would take effect or not. And I don't know if there's another opportunity between now and contract renewal to pass another piece of legislation. But there's not much else that Los Alamos County or any of the other local governments can do to try to pass legislation that might have been brought enough for the governor to sign.

COMMISSIONER MORENO: Thank you.

CHAIR HANSEN: Any other questions from the Board? I just want to acknowledge that I'm grateful for the money that we received for the Agua Fria water system and for roadwork in the Agua Fria Village and roadwork especially on Agua Fria and South Meadows improvement in design of that road. As Diego knows, I love roads, so I'm happy to see some money in there for roadwork. I'm not sure that that's completely in the county; I think part of it's in the city and so if it is a project that we can work on with the City and the County together I'm all for that. So thank you, and if there's no other comments or questions, thank you very much Hvtce.

Do we have any other updates from the legislative wrap-up, Mr. Flores or Manager Miller? Okay.

V. A. 2. Update on the Pojoaque Basin Regional Water System
[Exhibit 3: Staff Report]

SANDRA ELY (County Hydrologist): Good afternoon, Madam Chair, members of the Commission. I'm here to give you an update on the Aamodt Settlement and the Pojoaque Basin Regional Water System. In your packet you should have a copy of this power point, a brief memo, and a copy of the draft contributing funds agreement which will be part of this update.

I'll talk about some of the recent milestones achieved by the parties to the settlement and talk a little bit about milestones remaining, and then spend a little bit of

time on the contributing funds agreement.

Just to refresh your memory, we have a map of the Nambe-Pojoaque-Tesuque Basin. The area in blue is the area that is subject to the Aamodt Settlement. You can see it goes from the Sangres down to the Rio Grande and it includes the four pueblos in the basin of San Ildefonso, Pojoaque, Nambe and Tesuque pueblos.

The settlement agreement was arrived at to settle a water dispute that had been going on for approximately 50 years. The key element of the settlement is the design and construction of the Pojoaque Basin regional water system and the map on the screen here shows the regional water system where it is proposed to be located. The system will start in at San I, where it will divert water, transport it to a water treatment plant near the senior center in El Rancho, and then transmit it out to the four pueblos and the non-pueblos in the basin.

The area in pink is phase 1 that's being constructed through a design-build contract with CDM Smith. They're scheduled to start construction this fall and finish it in the spring of 2022. The yellow are in the design-built portion of the system and that's primarily for phase 2, and that will deliver water all the way from Pojoaque up into Bishop's Lodge, and then over into Nambe as well. There's about 150 miles of distribution possible, another 50 miles of transmission and about ten new water tanks that are proposed to go in.

The cost of the system based on what's in the contributing funds agreement and the Aamodt Litigation Act shows that the federal government is putting forward the majority of the funds for this project at \$106.4 million in 2006 dollars. The state \$45.5 and the County \$7.4 million. All those funds will be indexed, of course, and you can see that our \$7.4 million that we will contribute is indexed out to about \$10.2 million.

Now, you've seen a similar slide showing the indexing a little higher, but the index changes over time and the inflation hasn't been as high as BOR previously thought. It will also be based on when our funds are spent by BOR, and I'll talk about that in just a little bit too.

So a number of things have happened since last summer and I just want to just highlight those, not go into any detail. But in last July, US District Court entered the final decree which set forth water rights for all members in the basin, both pueblo and non-pueblo residents. That same month in July the Office of the State Engineer issued a permit to change the point of diversion for the water rights to the Pojoaque regional water system. And then in September of last year the Secretary of the Interior published in the register that certain requirements of the act were met. You may recall we had talked about certain condition precedents that needed to be met by September 15th of last year including funding, purchase of water rights, transfer or water rights, final decree – those were all achieved and the Secretary did issue that publication.

In September the joint powers agreement was finally executed. It was approved by this Board the previous December but it took a while for it to get approved by all the other parties and Interior and DFA and that, as you recall, establishes the Pojoaque Basin Regional Water Authority.

Another thing that happened last September is the Office of the State Engineer issued the water master rules. These are required by the Aamodt Settlement Agreement and these rules govern the administration of the water rights in the basin by the State

Engineer's Office.

Now I want to - there's a lot in these rules. But I want to point out one section and that's a provision in Section 109, which allows a household to convey their full amount adjudicated to the County, abandon the use of their wells when they connect to the County water utility, or to convey a portion of their adjudicated water right, .3 acres, to the County, and use the remainder of their water right for outdoor purposes.

So we moved forward with this provision at your direction. We came to you last year. This was something that was being discussed by the parties. We asked if we should advocate for that. We did, and we were successful, and so those provisions are currently in the rule.

Last October the State Engineer issued a metering order and that's also required by the settlement. It's also required I think by our rules. Our ordinances require all new wells to be metered, all wells to be metered, so the State Engineer has a metering order out. All wells in the basin, both pueblo and non-pueblo wells, have to have a meter on them by October of 2018.

And then finally this last January the final environmental impact statement was published by the Bureau of Reclamation. You can find that online. There's also hard copies at the Pojoaque Field Office.

So one of the upcoming milestones that we're working on is the contributing funds agreement. This is an agreement that's required, that would be between the US and the Santa Fe County and it describes the County's cost share and how that will be paid out. The cost share for our portion of the regional water system. The County's contribution as I said earlier is \$7.4 million as described in the cost sharing agreement. That index comes to approximately \$10.2 million.

The Aamodt Litigation Settlement Act requires the contributing funds agreement to be in place prior to construction, and we anticipate that construction will start this fall. It's also a part of the pueblo rights-of-way agreement that this Board just recently finalized. And each of those agreements requires the contributing funds agreement to be entered into by April 2, 2018, or the pueblos could make those rights-of-way agreements null.

I'm going to go through just a few highlights of the agreement. You have the draft agreement in your packet, but there are a few things I really do want to point out to you. First, in Section 1, the County's total cost share is \$7.4 million indexed to about \$10.2. The remaining cost allocation will be indexed to account for inflation. That's a requirement of the act. And then Exhibit C shows the County's annual funding contribution. And I'll talk about Exhibit C once we get there but this will set out what our payment schedule will be in the near future and on out through 2024.

Early payments do not stop indexing unless those funds are expended, so that means for construction. So we can make an upfront contribution but until those funds are expended, they will be indexed under how the federal government indexes those costs for construction, different types of construction.

The County's cost allocation cannot be increased except by amending the contributing funds agreement, and the feds may charge us interest if we don't make a payment on time. So payments are due October 1st of every year. If we don't make a payment by November 30th, they may assess interest if the funds aren't expended.

Additional responsibilities of the parties is in Section 2 and it describes some of the County's responsibilities and some of the BOR's responsibilities. One of our responsibilities is to maintain a special fund for contributions. We're proposing to use proceeds from the Top of the World Farm for this purpose as well as capital outlay gross receipts tax. The agreement does state that if we acquire easements – we're not obligated to acquire easements but if we acquire easements or real property the County would be credited for that acquisition against our \$7.4 million.

Under additional responsibilities, Reclamation will provide quarterly reports. These reports will have itemized expenditures and how they will be spending County funds on those expenditures. They will be obligated to index the construction costs annually before December 1st of every year, and the County funding contributions at the beginning of each FFY – federal fiscal year – will be based on the final design cost estimate and construction schedule.

So Reclamation also will enter into negotiations pursuant to the Aamodt Settlement Act to address current cost overruns. We've heard that there are cost overruns. We don't know precisely how much they are. The federal government is starting to get their numbers together so we can look at those more closely, but under this agreement they will enter into negotiations with the party regarding cost overruns and with the intention of coming to agreement on how to address those overruns prior to starting construction this fall.

Also, I just want to mention that the County funding contributions, if they are no longer needed of course they will be refunded to the County.

Some of the joint responsibilities between the County and the Bureau of Reclamation includes the Reclamation providing a yearly written cost accounting and proposed revision to Exhibit C. We'll get those proposed revisions in February but the parties will then have to agree on any revisions by April 1st. Revisions will be based on things like indexing, or if the County decides that we want to scale back our share of the system then Exhibit C would reflect that with less money going to the federal government.

There is also a Section 3 which has some contingencies in there, including that the County may withhold funds, or temporarily withhold funds if the state or US are unable to make their required funding contribution. We can also withhold funds if the Secretary of Interior issues a written determination that the regional water system will not meet criteria for substantial completion in 2021 if the pueblos consult with Interior and suggest that there's an issue here, the Secretary may issue a determination that the system will not be constructed by then, and if that were to be the case then we'd have the opportunity to withhold our funding if we chose to.

This slide is a screen shot of Exhibit C and you can see that it's proposing that our first annual payment be \$5 million in fiscal year 2019. The proposed initial payment of \$5 million is for construction of phase 1. It's not for previous costs. It's for the construction looking forward and BOR estimates that's probably about the non-federal share for phase 1 of the system.

It then also proposes a \$2 million contribution in 2020 and a \$3.164 million contribution in 2021. This will be revised per agreement by both parties on an annual basis based on what's being constructed and what indexing looks like.

Before I move on to some of the other milestones that we are considering, does the Board have any questions for me?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: So if this question is not appropriate to answer just don't, or somebody speak up. But you mentioned a few times in these agreements we're viewing cost overruns and distributing responsibility for those before construction starts. Are there any mechanisms for control of cost overruns? Because we're not doing the design, the engineering; we're doing reviews, etc. Is there any way you can comment on any portion of that?

MS. ELY: Madam Chair and Commissioner Hamilton, one of the other items we worked into this agreement is for the Bureau of Reclamation to come forward at 30, 60, 100 percent design to share with us their costs, their design and their schedule, and to appropriately consider the County's comments when providing those so that we have a better assurance moving forward our funds will be used appropriately for actual construction of the regional water system. Cost overruns are an issue. We're going to also be initiating negotiations with the parties and I'm sure that will be another item for those negotiations – how to address cost overruns in the future.

COMMISSIONER HAMILTON: I appreciate that you guys are paying attention to that. Thank you.

CHAIR HANSEN: Any other questions at this time? I have a question about the metering order issued by OSE requires meters to be placed on all wells in the Pojoaque Basin by October 2018. That's in six months. How is that moving forward? How are well owners dealing with getting their well meters in place and I'm just concerned for the constituents.

MS. ELY: I know there is some confusion out there. As you all know, I have office hours in the Pojoaque Basin once a week and people frequently come in asking about the metering order and specifically what type of meter they should be installing. I have handouts from the State Engineer's Office; this is their program, but I'm there to help share the information, if I can, in a way that's not too burdensome. Those are still a little confusing and so people are calling the State Engineer's Office and the water master for the N-P-T to get further direction on that.

I am a little concerned though that come this summer there are going to be 3,000 well owners who are going to try to put on meters and it's going to be a little bit of a rush. And I don't know if the State Engineer has any plans to do additional outreach this summer to help those well owners get their meters installed and make sure they meet the requirements of the State Engineer's Office, and that they also file their initial reports and then quarterly reports after that. So I know I don't have a good answer. I can confer with the State Engineer's Office and get back with you, but I know there is some confusion in the basin about what people are supposed to do right now.

CHAIR HANSEN: And are there adequate plumbers to install these meters? Are there adequate resources for people to find meters and those are some of the things that I would be concerned about in the basin.

MS. ELY: Madam Chair, I did make an effort to talk with CID to see if I can get a list of certified plumbers or registered plumbers so that people can at least have

a list of people to call, and I didn't get a response from the Construction Industry Division on that and the State Engineer doesn't have a list either. I thought it would be helpful if I can maintain a list at the Pojoaque field office but I was unable to accomplish that.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I wonder if – because you have to actually be certified to work on a water system, so not any plumber counts. And I think sometimes that information is available from the Drinking Water Bureau. Although I think it probably makes the most sense to have gone to construction programs, but there is some cross-over so we might check with them.

MS. ELY: Madam Chair, Commissioner Hamilton, I'll do that. Any information I can provide the public coming in asking these questions I'd be grateful.

CHAIR HANSEN: Okay.

[At 3:20, Commissioner Anaya joined the meeting telephonically.]

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Welcome, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I appreciate the line of questioning that you just asked and I think maybe it would be helpful if Commissioner Roybal, if he's available, would be able to go to the State Engineer's Office with staff and ask some of those questions and then maybe the State Engineer would be willing to come back to the Commission to provide some feedback directly to the Board as well as to the public as to a process for that transition to occur. Those are my thoughts. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Anaya.

COMMISSIONER ROYBAL: Yes, thank you, Commissioner Anaya, and I'd be more than willing to do that. Thanks.

CHAIR HANSEN: I think that any kind of help Commissioner Roybal would like to help his constituents with would be helpful so maybe we can move forward with that. Thank you, Commissioner Anaya, also for that suggestion. So we can move forward.

MS. ELY: One of the other upcoming milestones and deadlines for 2018 is the well election. This is where residents in the basin who own a well will be able to elect whether to connect to the County water utility, keep their well in perpetuity, connect to the County water utility upon transfer of their property, or as I just described, connect to the County water utility and keep their well for outdoor use. We do not have a deadline for the well election at this time.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: There's actually no deadline for the well election?

MS. ELY: Not yet. Court has not set it and the parties haven't worked with the court to get it established.

COMMISSIONER HAMILTON: But there will be one established. There will presumably be a process of time, because then there are commitment for support or lack thereof, depending, right? On how that goes.

MS. ELY: Yes. Chair Hansen and Commissioner Hamilton, County staff

has put together a proposal for how to move forward with the well election. We just need to further engage the parties to move forward on that and request that the court set a deadline.

COMMISSIONER HAMILTON: Thanks.

CHAIR HANSEN: But the well election will happen this year?

MS. ELY: I think it has to. We need to know who our customers are going to be. We need to know what the water demand is and we need to know where to construct the distribution lines. Right now the Bureau of Reclamation is designing the system for maximum distribution but we need to provide them with guidance on where to actually construct. So we need – we must have the well election this year.

Other upcoming milestones and deadlines – I mentioned that the environmental impact statement has been finalized. We heard from the Bureau of Reclamation that the Record of Decision will be signed next month. As far as the regional water system design goes, we have 60 percent right now on phase 1. We'll have 60 percent on phase 2 this summer and we hope to have the whole system finally designed in July of this summer of 2018, and then for construction to start in the fall of this year as well.

The other thing that we're working now and hope to have executed by this fall is the operating agreement between the County and the pueblos which will describe, essentially, who gets what water, who will pay what cost, how the system will be managed between the pueblos and the County.

In June of 2021 there's a deadline in which the Bureau of Reclamation would verify whether the system is complete or will be complete by June 30, of 2024. In March of 2022 we anticipate that phase 1 will be complete and in operation. So in 2022, San Ildefonso, that whole Jacona land grant and Pojoaque will have water from the new regional water system. And then the whole system must be substantially complete by June 30, 2024.

So that's where we're at. We've got a lot accomplished over the last several months. We have a lot more work to do, and right now, the immediate thing in front of us is trying to finalize the contributing funds agreement. This is not an action item. It's just an update. We hope to be before you in two weeks for a decision on the draft contributing funds agreement.

BRUCE FREDERICK (County Attorney): And Madam Chair, can I supplement? Can I supplement a little bit on the well election?

CHAIR HANSEN: Yes, please.

MR. FREDERICK: So the settlement agreement had this whole process. It was called the show-cause process where the court was – the parties were supposed to get together, mainly the United States and the State Engineer and the pueblos were going to get together. They're the main settlement parties – get together and file a motion with the court to make people show cause why they shouldn't be signed onto the settlement and set a deadline for making them make an election. That was supposed to be done before the final decree was entered, and it was not done. The parties – the State Engineer, the pueblos and the United States never filed that motion, so we're kind of in this anti-climactic situation where we have a final decree entered and we're going to ask the court to set a deadline to do something after it's already entered a final judgment and the case is on appeal.

So we've got to get together with the State Engineer to figure out how we're going to figure out how to set that well election deadline, and so far the State Engineer has not been receptive to us. They haven't even responded to us in trying to do that. We may have to end up doing that on our own. We may file a motion in the court ourselves. The court may say no; I'm done. Too bad. In which case we'd have to go outside the court and essentially take a survey of who anticipates connecting and who does not. And the lure would be they would get free hookups if they elected to sign on to the system, and there's lots of benefits for doing that now.

CHAIR HANSEN: Questions? So do we have kind of a list of benefits that we can start putting together of your options to do the well election? Like some kind of enticement or some kind of interest so that we can get some kind of feedback from residents and get some knowledge about what appeals to them and what does not appeal to them, and what would make them join and what would not make them join. Or sign up.

MR. FREDERICK: Madam Chair, we have put together a notice to folk already that kind of lays out those benefits for them. The way the State Engineer rules are now, people can keep their well and sign up to connect to the system. That's the main benefit. And then getting their connection costs paid. So there's really no reason not to sign up for the settlement now.

CHAIR HANSEN: Right. That was something we passed earlier last year. So I hope that we can figure out something to do about the well election. Commissioner Roybal, would you like to say something?

COMMISSIONER ROYBAL: Yes. I want to thank Sandra for her presentation. I am scheduled to meet with Sandra on the 20th so that we can talk in more detail and see what else we can brainstorm. But, yes, I'm looking forward to that meeting on the 20th.

MS. ELY: Madam Chair, if I may, I just wanted to point out that the entire packet is posted online, so if anybody wants to look at it, it's there. I also have copies of the contributing funds agreement at the satellite office and I'll put copies of the power point there too, so if anybody drops in. The documents are available for anybody's review.

CHAIR HANSEN: Thank you. Any other questions? Thank you, Sandra, so much. That was very helpful.

VI. MATTERS FROM COUNTY COMMISSIONERS

A. Presentation and Proclamations

1. Approval and Presentation of a Proclamation Proclaiming the Month of March, 2018 "Certified Government Financial Managers Month"

CHAIR HANSEN: We have a proclamation here. It's in your packet. I would like us to read it and then hopefully approve and adopt and pass this. Santa Fe County proclamation proclaiming the month of March 2018 Certified Government Financial Managers Month.

Whereas, the Association of Government Accountants – AGA – is a professional organization which has a network of over 14,805 members in 104 chapters in the United

States and around the world; and

COMMISSIONER HAMILTON: Whereas, there are approximately 243 active members in the New Mexico chapter of the AGA, representing state, federal, municipal and private sector accountants, auditors and financial managers in New Mexico; and

COMMISSIONER ROYBAL: Whereas, AGA New Mexico and Albuquerque chapter members have responded to AGA's mission of advancing governmental accountability and broad educational efforts, with emphasis on the high standards of conduct, honor and character in the AGA code of ethics; and

COMMISSIONER MORENO: Whereas, AGA New Mexico and Albuquerque chapter members are making significant advances in professional ability and in service to the citizens of New Mexico by mastering increasingly technical and complex requirements; and

COMMISSIONER HAMILTON: Whereas, AGA's Certified Government Financial Manager, CGFM, program provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate educational and employment histories; to abide by AGA's code of ethics; pass three examinations requiring expertise in governmental, environmental, government financial management and control, governmental financial management and budgeting, and to maintain certification by completing at least 80 hours of continuing professional education in governmental financial management topics or related technical subjects every two years.

Now, therefore be it resolved that we, the Board of County Commissioners of Santa Fe County do hereby proclaim the month of March 2018 as Certified Government Financial Managers Month. Adopted, approved and passed on this 13th day of March 2018.

Can I have a motion from the Board?

COMMISSIONER ANAYA: Madam Chair, I'd move for approval.

CHAIR HANSEN: Thank you, Commissioner Anaya, and Commissioner Hamilton?

COMMISSIONER HAMILTON: I just seconded.

CHAIR HANSEN: Commissioner Hamilton has seconded.

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

COMMISSIONER HAMILTON: If we have some financial managers in the audience, maybe they could stand up.

CHAIR HANSEN: Nobody here.

VI. B. Resolutions

- 1. Resolution No. 2018-28, a Resolution Opposing the Department of the Interior, Bureau of Land Management's Proposed Repeal of its Methane Rule Which was Intended to Reduce and Regulate Methane Leaking, Venting and Flaring from Oil and Gas Operations**

CHAIR HANSEN: We heard all of the reasons for doing this last month and are there any questions or comments from the Commission? With that, do I have a motion?

COMMISSIONER HAMILTON: I'd like to make a motion to approve this.

CHAIR HANSEN: Do I have a second?

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: I have a motion and a second by Commissioner Roybal.

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

VI. B. 2. Resolution No. 2018-29, a Resolution Supporting Continued Service by the New Mexico Rail Runner

COMMISSIONER MORENO: Thank you. As many of you know, probably everyone here in the room, the Santa Fe County provides financial support to the Rail Runner passenger service and we are proposing this resolution to support the activities related to the positive train control process that is going through the country.

CHAIR HANSEN: Hi, Ray. Welcome.

RAY MATTHEW (Transportation Planner): Good afternoon, Chair and Commissioners. If I could just add on what Commissioner Moreno was stating. The Rio Metro, which operates the Rail Runner is under a federal mandate to implement positive train control. That's a safety measure that's for all railroad properties. They are in the process of doing that. However, the way the current regulation reads if they don't have that installed by December of 2018 then the FRA [Federal Railroad Administration] would have the option of discontinuing passenger service until that's provided.

So they are working with the FRA to basically continue service beyond that while this is being installed. So this resolution that's before you is supporting their efforts and stating that passenger rail service should be allowed to continue beyond that deadline while the PTC is still being installed. And I stand for any questions.

CHAIR HANSEN: Is there any other comments from Commissioners? Commissioner Hamilton.

COMMISSIONER HAMILTON: It might have been – I might have missed something, but are we having a funding issue? Is it really just a time issue?

MR. MATTHEW: Well, the funding issue isn't for us; it's for Rio Metro. When the law was passed the federal government really didn't provide any additional money specifically targeted for this project. So Rio Metro has proposed a funding strategy and they are in the process of getting that approval. It does not affect our GRT or anything like that. What it would affect is if FRA took a hard-line stance and said, okay, we're not going to allow passenger rail service until the PTC is installed then that's how it would affect us. But it won't affect us directly financially.

COMMISSIONER HAMILTON: Thank you.

COMMISSIONER MORENO: Madam Chair, the estimated cost for the PTC is listed as \$55 million, so it's not chump change.

CHAIR HANSEN: For just this section of the Rail Runner from Santa Fe to Belen?

COMMISSIONER MORENO: Right.

CHAIR HANSEN: So, are you finished? So while I was in Washington, DC last week, I spoke with both Senator Heinrich and Senator Udall about this situation. I didn't have all the facts with me except for that I told them we needed money for this, and they both seemed very interested and concerned about it so I think that we should send them a copy of this resolution as soon as it is passed so they are reminded that we are supporting this positive train control implementation and that it is a huge amount of money for Rio Metro.

MR. MATTHEW: Madam Chair, we will do that.

CHAIR HANSEN: With that, is there any other comments from the Board? Would you like to make a motion?

COMMISSIONER MORENO: I would like to move the proposal.

COMMISSIONER ROYBAL: I'll second that, and this is moving a resolution supporting the continued service by the New Mexico Rail Runner, and I'll second.

CHAIR HANSEN: Thank you very much Commissioner Moreno and Commissioner Roybal.

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

VI. B. 3. Resolution No. 2018-30, a Resolution Supporting Santa Fe Metropolitan Planning Organization Resolution No. 2018-01 Which Supports Transportation Planning and Advances the Sustainability Goals in the 2015 Santa Fe County Sustainable Growth Management Plan and the City of Santa Fe 25-Year Sustainability Plan

COMMISSIONER MORENO: Thank you, Madam Chair. This is – the MPO produced a resolution for the MPO and when we had our recent meeting, we decided as the MPO, which includes the City and the County, that it was important enough that we should both adopt the resolution. And so I have my expert here to describe it. Thank you, Ray, the short-timer.

MR. MATTHEW: Madam Chair, Commissioners, you have before you a resolution that as Commissioner Moreno has stated supports the MPO resolution for sustainability efforts in transportation planning. And their goal is to reduce carbon emissions through the selection of projects through the MPO and this resolution supports that effort.

Examples of projects that can reduce auto emissions would be any alternative forms of transportation like transit, pedestrian/bike improvements. There's also on-road improvements like turn lanes, signal timing on corridors to make sure there's a free flow of traffic. So those are the kinds of transportation projects that would have a look at in terms of sustainability. That's important. And this resolution supports that MPO effort.

CHAIR HANSEN: Are there any comments from the Board? I also sit on

the MPO with Commissioner Moreno and I really felt it was important to bring this forward to share with the constituents in the county and let them know that we are working on sustainability and that transportation is a major contributor to greenhouse gases, and that we are working towards reducing those effects upon our county and our constituents. So with that, can I have a motion?

COMMISSIONER HAMILTON: Move to approve.

COMMISSIONER ROYBAL: Second.

CHAIR HANSEN: Okay, I have a motion and a second.

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

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

CHAIR HANSEN: Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. I know that everybody in the world is tuning into hear about the latest activities of the recycled asphalt program in Eldorado. And I'm happy to say I was copied on a letter yesterday from J. C. Borrego, Deputy Secretary of the New Mexico Environment Department to Golum Mustafa of the US Environmental Protection Agency which thoroughly reviews – was brought up by a resident in Eldorado. The letter indicates that the material being used is as is placed in a proper method is not dangerous for anybody and is usable as a road pavement surface that will increase the life of the roads in that area.

I think there has been a lot of misunderstanding about what this product is and I and the ECIA have participated in requesting this letter in order to give the residents of the community confidence that they can be safe in their cars and that my job for moving on is that everyone has equal access to all the information that we can provide and will proceed with the project.

CHAIR HANSEN: Thank you, Commissioner Moreno. Are there any other comments from other Commissioners? Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just had a few announcements and I just wanted to recognize staff on a couple of projects we're working on. First of all I'd like to share that we recently were able to approve getting the internet in our senior centers up north especially. I think there are some in the south as well. I know I have senior centers in my district but I know recently they were able to move forward on getting internet.

The other thing was the ribbon-cutting ceremony at the Marcos Trujillo community center in La Puebla. I just wanted to recognize all the efforts of staff. I think last time I mentioned that there was a short time that we had to open the Boys and Girls Club and the Marcos Trujillo Community Center and we did get it open. So I wanted to commend staff because there was at least 60 kids that are now enrolled in that Boys and Girls Club. So it's been a great asset to the community.

I also wanted to recognize that we're going to have two full-time firefighters starting at the end of the month in the La Pueblo Fire Department, so I wanted to

recognize that. It's something that we've been working on and it's going to really help with the services for the emergency response in that area.

We did have a meeting in Chimayo on some playground equipment and some other renovations for those facilities. It went really well. And also, just wanted to recognize that we're working on the Abedon Lopez Senior Center on some construction and expansions for the facility and just want to recognize staff for all their hard work on that.

And also just under announcements, we are having the Santa Fe County mobile health van is going to be in the different senior centers in Chimayo. They just had it on March 1st in the Eldorado Senior Center. March 13th they'll be there in the El Rancho Senior Center. March 6th Edgewood Senior Center. March 14th in Casa Rufina, March 20th. So that's when the Santa Fe County mobile health van will be in that area. And I just wanted to also commend staff on the senior voice. I look through that posting every month that it comes out and I just want to comment all the information that's in there and thank them for all the hard work they put into that. Thank you and that's it.

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

COMMISSIONER HAMILTON: Thank you, Chair. I just wanted to mention two things that people would be interested in. One, the New Mexico Environment Department is sponsoring free testing for individual water wells. They did it this past Saturday. They're doing it again this coming Saturday. That would be from 9:00 to 4:00 at the performance space at La Tienda, so that is in Commissioner Moreno's district in Eldorado. So anybody in Santa Fe County that has a well that they would like to have the water quality tested this is a great opportunity. So you might check into that.

And then I also wanted to mention, County Manager Miller just reminded me that one of the things that got vetoed by our governor was tax breaks for solar panels, and I just find it so discouraging. I think everybody recognizes how much effort this Commission is putting toward becoming more and more sustainable. And I consider this at a state level a big step backwards. I can only hope that we do better in the future, because I think this is something that's important to the environment, but it's critically important to the people in our community to be able to get some help to do things that make them more energy-independent and more sustainable, and frankly, more affordable. And so I really, truly hope that we can, partly through this Board's encouragement and discussions – I know I've put out effort. Commissioner Hansen has put out huge effort to encourage our legislators and what not to move forward and I hope we have more gubernatorial help in the future.

CHAIR HANSEN: I also want to share that I had the honor of attending a NACo Conference, the legislative conference in Washington, DC and it was very, very informative and very important for Santa Fe County and northern New Mexico to be represented at this conference. We are a leader in progressive, renewable energy and values and it is definitely a voice that needs to be heard at these conferences.

A few of the really important legislative priorities at the national NACo is supporting is of course payment in lieu of taxes, PILT, and there was overwhelming support for all of us, especially in the western states, but there was overwhelming support on the East for PILT. There was also overwhelming support for Secure Rural Schools

for roads, for many western states and that was really a big priority. I spoke with Senator Udall and Senator Heinrich about both of those initiatives, and both of them are working very hard to make sure that we get funding for those.

Some of the other really important issues that I attended, public lands and there is the rewriting of the Waters of the US Rule and I feel like it was really important to have a voice at NACo on that because of the way that the map is being drawn and the issues of waterways.

Commissioner Anaya, I know that some of these issues that were happening at NACo are issues that you care about. I know you serve on the Transportation Committee; I saw your name there, and I can't say enough how important I think it is for Santa Fe County and northern New Mexico to be represented at a national level. Because we are really the leaders. There was some great discussions about the opioid crisis such as where to sue. Should we sue in district court or should we sue in federal court? So there was a number of issues that we could talk about and share what we're doing here. I felt it was a great experience.

But I want to go back to the Waters of the US. They have drawn a brand new map of the waters, and first they had it designed by water shed, which I believe that Commissioner Hamilton and I both find a logical way to define the United States waters. Unfortunately, it's been pushed to be defined by states. We are still in northern New Mexico defined by the Rio Grande Watershed, starting in Salida, going down southern Colorado, and then following the Rio Grande all the way down to the Gulf of Mexico.

But the most important part is that intermittent waterways are being left out of waters, and this is a really important issue for those of us in the West and many of my colleagues from Colorado and Idaho and myself stood up, opposed to not leaving out intermittent waterways. So it is important to have a voice at the table.

At the next conference I will be sitting on the Energy, Environment and Land Use. I also attended the public lands meeting. I felt that my input was more valuable in the Energy, Environment and Land Use. There was many, many things that were interesting at the conference. I have a copy of the president's initiative for rebuilding infrastructure in America. This was handed out at the conference. I know Manager Miller asked me to get a copy of this. The reality about this is that the federal government is now expecting the payout to be 20 percent for the federal government and 80 percent for counties. So the opposite of what it has been. So they are expecting us to pay in local municipalities and counties 80 percent of the infrastructure and the federal government will now pay 20 percent, and that is the gist of this book that they just handed out, which is completely unreasonable.

Senator Udall was horrified by it and told me so. He was completely disappointed and so there was many great opportunities to be there. I had an opportunity to also meet with Congressman Ben Ray Lujan and with Congressman Lujan-Grisham while I was in Washington and expressed these concerns that the County needs help and I believe that my requests were heard and I look forward to carrying on to represent the county and making sure we are represented at the national level in the National Association of Counties.

There was also the Western States, which is a separate organization within NACo, and then there is also the Women of NACo which I joined, so we had the opportunity to

meet with a couple other congresswomen, Lois Frankel, and some others and it was very informative to know that our Congress and the women in the Congress, Republicans and Democrats, are working together on women's issues. And that these issues are important to us all. So that was also a good opportunity to see real bipartisanship.

I'm sure I could share many more exciting times I had in Washington, but in general it was a great learning experience and I am grateful to have been able to represent the County on a national level. So thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Just a few brief things. I first support and appreciate the comments of all my colleagues on the Commission and would vote in the majority with the items that I was not present for. I wanted to put that on the record. The other thing I wanted to say was I appreciate that Ms. Miller and staff are working on the internet service at La Cienega Community Center. I appreciate that very much and appreciate Commissioner Roybal bringing that up. And Commissioner Moreno, I appreciate your update relative to the material in Eldorado. I know we all had full faith and confidence that the material that our staff and team were utilizing were the appropriate material but I think it shows your diligence as a Commissioner to follow up to provide clarity for your constituents and for the county at large.

But I appreciate the presentations. I also appreciate Commissioner Hamilton, the proclamation and the presentation associated with the Glorieta Battlefield, the significance historically in the United States as our Gettysburg of the West. And so I think that's an important facet of what we do on an annual basis. So thanks to the Commission and staff for the efforts in today's meeting and continuously. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Anaya.

COMMISSIONER ANAYA: I would just add relative to NACo. I think your comments are spot-on. I think it's important for us to be visible and support our colleagues at New Mexico Association of Counties in New Mexico and work together to learn from our colleagues and counterparts in New Mexico, but it's just as important at the national level to maintain that contact and communication to not only help others but to learn from others. So I think it's well worth the investment when we participate at that level. Thank you.

CHAIR HANSEN: Yes. Thank you, Commissioner Anaya. I appreciate that.

VII. MATTERS FROM OTHER ELECTED OFFICIALS

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

CHAIR HANSEN: Clerk Salazar.

GERALDINE SALAZAR (County Clerk): Yes, Chair Hansen, I would like to state that the Santa Fe County Clerk's Office has been working on the primary election for over a year and a half in preparation of the election. The election day will be June 5, 2018. In addition to that I'd like to mention an important date and that is that

voter registration closes on Tuesday, May 8th at 5:00 p.m. So please understand that the election is June 5th, and there will be many other announcements I will be making throughout the process. But one critical date is voter registration ending May 8th at 5:00 p.m. That's important for our listeners to pay attention to, that if they want to update their voter registration, or if someone new to the County or they have never voted before I encourage them to register to vote or update their voter registration. Thank you so much.

CHAIR HANSEN: Okay. I don't see any other elected officials. I believe we should go to item IX. since the public hearing is not to begin any earlier than 5:00 pm.

IX. MATTERS FROM THE COUNTY ATTORNEY

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, as Allowed by Section 10-15-1(H)(3) NMSA 1978; 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.**

1. Executive Management Personnel

MR. FREDERICK: Madam Chair, and I would suggest that we may want to bifurcate the executive session because we may want to have – you all may want to have – to deliberate in executive session after the public hearing, so we can bifurcate that, go into executive session now, come out after 5:00, have the public hearing, and then go into executive session if that's the Board's pleasure to deliberate on the public hearing.

So for now, if that's – for now we would go into executive session on limited personnel matters, as allowed by Section 10-15-1(H)(2) NMSA 1978; and then I'm going to skip down to 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 purchase, acquisition or disposal of real property or water rights as allowed by Section 10-15-1 (H)(8) NMSA 1978, including executive management personnel.

COMMISSIONER ROYBAL: So moved.

COMMISSIONER HAMILTON: Second.

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

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

[The Commission met in closed session from 4:07 to 5:34.]

CHAIR HANSEN: Do we have a motion to come out of executive session?

COMMISSIONER MORENO: I move that we come out of executive session.

CHAIR HANSEN: Maybe Rachel will give us the magic words that Commissioner Moreno is looking for.

RACHEL BROWN (Deputy County Attorney): You're coming out of executive session where the only things discussed were those items identified when you went into closed session. You generally recite who was present in the meeting.

COMMISSIONER HAMILTON: I second.

CHAIR HANSEN: So the only people present at the meeting were Santa Fe County Commissioners and Deputy County Attorney, County Attorney, and County Manager.

MS. BROWN: As well as the Human Resources –

CHAIR HANSEN: As well as HR representative. Okay. We have a motion made by Commissioner Moreno. So moved, correct?

COMMISSIONER MORENO: Yes.

CHAIR HANSEN: And do I have a second?

COMMISSIONER HAMILTON: I seconded it.

CHAIR HANSEN: And Commissioner Hamilton seconds it.

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

IV. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: We will return to Matters of Public Concern. We have two people here who wish to speak to Matters of Public Concern. Please come to the podium, identify yourself and where you live. Thank you. Welcome.

MEGAN RODRIGUEZ: Good evening everybody. My name is Megan Rodriguez. I live at 39 Calle Halcon, here in Santa Fe, of course, 87505. And I was concerned about a few things. I know that I have a mentally ill brother that I've been dealing with for a really long time, about 20 years. Right now he's sitting in the Santa Fe County Detention Facility. I have a number of issues with that facility. They have – they will not communicate anything what's going on with him. He is one of the top – the highest severe mental health inmates that they're dealing with at this time. He's been locked in segregation since August and with no real explanation, just that they have nowhere else to put him and that is my huge concern with that organization because he's sitting in segregation with his mental health issues.

He's not getting the appropriate therapy that is needed for an individual with his issues, and I've asked numerous times for somebody to call me back. I've never got a response from the facility. I've talked to one case worker that deals with him and he is worried about saying certain things because he's worried about his job there at the facility. I can never get an answer and I don't understand why he's still sitting in

segregation for months and months and months on end, which is very concerning with what's going on with our community with the mental health needs.

And also I know another issue is that they are as well trying to figure out what this Presbyterian Medical Services that they're going to do this intervention with the money. I think it's a million dollars or so to help with the crisis response. And there's many times where he has needed crisis response but he needs the help before he gets to the moment where he's having an episode. So he's gone in and out of the jail facility, in and out of the hospitals, and no follow-up from anybody but his family that's constantly trying to help him for 20 years.

And the family can only do so much and put so much money into his health. Right now I have taken it upon myself to get a treatment guardianship, which is really difficult here in Santa Fe. It's extremely difficult. I'm a single mother and I've had to pay out of pocket for a lawyer to deal with that, which is really hard. We need a little bit more better services for these individuals in the jail as well as outside of the jail in the hospitals. So having somebody there that we can call and intervene, not wait to the point to where they're having an episode where they're possibly hurting themselves, hurting others. We need to step forward and have better services available for them, for these individuals.

Every day we walk by these people on the streets that are struggling. We all walk by them, talking to themselves, doing weird characteristics, and we just keep driving. And the only point that we help them is when they have an episode, they're hurting somebody or they're actually committing a crime. We need to step forward and start helping these individuals before they start becoming a problem to our community. And there's many times when they go in and out – like I said, in and out of the jail and the hospitals, and that's the point that we need to get their attention, and it shouldn't just be up to the family. I have called every, every organization here in town for help, and I have gotten a little bit of help from the Guidance Center, but that's to the point where he's already either in jail or in the hospital and we need to help them before it gets to that point, before we're having to spend more money, him going into the ER constantly, him getting incarcerated for long periods of time.

We just need to have more services available for these individuals to assist them because the family is being left with these individuals and it's really hard, hard on the families, as well as the people don't want to listen to the family. I can say so many times that he needs to do this; he needs to do that, but he doesn't want to hear it from his sister. He needs guidance from others and more availability from our community to assist him in his issues as well as all these other individuals in our community.

And I feel it's time now to step up before they start hurting people, before he starts – he's already hurt somebody and that's why it's really kicked me into gear to help him and more importantly other people that are getting to this situation. So thank you very much for your time.

CHAIR HANSEN: Thank you, Ms. Rodriguez.

MR. CHAVEZ: Good afternoon. Again, Miguel Chavez, 1615 Camino Porvenir in Santa Fe, in Santa Fe County. And what I'm sharing with you is an observation, some constructive criticism, if you will, based on experience, firsthand

experience with a family member, and I think many of you know who that family member is.

My comments will focus also a little bit on the crisis response team and the contract that you approved earlier with Presbyterian Medical Services, \$1.6 million. Presbyterian Medical Services is able to bill the County – or invoice the County \$29,000 a month for the services that are needed in the community. And I’m going to read just a couple of – some of the scope of work and what the contractor is expected to provide.

The scope of work: The mobile crisis response team will target adults and adolescents throughout Santa Fe County who are experiencing behavioral health crises. So my question is how are they targeting those adult and adolescent members of our community that are challenged with behavioral health issues?

It also states that they will provide adults and adolescents crisis services to include assessment, intervention and stabilization by telephone or in person. In my case, the only time that I’ve been able to have the crisis response team engage is when there is a crisis or you’re experiencing what’s called an episode. That’s a little late in the game to be asking for intervention. And it’s only after I call 911 that the crisis response team will show up. And I understand that it’s a safety issue. Law enforcement needs to secure the situation and make sure that it’s safe. Rightly so. But again, if we’re going to intervene, you want to intervene, hopefully, before that point.

Another line here reads: Assist clients with increasing and maintaining their community tenure and their ability to recognize and deal with situations that may otherwise result in crises. Provide awareness to increase or improve their network of community and support, as well as their use of the support resources for crisis prevention. So there’s language in there that suggests that they’re doing that, that they’re not able to at this point in time.

At this time I do want to acknowledge, I don’t want to be only pessimistic; I want to be optimistic, that the County through actions of the past County Commission and the voters. We do have some building blocks that we can build on. I understand that. But what do we do in the here and now before we get to the point where we are able to walk into the new crisis triage center that we’re hoping to build?

And I guess – I guess I’ll leave it at that because as Ms. Rodriguez pointed out, and what I’m trying to explain is that there are very limited services currently that will help with intervention. In my case, my family member is a client at Life Link and at the Recovery Center, but they’re not staffed or in a position where they’re really willing to intervene to avoid the crisis or the full-blown episode. In my case, the family member, again is a client, and this is classic with this condition. The patient after – in my case, in our case – six months of treatment. He’s done good. He has a job. He bought a car. He’s working. And he feels now that he no longer needs the treatment or the medication. This is classic.

And I am not alone. You talk to anybody in our community and they have a family member or know of someone that’s dealing with this. And so even in that case, neither of those agencies are staffed or trained or willing or have the time because of their case load to deal with the real prevention. They’re always in a crisis mode. And I hear that time and time again.

So the other option I have in my case is to do what Ms. Rodriguez suggested. What she left out and I think she's okay with me sharing this with you. She's spending \$1,000 out of her pocket to assist, to help her get a treatment guardian for her brother. This should not be happening. In my case, I have to file a petition in district court to have a court-appointed treatment guardian and if I go to an attorney, depending on what attorney I go to, I don't know what that's going to cost. I don't really have that kind of money, and if I did, I would rather allocate that to something other than that. I'm going to do it *pro se* first. If I can't pull that off then I'll go talk to an attorney.

But the point I'm trying to make is that myself and others should not be in this predicament and this situation that we're in. So we're just here today to share that with you for what it's worth, and again, I appreciate the actions of the past County Commission, the current County Commission, and especially the voters for having the faith in local government that we are actually willing and able to invest our time and dollars in this crisis triage center. It was a \$5 million bond, \$3 million went to First Choice in Edgewood. We're ending up with \$2 million for this part of the County. The other beauty of this is that we have from support of the voters a revenue stream with gross receipts that I believe is generating or will generate about \$1.6 million a year for operations and maintenance of these facilities.

We also know that Senator Papen introduced a resolution to define what crisis triage centers can do and how they function and the programs that they provide, and guess what: housing is in that definition. Housing is the biggest gap that you have when you're talking about those that are dealing with a behavioral health challenge. So I'll leave it at that and thank you for your time.

CHAIR HANSEN: Thank you very much, Mr. Chavez and Ms. Rodriguez. I think that this Commission is very concerned about these issues and we are working hard to find solutions and I suggest to you, Ms. Rodriguez, to please call Pablo Sedillo, our Director of Public Safety and speak to him. We were also out at the detention facility this morning, the three Commissioners here, and they have just recently hired a new psychiatric nurse, which I think is really a step in the right direction, because what we know today is that our jails are our mental health institutions. And so thank you both for being here.

MS. RODRIGUEZ: I've repeatedly called the warden and the deputy warden –

CHAIR HANSEN: That's why I'm suggesting you call Mr. Pablo Sedillo. What's your first name.

MS. RODRIGUEZ: Megan.

CHAIR HANSEN: Megan. Okay, Megan. What's your phone number?

MS. RODRIGUEZ: [505 XXX-XXXX] I've just never seen a facility ran in such chaos from the outside, from an outside view, and knowing that my brother has mental health and half the population I'm sure has mental health issues inside the facility, knowing that it is chaos in there as well. So this is just my own personal view from a public person, that how that place is run, that nobody's returning calls. Nobody will tell you anything. Everybody's scared about losing their job. It just seems like it's not the way that this facility should be run.

CHAIR HANSEN: I know there's some legal ramifications with giving out information.

MS. RODRIGUEZ: Correct.

CHAIR HANSEN: But at the same time, Megan, if I can call you that, I will give your number to Mr. Sedillo.

MS. RODRIGUEZ: Thank you. And I will also give a call too. Thank you.

CHAIR HANSEN: Thank you. Thank you both very much.

MR. CHAVEZ: Another question, if I could, members of the Commission. We know that the facility, because it is, has been functioning as a de facto mental health facility, depends on staff. We're spending about \$4.5 million at that facility providing general health and behavioral health services. That could be a good thing, but if someone is kept in isolation, in solitary confinement, that does no one any good. If we don't have the full complement of staff, both psychiatrists and psychologists at the same time, working in lock-step, every day there's a gap in services. So it's a very challenging place to operate on a daily basis, just for the normal, what I would call the normal population, but then you have 50 to 60 percent of that population that's in that facility that's been diagnosed with a mental condition. So it's good that we as Commissioners and I as a former Commissioner tour that facility, because it is a real eye-opener, but we need to change the way that we're doing things and it needs to happen sooner than later. Thank you.

CHAIR HANSEN: Thank you very much. Thank you both for coming here.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I'd just like to comment as well and thank Ms. Megan Rodriguez and former Commissioner Miguel Chavez for being here today and giving us this information. We know that we need to be more pro-active than re-active, and right now I know that our Community Service Division and the County Manager's Office is working on these issues and we do have the GRT funds that are going to be coming available and eventually we will have community input as to the triage center and all these services that we do want to provide, but I really would like to see you both stay active in coming and working here and bringing all this information forward. So I just want to say I appreciate your being here today, both of you. Thank you.

CHAIR HANSEN: Yes, thank you.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair. I echo the comments of Commissioner Roybal and yourself and I hope they continue to stay active and participate in the process. Thank you.

CHAIR HANSEN: Okay. Thank you.

VIII. PUBLIC HEARINGS

A. Land Use Cases

- 1 CASE # MIS 18-5000 Dorothy Montoya Plat Vacation.
Dorothy Montoya Applicant, Requests a Partial Plat Vacation

to Allow Lot 7 to Have an Accessory Dwelling Unit. The Property is Located at 33 N Paseo de Angel Road within the La Cienega and La Cieneguilla Community District Overlay, within the Residential Estate Zoning District, within Section 21, Township 16 North, Range 8 East (Commission District 3)

JOHN LOVATO (Case Manager): Thank you, Madam Chair, Commissioners. In 1994, an application for Vista de Sandia Subdivision was submitted. The application for plat approval was granted by the BCC in 1996 under Case number 94-2173. The approval was for a 16-lot residential subdivision and lot sizes ranged from 2.5 acres to 2.63 acres. The lots sizes were derived from a hydrologic study prepared by Jack Frost. Each lot within the subdivision was granted a 0.26-acre-foot water restriction based on the amount of water that the geo hydrologic report proved. A condition was imposed by the Board of County Commissioners that no guest homes were allowed.

In 2016, under Ordinance 2015-11, the applicant obtained a permit, permit #16-478, to allow an addition to place a 700 square foot porch to comply with criteria set forth in Chapter 10.4.2.2, Size, to allow a 1,350 square foot accessory dwelling, Ordinance 2015-11 stated the building footprint of the accessory dwelling shall not exceed the lesser of a) fifty percent of total building footprint of the principal residence; or b) 1,400 square feet.

Ordinance 2016-9 later amended Ordinance 2015-11, and now states, the heated area of the accessory dwelling shall not exceed the lesser of a) fifty percent of heated area of the principal residence; or b) 1,400 square feet. The heated area of the principal residence is 2,000 square feet, therefore a 1,350 square foot accessory dwelling would not meet code requirements. The amended SLDC also prohibited accessory dwelling units within a major subdivision. In The amended SLDC also prohibited accessory dwelling units within a major subdivision. In addition, the note on the subdivision plat stated no guest homes were allowed.

On December 12, 2017 the Santa Fe County Planning Commission granted a variance of Chapter 10.4.2.1, to allow an accessory dwelling within a major subdivision, a variance of Chapter 10.4.2.2, to allow an accessory dwelling to be 1,350 square feet where the main house is 2000 square feet heated floor area, a variance of Chapter 10.4.2.3.3, Building and Design Standards, to allow a separate driveway access points for an accessory dwelling unit, and a variance of Chapter 10.4.2 4, Utilities, to allow an accessory dwelling a separate liquid waste system for Lot 7 of the Vista de Sandia Subdivision subject to the following conditions:

1. The Applicant must request a plat amendment from the BCC to modify the note that prohibits guesthouses.
2. Applicant must install a meter on the well and submit proof at time of development permit application.

The applicant stated, "My sons have been unsuccessful at finding an affordable home here in Santa Fe, and I am hoping to help them."

Staff recommendation: The original subdivision did not prove up more than 0.26 acre-feet per lot and stated that guesthouses are not allowed. The applicant was unaware of the note on the plat and if the applicant would have applied for the accessory dwelling

unit in 2016, it would have been allowed by Code but not by subdivision plat.

If the Board of County Commissioners approves the plat vacation and amends the previously imposed condition, staff recommends the following conditions be imposed. Madam Chair, may I enter those conditions into the record?

CHAIR HANSEN: You may.

[The condition is as follows:]

1. The Applicant shall re-record the Vista de Sandia subdivision with the amendment to plat note #12 to allow an accessory dwelling unit on lot 7.

MR. LOVATO: Thank you, and I stand for any questions.

COMMISSIONER ROYBAL: I don't have any questions but I'd like to, if the applicant's here, are you amenable to going with staff recommendations?

[Duly sworn, Dorothy Montoya testified as follows:]

DOROTHY MONTOYA: My name's Dorothy Montoya and my address is Paseo de Angel North, Santa Fe.

COMMISSIONER ROYBAL: Okay, so you're willing to accept the conditions that staff has recommended?

MS. MONTOYA: Yes. I was questioning the one about the meter on my well because I didn't really want to have to go through any extra expense to put a meter on my well, because nobody else on my street has any sort of meter and there are several people with accessory dwellings on there. So I'm a single mother and I've got four boys and I'm just trying to keep my expenses down to a minimum. I'm trying to help them to get the land developed and if we were able to do that, so that they could put a small double-wide on my land.

When I purchased my home in 2000, 18 years ago, we were told we could put another – we could subdivide. That's what we were told. So and ever since then I've been looking into trying to do that and I never knew about all these changes and I've done everything they've asked me to do – gone to a million meetings and paid for permits and got this huge porch done, just in hopes of getting my sons this home. I work for the State of New Mexico. I've been here all my life and I really want to stay here and live in La Cienega but it's just getting real expensive for me and my boys. So we hope this all goes through so we can get that done for them.

COMMISSIONER ROYBAL: And Mr. Lovato, what is the cost of a meter that she'll be required to put in? And do we have any programs that we could help with those type of purchases? Or not?

MR. LOVATO: Madam Chair, Commissioner Roybal, I don't know that. I can find that out for her. And I don't believe we have any programs that can help with that situation.

COMMISSIONER ROYBAL: Okay. All right. If we could get that information. So you have no idea what the cost is, right? For a meter like that?

MR. LOVATO: Madam Chair, Commissioner Roybal, I do not.

COMMISSIONER ROYBAL: I think that's probably something we should try and look at in the future if we're going to require that they put meters, if we can get at least costs. Unfortunately, those are the staff recommendations. I'm willing to move for approval, as long as you're okay with the staff recommendations. Okay. So I want to make a motion to approve with staff recommendations.

CHAIR HANSEN: Okay. I have a motion. Do I have a second?

COMMISSIONER ANAYA: I second that.

CHAIR HANSEN: You'll second, Commissioner Anaya?

COMMISSIONER ANAYA: Yes.

CHAIR HANSEN: Okay, so I have a motion and a second. Do I have any discussion?

MR. FREDERICK: Madam Chair, I just want to interject, we should probably close public hearing, and also remind you that if you want to deliberate in executive session you can certainly do that.

CHAIR HANSEN: So I want to open first public comment. So is there anybody here from the public who would like to speak? Seeing none, I will close public comment. So public comment is now closed.

COMMISSIONER HAMILTON: I think it would be beneficial to have a short deliberation in executive session, from my point of view.

COMMISSIONER MORENO: I'd be okay with that.

CHAIR HANSEN: Okay.

COMMISSIONER ANAYA: I'm fine with that, Madam Chair.

CHAIR HANSEN: Okay. Good. We'll take – we need to have a motion to go into executive session to discuss –

MR. FREDERICK: Madam Chair, I can read it here. We'll go into executive session to conduct Board deliberations in public hearings on the agenda as allowed by Section 10-15-1-H(3).

COMMISSIONER HAMILTON: I would so move.

COMMISSIONER ROYBAL: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (3) to discuss the matters delineated above passed by unanimous roll call vote as follows:

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

[The Commission met in closed session from 6:03 to 6:24.]

CHAIR HANSEN: Can I have a motion to come out of executive session?

COMMISSIONER ROYBAL: So moved.

CHAIR HANSEN: You need to state what happened.

COMMISSIONER ROYBAL: Can you give us a summary of what happened in executive session, County Attorney?

MR. FREDERICK: Madam Chair, if the record could reflect that the only matters that were discussed in the executive session, but before public hearing and after

public hearing were only those matters that were set forward in the agenda.

CHAIR HANSEN: And all that was in attendance was the County Commissioners and County Attorney and Deputy County Attorney and County Manager. And Commissioner Anaya, do we have you on the line yet?

COMMISSIONER ANAYA: Yes, I'm here.

CHAIR HANSEN: Okay. Thank you very much. Everyone is present and accounted for. I'm going to call on Commissioner Roybal to move forward.

COMMISSIONER HAMILTON: I second.

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

CHAIR HANSEN: We are now out of executive session and now I will call on Commissioner Roybal to discuss his previous motion.

COMMISSIONER ROYBAL: Okay, so I'm going to retract my previous motion and make a new motion. I want to move for approval with staff's –

CHAIR HANSEN: I want to know if the seconder will also withdraw his second.

COMMISSIONER ANAYA: That's me.

CHAIR HANSEN: Commissioner Anaya, would you withdraw your second also?

COMMISSIONER ANAYA: Yes.

CHAIR HANSEN: Okay. Thank you. Okay, now Commissioner Roybal, again.

COMMISSIONER ROYBAL: Okay, so I want to move for approval with staff conditions and also add the .26 water restriction for both residences that's indicated on the plat for this area.

COMMISSIONER HAMILTON: That's total, not individually.

COMMISSIONER ROYBAL: That's .26 for both residences. Yes, total.

CHAIR HANSEN: And then do I have a second for that motion?

COMMISSIONER ANAYA: I'll second that, Madam Chair, and I would just add that if this passes then the family would connect to the County water system in the future, that they would be eligible for the quarter acre-foot per dwelling if they connected to the County water system.

CHAIR HANSEN: Okay. And I'm also going to state that part of the reason that we're allowing this to move forward is because this has a very unique situation and a unique history, considering that Ms. Montoya has been and out of Land Use for the last number of years, and that also we see that there is no evidence of adverse effect on anyone in the subdivision or in the surrounding area. So that is extremely important to us that there is no adverse effect and the unique history of this case, because we are granting this vacation, if it passes. So with that, are there any other discussions? Commissioner Anaya? Anyone else?

COMMISSIONER ANAYA: No, I'm good.

COMMISSIONER HAMILTON: I just want to emphasize that I think the fact that we're putting the water restriction on there is what is allowing us to hold to the apparent lack of negative impact, which is pretty important.

CHAIR HANSEN: Thank you, Commissioner Hamilton.

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

CHAIR HANSEN: You can move forward.
COMMISSIONER ROYBAL: Congratulations.

VIII. A. 2. CASE # CP 16-5280 Oshara Conceptual Plan Amendment.
(TABLED)

VIII. CONCLUDING BUSINESS

- A. Announcements
- B. Adjournment

Upon motion by Commissioner Roybal and second by Commissioner Hamilton, and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 6:30 p.m.

Approved by:

Anna Hansen
Board of County Commissioners
Anna Hansen, Chair

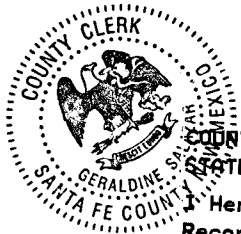
ATTEST TO:

Geraldine Salazar
GERALDINE SALAZAR
SANTA FE COUNTY CLERK



Respectfully submitted:

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 116

I Hereby Certify That This Instrument Was Filed for
Record On The 11TH Day Of April, 2018 at 03:16:39 PM
And Was Duly Recorded as Instrument # 1854734
Of The Records Of Santa Fe County

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

SFC CLERK RECORDED 04/11/2018

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Henry P. Roybal
Commissioner, District 1
Anna Hansen
Commissioner, District 2
Robert A. Anaya
Commissioner, District 3



Ed Moreno
Commissioner, District 4
Ed Moreno
Commissioner, District 5
Katherine Miller
County Manager

MEMORANDUM

Date: February 27, 2018
To: Board of County Commissioners (BCC)
From: Ray Matthew, Transportation Planner
Via: Katherine Miller, County Manager
Item: **REQUEST APPROVAL TO PUBLISH TITLE AND GENERAL SUMMARY FOR ORDINANCE NO. 2018-___ AMENDING SECTION 6 OF SANTA FE COUNTY ORDINANCE NO. 2008-14 TO EXTEND TO JANUARY 1, 2024, THE TIME IN WHICH AN ELECTION MAY BE HELD TO REAUTHORIZE THE REGIONAL TRANSIT GROSS RECEIPTS TAX**

Summary:

The North Central Regional Transit District is requesting approval to publish the Title and General Summary for Ordinance. No. 2018-___. Ordinance No. 2018-___ amends Section 6 of Ordinance. No. 2008-14, Transit GRT, by removing the specific Transit GRT election dates of 2022 and 2023 and allows voters to consider the elimination of the 2024 Transit GRT sunset provision on the November 2018 ballot.

Background and Discussion:

Ordinance # 2008-14 (Transit GRT) established a 1/8 of 1% increase in Gross Receipts tax for regional transit service. The 2008 Transit GRT Ordinance also had a sunset provision of 2024 with specific references to Transit GRT election dates of November, 2022, or a special election in 2023. The proposed Ordinance (see attached Exhibit A) replaces Section 6 with language that states a general or special election will occur before the January 1, 2024.

NCRTD has requested the County remove the Transit GRT election 2022 and 2023 dates in Ord. # 2008-14 so that the 2024 sunset provision could be placed on the November 2018 ballot. In the event the elimination of the 2024 sunset provision is not approved by voters in 2018 NCRTD could propose this for another election prior to 2024.

The Transit GRT supplies approximately 62% of NCRTD operational revenues. If the Transit GRT provision expired the NCRTD would have to implement drastic service cuts or close its doors.

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

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Removal of the 2024 sunset provision will allow NCRTD to move ahead with mid and long term capital planning and service improvements knowing there will be a revenue source that can be used for these efforts. The GRT revenue is also for the required match amounts for federal formula and discretionary grants. NCRTD has made similar Transit GRT ordinance change requests to Los Alamos, Rio Arriba and Taos Counties.

The Title and General Summary publication request is to advertise Ordinance No. 2018- ____ which would amend Ordinance 2008-14. The proposed amendment removes the 2022 and 2023 Transit GRT election references and could allow the placement of the question of eliminating the 2024 Transit GRT sunset on the November 2018 ballot.

EXHIBIT:

- Exhibit A: Proposed Ordinance No. 2018- ____
- Exhibit B: Ordinance No. 2008-14
- Exhibit C: North Central Regional Transit District Gross Receipts Tax Timeline

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

ORDINANCE NO. 2018- _____

**AMENDING SECTION 6 OF SANTA FE COUNTY ORDINANCE
NO. 2008-14 TO EXTEND TO JANUARY 1, 2024, THE TIME IN
WHICH AN ELECTION MAY BE HELD TO REAUTHORIZE
THE REGIONAL TRANSIT GROSS RECEIPTS TAX**

BE IT ORDAINED BY THE GOVERNING BODY OF SANTA FE COUNTY that Section 6 of Santa Fe County Ordinance No. 2008-14, imposing the County Regional Transit Gross Receipts Tax is hereby amended by replacing it entirely with the following new Section 6:

“Section 6. Repeal or Reauthorization. This Ordinance No. 2008-14 will be repealed effective January 1, 2024 unless a reauthorization election for continuation of the Regional Transit Gross Receipts Tax is held and approved at a general or special election prior to January 1, 2024, for a term and rate to be determined at that time.”

PASSED, APPROVED AND ENACTED this ___ day of _____, 2018, by the Board of County Commissioners of Santa Fe County.

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

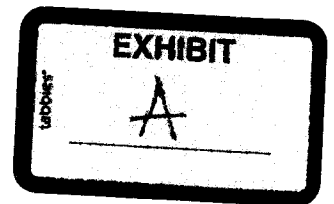
By: _____
Anna Hansen, Chair

Approved As to Form:

R. Bruce Frederick
Santa Fe County Attorney

ATTEST:

Geraldine Salazar
Santa Fe County Clerk



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2008-14

ADOPTING A COUNTY REGIONAL TRANSIT
GROSS RECEIPTS TAX

BE IT ORDAINED BY THE GOVERNING BODY OF SANTA FE COUNTY,
NEW MEXICO:

Section 1. Imposition of Tax. There is imposed on any person engaging in business in this county for the privilege of engaging in business in this county an excise tax equal to one eighth of one percent (.125%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "county regional transit gross receipts tax."

Section 2. General Provisions. This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

Section 3. Specific Exemptions. No county regional transit gross receipts tax shall be imposed on the gross receipts arising from: *

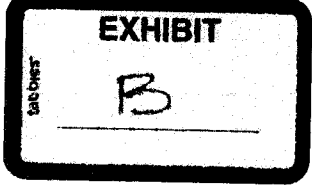
- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the county to another point outside the county; or
- B. direct broadcast satellite services.

Section 4. Dedication. Revenue from the county regional transit gross receipts tax will be used for the management, construction or operation of a public transit system or for specific public transit projects or services of the district pursuant to the Regional Transit District Act.

Section 5. Effective Date. The effective date of the county regional transit gross receipts tax shall be either January 1 or July 1, whichever date occurs first after the expiration of three months from the date when the results of the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.

Section 6. Repeal or Reauthorization. This ordinance (if it becomes law) shall be repealed effective January 1, 2024 unless a reauthorization election for continuation of the Regional Transit Gross Receipts Tax is held and approved at a general election in


SFC CLERK RECORDED 09/30/2008
SFC CLERK RECORDED 04/11/2018



November, 2022, or a special election in 2023, for a term and rate to be determined at that time.

PASSED, APPROVED AND ENACTED this 9th day of September, 2008, by the Board of County Commissioners of Santa Fe County.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY


By: 
Paul Campos, Chair

ATTEST:

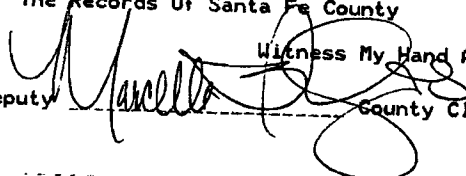
Valerie Espinoza, Santa Fe County Clerk



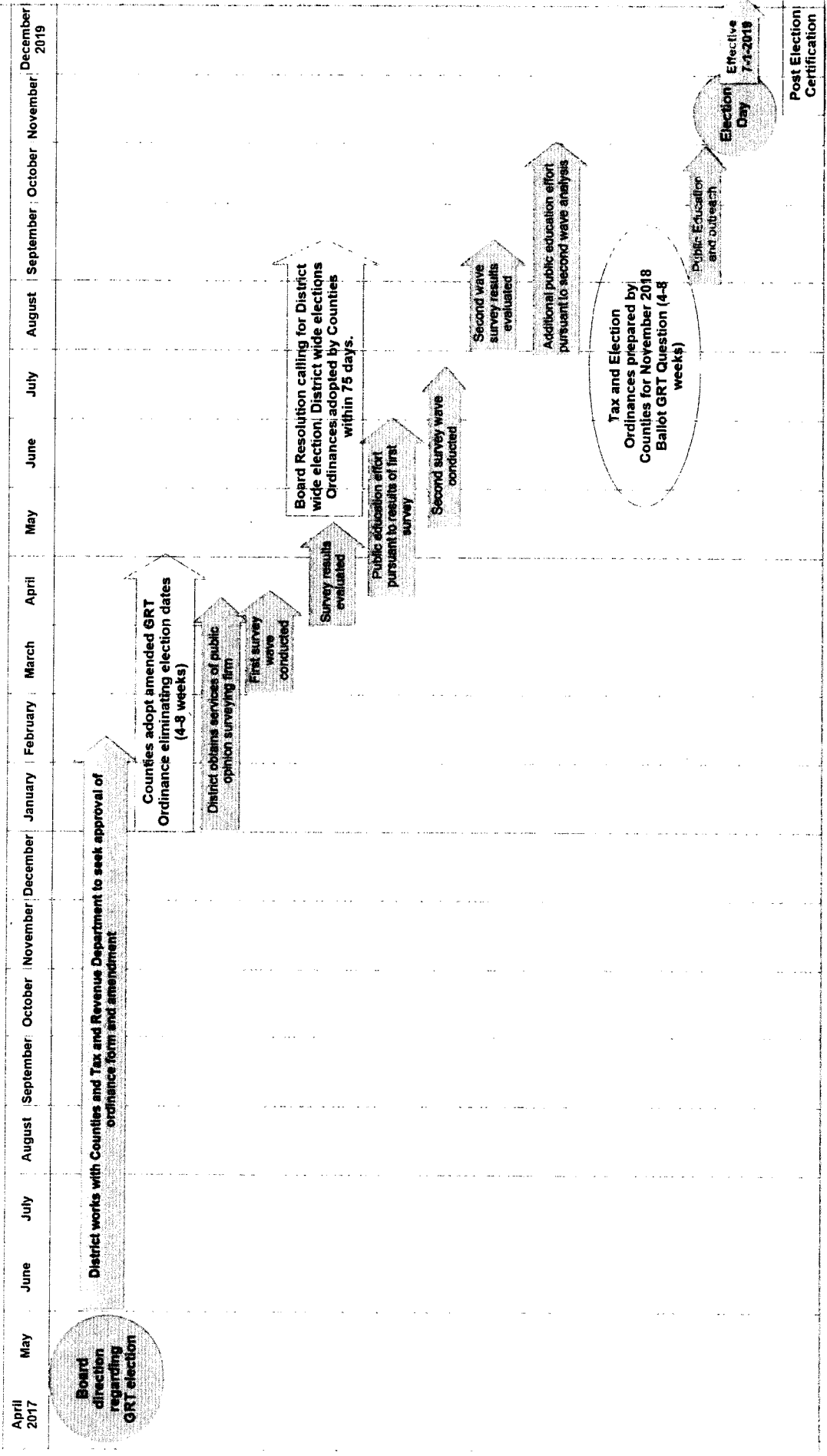
Approved As To Form:


Stephen C. Ross, County Attorney



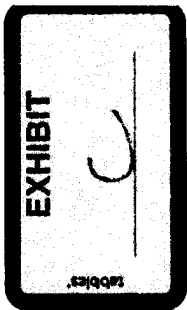
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss BCC ORDINANCE
PAGES: 2
I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of September, A.D., 2008 at 14:20
And Was Duly Recorded as Instrument # 1539723
Of The Records Of Santa Fe County
Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

North Central Regional Transit District - Gross Receipts Transit Tax Election - 2017-2018 (Illustrative and subject to change)



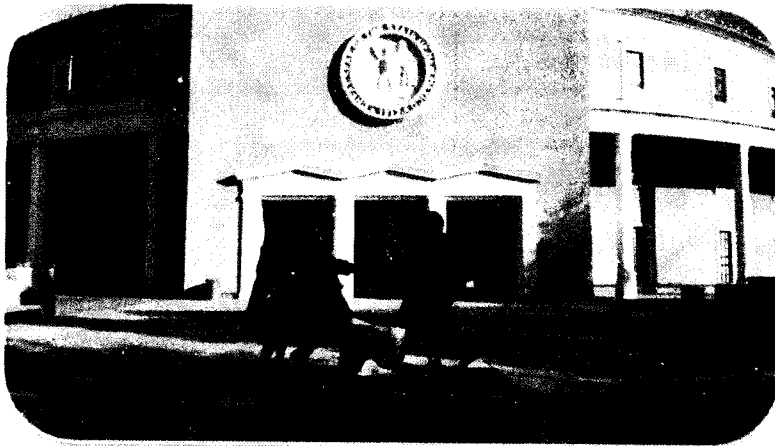
- NMSA 4-37-7**
- Propose Ordinance to County Board of Commissioners/Councilors
 - Notice of Publication
 - 2 weeks gap
 - Adoption
 - County Clerks Office determine date by when Election Ordinances must be adopted in order to place item on election ballot for November

- Post election**
- Certify Ordinance to Tax and Revenue Department 5 days after election certification



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Santa Fe County



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2018 Legislative Report

Santa Fe County Board of County Commissioners Meeting

Santa Fe County
102 Grant Avenue, Santa Fe NM
www.santafecountynm.gov

Signing deadline passed

The legislative session was completed with the passing of the March 7 signing deadline. Any legislation requiring final authorization from the executive branch needed to be completed this day or else would not become law.

Much of what was signed was budget related and kept within the parameters of the sustainable short term revenues being collected and expected to be collected within the near future. That is, even though state revenue had increased the legislature and governor needed to remain careful to not over spend and also replenish depleted state reserves from the past few fiscal cycles.

No drastic changes had been made to state funded projects or programs. And no major changes had been enacted related to the tax code. A lot of actions that did take place in regard to the state budget were funding choices that needed to be made to bring spending levels to current sustainable levels. During the budget cycles of recent, most state departments received cuts and projects were mostly at a stand still because of decreased state revenue. With an upswing in revenues the state was finally able to bring department budgets to current operating levels. This included pay raises to most state employees. No tax changes meant that local governments did not receive any changes to collection or distribution of GRT and there were no changes to hold harmless phase out or payments to local governments.

The other major subject of discussion before and during the legislative session besides the budget was crime and what to do about combating it statewide.

Though a major item of discussion only 2 bills emerged through the entire process to become law. House Bill 19 and House Bill 173. HB19 dealt with criminal penalties and police officer pay raises and HB173 is related to automobile theft.

Capital outlay funds were available this session to smaller district specific projects and Santa Fe County received some funding but not all projects were included in the final cut. A large amount of funds was allocated to be used in Indian Water Right Settlement/Fund which will be utilized for the planned Pojoaque Basin Regional Water System project.

Overall the State is regaining its stability budget wise and will need to work with local governments into the future to address long term revenue solutions for all public projects and public services. Local governments will need to keep monitoring the discussion and action at the state level to be ready to protect and maintain the needs of their own communities.

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2018 REGULAR SESSION SCHEDULE (30-Day Session)

December 15, 2017 through January 12 Legislation pre-filing period

January 16 Opening Day

January 25 Santa Fe County Day, 2018 State Legislature

January 28 Capital outlay request and reauthorization request submission deadline (by 5:00 p.m. to the LCS)

January 31 Deadline for introduction

February 15 Session ends (noon)

March 7 Legislation not acted upon by governor is pocket vetoed

May 16 effective date of legislation not a general appropriation bill or a bill carrying an emergency clause or other specified date

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SFC Legislative Related Resolutions

Resolution: 2017-86

Adopting projects for inclusion in Santa Fe County's infrastructure capital improvement plan for fiscal years 2019 – 2023; authorizing submittal of plan to the New Mexico Department of Finance and Administration; and replacing resolution 2016-85

Resolution: 2017-99

Adopting projects for inclusion in Santa Fe County Senior Services' infrastructure capital improvement plan for fiscal years 2019-2023; and authorizing submittal of plan to the New Mexico Department of Finance and Administration

Resolution: 2017-106

To support the New Mexico Association of Counties' 2018 legislative priorities

- ❖ Forfeiture act reform
- ❖ Protecting county funding of healthcare
- ❖ Tax reform
- ❖ Adoption of a local election act
- ❖ Extending 2014 HB16 liquor tax distribution sunset

Resolution 2017-140

A resolution to support community and state tax stabilization from national laboratories in New Mexico

Resolution 2017-141

A resolution in support of the appropriation of funds by the New Mexico Legislature for the "New Mexico Grown Fresh Fruits and Fresh Vegetables for School Meals Program"

Resolution 2017-142

A resolution to support the 2018 Farm Bill priorities as a means to securing a regional food system that is just and accessible for all members of the City of Santa Fe and Santa Fe Communities

Signed and Chaptered Bills

BILL	DESCRIPTION	PL/Chap	Last Action	Status
HB1	<i>Stapleton (D19)</i> LEGISLATIVE FEED BILL Makes a series of appropriations from the General Fund for expenses of the 2018 Session of the Legislature and the operation of legislative agencies during FY2018 and FY2019. The General Fund appropriation is apportioned as follows:	P.L.2018, c.2	01/26/2018	SIGNED
HB2	<i>Lundstrom (D9)</i> GENERAL APPROPRIATION ACT OF 2018 This represents a shell for a more comprehensive bill that will emerge later in the legislative session. Cited as the General Appropriation Act of 2018, authorizes funding to various state agencies from the General Fund, Internal Services and Transfers, Other State Funds and Federal Funds in FY 2019 as follows:	P.L.2018, c.73	03/07/2018	SIGNED
HB19	<i>Gentry (R30); Ivey-Soto (D15)</i> INCREASE PENALTY FOR FELON WITH FIREARM (Related to 2017 HB17 and HB52) Increases the penalty for a felon in possession of a firearm or destructive device from a fourth- to a third-degree felony under the Criminal Sentencing Act. Applies if:	P.L.2018, c.74	03/07/2018	SIGNED
HB35	<i>Trujillo, Carl (D46)</i> MORE LIQUOR EXCISE TAX TO LOCAL DWI GRANT FUND AND DRUG COURTS (For the Courts, Corrections and Justice Committee and the Revenue Stabilization and Tax Policy Committee) Currently 46 percent of the liquor excise tax flows to the Local DWI Grant Fund but this drops to 41.5 percent on July 1, 2018. This bill proposes instead to direct 45 percent of the tax proceeds permanently to the fund plus another five percent to support drug courts. Creates a Drug Court Fund.	P.L.2018, c.48	03/02/2018	SIGNED
HB38	<i>Smith (R22)</i> WIRELESS CONSUMER ADVANCED INFRASTRUCTURE INVESTMENT ACT (Duplicates SB14) In general, the Wireless Consumer Advanced Infrastructure Investment Act lays out rules and procedures under which wireless service providers may obtain use of rights of way owned by local governments to place the small wireless equipment necessary for the service. This includes: (2018:SB14)	P.L.2018, c.17	03/01/2018	SIGNED
HB40	<i>Youngblood (R68)</i> LAW ENFORCEMENT TRAINING ON STRANGULATION IN DOMESTIC ABUSE Requires information on strangulation in domestic abuse to be included in the curriculum of each basic law enforcement training class. Domestic abuse incident training is a component of in-service training that certified police officers must take each year.	P.L.2018, c.37	03/01/2018	SIGNED
HB47	<i>Rodella (D41)</i> CHANGES ELIGIBILITY FOR NATIONAL GUARD TAX REFUND (Duplicate of SB15)(For the Military and Veterans' Affairs Committee) New Mexico income tax currently allows individuals who are due to receive a refund to donate all or part of the amount as assistance to members of the New Mexico National Guard who are deployed overseas for 30 or more days and to their families. The bill removes	P.L.2018, c.4	02/28/2018	SIGNED

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overseas deployment as a condition for receiving the aid.

HB48	<i>Roch (R67)</i> PRIOR YEAR DATA FOR SCHOOL DISTRIBUTIONS (For the Public School Capital Outlay Oversight Task Force) (Similar to 2017 HB161)	P.L.2018, c.38	03/01/2018	SIGNED
HB49	<i>Roch (R67)</i> RECALL ELECTIONS IN COMMISSION-MANAGER MUNICIPALITIES Provides grounds for the recall election of elective officers in commission-manager municipalities. Limits recall elections to acts or failures occurring during the current term of the official; and requires that the court hold a hearing to determine probable cause before petition signatures may be gathered for the recall election. Requires a finding of malfeasance or misfeasance in office or a violation of the oath of office.	P.L.2018, c.49	03/02/2018	SIGNED
HB52	<i>Youngblood (R68); Morales (D28)</i> AUTO RECYCLERS REPORTING (Duplicate of SB24, 2018) (Virtually identical to SJC substitute for SB139, 2017; identical in part to HB177, 2017; identical to SB24, 2018) Requires auto recyclers, prior to taking possession of a vehicle, to verify with TRD through its electronic system whether the vehicle has been reported stolen. Within 48 hours of the close of business on the day a vehicle is purchased, an auto recycler must report electronically to TRD: (2018:SB24)	P.L.2018, c.75	03/07/2018	SIGNED
HB55	<i>Lewis (R60)</i> FIRE FIGHTER SURVIVOR SCHOLARSHIP BENEFITS Expands the benefits of Fire Fighter and Peace Officer Survivors Scholarships to include room and board and other expenses as well as tuition. The scholarship is no longer confined to New Mexico public postsecondary institutions but includes public higher education institutions in any state in the U.S. where a survivor is enrolled. Extends the time a survivor may receive the scholarship from five to six years, so long as a student remains in good standing.	P.L.2018, c.76	03/07/2018	SIGNED
HB61	<i>Hall, J. C. (R28)</i> SUPREME COURT JURISDICTION OVER LAW LIBRARY AND BUILDING COMMISSION Reorganizes operation of the Supreme Court Library and the Supreme Court Building Commission by transferring their authority and responsibilities to the Supreme Court itself.	P.L.2018, c.39	03/01/2018	SIGNED
HB65	<i>Crowder (R64)</i> WASTEWATER SYSTEM FINANCING Appropriates \$1.1 million (nonreverting fund) from the Public Project Revolving Fund to the Wastewater Facility Construction Loan Fund for use in FY2019 and subsequent years to provide matching funds for federal Clean Water Act of 1977 projects and to carry out the purposes of the Wastewater Facility Construction Loan Act.	P.L.2018, c.18	03/01/2018	SIGNED
HB66	<i>Crowder (R64)</i> WASTEWATER PROJECT FUNDING ELIGIBILITY Amends the Wastewater Facility Construction Loan Act to expand the availability of funding for "eligible projects" beyond wastewater facility projects and authorize funding assistance for "interstate agencies" and other "qualified borrowers." Makes reconciling changes to other sections of the act while leaving the substance intact. A reordering of the Definitions Sections makes it appear that a host of new definitions are being offered when, in reality, there are only two new definitions for what constitutes an "eligible project" and a "qualified borrower."	P.L.2018, c.19	03/01/2018	SIGNED
HB67	<i>Wooley (R66)</i>	P.L.2018, c.5	02/28/2018	SIGNED

	<p>MISDEMEANOR: MISREPRESENTATION OF MILITARY SERVICE (For the Military and Veterans' Affairs Committee) Makes it a misdemeanor to commit the crime of "misrepresentation of military service" which consists of a person misrepresenting themselves as having served or currently serving in the U.S. Armed Forces for the intentional taking of anything of value based on the person's military service.</p>			
HB68	<p><i>Wooley (R66)</i> NMMI NEEDS-BASED SCHOLARSHIP FUND Creates the New Mexico Opportunity Scholarship at the New Mexico Military Institute in order to increase the student enrollment by students who meet need-based requirements and who may not otherwise have the opportunity to participate in a military education and environment.</p>	P.L.2018, c.20	03/01/2018	SIGNED
HB69	<p><i>Wooley (R66)</i> INCREASES ELECTED COUNTY OFFICIALS SALARY CAPS Merges class "C" counties into class "B" and increases annual salary caps for elected officials in class "A," "B" and "H" counties, as follows:</p>	P.L.2018, c.78	03/07/2018	SIGNED
HB79	<p><i>Gallegos, Doreen (D52); Neville (R2)</i> DAY AFTER THANKSGIVING SALES: SMALL BUSINESS GRT TAX DEDUCTION Effective July 1, 2018, provides a deduction from gross receipts for retail sales on the first Saturday after Thanksgiving by any business that employs 25 or less employees in New Mexico. The stated purpose of the measure is to increase sales at small local businesses. Contains reporting requires for Taxation and Revenue Department to make to the Revenue Stabilization and Tax Policy Committee and the LFC on the effectiveness and cost of the deduction.</p>	P.L.2018, c.46	03/02/2018	SIGNED
HB88	<p><i>Fajardo (R7)</i> MANDATORY SALE OF REAL PROPERTY ON DELINQUENT PROPERTY TAX LIST Requires Taxation and Revenue Department to annually offer for sale in each county "all" real property listed on that county's property tax delinquency list. Leaves intact authorization for TRD to enter into an agreement with the County Treasurer to postpone the delinquent property tax sale of real property. Applies to property tax years beginning on or after January 1, 2019.</p>	P.L.2018, c.50	03/02/2018	SIGNED
HB93	<p><i>McCameley (D33)</i> MATCHING FUNDS, SAFE DRINKING WATER ACT PROJECTS (Endorsed by the New Mexico Finance Authority Oversight Committee) Appropriates \$1.8 million from the Public Project Revolving Fund to the Drinking Water State Revolving Loan Fund for use in FY 2019 and subsequent fiscal years (nonreverting appropriation) to provide matching funds for federal Safe Drinking Water Act projects and to carry out purposes of the revolving fund act.</p>	P.L.2018, c.21	03/01/2018	SIGNED
HB98	<p><i>Bandy (R3)</i> LOCAL ELECTION ACT HLELC substitute for HB98, now a 301-page bill, preserves the intent of the original to enact the Local Election Act, and makes conforming amendments to large sections of the Election Code.</p>	P.L.2018, c.79	03/07/2018	SIGNED
HB99	<p><i>Lundstrom (D9); Candelaria (D26)</i> NM FINANCE AUTHORITY: PUBLIC PROJECT REVOLVING FUND PROJECTS (Endorsed by the N.M. Finance Authority Oversight Committee) Authorizes the N.M. Finance Authority to make loans for 109 public projects listed below from the Public Project Revolving Fund. The projects relate to: building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste</p>	P.L.2018, c.22	03/01/2018	SIGNED

Tuesday, March 13, 2018

SFC CLERK RECORDED 04/11/2018

	projects.			
HB117	<p><i>Armstrong, D. (D17)</i></p> <p>STATE LIBRARIAN AND HISTORIC PRESERVATION OFFICER FUND SOLICITATION Authorizes the State Librarian and State Historic Preservation Officer to solicit and receive funds or property, including federal funds and public and private grants, for programs and activities they administer.</p>	P.L.2018, c.23	03/01/2018	SIGNED
HB119	<p><i>Dow (R38)</i></p> <p>CONFIDENTIAL SUBSTITUTE ADDRESS PROGRAM FOR DOMESTIC VIOLENCE VICTIMS Proposes the Confidential Substitute Address Act creating a detailed confidential substitute address program for a victim of domestic violence to protect the confidentiality of the victim's residential and delivery addresses administered through the Secretary of State.</p>	P.L.2018, c.40	03/01/2018	SIGNED
HB139	<p><i>Armstrong, D. (D17)</i></p> <p>MARIJUANA DERIVATIVE DRUG PROSECUTIONS Amends a section of the Controlled Substances Act exempting prescription drugs that the U.S. FDA has approved that contain marijuana or a marijuana derivative; adds a section that exempts certain activities regarding marijuana derivatives from arrest, prosecution or penalty.</p>	P.L.2018, c.41	03/01/2018	SIGNED
HB140	<p><i>Alcon (D6)</i></p> <p>TAX DONATIONS TO NEW MEXICO HOUSING TRUST FUND Permits taxpayers the option of donating part or all of an income tax refund to the New Mexico Housing Trust Fund, beginning with the returns for the 2018 tax year.</p>	P.L.2018, c.51	03/02/2018	SIGNED
HB142	<p><i>Small (D36)</i></p> <p>FALSE STATEMENTS TO NMED, PUBLIC WATER SYSTEM (Duplicate of 2018 SB80) Amends the Environmental Improvement Act to make it unlawful for the owner or operator of a public water system subject to the act to:</p>	P.L.2018, c.24	03/01/2018	SIGNED
HB149	<p><i>Alcon (D6)</i></p> <p>REMOVES DEADLINE FOR FILING APPLICATION FOR SETTLEMENT Deletes the December 31, 2012 deadline for submission by affected Native American veterans who, while domiciled within the boundaries of their own or their spouse's tribal lands, had New Mexico personal income tax withheld (and not refunded) from their military active duty pay.</p>	P.L.2018, c.52	03/02/2018	SIGNED
HB165	<p><i>Gonzales (D42)</i></p> <p>ALTERNATIVE FUEL ACQUISITION ACT AMENDMENTS Applies the Alternative Fuel Acquisition Act to acquisition of vehicles weighing up to 14,000 pounds (up from 7,500). Use of money in the Revolving Loan Fund is limited to cover the incremental cost of acquiring light, medium or heavy vehicles that use natural gas, liquefied petroleum gas, electricity or hydrogen as fuel. Lowers the rate of interest on fund loans from five to zero percent.</p>	P.L.2018, c.53	03/02/2018	SIGNED
HB173	<p><i>Rehm (R31)</i></p> <p>AUTOMOBILE THEFT PREVENTION AUTHORITY Amends the Insurance Fraud Act to create an Automobile Theft Prevention Authority within the Office of the Superintendent of Insurance which will be governed by a nine-member board of directors. Appropriates \$100,000 (GF nonreverting) to the Insurance Fraud Fund for use in FY2019 and subsequent fiscal years to carry out purposes of the Authority—to oversee grant applications by and awards to law enforcement agencies</p>	P.L.2018, c.42	03/01/2018	SIGNED

	for automobile theft prevention, enforcement or prosecution programs.			
HB182	<i>Gallegos, David (R61)</i> COMMERCIAL DRIVERS LICENSES: RETENTION PERIOD FOR RECORDS OF CONVICTIONS Currently all records of convictions on a commercial drivers license are to be held for 55 years. Bill proposes lowering that to six years, except for records required by federal law to be retained for a longer period and for records of DWI convictions which are to be retained for 55 years. After TRD has held a record for the required time, it shall be destroyed. (2018:SB159)	P.L.2018, c.54	03/02/2018	SIGNED
HB187	<i>Dodge (D63)</i> TEN YEARS FOR MULTI-TERM PROCUREMENTS Amends the Procurement Code to extend, from eight to ten years, the maximum length of contracts, including renewals or extensions, for contracts in amounts of \$25,000 or more to procure personal property, construction or services except for professional services.	P.L.2018, c.43	03/01/2018	SIGNED
HB188	<i>Dodge (D63)</i> PUBLIC SCHOOL FUNDING FORMULA CHARGES (For the Legislative Finance Committee; duplicate of 2018 SB157 for the Legislative Education Study Committee) (Related to 2017 SB30, vetoed by the Governor; related to 2017 SB39 and 2016 SB141). Changes the Public School Funding Formula by establishing a phased-in Teacher Cost Index and requiring a study to evaluate the index's sufficiency; phasing in adjustments to the at-risk index; clarifies computation of budgets of new charter schools. Requires reports. Holds districts and charter schools harmless from reductions in program-cost calculations for three years. Appropriates \$22,541,400 (GF reverting) to the State Equalization Guarantee for distribution by the Public Education Department to districts and charters in FY 2019 to offset cost increases resulting from changes in at-risk index. (2018:SB157)	P.L.2018, c.55	03/02/2018	SIGNED
HB193	<i>Dow (R38)</i> EARLY CHILDHOOD CARE ACCOUNTABILITY ACT Creates the Early Childhood Care Accountability Act; requires the Children, Youth and Families Department to establish early childhood care program standards; prescribes duties for CYFD; and exempts licensure and regulation of certain child care programs from provisions of the Children's Code.	P.L.2018, c.44	03/01/2018	SIGNED
HB194	<i>Harper (R57); Sanchez, C. (D30)</i> ALTERNATE EVIDENCE TO SUPPORT GROSS RECEIPTS DEDUCTIONS (For the Revenue Stabilization and Tax Policy Committee; included in 2017 HB412) Allows alternative evidence to be submitted in lieu of a nontaxable transaction certification to support claim of any gross receipts deduction (with one exception). A properly executed nontaxable transaction certificate (NTTC), however, remains conclusive evidence of entitlement to a deduction.	P.L.2018, c.56	03/02/2018	SIGNED
HB207	<i>Sweetser (D32)</i> LIBRARY BROADBAND INFRASTRUCTURE FUND Appropriates \$1 million (GF nonreverting) to Department of Information Technology for placement in a newly created Library Broadband Infrastructure Fund for use in FY2019 and subsequent fiscal years to provide matching money for grants to bring broadband infrastructure to public, tribal and school libraries; support for grant application preparation and compliance; and mapping and support materials for broadband. The fund will be administered by the DoIT	P.L.2018, c.25	03/01/2018	SIGNED

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HB223	<p><i>Trujillo, J. (D45)</i></p> <p>TRANSFERS INSURANCE PREMIUM TAX RESPONSIBILITY TO TRD Creates a new Insurance Premium Tax Act, to be administered by the Taxation and Revenue Department, effective January 1, 2019. All personnel and budget are transferred from the Office of the Superintendent of Insurance to TRD.</p>	P.L.2018, c.57	03/02/2018	SIGNED
HB245	<p><i>Trujillo, L. (D48)</i></p> <p>DEFINITION OF "CONSTRUCTION MATERIAL" Amends the Gross Receipts and Compensating Tax Act definition of "construction material" to exclude tangible personal property, whether removable or not, that would be classified for depreciation purposes as three-year property, five-year property, seven-year property or ten-year property, including indirect costs related to the asset basis, by Section 168 of the Internal Revenue Code. Declares an emergency.</p>	P.L.2018, c.58	03/02/2018	SIGNED
HB258	<p><i>Rodella (D41)</i></p> <p>PROHIBITS SCANBACKS AND COUPONS FOR ALCOHOLIC MALT BEVERAGES Adds a new section to the Liquor Control Act prohibiting the use of scanbacks and instantly redeemable coupons for alcoholic malt beverages. Provides that a nonretail licensee shall not offer, fund, produce, sponsor, promote, furnish or redeem any type of coupon or scanback.</p>	P.L.2018, c.45	03/01/2018	SIGNED
HB276	<p><i>Small (D36)</i></p> <p>MANDATORY ANNUAL WITHHOLDING REPORTS TO TRD Starting January 1, 2019, every employer must file annual statements of withholding with TRD by the last day of January; strikes existing exceptions. Employers of 25 or more employees shall file these statements using TRD-approved electronic medium.</p>	P.L.2018, c.59	03/02/2018	SIGNED
HB306	<p><i>Trujillo, Carl (D46)</i></p> <p>SEVERANCE TAX BONDS CAPITAL EXPENDITURES HTRC substitute for HB306 is a 148-page bill authorizing the issuance of severance tax bonds; use of the proceeds from the severance tax bond sales for 717 capital projects; and authorizes expenditures from certain state funds for 23 other projects. The bill lists a total of 740 projects to be supported from 13 sources, as follows:</p>	P.L.2018, c.80	03/07/2018	SIGNED
HB319	<p><i>Gentry (R30)</i></p> <p>CARLSBAD BRINE WELL REMEDIATION FUND HENRC substitute for HB319 preserves the intent of the original to provide for remediation of the Carlsbad Brine Well, but significantly reduces the power of the Brine Well Authority to fund the work</p>	P.L.2018, c.26	03/01/2018	SIGNED
HB329	<p><i>Gomez (D34)</i></p> <p>BORDER CROSSING SPECIAL FUEL USER PERMITS House Floor Substitute for House Rules Substitute to HB329 preserves the intent of the first substitute to establish a Border Crossing Special Fuel User Permit for special fuel users making trips within 10 miles of the New Mexico-Mexico border.</p>	P.L.2018, c.77	03/07/2018	SIGNED
SB1	<p><i>Ingle (R27)</i></p> <p>NURSE LICENSURE COMPACT (For the Legislative Health and Human Services Committee) A 38-page bill called the Nurse Licensure Compact whose provisions would apply to all licensed nurses who practice in the states or jurisdictions who become parties to the compact. The updated compact addresses the expanded mobility and new practice modalities in the nursing profession by providing for uniformity of nurse licensure requirements. Provides for exchange of information between party states; and provides opportunities for interstate practice by nurses who meet the uniform licensure requirements while still</p>	P.L.2018, c.1	01/18/2018	SIGNED

	holding a nurse accountable for meeting practice laws in the home state. (2018:SB136)			
SB11	<p><i>Kernan (R42); Youngblood (R68)</i></p> <p>GUIDELINES FOR STEP THERAPY FOR PRESCRIPTION DRUG COVERAGE (Very similar to 2017 SB179, HB 244) Identically amends several state laws governing health insurance to establish guidelines for step therapy for prescription drug coverage, as listed below: (2018:HB42)</p>	P.L.2018, c.9	03/01/2018	SIGNED
SB14	<p><i>Candelaria (D26)</i></p> <p>WIRELESS CONSUMER ADVANCED INFRASTRUCTURE INVESTMENT ACT (Duplicates HB38) In general, the Wireless Consumer Advanced Infrastructure Investment Act lays out rules and procedures under which wireless service providers may obtain use of rights of way owned by local governments to place the small wireless equipment necessary for the service. This includes: (2018:HB38)</p>	P.L.2018, c.69	03/07/2018	SIGNED
SB16	<p><i>Cisneros (D6)</i></p> <p>DEPARTMENT OF MILITARY AFFAIRS COMMAND AUTHORITY CHANGES (For the Military and Veterans' Affairs Committee) Changes the hierarchy of command within the New Mexico National Guard and clarifies who may bring a court-martial against members of brigade-level headquarters.</p>	P.L.2018, c.6	02/28/2018	SIGNED
SB19	<p><i>White (R19); Chasey (D18)</i></p> <p>UNIFORM GUARDIANSHIP, CONSERVATORSHIP AND OTHER PROTECTIVE ARRANGEMENTS ACT (For the Courts, Corrections and Justice Committee and the Legislative Health and Human Services Committee) Creates the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGCOPAA) to provide for a variety of legal arrangements governing the rights and interests of persons legally determined to need help caring for themselves, repealing and replacing Article 5 of the NM Uniform Probate Code. Effective date January 1, 2019.</p>	P.L.2018, c.10	03/01/2018	SIGNED
SB27	<p><i>Sanchez, C. (D30)</i></p> <p>CAR DEALERSHIP CHANGES (Duplicate of 2018, HB46) Relates to the compensation, repairs and obligations of motor vehicle dealers and manufacturers in recall, do-not-drive or stop-order situations. Adds definitions for "do not drive order," "recall claim," "stop sale order," and "value of the used motor vehicle." (2018:HB46)</p>	P.L.2018, c.28	03/01/2018	SIGNED
SB28	<p><i>Kernan (R42)</i></p> <p>HAZARDOUS SUBSTANCE INCIDENTS & STORAGE TANKS DEFINITIONS Relates to the environment. Changes the definitions of "above ground storage tank," "tank tester," and "underground storage tank" in the Hazardous Waste Act and the Ground Water Protection Act. Also changes the definition of what constitutes a "hazardous substance incident."</p>	P.L.2018, c.11	02/28/2018	SIGNED
SB29	<p><i>Brandt (R40)</i></p> <p>OVERDOSE PREVENTION AND PAIN MANAGEMENT COUNCIL Revises the name, structure and duties of the agency to the Overdose Prevention and Pain Management Advisory Council (currently called the Prescription Drug Misuse and Overdose Prevention and Pain Management Advisory Council); adds to members to the Council; and clarifies its duties.</p>	P.L.2018, c.12	02/28/2018	SIGNED
SB30	<p><i>Stewart (D17); Roch (R67)</i></p> <p>CHANGE PUBLIC SCHOOL CAPITAL OUTLAY FUNDING FORMULA (For the Public School Capital Outlay Oversight Committee and the Legislative</p>	P.L.2018, c.66	03/02/2018	SIGNED

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	Education Study Committee) Creates a "phase two" public school capital outlay funding formula and transitions to it from the existing formula (dubbed "phase one) over four years..			
SB46	<p><i>Tallman (D18)</i></p> <p>NAMING OF PUBLIC FACILITIES (Very similar to 2017 SB434 and 2015 SB481) Establishes certain prohibitions against naming of public facilities after public officers, and requires the Secretary of General Services to suggest a list of names for public facilities to the Governor.</p>	P.L.2018, c.13	02/28/2018	SIGNED
SB50	<p><i>McSorley (D16); Rehm (R31)</i></p> <p>CAMPAIGN CREDIT & DEBIT CARD CONTRIBUTION REGULATION (For the Courts, Corrections and Justice Committee) Imposes conditions on the receipt of debit and credit card campaign contributions by a candidate or political committee. Requires computer software inspection by Secretary of State.</p>	P.L.2018, c.29	03/01/2018	SIGNED
SB52	<p><i>Rue (R23)</i></p> <p>GOVERNOR'S CONTINGENCY FUND EXPENSES & REPORTING Imposes expenditure and reporting requirements on the Governor's Contingency Fund. Requires that money in the fund be used to pay for expenses directly connected with obligations of the elected Office of Governor; prohibits fund from being used to pay or supplement the salary of the Governor or any state employee, or as perquisites or allowances for state employees. Does away with existing law that has exempted the fund from statutory scrutiny, including audit, for decades, although an annual report to DFA is required.</p>	P.L.2018, c.27	03/01/2018	SIGNED
SB61	<p><i>Ivey-Soto (D15); Smith (R22)</i></p> <p>DOMESTIC VIOLENCE: STRANGULATION AND SUFFOCATION DEFINED Relates to domestic violence. Makes it a third-degree felony to commit the crime of suffocation or strangulation against a household member. Provides definitions for the terms "suffocation" and "strangulation" within the Family Violence Protection Act, the Crimes Against Household Members Act and the Abuse and Neglect Act.</p>	P.L.2018, c.30	03/01/2018	SIGNED
SB78	<p><i>O'Neill (D13)</i></p> <p>CULTURAL AFFAIRS DEPARTMENT PRODUCT SALES BY VENDORS Provides the Secretary of Cultural Affairs with the power to authorize vendors to sell tickets, passes and other Cultural Affairs Department products subject to compliance with rules adopted by the secretary. Provides for the authorized vendor to retain a portion of the sale price.</p>	P.L.2018, c.14	02/28/2018	SIGNED
SB86	<p><i>Gould (R10); Garcia, Miguel (D14)</i></p> <p>GOLD-STAR FAMILY AUTO REGISTRATION PLATES (Duplicate of HB103 2018) Expands eligibility for Gold-Star Family registration plates to surviving parents, spouses, children or siblings of service members killed in armed combat; establishes criteria to determine eligibility; sets a \$10 fee for each registration issued to each child or sibling, and appropriates the funds to Motor Vehicle Division (MVD) to offset costs. (2018:HB103)</p>	P.L.2018, c.7	02/28/2018	SIGNED
SB94	<p><i>Cisneros (D6)</i></p> <p>2018 CAPITAL PROJECTS: \$166.6 MILLION PROPERTY TAX LEVY Authorizes the sale of general obligation bonds with approximately \$166.6 million in proceeds to be used for senior citizen facilities, libraries, school bus transportation acquisitions, road improvements statewide, higher education institutions, special schools and tribal schools. Imposes a property tax levy for payment of principal, interest and related bonding costs that is subject to voter approval.</p>	P.L.2018, c.67	03/07/2018	SIGNED

SB95	<p><i>Cisneros (D6); Dow (R38)</i></p> <p>METROPOLITAN REDEVELOPMENT CODE REVISION (2017 HB478) Revises the Metropolitan Development Code to extend its provisions to all municipalities and counties instead of just to large municipalities.</p>	P.L.2018, c.60	03/02/2018	SIGNED
SB97	<p><i>Burt (R33); Adkins (R29)</i></p> <p>MILITARY SERVICE MEMBER AND MILITARY SPOUSE TEACHER LICENSURE (For the Military and Veterans' Affairs Committee and the Legislative Education Study Committee)</p>	P.L.2018, c.8	02/28/2018	SIGNED
SB98	<p><i>Burt (R33); Dow (R38)</i></p> <p>COMMERCIAL AEROSPACE PROTECTION ACT Proposes the Commercial Aerospace Protection Act which exempts from the Inspection of Public Records Act cybersecurity and security information as well as customer information.</p>	P.L.2018, c.61	03/02/2018	SIGNED
SB99	<p><i>Burt (R33)</i></p> <p>TAX DEDUCTION FOR CERTAIN MILITARY CONSTRUCTION SERVICES Grants a gross receipts tax deduction for receipts from construction services at Holloman AFB to implement a fighter pilot training mission under contracts with the US Department of Defense.</p>	P.L.2018, c.62	03/02/2018	SIGNED
SB101	<p><i>Ingle (R27)</i></p> <p>UNIFORM DIRECTED TRUST ACT (For the Courts, Corrections and Justice Committee) Creates the Uniform Directed Trust Act to codify the law related to directed trusts. Addresses complications created by giving a power of direction to a trust director, including the fiduciary duty of a trust director and the fiduciary duty of a directed trustee. Makes technical and conforming changes to the Uniform Trust Decanting Act and the Uniform Trust Code. Repeals Section 46A-8-808 (Powers of trustees to direct in the Uniform Trust Code). Effective date January 1, 2019.</p>	P.L.2018, c.63	03/02/2018	SIGNED
SB119	<p><i>Stewart (D17)</i></p> <p>INCREASE STATUTORY MINIMUM TEACHER SALARIES (For the Legislative Education Study Committee) (Related to 2017 SB329) Increases statutory minimum salaries for Level One teachers to \$36,000; for Level Two teachers to \$44,000; and for Level Three-A teachers to \$54,000. Appropriates \$16,622,700 (GF 2019 reverting) to the State Equalization Guarantee distribution to pay for the increases.</p>	P.L.2018, c.72	03/07/2018	SIGNED
SB125	<p><i>Munoz (D4)</i></p> <p>STATE RACING COMMISSION TERM EXTENDED (For the Legislative Finance Committee) Amends the sunset provision of the State Racing Commission to extend the term of the agency until July 1, 2020.</p>	P.L.2018, c.31	03/01/2018	SIGNED
SB137	<p><i>Ingle (R27)</i></p> <p>TRUST COMPANY ACT CHANGES Amends the Trust Company Act to provide additional requirements for certificates, minimum capital, fidelity bonds and insurance. Provides for investigations and related fees; reorganization of a trust company; provides penalties; clarifies powers of the director. Effective date is July 1, 2018.</p>	P.L.2018, c.64	03/02/2018	SIGNED
SB140	<p><i>Soules (D37)</i></p> <p>LOTTERY SCHOLARSHIP FLAT RATE AWARDS SFC substitute for SB140 preserves the intent and most of the text of the original to</p>	P.L.2018, c.70	03/07/2018	SIGNED

provide for flat rate scholarship awards for each level of postsecondary institution. The substitute increases the flat rate award to \$1,500 per semester for research institutions; \$1,020 per semester for comprehensive universities; and \$350 per semester for two-year colleges. (2018:HB178)

SB143	<p><i>Ortiz y Pino (D12)</i> PUBLIC SERVICE LAW LOAN REPAYMENT Changes the eligibility criteria for an attorney to participate in the Public Service Law Loan Repayment Program by removing the \$55,000 maximum earnings cap that an applicant may earn annually. All other criteria remain the same.</p>	P.L.2018, c.32	03/01/2018	SIGNED
SB170	<p><i>Cervantes (D31)</i> WATER PROJECT FUND PROJECTS (Duplicate of 2018 SB142) (Endorsed by the N.M. Finance Authority Oversight Committee) Authorizes the N.M. Finance Authority to make loans or grants from the Water Project Fund following entities for the 22 water projects specified (on terms established by the Water Trust Board and the NMFA):</p>	P.L.2018, c.15	03/01/2018	SIGNED
SB188	<p><i>O'Neill (D13)</i> CRIME VICTIMS REPARATION Amends the Crime Victims Reparation Act to provide for reparation to persons who were the victims of the crime of failure to stop, give information or render aid, as enumerated under Secs. 66-7-201 and 66-7-203 of the Criminal Code.</p>	P.L.2018, c.33	03/01/2018	SIGNED
SB189	<p><i>Martinez, Richard (D5)</i> ASSURANCE FOR PLUGGING OIL AND GAS WELLS Directs the O&G Conservation Division of EM&NRD to set by rule the blanket plugging financial assurance required of a person operating any oil, gas or service well in the state. Maximum is \$250,000.</p>	P.L.2018, c.16	03/01/2018	SIGNED
SB193	<p><i>Neville (R2)</i> TAX BONDS FOR CYFD FACILITY IN BERNALILLO COUNTY Authorizes the New Mexico Finance Authority to issue and sell State Office Building Tax Revenue Bonds in an amount not to exceed \$20 million (plus costs for issuance) for construction of a building in Bernalillo County to be operated by the Children, Youth and Families Department.</p>	P.L.2018, c.65	03/02/2018	SIGNED
SB217	<p><i>Pirtle (R32); Herrell (R51)</i> PECAN BUYERS LICENSURE ACT—PENALTIES (Duplicate of HB214) Creates the Pecan Buyers Licensure Act which directs the New Mexico Department of Agriculture (Department) to establish an in-shell pecan licensing and inspection program directed at buyers of in-shell pecans; adopt rules to implement this Act; collect a reasonable annual licensure fee, established in rule, not to exceed \$500. Adds to Larceny in the Criminal Code to specify the penalty for larceny of a specific weight and value of in-shell pecans. (2018:HB214)</p>	P.L.2018, c.47	03/02/2018	SIGNED
SB220	<p><i>Papen (D38)</i> CRISIS TRIAGE CENTERS MAY BE PART OF IN-PATIENT HOSPITALS Amends the Public Health Act to allow a crisis triage center to provide stabilization of behavioral health crises, which may include residential and short-term residential stabilization, and be reimbursed for such services. Strikes ban on center being physically part of an inpatient hospital.</p>	P.L.2018, c.34	03/01/2018	SIGNED
SB225	<p><i>Sanchez, C. (D30)</i> DUE DATE OF CORPORATE BIENNIAL REPORT TO SECRETARY OF STATE</p>	P.L.2018, c.35	03/01/2018	SIGNED

	Changes the corporate biennial report due date from the 15th day of the third month of the end of its taxable year (usually March 15) to the 15th of the fourth month (usually April 15). Updates references.			
SB226	<i>Smith (D35)</i> RE-DISTRIBUTION OF MOTOR VEHICLE EXCISE TAX REVENUES (Similar to 2016 SB7 and SB276) Routes 4.15 percent of the motor vehicle excise tax receipts to the State Road Fund with the remainder continuing to flow to the General Fund.	P.L.2018, c.3	02/15/2018	SIGNED
SB231	<i>Munoz (D4)</i> FOSTER YOUTH EMPLOYMENT TAX CREDITS Grants a nonrefundable tax credit to employers of up to \$1,000 of the gross wages paid to each qualified foster youth employed during the taxable year.	P.L.2018, c.36	03/01/2018	SIGNED
SB239	<i>Munoz (D4)</i> PUBLIC SCHOOL SECURITY SYSTEMS (Very similar to 2018 HB130) Reserves \$5 million from the Public School Capital Outlay Fund every year from FY 2019 through 2023 for school security system repair, renovation or replacement, and provides a system the Public School Capital Outlay Council to award grants to districts and charter schools. (2018:HB130)	P.L.2018, c.71	03/07/2018	SIGNED
SB245	<i>Cisneros (D6)</i> CAPITAL EXPENDITURES REAUTHORIZATIONS AND RE-APPROPRIATIONS Reauthorizes capital projects, including extending time for completion and changing purposes.	P.L.2018, c.68	03/07/2018	SIGNED

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Vetoed Bills

BILL	DESCRIPTION	Last Action	Status
HB64	<p><i>Trujillo, Carl (D46)</i> PET FOOD FEE: ASSISTANCE FOR DOG AND CAT SPAYING AND NEUTERING (Similar to 2017, HB123 as amended) (Related to 2018 SB51) (Related to 2017, HB85, HB219, Laws 2017, Ch. 44) Imposes a \$100 fee on pet food distributors which shall be credited to the Statewide Spay and Neuter Subaccount of the Animal Care and Facility Fund to provide financial assistance for dog and cat spaying and neutering. (2018:SB51)</p>	03/01/2018	VETOED
HB85	<p><i>Roch (R67)</i> EDUCATION RETIREMENT: SERVICE CREDIT FOR UNUSED SICK LEAVE Authorizes Educational Retirement Program members who are eligible for retirement to convert unused sick leave to service credit.</p>	03/07/2018	VETOED
HB151	<p><i>Lente (D65)</i> INDIAN EDUCATION NEEDS ASSESSMENTS Amends the Indian Education Act to require Indian impacted school districts and charter schools to conduct needs assessments to determine services needed to provide Indian students with help to graduate and be college- and career-ready. Requires consultation with local tribes, creation of accountability tools and semi-annual progress reports. Amends the Indian Education Act.</p>	03/02/2018	VETOED
HB160	<p><i>Stapleton (D19)</i> NONVIOLENT OFFENDER INTERVENTIONS Adds a duty to the Behavioral Health Services Division of the Human Services Department to provide for interventions for nonviolent adult and juvenile offenders with behavioral health diagnoses</p>	03/07/2018	VETOED
HB197	<p><i>Ezzell (R58)</i> REGIONAL AIR CENTER SPECIAL ECONOMIC DISTRICT ACT (Identical to 2018 SB0180) Cited as the Regional Air Center Special Economic District Act, its purpose is to allow for the creation of an Authority to own, operate and govern a special economic district that consists of an industrial air center and other related property. It proposes to use a former U. S. Air Force base to stimulate aviation-related economic activity and investment that includes avionics, military operations, transportation and emerging high-technology research. (2018:SB180)</p>	03/07/2018	VETOED
SB17	<p><i>Cisneros (D6); Garcia Richard (D43)</i> GROSS RECEIPTS FOR CERTAIN NONPROFITS Amends the Gross Receipts Tax Act to apply the tax to a prime contractor who operates a national laboratory in New Mexico, whether or not the prime contractor qualifies as a Section 501(c)(3) nonprofit organization. The bill does so by amending Sec. 7-9-29 relating to Exemptions to specifically exclude a nonprofit prime contractor of a national lab from the exemption.</p>	03/07/2018	VETOED
SB67	<p><i>Ivey-Soto (D15); Smith (R22)</i> LOBBYIST REPORTING REQUIREMENTS: EXPENSES UNDER \$100 Requires that lobbyist expenditure reports to additionally include the cumulative total of all individual expenditures of less than \$100 made or incurred by the employer or lobbyist during the covered reporting period, indicating the amount spent and a description of the expenditure. The list shall be separated into three categories: (1) meals and beverages, (2) other entertainment expenditures, and (3) other expenditures.</p>	03/02/2018	VETOED
SB176	<p><i>Smith (D35); Larranaga (R27)</i> PAY RAISE FOR STATE ELECTED OFFICIALS</p>	02/28/2018	VETOED

(For the Legislative Finance Committee) Increases the compensation of elective state officers whose terms begin on or after January 1, 2019.

SB192

Ortiz y Pino (D12)

03/07/2018 VETOED

HEALTH CARE QUALITY SURCHARGE

Places a health care quality surcharge, to be calculated annually by the Human Services Department on each non-Medicare bed day. Revenue flows to the Health Care Facility Fund and Disability Health Care Facility Fund established by this act to support skilled nursing facilities, intermediate care facilities and intermediate care facilities for individuals with intellectual disabilities.

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Pocket Vetoed Bills

BILL	DESCRIPTION	Last Action	Status
HB46	<p><i>Rodella (D41)</i> VEHICLE RECALLS: UNLAWFUL ACTS AND DUTIES OF MANUFACTURER TO DEALER Relates to the compensation, repairs and obligations of motor vehicle dealers and manufacturers in recall, do-not-drive or stop-order situations. Adds definitions for "do not drive order," "recall claim," "stop sale order," and "value of the used motor vehicle." (2018:SB27)</p>	03/07/2018	PVETOED
HB81	<p><i>Gonzales (D42)</i> TRADITIONAL HISTORIC COMMUNITY ELIGIBILITY (Similar to 2017 HB111, Passed by Legislature, Vetoed by Governor) Changes the definition for eligibility as a "traditional historic community" under Secs. 3-2-3 and 3-7-1.1 by applying it to territory in any county declared by an ordinance of the board of county commissioners to be a traditional historic community.</p>	03/07/2018	PVETOED
HB90	<p><i>Brown (R55)</i> HAZARDOUS SUBSTANCE INCIDENTS & STORAGE TANKS DEFINITIONS (Duplicate of 2018 SB28) Relates to the environment. Changes the definitions of "above ground storage tank," "tank tester," and "underground storage tank" in the Hazardous Waste Act and the Ground Water Protection Act. Also changes the definition of what constitutes a "hazardous substance incident." (2018:SB28)</p>	03/07/2018	PVETOED
HB103	<p><i>Garcia, Miguel (D14)</i> GOLD-STAR FAMILY AUTO REGISTRATION PLATES Expands eligibility for Gold-Star Family registration plates to surviving parents, spouses, children or siblings of service members killed in armed combat; establishes criteria to determine eligibility; sets a \$10 fee for each registration issued to each child or sibling, and appropriates the funds to Motor Vehicle Division (MVD) to offset costs. (2018:SB86)</p>	03/07/2018	PVETOED
HB129	<p><i>Hall, J. C. (R28)</i> BIENNIAL BUDGETING FOR THE STATE Reminiscent of a practice utilized by New Mexico in the 60s, this bill proposes a pilot project to determine whether returning to biennial budgeting should be recommended.</p>	03/07/2018	PVETOED
HB227	<p><i>Rodella (D41)</i> SOIL AND WATER CONSERVATION DISTRICT ASSESSMENTS & DURATION (Identical to 2018 SB169) Amends the Soil and Water Conservation District Act to increase the amount of potential levy that may be assessed by a district from \$1 to \$5 on each \$1,000 of net taxable value, as the term is defined in the Property Tax Code. Also eliminates the 10-year limit that is currently imposed on a levy.</p>	03/07/2018	PVETOED
HB235	<p><i>Garcia Richard (D43)</i> INCREASE MUNICIPAL COURT AUTOMATION FEE Increases the municipal court automation fee included in court costs from \$6 to \$10.</p>	03/07/2018	PVETOED
HB246	<p><i>Rodella (D41)</i> WATER: ADVANCED MAPPING FUND (Identical to 2017 HB352 with amendments) Proposes creation of an Advanced Mapping Fund in the State Treasury, to be administered by the Office of the State Engineer, subject to appropriation by the Legislature, to provide advanced mapping.</p>	03/07/2018	PVETOED

SB2	<p><i>Papen (D38)</i> MEDICAID PROVIDER AND MANAGED CARE ACT Senate floor substitute for SB2 retains the intent and most of the text of the original. It changes the name of the act to the Medicaid Provider and Managed Care Act, consistent with references throughout, for clarity, to Medicaid providers, managed care organizations and subcontractors.</p>	03/07/2018	PVETOED
SB18	<p><i>White (R19)</i> IMPOSITION OF AVIATION LANDING FEES Allows airports receiving funds under the Aviation act to charge landing fees for general aviation aircraft weighing more than 12,500 pounds.</p>	03/07/2018	PVETOED
SB23	<p><i>Candelaria (D26)</i> APPROPRIATION TO LOCAL GOVERNMENT PLANNING FUND (For the New Mexico Finance Authority Oversight Committee) Appropriates \$1.5 million from the Public Project Revolving Fund to the Local Government Planning Fund for making grants to qualified entities to evaluate and estimate costs of the most feasible alternatives for infrastructure, water or wastewater public projects; to develop water conservation plans, long-term master plans, economic development plans or energy audits; and to pay administrative costs of planning.</p>	03/07/2018	PVETOED
SB24	<p><i>Morales (D28); Youngblood (R68)</i> AUTO RECYCLER REPORTING Requires auto recyclers, prior to taking possession of a vehicle, to verify with TRD through its electronic system whether the vehicle has been reported stolen. Within 48 hours of the close of business on the day a vehicle is purchased, an auto recycler must report electronically to TRD:</p>	03/07/2018	PVETOED
SB43	<p><i>Martinez, Richard (D5)</i> PUBLIC PROJECT WASTEWATER SYSTEM FINANCING (Duplicate of 2018 HB65) Appropriates \$1.1 million (nonreverting fund) from the Public Project Revolving Fund to the Wastewater Facility Construction Loan Fund for use in FY2019 and subsequent years to provide matching funds for federal Clean Water Act of 1977 projects and to carry out the purposes of the Wastewater Facility Construction Loan Act. (2018:HB65)</p>	03/07/2018	PVETOED
SB79	<p><i>Stewart (D17)</i> REINSTATING SOLAR MARKET DEVELOPMENT TAX CREDIT (2018 HB36; 2017 HB61, HB82, SB41) Proposes a new nonrefundable solar market development tax credit to replace the credit which expired December 31, 2016. Initially allows up to ten percent of the cost of purchasing and installing a solar thermal or photovoltaic system in a residence, business or agricultural enterprise after January 1, 2018 but phases the credit out by January 1, 2033. The credit amount is capped at \$9,000 in purchase and installation costs for an individual system installed and the aggregate annual credit amount allowable at \$5 million.</p>	03/07/2018	PVETOED
SB109	<p><i>Baca (R29); Armstrong, G. (R49)</i> SALE OF ALL DELINQUENT REAL PROPERTY REQUIRED IN ALL COUNTIES Requires Taxation and Revenue Department, TRD, to offer for sale annually all (not just one) real property in a county on which a lien for delinquent property taxes has existed for at least three years. The Director of the Property Tax Division and a county may agree to postpone the delinquent property tax sale of real property in that county. Applies to 2019 and subsequent property tax years.</p>	03/07/2018	PVETOED
SB136	<p><i>Ivey-Soto (D15)</i> NURSING COMPACT SUBJECT TO STATE RULES ACT AND PUBLIC RECORDS ACT (Related to 2018 SB1) Amends the Nursing Practices Act to provide that no rule adopted by the Interstate Commission of Nurse Licensure Compact Administrators that affects nursing practice in New Mexico shall be effective unless adopted as an administrative rule by the Board of Nursing under the State Rules Act. Requires all agenda, minutes, reports and rulemaking records of the Commission to be filed by the State Compact Administrator with the Board subject to the Inspection of Public Records Act. (2018:SB1)</p>	03/07/2018	PVETOED

SFC CLERK RECORDED 04/11/2018

SB145	<p><i>Munoz (D4)</i> HEALTH INFORMATION INTEROPERABILITY FUND (Related to 2018 SB144) Creates the Health Information Interoperability Fund, administered by the Human Services Department, HSD, to maintain statewide health information systems interoperability among private and public entities. The fund consists of appropriations, transfers, federal funds, gifts, grants, donations and bequests. The bill does not contain a dollar appropriation. (Related SB144 contains a \$100,000 GF appropriation.) (2018:SB144)</p>	03/07/2018	PVETOED
SB157	<p><i>Morales (D28); Roch (R67)</i> PUBLIC SCHOOL FUNDING FORMULA CHANGES (Related to 2017 SB30, vetoed by the Governor; related to 2017 SB39 and 2016 SB141). (For the Legislative Education Study Committee). Changes the Public School Funding Formula by establishing a phased-in Teacher Cost Index and requiring a study to evaluate the index's sufficiency; phasing in adjustments to the at-risk index; clarifies computation of budgets of new charter schools. Requires reports. Holds districts and charter schools harmless from reductions in program-cost calculations for three years. Appropriates \$22,541,400 (GF reverting) to the State Equalization Guarantee for distribution by the Public Education Department to districts and charters in FY 2019 to offset cost increases resulting from changes in at-risk index.</p>	03/07/2018	PVETOED
SB159	<p><i>Pirtle (R32); Gallegos, David (R61)</i> COMMERCIAL DRIVER'S LICENSES: RECORDS RETENTION OF CONVICTIONS Amends the Motor Vehicle Code relating to record retention of convictions for a person holding a commercial driver's license. The record retention period shall be double the time required for other driver's license holders. Currently all records of convictions on a commercial drivers license are to be held for 55 years. Bill proposes lowering that to six years, except for records required by federal law to be retained for a longer period and for records of DWI convictions which are to be retained for 55 years. After TRD has held a record for the required time, it shall be destroyed. (2018:HB182)</p>	03/07/2018	PVETOED
SB169	<p><i>Leavell (R41)</i> SOIL AND WATER CONSERVATION DISTRICT ASSESSMENTS & DURATION Amends the Soil and Water Conservation District Act to increase the amount of potential levy that may be assessed by a district from \$1 to \$5 on each \$1,000 of net taxable value, as the term is defined in the Property Tax Code. Also eliminates the 10-year limit that is currently imposed on a levy.</p>	03/07/2018	PVETOED
SB178	<p><i>Moore (R21)</i> LIEUTENANT GOVERNOR NOMINATION BY POLITICAL PARTY Provides that major party candidates for lieutenant governor be nominated by the political party; requires a single nominating petition for joint candidates for governor and lieutenant governor for non-major party candidates.</p>	03/07/2018	PVETOED
SB204	<p><i>Smith (D35)</i> WINEGROWER'S AND SMALL BREWER'S LICENSE FOR PRIVATE CELEBRATIONS Authorizes the Alcohol and Gaming Division of the Regulation and Licensing Department to issue a "winegrower's and small brewer's private celebration permit" at a fee to be paid to the agency. Allows Sunday sales for wine and beer sales to begin at 11:00 a.m. rather than noon.</p>	03/07/2018	PVETOED

to purchase and install security equipment, including security cameras, an alarm system, office equipment, furniture and information technology, for the Agua Fria community water system association water board building and the Agua Fria community water system association pump house in Agua Fria village in Santa Fe county

AGUA FRIA CWSA WATER SYS IMPROVE \$200,000

to plan, design and construct water distribution system improvements and water line extensions for the Agua Fria community water system association in Agua Fria village in Santa Fe county

AGUA FRIA ST/S MEADOWS RD IMPROVE SANTA FE \$100,000

to purchase rights of way and to plan, design and construct road improvements at the intersection of Agua Fria street and South Meadows road in Santa Fe in Santa Fe county

CCA CTR FOR CONTEMPORARY ARTS IMPROVE SANTA FE \$100,000

to plan, design and construct improvements, including accessibility improvements, at the center for contemporary arts in Santa Fe in Santa Fe county

[REDACTED] \$50,000

to plan, design and construct plumbing and floor improvements at the Comunidad de los Ninos head start center in Santa Fe in Santa Fe county

DOH VITAL RECORDS & STATS FCLTY \$5,100,000

to plan, design, construct, equip, renovate, upgrade and furnish a facility or to expand an existing state-owned site to house the department of health vital records and health statistics bureau in Santa Fe in Santa Fe county

DPS STATE POLICE DISTRICT OFFICE SANTA FE - CBRF \$770,000

from the capitol buildings repair fund to plan, design, construct, renovate, furnish and equip a new state police district office in Santa Fe in Santa Fe county

EDGEWOOD WASTEWATER SYSTEM IMPROVE \$300,000

to plan, design, construct and equip wastewater system improvements in Edgewood in Santa Fe county

EDGEWOOD WASTEWATER TREATMENT PLANT PH 1 \$100,000

to plan, design and construct phase 1 improvements to the wastewater treatment plant in Edgewood in Santa Fe county

EL DORADO CMTY SCHOOL DOOR BARRICADE SYSTEM \$12,000

to purchase and install a door barricade system in El Dorado community school in the Santa Fe public school district in Santa Fe county

EL GUICU DITCH IMPROVE \$95,000

to acquire land and to plan, design, purchase, construct and equip improvements for El Guicu ditch in Santa Fe county

ELDORADO AREA WSD WATER SUPPLY SYSTEM \$315,000

to plan and design water supply system improvements for the Eldorado area water and sanitation district in Santa Fe county

HARRISON RD LIGHTING/SIDEWALKS-SANTA FE \$28,000
to design, construct, purchase and install lighting and sidewalks on Harrison road in Santa Fe in Santa Fe county

INDIAN WATER RIGHTS SETTLEMENT \$6,175,000
to the Indian water rights settlement fund. Notwithstanding the requirement for a joint resolution of the legislature in Subsection A of Section 72-1-11 NMSA 1978, if a corresponding commitment has been made for the federal portion of the settlement in the Aamodt case, the money may be expended by the interstate stream commission in fiscal year 2019 and subsequent fiscal years to implement the state's portion of the settlement, and any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert

JOHN F. SIMMS BLDG RENOVATE \$450,000
from the capitol buildings repair fund to plan, design, construct, renovate and improve the John F. Simms building in Santa Fe in Santa Fe county

LA BAJADA COMMUNITY DITCH & MDWA WATER SYSTEM \$20,000
to plan, design, purchase, construct and install water system improvements for La Bajada community ditch and mutual domestic water association in Santa Fe county

LA CIENEGA MDWC & MSW WATER TANK REPAIR IMPROVE \$39,000
to inspect, repair and improve a water tank, including sediment removal, for La Cienega mutual domestic water consumers and mutual sewage works in La Cienega in Santa Fe county

LA CIENEGA RESERVOIR IMPROVEMENTS \$12,000
to plan, design and construct improvements to La Cienega reservoir for the acequia de la Cienega in Santa Fe county

~~_____ \$8,100
to plan, design, purchase, construct and install improvements, including valves, for La Mesilla community ditch in Santa Fe county~~

MUSEUM OF INDIAN ARTS & CULTURE AMPHITHEATER REN \$75,000
to plan, design, construct and equip renovations and repairs to an amphitheater, including shade structures, walkways, bancos, ramadas, horno ovens and a gate, at the museum of Indian arts and culture in Santa Fe in Santa Fe county

NAMBE PUEBLO EARLY CHILDHOOD LEARNING FACILITY \$100,000
to furnish and equip an early childhood learning facility at the Pueblo of Nambe in Santa Fe county

~~_____ \$200,000
to plan, design, purchase, construct and improve the water and wastewater systems, including a water storage tank and sewer lines, in the Pueblo of Nambe in Santa Fe county~~

NM HWY 14 SAFETY IMPROVE-MADRID \$81,500
to purchase, install and construct safety improvements to New Mexico highway 14 in, and in the vicinity of, Madrid in Santa Fe county

NM MUSEUM OF ART IMPROVE \$203,300

SFC CLERK RECORDED 04/11/2018

to plan, design and construct renovations and other improvements to the New Mexico museum of art in Santa Fe in Santa Fe county

PALACE OF THE GOVERNORS REPAIR & UPGRADE \$364,549

to plan, design, construct, repair, renovate and make upgrades to the palace of the governors facility and site in Santa Fe in Santa Fe county

[REDACTED] \$50,000

to plan, design, equip, renovate and repair a pool at the Pojoaque wellness center in the Pueblo of Pojoaque in Santa Fe county

RIO EN MEDIO ALTO DITCH IMPROVE \$13,000

to plan, construct and install improvements to the Alto ditch for the Rio en Medio ditch association in Santa Fe county

SAN ILDEFONSO PUEBLO WWATER SYSTEM/PLANT PH 4 \$50,000

to design and construct phase 4 of a wastewater collection system and treatment plant in the Pueblo of San Ildefonso in Santa Fe county

SANDOVAL/MONTEZUMA ST INTERSECTION - SANTA FE \$100,000

to plan, design and construct improvements to the intersection of Sandoval street and Montezuma avenue in Santa Fe in Santa Fe county

SANTA FE AIRPORT PARKING FACILITY EXPAND \$1,500,000

to design and construct an expansion of the Santa Fe regional airport passenger parking facility, including paving, fencing, automated gates and light emitting diode lighting, in Santa Fe in Santa Fe county

SANTA FE CHILDREN'S MUSEUM ROOF \$56,000

to construct and make improvements to the roof, parapets and stucco at the Santa Fe children's museum in Santa Fe in Santa Fe county

SANTA FE CO ELDORADO SUBDIVISION TRAILS \$100,000

to plan, design and construct trails in the Eldorado subdivision in Santa Fe county

[REDACTED] \$200,000

to plan, design, construct and renovate a file room to serve as a conference room at the Steve Herrera judicial complex in Santa Fe in Santa Fe county

[REDACTED] \$50,000

to the New Mexico house of representatives for expenditure by the legislative council service to design, construct, purchase and install a bust of Manuel A. Chaves, including a base, in the state capitol building in Santa Fe in Santa Fe county

SANTA FE GENOVEVA CHAVEZ CTR HVAC \$100,000

to purchase, install and construct a heating, ventilation, air conditioning and dehumidification system in the Genoveva Chavez community center in Santa Fe in Santa Fe county

from the capitol buildings repair fund to plan, design, construct and renovate facilities, including abatement and remediation of the exterior courtyard stucco, at the supreme court building in Santa Fe in Santa Fe county

TESUQUE PUEBLO INTERGENERATIONAL CTR IMPROVE

\$125,000

to plan, design and construct improvements to the intergenerational center in the Pueblo of Tesuque in Santa Fe county

TRD SCANNERS & SLICERS - GF

\$372,000

from the general fund to purchase, install and equip scanners and mail slicers, including servers, information technology and related equipment and infrastructure, for the revenue processing division in Santa Fe in Santa Fe county

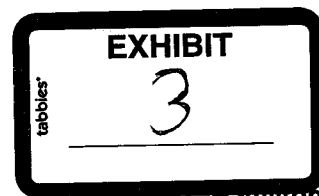
TURQUOISE TRAIL ELEM SCHL IMPROVE

\$75,000

to plan, design, construct, renovate, furnish and equip the building and grounds, including the purchase and installation of a security system, information technology and related equipment, fencing, wiring and infrastructure, for the Turquoise Trail elementary school in Santa Fe county

SECTION 45. INDIAN WATER RIGHTS SETTLEMENT FUND--

APPROPRIATION FROM THE WATER PROJECT FUND.--Notwithstanding the provisions of the Water Project Finance Act to the contrary, two million eight hundred twenty-five thousand dollars (\$2,825,000) is appropriated from the water project fund to the Indian water rights settlement fund.



Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *March 13, 2018*

TO: *Board of County Commissioners*

VIA: *Katherine Miller, County Manager*

FROM: *Sandra Ely, Aamodt Project Manager, and Bruce Frederick, County Attorney*

ITEM AND ISSUE: **BCC Meeting March 13, 2018**
State of New Mexico, ex rel. State Engineer v. R. Lee Aamodt et al., U.S. District Court, District of New Mexico, No. Civ. 66-06639 WJ/WPL: Update on Implementation Milestones including the Contributing Funds Agreement Between the United States Department of Interior Bureau of Reclamation and Santa Fe County for Santa Fe County's Share of Costs for Planning, Design and Construction of the Pojoaque Basin Regional Water System. (Public Works Department/Sandra Ely)

Since last summer Santa Fe County and other parties to the Aamodt Settlement Agreement have achieved significant milestones. The next milestone in the implementation of the Aamodt Settlement Agreement is the consideration and possible approval of the Contributing Funds Agreement (CFA) by the Board of County Commissioners (BCC). The current schedule calls for a presentation on the draft CFA at the BCC's March 13, 2018 meeting, with the BCC considering the CFA for potential action at its March 27, 2018 meeting.

BACKGROUND:

On March 14, 2013, the Board of County Commissioners approved and signed the revised Aamodt Settlement Agreement and the Cost-Sharing and System Integration Agreement (Cost-Sharing Agreement) concerning the Regional Water System (RWS) that is a cornerstone of the settlement. These approvals launched efforts by the County, the State, the United States, and the Pueblos of San Ildefonso, Pojoaque, Nambe and Tesuque to plan, design and construct the RWS and negotiate the agreements necessary to own and operate the RWS.

The RWS would divert, treat, and distribute water from the Rio Grande to customers of Santa Fe County (County) and the four Pueblos. It is to be constructed by the Bureau of Reclamation (Reclamation) using federal, State, and County funds. The CFA is an agreement between the County and Reclamation that describes how the County will pay for its cost share of the RWS.

SFC CLERK RECORDED 04/11/2018

The execution of the CFA is required under the Aamodt Litigation Settlement Act and the Cost Sharing Agreement before Reclamation can begin construction.

DESCRIPTION OF ATTACHED EXHIBITS:

The PowerPoint Presentation attached as Exhibit A contains detailed information concerning the Aamodt Settlement Agreement, recent milestones achieved and milestones remaining including the CFA.

The draft CFA is attached as Exhibit B.

ACTION REQUESTED:

None; for information only.

Exhibits:

Exhibit A- PowerPoint Presentation: Update on the Aamodt Settlement and the Pojoaque Basin Regional Water System

Exhibit B- Contributing Funds Agreement Between the United States Department of Interior Bureau of Reclamation and Santa Fe County for Santa Fe County's Share of Costs for Planning, Design and Construction of the Pojoaque Basin Regional Water System, March 8, 2018 Draft



Update on the Aamodt Settlement, and the Pojoaque Basin Regional Water System

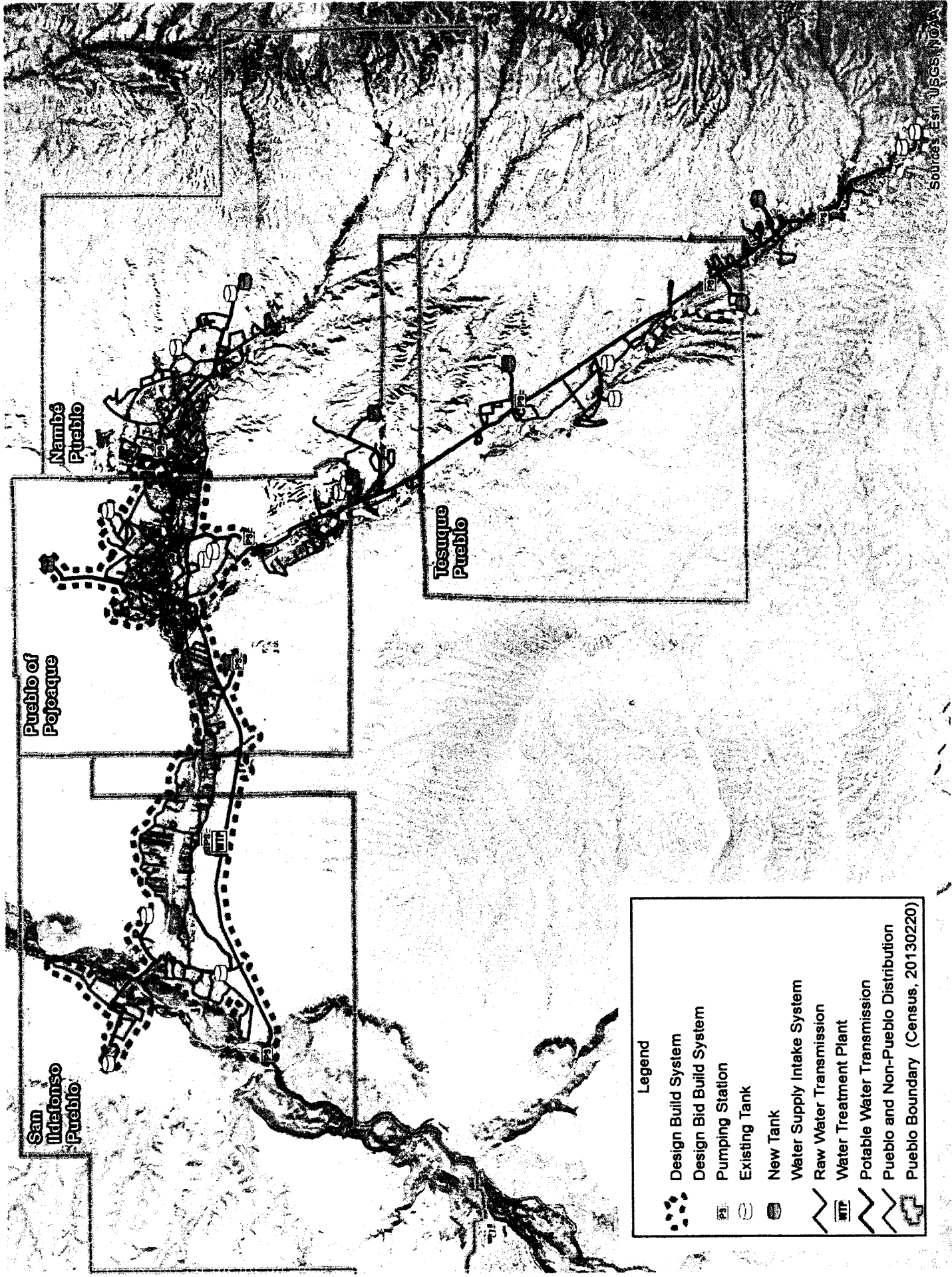
Sandra Ely, Santa Fe County Utilities

Overview












- Recent Milestones Reached
- Milestones Remaining
- Contributing Funds Agreement

Pojoaque Basin and Area of Aamodt Settlement Agreement





Legend

-  Design Build System
-  Design Bid Build System
-  Pumping Station
-  Existing Tank
-  New Tank
-  Water Supply Intake System
-  Raw Water Transmission
-  Water Treatment Plant
-  Potable Water Transmission
-  Pueblo and Non-Pueblo Distribution
-  Pueblo Boundary (Census, 20130220)

Aamodt Litigation Act Construction Cost Share

Party	2006 Dollars (in Millions)	Future Value (Indexed through 2024)	Remaining to be Appropriated
Federal	\$106.4	\$144.7	\$53.2
State*	\$45.5	\$68.5	\$53.5
County**	\$7.4	\$10.2	\$10.2
Total***	\$159.3	\$223.4	\$116.9

*Does not include \$4M for connection fee fund or \$0.5 M for impairment fund.

Milestones and Deadlines cont.

July, 2017

- Final decree issued by the U.S. District Court that sets forth all water rights in the Pojoaque Basin.
- Office of State Engineer (OSE) issued permit changing the point of diversion for water rights to supply the Pojoaque Basin Regional Water System (RWS).

September, 2017

- Secretary of Interior published in the Federal Register that certain requirements were met.

Milestones and Deadlines, cont.

September, 2017

- **Joint Powers Agreement** establishing the Pojoaque Basin Regional Water Authority signed by each Pueblo, Santa Fe County, Department of Interior and NM DFA
- **Promulgation of Water Master Rules- Governs** the administration of water rights in the basin by the Office of the State Engineer (OSE) in accordance with the Settlement Agreement.

Milestones and Deadlines, cont.

Water Master Rules

Conveyance of Groundwater Rights (Section 109)

- A household electing to connect to CWU when available may:
 - Convey the full amount adjudicated to the County and abandon the use of their well; or
 - Convey 0.3 afy to the County and use the remaining amount for outdoor purposes.

Milestones and Deadlines, cont.

October, 2017

- **Metering Order** issued by OSE requiring meters to be placed on all wells in the Pojoaque Basin by October, 2018. The well owner is responsible for the installation, maintenance and operation of the meter as well as quarterly reporting requirements to OSE.

Milestones and Deadlines, cont.

January, 2018

**Final Environmental Impact Statement
Published**

Milestones and Deadlines, cont. Contributing Funds Agreement

April, 2018

What is the Contributing Funds Agreement (CFA)?

- An agreement between U.S. and Santa Fe County for Santa Fe County's Cost Share of the RWS.
- The County's contribution is \$ 7.4 million which is indexed to approximately \$10.2 million.

CFA cont. ...

When must the CFA be executed?

- The Aamodt Litigation Settlement Act requires the CFA to be in place prior to the start of construction.
- The Pueblo rights-of-way agreements require the CFA to be entered into by April 2, 2018.

CFA cont. ...

I. County's Cost-Share for the RWS

- The County's total cost allocation for construction of the RWS is \$7.4 million(\$2006), which is estimated to be \$10.2 million in \$2024.
- County's remaining cost allocation is indexed annually to account for inflation.
- Exhibit C to CFA shows the County's annual funding contribution, which will be revised annually to account for indexing, reductions in the County water system, or early payment.

CFA cont. ...

County's Cost-Share for the RWS

- Early payments do not stop indexing unless expended for construction.
- The County's Cost Allocation cannot be increased except by amendment of the CFA.
- Reclamation may charge interest if the County fails to make a required contribution and Reclamation expends federal funds on the non-Pueblo portion.

CFA cont. ...

II. Additional Responsibilities of the Parties

The County shall:

- **Maintain a Special Fund for contributions.**
- **Acquire easements, rights-of-way, land or other real property for the RWS as may be agreed upon by the Parties. The County's costs will be credited against the County's Cost Allocation.**

CFA cont. ...

II. Additional Responsibilities of the Parties

Reclamation shall:

- Provide quarterly reports.
- Index construction costs annually.
- County funding contributions at the beginning of each FFY will be based on final design, cost estimate and construction schedule.

CFA cont. ...

II. Additional Responsibilities of the Parties

Reclamation shall:

- Initiate negotiations pursuant to the Aamodt Litigation Act to address current cost estimate overruns with the intent of executing an agreement to allocate excess costs prior to commencement of construction.
- If County funding contributions are no longer needed for any reason, they will be refunded to the County.

CFA cont. ...

II. Additional Responsibilities of the Parties

Joint Responsibilities:

- By February 1 of each year, Reclamation will provide a yearly written cost accounting and proposed revisions to Exhibit C.
- By April 1 of each year the Parties will agree to a revised Exhibit C.

CFA cont. ...

III. Contingencies

The County may temporarily withhold an annual funding contribution if:

- The U.S. or the State are unable to make a required funding contribution for a given FFY.
- The Secretary of the Interior issues a written determination that the RWS will not meet the criteria for substantial completion.

CFA cont.

EXHIBIT C

**County's Estimated Cost-Share of PBRWS Project Costs
(\$ Millions)**

Fiscal Year (FY)	Index Factor	Annual Payment amount	Remaining County Contribution
2006	1.000		7.400
2018	1.344	0	9.946
2019	1.380	5.000	5.080
2020	1.418	2.000	3.164
2021	1.456	3.164	0.000
2022	1.496	0.000	0.000
2023	1.537	0.000	0.000
2024	1.578	0.000	0.000
TOTAL		10.164	

Note: the Index Factors for 2020 and subsequent years are estimates and the payment amounts shown in 2020 and 2021 will need to be re-calculated based on the actual index factor for each of those years.

Milestones and Deadlines, cont.

Well Election

2018

- **Well Election** (no deadline set yet)- Domestic well owners may elect to:
 - Connect to the County Water Utility,
 - Keep well in perpetuity,
 - Connect to the CWU upon transfer of property, or
 - Connect to CWU and keep well for outdoor use.

Milestones and Deadlines cont.

April, 2018

- Record of Decision to be signed.

July, 2018

- Final RWS design complete.

Fall 2018

- Construction of the RWS begins.
- PBRWS Operating Agreement executed and submitted to the Secretary of Interior.

Milestones and Deadlines, cont.

June 30, 2021

- Bureau of Reclamation (BOR) verifies that RWS is complete or will be by June 30, 2024.

March, 2022

- Phase 1 of RWS complete and in operation.

June 30, 2024

- RWS construction substantially complete.

9/21/20



FUNDING AGREEMENT

BETWEEN

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

and

SANTA FE COUNTY

for

SANTA FE COUNTY'S SHARE OF COSTS

for

PLANNING, DESIGN, AND CONSTRUCTION

of

THE POJOAQUE BASIN REGIONAL WATER SYSTEM

THIS FUNDING AGREEMENT for Santa Fe County's Share of Costs ("Agreement"), is made this _____ day of _____, 2018, by and between the United States of America, hereinafter called "United States", acting through the Secretary of the Interior, hereinafter called "Secretary", acting through the Bureau of Reclamation, Upper Colorado Region, hereinafter called "Reclamation", acting pursuant to the Act of June 17, 1902 (32 Stat. 388) as amended or supplemented, particularly, the Aamodt Settlement as authorized by the Claims Resolution Act of 2010 [P.L. 111-291], hereinafter called "Act", and the Contributed Funds Act of May 4, 1921 (43 U.S.C. § 395), and Santa Fe County, hereinafter called "County"; the County and Reclamation are hereinafter collectively referred to as "the Parties".

March 9, 2018 DRAFT

SFC CLERK RECORDED 04/11/2018

RECITALS:

WHEREAS, Congress approved, ratified, and confirmed the Aamodt Settlement by enactment of the Act, which was signed into law by the President on December 8, 2010; and

WHEREAS, the Secretary and the County executed the settlement agreement (“Settlement Agreement”), as revised to conform to the Act, together with a 2009 Cost-Sharing and System Integration Agreement (“Cost-Sharing Agreement”) on March 14, 2013; and

WHEREAS, on March 23, 2016 the Court entered an order approving the Settlement Agreement in *New Mexico ex rel. State Engineer v. Aamodt*, No. 66cv06639 MV/LCS-ACE (D.N.M.); and

WHEREAS, pursuant to the Act and the Settlement Agreement, Reclamation will plan, design and construct the Pojoaque Basin Regional Water System (“RWS”), which will provide service to the Pueblos of Nambé, Pojoaque, Tesuque, and the Pueblo de San Ildefonso (“Pueblos”) in the amount of 2,500 acre-feet of water per annum (afy) and up to 1,500 afy to the County Water Utility; and

WHEREAS, Section 611(d)(1)(B) of the Act prohibits the Secretary from commencing construction of the RWS until after the State and the County enter into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing Agreement; and

WHEREAS, pursuant to Section 3.1.3 of the Cost-Sharing Agreement, the State and County agreed to contribute \$45.5 million and \$7.4 million, respectively, to construct the non-Pueblo portion of the RWS (“Non-Pueblo Portion”); and

WHEREAS, on January 30, 2018, the Board of County Commissioners approved four (4) road right-of-way settlement agreements resolving disputes with the Pueblos of Nambé, Pojoaque, Tesuque and San Ildefonso, which require that the County and Reclamation execute this Agreement prior to April 2, 2018; and

WHEREAS, in accordance with Section 3.1.6 of the Cost-Sharing Agreement, the County and Reclamation desire to enter into this Agreement to set forth the manner in which the County will contribute its share of costs.

NOW THEREFORE, the Parties agree:

I. COUNTY'S COST-SHARE FOR THE RWS

A. Generally

1. This Agreement satisfies the County's obligation under Section 3.1.6 of the Cost-Sharing Agreement.

2. Pursuant to Section 3.1.3 of the Cost-Sharing Agreement, the County's total cost allocation for construction of the RWS was \$7.4 million as of October 1, 2006 ("County Cost Allocation"). The County Cost Allocation shall be subject to indexing in accordance with Section 3.1.5 of the Cost-Sharing Agreement and this Agreement. Pursuant to Section 3.1.2, 3.1.3, and 3.1.5 of the Cost-Sharing Agreement, the County may reduce the County Cost Allocation by reducing the Non-Pueblo Portion. Other than as expressly permitted under this Agreement and the Cost-Sharing Agreement, the County Cost Allocation may not be changed except by amendment of the Cost-Sharing Agreement or other written agreement by the Parties.

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3. All of the County's funding contributions and approved land-acquisition credits under this Agreement, whether made at or before the deadline for such contributions, shall be applied toward the County Cost Allocation.

4. This Agreement does not amend the Cost-Sharing Agreement. In the event of a conflict between the language of this Agreement and that of the Cost-Sharing Agreement, the Cost-Sharing Agreement shall control. In the event of a conflict between this Agreement and the Act, the Act shall control.

B. Indexing

1. Indexing shall be based on the federal Fiscal Year (FFY) beginning on October 1, of the preceding year and ending September 30 of the stated year. For instance, the first day of FFY 2016 is October 1, 2015.

2. The basis for the annual indexing shall be the latest published Reclamation Construction Cost Trends Indices (the indices) as specifically described in Exhibit A based on the applicable feature of, or major cost associated with, the RWS.

3. The County Cost Allocation shall be indexed from October 1, 2006, annually, in accordance with this Paragraph and the example set out in Exhibit B.

4. Reclamation's latest published report for the indices may be obtained at www.usbr.gov/tsc/techreferences/mands/cct.html.

5. Before the total remaining construction cost estimate for the RWS, including the County's remaining Cost Allocation, is indexed at the beginning of each FFY, all expenditures made by Reclamation and County expenditures for land acquisitions under Paragraph II(A)(3) during the previous FFY shall be subtracted from the remaining

unexpended construction cost estimate as of October 1 of the previous calendar year. Funds are “expended” upon disbursement by Reclamation.

C. Annual Funding Contributions

1. Exhibit C sets out the County’s estimated annual funding contribution schedule for FY 2019 through FY 2024. Exhibit C shall be subject to annual revisions in accordance with Paragraph II(C)(1) below to account for annual indexing and the agreed upon construction schedule for each upcoming FFY. In addition, Exhibit C shall be revised to decrease the County’s future funding contributions if the County reduces the Non-Pueblo Portion in accordance with the Cost-Sharing Agreement or, in its discretion, makes an early funding contribution over and above its required funding contributions. Exhibit C may also be revised to reflect unanticipated changes in the construction schedule, expenses, or for other reasons, but only in accordance with a written agreement between the Parties.

2. The County shall make its annual funding contributions from the Special Fund defined below in accordance with Exhibit C, as the same may be revised annually and from time to time in accordance with Paragraph II(C)(1) below; *provided*, however, that County Cost Allocation shall not be increased except by amendment of this Agreement, or as otherwise agreed to by the Parties in writing.

3. The County shall submit its annual funding contribution to Reclamation on or before October 1 of each year in accordance with Exhibit C, as the same may be revised from time to time. If the County fails to make a scheduled contribution in accordance with Exhibit C by November 30, and Reclamation thereafter incurs additional expenses for the Project after all prior County contributions have been expended, Reclamation may assess interest on the County’s unpaid share of such actual expenses for the Project at the Interest During

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Construction (IDC) rate in effect on the date that construction commences. The IDC rate will compound annually.

4. In the event the funds contributed by the County pursuant to Exhibit C are insufficient to complete the agreed upon scheduled work items for a given FFY, the Parties shall meet and confer within two (2) weeks of notification provided to the County pursuant with Paragraph VII(A). If the Parties do not agree to additional requested amounts, the Parties may agree in writing to stop work or, alternatively, they may agree that Reclamation will continue the scheduled work without any additional County funding contribution for that FFY, in which case IDC will be applied to any Reclamation expenditures applicable to the County's cost share.

II. ADDITIONAL RESPONSIBILITIES OF THE PARTIES

A. The County shall:

1. Upon execution of this Agreement, establish and maintain a special segregated County fund ("Special Fund") from which it will make all funding contributions required under this Agreement. The Special Fund shall consist of all proceeds the County derived from the sale of the Top of the World ("TOW Proceeds") water rights and farm. In addition, before the TOW Proceeds are completely depleted, if ever, the County will deposit into the Special Fund such additional monies as may be required to cover the County Cost Allocation; *provided*, however, that such additional monies shall be derived exclusively from revenues generated by the one-quarter of one percent capital outlay gross receipts tax imposed by the County under NMSA 1978, Section 7-20E-21, or the first one-eighth increment of the County hold harmless gross receipts tax under NMSA 1978, Section 7-20E-28 (collectively, "Special Funding Source"). If for any reason the TOW Proceeds and Special Funding Source are not

sufficient to meet the County's funding obligations under this Agreement, the County may use such other then-existing funds to cover the remaining County Cost Allocation as may be approved and appropriated by the Board of County Commissioners, in its discretion, to the Special Fund.

2. Deposit all County funding contributions in a U.S. Treasury account by electronic funds transfer, as directed by Reclamation. Upon execution of the Agreement, the County shall furnish Reclamation with the County's taxpayer's identification number (TIN).

3. Acquire such easements, rights-of-way, land, or other interests in real property for the RWS as may be agreed upon by the Parties. The County's reasonable costs of such acquisitions will be credited against the County's Cost Allocation, upon satisfaction of the following:

i. The County and Reclamation agree in writing in advance on the real property interest(s) to be obtained and the total estimated acquisition cost;

ii. After the acquisition, the County provides Reclamation with documentation of the actual acquisition cost;

iii. The County shall receive a credit only for the actual acquisition cost, exclusive of staff time; and

iv. The County provides Reclamation with such easements, permits, or other instruments as may be necessary to assure Reclamation obtains access for each interest in land the County acquires.

B. Reclamation shall:

1. Beginning on November 1 in the year the Parties execute this Agreement and during each quarter of the calendar year thereafter, Reclamation will provide the County

written reports (quarterly reports) with an itemized list of expenditures Reclamation allocated to the Project and the County's cost share, including total County funding contributions and land acquisition credits to date, the County's total allocated amount of expenditures to date, and the remaining balance of the County Cost Allocation.

2. Prior to commencing construction of any phase or stage, Reclamation shall provide the County with the 30%, 60%, and final design for construction and cost estimate for the phase or stage, and include with the final design a proposed construction schedule. The cost estimate shall include the non-federal share and describe the portions or features being constructed with non-federal contributions. Reclamation shall in good faith consider the County's comments on the design and construction schedule. The cost estimate and the County's cost share shall be broken down into the system components set out in the HKM Engineering Report or other agreed upon formats. The County shall have the opportunity at the 60% and final design levels to reduce or modify the Non-Pueblo Portion within that phase or stage and, at the County's discretion, thereby reduce or re-allocate the County Cost Allocation accordingly. The County's funding contribution at the beginning of each FFY shall be based upon the final design and cost estimate and the construction schedule; provided, however, that the County's funding contribution and construction schedule may be revised by agreement of the Parties.

3. Index the construction cost annually, on or before December 31 of each year, to recalculate the future values shown in Exhibit C and adjust the funding contribution schedule accordingly for the purpose of revising Exhibit C in accordance with Paragraph II(C)(1) below.

4. Initiate negotiations with the County pursuant to Section 611(g)(1) of the Act, if the Secretary determines that the cost of constructing the RWS exceeds the amounts described in the Cost-Sharing Agreement, for an agreement regarding non-Federal contributions to ensure that the RWS can be completed as required by Section 623(3) of the Act. Because current cost estimates are in excess of the amounts made available pursuant to the Act the Secretary will initiate negotiations with the parties to the Cost-Sharing Agreement pursuant to Section 611(g)(1) as soon as practicable with the intent of executing an agreement to allocate the excess costs prior to commencement of construction. The Parties acknowledge that, pursuant to Section 611(g)(2) of the Act, the United States shall not bear the entire amount of any cost overrun associated with construction of the RWS.

5. If County funding contributions are no longer needed by Reclamation for any reason, Reclamation will immediately notify the County in writing pursuant to Paragraph VII(A), and Reclamation's Finance Officer in consultation with the County Finance Director, will determine the amount of funds to be refunded to the County and return any remaining funds to the County within 90 days of Reclamation's notice to the County.

C. Joint Responsibilities

1. On or before February 1 of each year, Reclamation shall provide the County with a written cost accounting report. The report shall present a detailed account of all County funding contributions and land acquisition credits to date, an itemized list of total expenditures and the County's share of such expenditures, remaining unexpended funds previously contributed by the County, the remaining indexed County Cost Allocation, the estimated construction costs for the next FFY, and such other information as may be pertinent to revising Exhibit C. Reclamation shall provide proposed revisions to Exhibit C along with

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its cost accounting report to the County. If the County does not request an explanation of Reclamation's proposed revisions to the Exhibit within ten (10) calendar days thereafter, the revisions shall be deemed approved by the Parties. If the County timely requests an explanation, the Parties shall meet and confer within ten (10) days of such request to agree upon revised Exhibit C.

2. By April 1st of each year, the Parties shall agree to revise Exhibit C.

3. The Parties will meet as necessary to address matters relevant to this Agreement including, but not limited to, Reclamation's quarterly reports, cost indexing, construction schedules, and substantial completion of RWS.

III. CONTINGENCIES

The County may temporarily withhold an annual funding contribution if:

A. Either the United States or the State has provided notice of or otherwise demonstrated an unwillingness or inability to make a required funding contribution for a given FFY. The County shall cease withholding and make its required funding contribution for that FFY within ten (10) days of receiving notice that the United States and State have made the required funding contribution(s). If Reclamation incurs project expenses during the period in which the County withholds its funding contribution, IDC may be applied in accordance with Paragraph I(C)(3).

B. The Secretary issues a written determination pursuant to Sec 623(e)(2) of the Act that the RWS will not meet the criteria for substantial completion.

IV. TERM OF THE AGREEMENT

A. Effective Date

This Agreement shall be effective upon the date of execution by both Parties.

B. Termination

1. The Agreement shall terminate automatically upon termination of the Settlement Agreement, termination of the Cost-Sharing Agreement, or upon voiding of the Final Decree, whichever occurs first.

2. Upon termination of this Agreement for any reason, the United States shall complete a final accounting of the project to date, return unexpended non-Federal funds to the contributing Party in accordance with Paragraph II(B)(5), and enter into negotiations with the Parties of the Cost-Sharing Agreement to determine the disposition of the constructed portions of the RWS and any real and personal property acquired to date in order to make those assets available to the intended beneficiaries

V. AMENDMENT

This Agreement may be amended only through written mutual agreement of the Parties.

VI. STANDARD ARTICLES

These Standard Articles are made part of this Agreement, pursuant to Reclamation Manual requirements:

A. Notices

Any notice, demand, or request authorized or required by this Agreement shall be deemed to have been given, on behalf of the County, when mailed, postage prepaid, or delivered to the Regional Director, Upper Colorado Region, Bureau of Reclamation, Attention: UC-443, 125 South State Street, Salt Lake City, UT 84138, and on behalf of the United States, when mailed, postage prepaid, or delivered to the County Manager, Santa Fe County Manager's

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Office, 102 Grant Avenue, Santa Fe, NM 87504. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this paragraph.

B. Contingent on Appropriation or Allocation of Funds

The expenditure or advance of any money or the performance of any obligation of the United States under this Agreement shall be contingent upon appropriation or allocation of funds. No liability shall accrue to the United States in case funds are not appropriated or allotted.

C. Official Not to Benefit

No Member of or Delegate to the Congress, Resident Commissioner, or official of Santa Fe County shall benefit from this Agreement other than as a water user or landowner in the same manner as other water users or landowners.

D. Assignment Limited-Successors and Assigns Obligated

The provisions of this Agreement shall apply to and bind the successors and assigns of the Parties hereto, but no assignment or transfer of this Agreement or any right or interest therein by either party shall be valid until approved in writing by the other party.

E. Rules, Regulations, and Determinations

Reclamation shall have the right to make determinations necessary to administer this Agreement that are consistent with its provisions, the laws of the United States and the State of New Mexico, and the rules and regulations promulgated by the Secretary. Such determinations shall be made in consultation with the County.

F. Medium for Transmitting Contributions

All contributions from the County to the United States under this Agreement shall be by the medium requested by the United States on or before the date the contribution is due. The

required method of contribution is deposit of funds in a U.S. Treasury account by electronic funds transfer as directed by Reclamation.

G. Agreement Drafting Considerations

This Agreement has been negotiated and reviewed by the Parties hereto, each of whom is sophisticated in the matters to which this Agreement pertains. Paragraphs I-VII of this Agreement have been drafted, negotiated, and reviewed by the Parties, and no one party shall be considered to have drafted the stated articles.

H. Books, Records, and Reports

Subject to applicable Federal laws and regulations, the Parties shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this Agreement.

VII. TECHNICAL POINTS OF CONTACT FOR THIS AGREEMENT

Bureau of Reclamation

Area Manager
555 Broadway Blvd NE (ALB-800)
Albuquerque, NM 87102
(505) 462-3555

Santa Fe County

Director, Public Works Department
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276
(505) 827-3023
email@santafecounty.org

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WHEREFORE, we agree to be bound by the terms and conditions contained in this

Agreement:

Bureau of Reclamation

By: _____
Brent Rhees
Regional Director

Date: _____, 2018

By: _____
Joshua Mann
Attorney-Advisory

Santa Fe County

By: _____
Anna C. Hansen
Chair, Board of County Commissioners

Date: _____, 2018

By: _____
R. Bruce Frederick
County Attorney

EXHIBIT A
Reclamation’s Construction Cost Trend Indices Selected
for each Major Feature of the Pojoaque Basin Regional Water System
that has Costs Allocable to Santa Fe County

The current published report of each construction cost trend and an explanation of how the trends are calculated may be found at www.usbr.gov/tsc/techreferences/mands/ecl.html

MAJOR FEATURE	CONSTRUCTION COST TREND INDEX
Intake and Pump Station (Raw Water)	Pumping Plants
Water Treatment Plant	Pumping Plants
Pipelines	Distribution Pipelines
Pump Stations	Pumping Plants
Storage Tanks	Pumping Plants – Structures and Improvements
Hybrid (Aquifer Storage and Recovery) Wells	Pumping Plants
Service Connections	Distribution Pipelines
Pressure Reducing and Control Valves	Distribution Pipelines
SCADA System	Pumping Plants, Equipment, Accessory Electric and Miscellaneous Equipment
Electrical Improvements	Pumping Plants, Equipment, Accessory Electric and Miscellaneous Equipment
Operation and Maintenance Assets	Machinery and Equipment

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EXHIBIT B

Numbers are shown as integers but are rounded only when the calculation is complete.

(Pumping Plants, Base Authorized Amount - 1,238)

$$\begin{aligned}
 &1,238 (201/136) = 1,830 \text{ (New ceiling before 1-76 expenditures are deducted)} \\
 &\quad \underline{-788 \text{ (Expended amount in 1-76)}} \\
 &\quad 1,042 (214/201) = 1,109 \text{ (New remaining ceiling for P. Plants)} \\
 &\quad \quad \underline{-1,109 \text{ (Partial expended amount in 1-77)}} \\
 &\quad \quad \quad 0 (227/214) = \quad \quad 0 \text{ (Remaining ceiling avail.)} \\
 &\quad \quad \quad \quad \underline{+1,897 \text{ (Total expenditures)}} \\
 \text{Over expenditure assigned below -} &\quad \quad \quad 1,897 \text{ (Total ceiling for P.lants)}
 \end{aligned}$$

(Canals, Base Authorized Amount - 9,556)

$$\begin{aligned}
 &9,556 (202/133) = 14,514 \text{ (New ceiling before 1-76 expenditures are deducted)} \\
 &\quad \underline{-7,090 \text{ (Expended amount in 1-76)}} \\
 &\quad 7,424 (209/202) = 7,681 \text{ (New remaining ceiling for Canals)} \\
 &\quad \quad \underline{-7,457 \text{ (Over expenditure for P.Plants in 1-77)}} \\
 &\quad \quad \quad 224 (219/209) = 235 \text{ (Remaining ceiling avail.)} \\
 &\quad \quad \quad \quad \underline{+14,547 \text{ (Total expenditures)}} \\
 &\quad \quad \quad \quad \quad 14,782 \text{ (Total ceiling for Canals)}
 \end{aligned}$$

(Concrete Pipe, Base Authorized Amount - 7,997)

$$\begin{aligned}
 &7,997 (190/128) = 11,871 \text{ (New ceiling before 1-76 expenditures are deducted)} \\
 &\quad \underline{-5,179 \text{ (Expended amount in 1-76)}} \\
 &\quad 6,692 (197/190) = 6,938 \text{ (New remaining ceiling for C. Pipe)} \\
 &\quad \quad \underline{-880 \text{ (Over expenditure for Land/Rights in 1-77)}} \\
 \text{800 acres of land assigned} &\quad 6,058 (205/197) = \quad 6,304 \text{ (Remaining ceiling avail.)} \\
 &\quad \quad \underline{+6,059 \text{ (Total expenditures)}} \\
 &\quad \quad \quad 12,363 \text{ (Total ceiling for C. Pipe)}
 \end{aligned}$$

These may also be calculated in the form –

$$\begin{array}{r}
 \text{(General Property, Base Authorized Amount - 1,067)} \\
 \text{(Expended amount in 1-75)} \\
 \text{(Expended amount in 1-76)} \\
 \text{(Total expenditures)} \\
 \hline
 1,067 (233/143) - 861 (233/193) - 325 (233/201) + 1,186 = 1,508 \text{ (Total ceiling for G. Prop.)}
 \end{array}$$

(Roads, below, are calculated same as general property in above scenario, but shows use of special local indexes, e.g., "3250/1285.")

$$3,269 (3250/1285) - 1,007 (3250/2153) - 648 (3250/2838) + 1,655 = 7,661$$

EXHIBIT C

**County's Estimated Cost-Share of PBRWS Project Costs
(\$ Millions)**

Fiscal Year (FY)	Index Factor	Annual Payment amount	Remaining County Contribution
2006	1.000		7.400
2018	1.344	0	9.946
2019	1.380	5.000	5.080
2020	1.418	2.000	3.164
2021	1.456	3.164	0.000
2022	1.496	0.000	0.000
2023	1.537	0.000	0.000
2024	1.578	0.000	0.000
TOTAL		10.164	

Note: the Index Factors for 2020 and subsequent years are estimates and the payment amounts shown in 2020 and 2021 will need to be re-calculated based on the actual index factor for each of those years.

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