

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
March 26, 2024

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

SFC CLERK RECORDED 05/02/2024

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1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:03 p.m. by Chair Hank Hughes in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. O'ga P'ogeh Owingeh Land Acknowledgement

F. Moment of Reflection

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

The Chair requested a moment of silence for those around the world suffering from war and famine.

G. Approval of Agenda

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

GREG SHAFFER (County Manager): Mr. Chair Commissioners, there are

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no proposed changes to the amended agenda as presented. I would note that the initial agenda for today's meeting was posted last Tuesday, and the final amended agenda was posted on Friday at approximately 7:05 pm, which is in excess of 72 hours as required by the Open Meetings Act, in excess of 72 hours before today's meeting.

In terms of substantive changes, we did add Miscellaneous Action item 6.H and 6.I as well as presentation item 7. C. Thank you, Mr. Chair.

CHAIR HUGHES: Thank you. Are there any changes from the Board?

COMMISSIONER GREENE: Move to approve.

COMMISSIONER HANSEN: Second.

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

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

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

MANAGER SHAFFER: Thank you, Mr. Chair and Commissioners. We have no retirements to announce at this meeting but we did want to recognize several employees who are recognizing significant anniversaries or milestones with the County. Those recognizing their fifth year anniversary with the County are Frederick Trujillo in the Sheriff's Office, Ryan Krout in the Fire Department. We have several employees who are marking their tenth year anniversary with the County. Those include Alexander Locklin in the Fire Department, Jacob Mares, I believe in the Fire Department, Christopher Vaisa in our GIS Division, and Jeff Espinosa in our IT Division. So I want to acknowledge the loyalty and continued service to the County of those employees.

I'm pleased to announce that we had 20 new hires in the month of February. That brings our vacancy rate down to approximately 17 percent and change, which is about a ten percentage improvement over this time last year. So our new employees are as follows: in the Corrections Department we have Bret Cheely, Lucia Menassera. In the County Assessor's Department, Marcos Rodriguez. We have several new team members in the Land Use Department: Rosemary Masters, Armando Rodriguez and Joseph Scala.

In the Legal Department, Naomi Solomon has joined the team as our records program manager. In the Public Works Department, Jason Romero. In our Utilities Department, Nathan Martinez and Erik Stratton. In the Corrections Department, Katie Calladitto. In the County Manager's Office, in our Procurement Division, Dani Koussa. In the Fire Department, Dylan Gregory. In our Community Services Department, Leesan Barnes and Amy Sandoval. Also in Land Use, Matthew Foster and in Public Works, a new custodian, Elijah Romero. Also in the Public Works Department, a new solid waste maintenance worker, Elijah Chavez. In the Sheriff's Department Abrianna Hicks. And in the Utilities Department, Reyes Rodriguez.

So again, a very healthy and diverse roster of new employees joining the County team. So please take a minute to welcome them to the County as well as recognize our more tenured, long-standing members who are recognizing significant milestones with the County. Thank you.

CHAIR HUGHES: Thank you, Manager Shaffer. Yes, it's great to see

people with milestones and no retirements, and of course a healthy crop of new people in some of the places we really need help, so that's great. Thank you very much. Anything else from the Board on that?

2. Approval of Meeting Minutes

A. Request Approval of the February 27, 2024, Board of County Commissioners Meeting Minutes

CHAIR HUGHES: Are there any changes or a motion?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Yes.

COMMISSIONER HANSEN: I'll move to approve February 27, 2024 Board of County Commissioner meeting minutes.

COMMISSIONER GREENE: And I'll second that.

CHAIR HUGHES: We have a motion and a second, motion by Commissioner Hansen, seconded by Commissioner Greene.

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

B. Request Approval of the March 5, 2024, Board of County Commissioners Special Meeting Minutes

COMMISSIONER HANSEN: Mr. Chair, I move to approve the March 5, 2024 Board of County Commissioners special meeting minutes.

COMMISSIONER BUSTAMANTE: Second.

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

The motion passed by unanimous [4-0] voice vote with Commissioner Greene abstaining.

3. Consideration Proclamations, Resolutions, and/or Recognitions

A. Request Approval of a Letter from Board of County Commissioners to the New Mexico Environment Department in Support of the Clean I-40 Transportation Corridor, Clean Truck Incentive Program and Efficient and Clean Operation for Schools

CHAIR HUGHES: This is a grant application that the Environment Department/Climate Change Bureau is working on now to obtain money for these initiatives through the federal funding. I'm requesting that we approve that letter. Are there any questions?

COMMISSIONER GREENE: I'm generally in support of this and thank you for taking the lead on this. It's – we need to create these electrification corridors and I think this is one of those steps in that direction. If you'd like to make the motion you can. If you like I would make the motion.

CHAIR HUGHES: I'll go ahead and make the motion to approve the letter.

COMMISSIONER GREENE: And I'll second it.

CHAIR HUGHES: Okay, with a motion from Commissioner Hughes, seconded by Commissioner Greene.

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

3. B. Request Approval of a Proclamation Proclaiming April 2-8, 2024, as "International Dark Sky Week"

CHAIR HUGHES: This was requested by several of my constituents who are very active in keeping our skies dark. Since it's a proclamation I will go ahead and read it and then we can vote on it. Proclaiming a Santa Fe County proclamation proclaiming April 2 through 8, 2024 as International Dark Sky Week.

Whereas, Santa Fe County recognizes our stunning vistas, majestic mountains and intricate canyons, piñon and juniper covered hills, rich and varied wildlife, astonishing sunsets, magnificent starry night skies, and ancient cultural heritage, is a special place, unlike any other, and deserving of our finest efforts to preserve and protect its unique environment; and

Whereas, we share an ancient heritage of star-filled skies, through thousands of years, with those who've come before us, and we are honor-bound to protect that heritage; and

Whereas, while light pollution threatens our brilliant night sky, the aesthetic beauty of a natural night sky is a shared heritage of all humankind, providing benefits to all species; and

Whereas, dark, sparkling star-filled skies at night are inherent to the character and allure of the County of Santa Fe, which is also home to dozens of nocturnal wildlife species that rely on undisturbed night environments to hunt, mate, and thrive; and

Whereas, the aesthetic beauty and wonder of a natural night sky belongs to all of us, and the experience of standing beneath a starry night sky inspires feelings of wonder and awe, encouraging a growing interest in science and nature, especially among young people, visitors from other areas, and within our local communities; and

Whereas, the ability to encounter the unfathomable vastness of space through clear starry skies is a unique and extraordinary human experience; and

Whereas, Astronomy – which is both hindered and endangered by unfettered light pollution – represents a statewide capital investment of more than \$1.3 billion, and an annual economic return of over \$250 million, including an indirect attachment to more than 150,000 jobs alone, through the aerospace and defense sector; and

Whereas, Santa Fe, and New Mexico are internationally famed for dark sky tourism, drawing people to the state and to International dark sky certified places, creating tourism income second only to oil and gas revenues; and

Whereas, in the United States and Europe, 99 percent of people live under a light-polluted sky whose impacts on human quality of life are often overlooked or falsely written off as the cost of keeping a community safe, despite a lack of evidence that brighter is better; and

Whereas, 80 percent of the world's population lives under a dome of light pollution – excessive artificial lighting at night that disrupts natural darkness – and who may never experience the visual wonder or ecological and health benefits of living under a dark sky; and

Whereas, light pollution locally and worldwide is destroying natural darkness with severe consequences. Scientists link light pollution to global insect decline, the death of millions of migrating birds, the decline of coral reefs, increased carbon emissions, and disease; and

Whereas, in 1999, New Mexico passed the Night Sky Protection Act, 74-12-1 to 74-12-10 NMSA 1978, to better regulate outdoor lighting fixtures in order to preserve and enhance the state's dark skies while promoting safety, conserving energy and preserving the environment for astronomy. The act was one of the first of its kind in the U.S. Enacting the Night Sky Protection Act made dark skies a priority in New Mexico for the health of its people, wildlife, and economy; and

Whereas, Santa Fe residents can help reduce light pollution by turning off outdoor lights at night when not needed, and help ensure outdoor lighting at night is both functional and environmentally responsible by following International dark sky lighting guides ensuring artificial light: 1) has a clear purpose, 2) is shielded and directed only to where needed, 3) is no brighter than necessary, 4) is used only when needed, 5) consists of warmer color lights with lower Kelvin ratings; and

Whereas, Santa Fe residents can also visit the Santa Fe Conservation Trust website to get more information as to how to use lighting more efficiently as well as inexpensive ways to reduce light pollution by following their *Five Easy Steps to Bring Back the Stars*; and

Whereas, Santa Fe County acknowledges the importance of our dark skies and implements shielding, lumen count, and lighting spillover requirements as part of the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9; and

Whereas, the International Dark Sky Association, the globally recognized authority on light pollution, has created International Dark Sky Week to raise awareness of light pollution, and provide free education, resources, and solutions to the public to encourage the protection and enjoyment of dark skies and responsible outdoor lighting.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim April 2-8, 2024, as International Dark Sky Week.

Thank you for letting me read the whole thing.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: I want to move to proclaim this so we can then discuss.

CHAIR HUGHES: Okay, I'll second your motion to proclaim the week.

COMMISSIONER HANSEN: Thank you so much for bringing this forward, Commissioner Hughes, Chair Hughes. I think it's really important for people to remember that we don't need all the light that is being projected out there and that we have more dark sky, especially living in the city. I miss the fact that I can't see as many stars as I used to be able to see. And so I really appreciate this and thank you so much.

CHAIR HUGHES: Thank you, Commissioner Hansen. I would note that even in Eldorado where I've lived most of the last 30 years, I have noticed that the sky has gotten brighter and it's harder for me to see the Milky Way than it used to be. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you for bringing this forward. I'm also a supporter of night sky protection and the dark skies sort of work behind keeping our skies dark at night. Good for wildlife, good for us, gives us a reference point to where we are in the universe and harkens back to the days when our ancestors got to measure everything by the sky every day.

I also want to bring up – maybe it's a coincidence but we also have a solar eclipse that will be happening and we will be in about the 75 to 80 percent darkness range, so we will have a couple minutes of extra dark skies in about two weeks, a little less than two weeks from now. I'm in support of this measure, but I also want to bring up that proclamations are wonderful, but I look at the fact that our most recent version of the SLDC, referring to dark skies is eight years old and I would hope that we would look at the SLDC in our upcoming revisions to enforce and to regulate some more night lighting because as we build into the areas of the Community College District and all over the county it seems like we are losing our night skies and maybe we need to look at the amount of light that is needed and the types of lighting that is put on homes out there so that we can protect the night skies in fact instead of just only proclamation. Good first step; let's keep going.

CHAIR HUGHES: Thank you, Commissioner Greene. Any other comments before we vote? I just want to add that several of my constituents will be glad to help us with revisions to the SLDC regarding night skies. They have ideas already.

COMMISSIONER GREENE: I would love to start to reach out to community groups, whether it's architects or night sky people or wildlife people or trails people to start working with our SLDC revisions in the next year so that we're not only doing it internally but we're actually asking for experts and passionate people on the outside to help us with those revisions. So I appreciate that.

CHAIR HUGHES: All right. We have a motion and a second.

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

3. C. Request Approval of a Proclamation Proclaiming April 22, 2024, as "Earth Day"

CHAIR HUGHES: Commissioner Hamilton, and Commissioner Hansen.

COMMISSIONER HAMILTON: I'll start and then turn it over to

Commissioner Hansen. Earth Day is a symbol, and given the importance of the earth, at least to me – I bet to everybody here – it’s a very important symbol. It was started in 1970 to call attention to the importance of conservation, of environmental protection, of the relationships of ecosystems and human dependence on that. So I think it’s a very valuable symbol to recognize and to help us think about what we really should be doing to protect the earth.

As important as I think it is and as supportive as I’ve been, Commissioner Hansen is at least as supportive and has done a huge amount to make this a meaningful celebration, so don’t take her name being second as any diminishment of what she’s contributed to what the County does. My recollection is that the County has recognized Earth Day ever since we’ve been Commissioners, at least the last seven or eight years. And I guess that recognition has gotten bigger in the last several years.

Many of these things are captured in what is actually a short proclamation so I’m going to turn it over to Commissioner Hansen to make some comments and then I think we’re going to read it into the record, with your permission.

CHAIR HUGHES: Okay. Thank you, Commissioner Hamilton.
Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much, Commissioner Hamilton. Yes, for me Earth Day is an incredibly important day. I have been a practicing environmentalist since I was in high school. As soon as I heard about Rachel Carson and Stuart Udall, Secretary of the Interior, they are two of my heroes and sheroes. I think that the celebration of Earth Day, even though it is a symbol is a really good way to remind ourselves of how we can take care of the planet, take care of ourselves and take care of the wildlife that we all share.

It’s important to make those efforts and mean them from your heart. And so with that I’ll turn it back over to Commissioner Hamilton to start the reading of the proclamation.

COMMISSIONER HAMILTON: Thank you, Commissioner.

Whereas, the first Earth Day was celebrated on April 22, 1970 in the United States and is commemorated annually to celebrate the beauty of our planet, recommit to actions that promote a healthy environment, and to maintain a peaceful, just and sustainable world; and

Whereas, all people of this earth no matter their race, gender, age, income, sexual orientation, or national origin, have a right to a healthy environment; and

Whereas, humankind is facing tremendous global challenges affecting every community, including degradation of ecosystems, mass extinction of species, and climate change; and

Whereas, Santa Fe County and our citizens, organizations, and businesses have shown dedicated leadership on environmental concerns by addressing issues such as energy production and use, greenhouse gas emissions reduction, low emission transportation, water conservation, farmland conservation, urban forest and habitat protection, waste prevention, and environmental equity; and, Commissioner.

COMMISSIONER HANSEN: Whereas, successful Earth Day celebration events were held in 2021, 2022, and 2023, culminating in the planting of nearly 600 native and climate appropriate perennials, shrubs, and trees with participation by over

200 community members and staff; and

Whereas, these efforts supported climate action at numerous key locations throughout the County; and

Whereas, the County's Earth Day Team, led by Sustainability Manager Jacqueline Beam, is organizing Earth Day 2024 events with an emphasis on investing in stormwater capture, soil health, access to healthy green space, and community gathering spaces to increase habitat resilience; and

Whereas, the event will culminate with the installation of climate appropriate plants and green stormwater infrastructure at the Hondo Fire Station #2 on Saturday, April 20, 2024; and

Whereas, we acknowledge that, to meet the goals of Earth Day to raise awareness, trigger positive action to protect our environment, and help guide local decision-making, the Board will provide leadership, employ the expertise and talent of our community, and engage the hearts and minds of our citizens.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the 22nd of April 2024 as Earth Day.

And I will make a motion to adopt, approve and pass this 26th day of March.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay, we have a motion and second. Other comments?

COMMISSIONER HANSEN: Thank you. I wanted to remind everybody that in 2020 we had started the pandemic and we were also ready to celebrate Earth Day and one of our own local heroines and heroes in this community, Sally Rogers, started Earth Day in Santa Fe in 1970. And so we recognized her that time. We were still by some miracle in March, still meeting and were able to have a meeting before the pandemic really took hold. And we didn't get to celebrate that year because of the pandemic but I just wanted to bring her up again because she is such an important treasure to our community for all the work that she has done in the environmental movement. She is the founder of Conservation Voters of New Mexico, and has participated throughout many administrations and most notably through the Richardson administration. So I just want to give her credit for all her hard work in reminding us how important it is to respect and love our Mother Earth.

CHAIR HUGHES: Thank you, Commissioners. Go ahead.

COMMISSIONER HAMILTON: Thank you. I also wanted, even though it's captured in the proclamation, to give particular acknowledgement to Jacqueline Beam for thinking of such a meaningful and potentially impactful and therefore worthwhile demonstration to be done for this Earth Day, capturing things that really are important in terms of an example, and maybe even could be considered a pilot study of things that we could do on a broader basis and the capture of more serious environmental, climate change related and other related concerns. So thank you, Jacqueline.

CHAIR HUGHES: Thank you, Commissioner Hamilton. Others?
Commissioner Greene.

COMMISSIONER GREENE: Just a thank you, to keep it short, to the Commissioners for bringing this forward. I've always been a supporter of Earth Day and try to lead by example for environmental lifestyle as much as possible, and I appreciate this work. Thank you.

CHAIR HUGHES: Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I'm very grateful, and when you said that you wanted to bring up Sally Rogers I was hoping that we'd get to see here. So totally grateful. Every day is Earth Day, and thank you for making it especially important on this day. So thank you.

CHAIR HUGHES: I agree 100 percent. Earth Day is very important, and it's important to us in Santa Fe County. And I think we have a motion and a second, motion by Commissioner Hansen, seconded by Commissioner Hamilton.

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

3. D. Request Approval of a Letter from the Board of County Commissioners in Support of the City of Santa Fe's Grant Application to the State of New Mexico's Tourism Department to Fund a Feasibility Study for the Development of a Regional Amphitheater in Santa Fe

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair, and thank you, fellow Commissioners and staff that helped me put this together. As you may have heard me speak about in last year's strategic planning sessions, there has been preliminary work to organize some performing arts groups and civic leaders such as the County and the City to look at developing a replacement for the Paolo Soleri Amphitheater that was so near and dear to so many of us but is no longer available or in any shape to operate.

So to this end, the beginnings of a working group has started to discuss ways forward with this and those are including members and leadership over at the Lensic performing arts facility and the Lensic 360, as well as Randy Randall from the Tourism Department, and Councilor Alma Castro from the City of Santa Fe, and myself. And we've met a number of times and have started to figure out how we could get a feasibility study financed and developed in this next year.

To that end, Randy Randall, who is the Tourism Director for the City of Santa Fe has identified a grant opportunity with the State of New Mexico as a potential funding source for the feasibility study for an amphitheater. I don't know if I need to read the whole letter but in general I ask for your support in this and hope that we can bring in the table throughout this planning process. And so this should be great. Part of the feasibility study will be figuring out how to finance it, what the size of it, location of it, all of the questions that sort of need to be answered in the process of finding out whether this is a good idea or not. To that I stand for questions if you have any.

CHAIR HUGHES: Any comments from the Board before we do a motion? Do you want to make the motion, Commissioner Greene?

COMMISSIONER GREENE: Absolutely. Thank you very much. I make a motion requesting approval of a letter from the Board of County Commissioners in support of the City of Santa Fe's grant application to the State of New Mexico's Tourism Department to fund a feasibility study for the development of a regional amphitheater in Santa Fe.

COMMISSIONER HANSEN: I second.

CHAIR HUGHES: All right. We have a motion and a second. Any discussion? I would just like to say I hope it has – if we do get an amphitheater I would love it to have the same feel as the Paolo Soleri. I have found memories of concerts there. I saw Nancy Griffith in one of her last performances there.

COMMISSIONER GREENE: Amazing. It's amazing how many people when we bring this up, this is one of the biggest things that we get support of and we will expedite this if we get behind this and hopefully we get this grant of the City gets this grant, but even if they don't we should be behind this effort in any way we can. So thank you very much, Commissioner.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: I agree that I hope it has the feel of Paolo Soleri. I had the great privilege of seeing Jackson Browne and David Lindley there and also Bob Dylan, so I have very fond memories, plus I live very close to the Paolo Soleri. So it never really bothered me, the music, because it was like over by 11:00, 10:30, 11:00. But it was an amazing place and it's definitely – it was the right size for Santa Fe and it's definitely a loss to the community to not have access to Paolo Soleri.

CHAIR HUGHES: Other discussion? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, and you all are boasting your having seen people there but I worked for a bunch of them and I think that the opportunity with a place like this – I was a IATSE, right out of my undergraduate years. I worked for the International Association for Stage and Theater Employees, which only makes my résumé seem even longer than it already was. But I did, and I got to do follow-spot there. Now, the point isn't about boasting about who I worked for, but the opportunity like this and the jobs that it brings people, because I did work follow-spot for the woman who sang Luca, Susan Vega. But the kind of thing that happened was for people who are working theater, when you're with IATSE, if you have grip experiences, or you've hanged lamps, or you're running tables, those are jobs for our local film and frankly stage and theater people. And it brings back a vibrance to a community that has been known for it.

So when we lost Greer Garson Studios, the studios as well but Greer Garson Theater, and Paolo Soleri, and all of these wonderful and outright magical things that made stage and theater beautiful to our region, this is a real opportunity to bring that heart of it back. So I'm grateful for this effort. I think something really good can happen even from workforce opportunity for people, not to mention those of us who will get to watch some really cool shows. So thank you.

CHAIR HUGHES: All right. Anything else? So we have a motion from Commissioner Greene, seconded by Commissioner Hansen.

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

3. E. **Resolution No. 2024-038, a Resolution Updating the Purpose and Activities of the Water Policy Advisory Committee and Repealing and Replacing Resolution No. 2019-95**

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair. I'm grateful for the opportunity to have the time to make this change with the Water Policy Advisory Board. In the first year of my term on this Commission I asked about which policies we would be working on as a result of the Water Policy Advisory Board, and only to learn that we hadn't had any policies come forth or recommendations. To me policy advisory suggested there would be advice on which policies we should move forward on what I believe if the probably single most important issue – I would say in our whole state, and that's water.

That being said, a lot of good work has been done by the existing committee but the infrastructure wasn't such and we hadn't had a policy since the days that our Commissioner Hamilton had been on there. So Commissioner Hamilton agreed to work with me on this. I want to actually acknowledge that though this shows my name and it was more an artifact of the timing, Commissioner Hamilton worked with me jointly on this, also did the first conversations in bringing the language together, making sure that the final language and all of the work was vetted, had a lot of input in this. So though it shows me as the sponsoring Commissioner I have to acknowledge that Commissioner Hamilton is a co-sponsor on this one.

So I'm going to go ahead and read most of the letter for you because it is what seems to be somewhat of a big change but really it keeps the strong bones that the WPAC already had.

This resolution updates the purpose and activities of the Water Policy Advisory Committee, WPAC, to re-organize the membership and more clearly define the WPAC's duties and responsibilities, and it repeals and replaces Resolution No. 2019-95, which was already a replacement of a 2013 resolution.

The Santa Fe County Water Policy Advisory Committee was established in 2013 to provide factual information to the Board of County Commissioners regarding water, wastewater, and water management within the County and regionally.

The proposed resolution seeks to repeal and replace Resolution No. 2019-95, and update the purpose of the WPAC to emphasize that WPAC shall be a working committee that augments County staff resources by bringing independent expertise, research, and effort to its assigned work. In addition, the resolution seeks to: Expand the WPAC's membership to include non-voting member representative from the Board of County Commissioners. So here on out, we will have someone from the BCC residing. This will become one of the regular standing committees that the Board will have a presence on. This will be a non-voting position. The opportunity for that non-voting position is so that the issues can be vetted in advance, if you will. This won't have any – I won't say any dictate. There won't be anything dictated from that position but it will be evident to those members of that committee what would be acceptable, what the Board is needing to see, those issues that are alive and relevant at any given time to the BCC and assure that the working members will move forward with those issues that are important to the BCC at that time. In other words, don't bring up things that aren't really going to pass muster with BCC type of opportunity.

They will appoint Santa Fe County employees to provide additional administrative and substantive support to the WPAC's work. This has recently been

through the oversight or support through the utility, through our Public Works. When that position is gone then there hadn't been support. So this assures not only that there'll be consistent support for those WPAC members who are volunteer members from the community, but it's going to assure that we have three entities who are working together from our County staff, one from Sustainability, one from Growth Management, and one from Utilities. So there are three entities now supporting the WPAC.

There will be a short amount of time. I hope that we will all work together to see how each of the internal organizations will work together to support the WPAC. This also, that particular change also brings up opportunity that Commissioner Hamilton identified. What about when we have really cool things? And in the interest of bringing up, we just passed the resolution for Earth Day. Last year we got to see these rain gardens, which I have to tell you I have this gigantic hole in my yard waiting for things to grow around it.

But when we've had all this water, that thing just catches the water, it goes straight into my trees which is so cool. And when we were pulling this together, Commissioner Hamilton said, well, what about opportunities for development that actually are not punitive – where's your rain barrel. And then somebody borrows someone's rain barrel. They place it there and then they give it back to them after we've passed the inspection. This is a rain garden and Commissioner Hamilton said, it would be very cool if we had something that actually made it an incentive if you're doing a development. So that gives that kind of interplay between Sustainability, Growth Management as well as our Sustainability person who vetted this as well said things like that could really be valuable. And I'll give Commissioner Hamilton an opportunity to speak to this as well.

As well as we have clarification in the process for soliciting membership. How do people actually get on the WPAC, by recommendation, through a letter to the County Manager's Office, and appointment through their County Commissioner. Adopt a results-based accountability framework using SMART) objectives. So people will actually be learning the results-based accountability processes, and then work to move projects forward with some type of assessment that brings in and builds some accountability for the processes.

So I won't get into a whole lot more. We do have a 19 member group, but it is going to be built on diversity and equity. We're ensuring that a youth voice is brought into this work. If we are talking about something that has to do with water and we're concerning ourselves with the present moment, we are leaving those individuals who are really relying on us to have our best practices in play, and we will have a youth component where those topics that are brought forward to the WPAC will be vetted, discussed and developed with youth integration as well as having all eight of the Northern Pueblos having an opportunity to be seated at this group as well.

So with that 19 individual membership it will have its opportunities for the appointment of the individuals will be rolling so that the quorum can actually be met by those that are already appointed and in place, and we will work to integrate the City, the County, and our regional tribes' water planning resources so that we can assure the development of what has been brought to my vernacular as the future focus for water

planning and not just the 100-year plan but assuring that we're seven gen ahead. And that's a big part of this initiative.

So I'm grateful for the opportunity to pull this together to strategically work on something that I truly believe that if it's given the leadership that I'm hoping we will provide that we will see some changes in how we've been able to address our water issues and concerns in a way that's tighter and more collaborative. We've done good work but sometimes we could really benefit from harnessing it and bringing it closer together. Commissioner Hamilton.

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

COMMISSIONER HAMILTON: Thank you, Mr. Chair. Thank you. I actually am very grateful you pushed to bring – to think about this and bring it forward because over the years I've found the WPAC to be a very – a potentially very valuable committee, one that can consider facts and policies and do research that supports and provides good input to things the Commission and County staff need to consider clearly various aspects to our water resources is a big one, from drought to flooding to conservation. There are many, many aspects of water infrastructure that the Commission my itself and staff by themselves probably just don't have time to do. And now that with the vision of doing that with greater diversity of representation really strikes me as a very timely thing to do. And so I really appreciate it.

And I just – I hope this isn't an inappropriate time, but it turns out that a previous member of WPAC who was also a member of the City Water Conservation Committee and who therefore sort of represented some real collaboration between the City and the County on this and who was also a founding member of NACWA, which is the National Association of Clean Water Agencies. Anyway, an incredible individual who made a lot of contributions to the City and the County and on a national level to water issues, Ken Kirk, passed away unexpectedly a week ago. And so we'd like to acknowledge his contributions and keep him in our memories. Thank you.

CHAIR HUGHES: Thank you, Commissioner Hamilton. Any other comments from this side? Commissioner Hansen, go first.

COMMISSIONER HANSEN: I'm very sorry to hear of Ken Kirk's passing since I had the pleasure of working with him for numerous years and he was a constituent. So my one concern on this and I think it's fantastic, everything that you've done, but I am concerned about the quorum. And so at the moment the quorum is 11, and as many boards as I've sat on all of my life, quorums are usually a big issue. One of the things that I love about the River Commission that I sit on is that we have designated a couple positions as alternates. They hold the same level of authority. They don't lose anything from being alternates, but they can add and count to a quorum in the meeting as necessary. And so I really – when I read everything, everything was fantastic. I just worry about having a quorum and actually being able to make sure that things are happening and being able to move through. Because 19 members is a huge number.

COMMISSIONER BUSTAMANTE: I can address that.

COMMISSIONER HANSEN: And so I would love you to address that.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: So the quorum is based – there would be 19 so you'd actually have to have 10 to have the majority, and that would only be the majority of the number of people who are already appointed into those positions. So unless we had every position with an appointed individual who has committed to being on that it would be – so right now, we haven't been able to have more than seven people who are appointed into those positions. I am hoping that we would be able to have the majority if not all. But it also then allows us to work with smaller working groups and get more committed attendance for their working groups.

So it's not that we have to have the ten and only seven have been appointed. If we have seven members then the quorum is going to be significantly less. So that's the difference for the way this quorum has been identified.

COMMISSIONER HANSEN: Thank you.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: So just for clarity, is the wording such that it indicates a quorum is a simple majority of existing members? Of filled positions?

JEFF YOUNG (County Attorney): Mr. Chair, Commissioner Hamilton, so the wording does say that it is majority of the voting members actually appointed by the Board, so that would be appointed members. That would be the majority of the quorum.

COMMISSIONER HAMILTON: And appointed members, is that a way of saying bodies that fill positions.

MR. YOUNG: Right. They're appointed by the Board.

COMMISSIONER HAMILTON: So vacant positions don't count in estimating. Great. Thanks. That's what I thought, and I think that's was your concern.

COMMISSIONER HANSEN: I wasn't sure about that, the writing. It's just that I want this to be successful because I think that making these changes are really important, but if you meet and you don't have a quorum and then you can't make any decisions to go forward, I know then board members then get frustrated. And so I appreciate that being addressed in that manner. Thank you.

CHAIR HUGHES: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair and thank you to the Commissioners to bring this forward. I think this is a timely and probably overdue look at WPAC's agenda and work plan and organization. I appreciate Commissioner Hansen's idea of having a few other types of committee members that might be alternates or something like that so that people can be – make sure that they get to quorum, but I'd be willing to say I support this wholeheartedly but let's look at this maybe in a year because if they have some troubles on voting and things because people don't show up to meetings that we should probably look at this again, but I think this a great fresh look at this. I like having a Commissioner on there because I think that we should sit on a board that we are passionate about and that we can give an insight from where we think that the Board is coming from, as well as be the person in the room that can translate what the WPAC is discussing and get into the nuances of the discussion at the table there. Thank you very much and I plan to support this.

CHAIR HUGHES: Thank you, Commissioner Greene. Did we have a motion? Or is it time to make a motion?

COMMISSIONER HAMILTON: Yes. I'd like to move to approve this revision of the WPAC Committee.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Okay, and just under discussion I'll say I concur that this is a wonderful thing and I'm glad you took it on because I kept thinking I should take it on and I didn't have time so thank you very much. Any other discussion? If not, we have a motion by Commissioner Hamilton, seconded by Commissioner Bustamante.

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

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

CHAIR HUGHES: It's my understanding that we have some representatives from the US Bureau of Reclamation here and if there's no objection, I'd like to move to item 7. C, Presentation on the Aamodt Pojoaque Basin Regional Water System so that we can be respectful of everybody's time. So if the people are ready for item 7. C, come forward and let's hear about the Aamodt Pojoaque Basin Water System Project.

Do we need a minute to get ready? Okay, while we're getting ready maybe we can do the Consent Agenda.

4. Consent Agenda

- A. Resolution No. 2024-039, a Resolution Amending Resolution No. 2022-060, to Amend the Designation of Security Officer, as That Term is Used in the Santa Fe County Health Insurance Portability and Accountability Act of 1996 (HIPAA) Policies (County Attorney's Office/Michael A. Nunez)**
- B. Request (1) Approval of Change Order No. 3 to Agreement No. 2023-0129-PW with Souder Miller & Associates Modifying the Scope of Services, Increasing the Compensation an Additional \$200,000, for a Total Contract Sum of \$323,579.64, Exclusive of NM GRT, Relating to the NE/SE Connector Project, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Public Works Department/Maria Gomez-Molina and Purchasing Division/Bill Taylor)**
- C. Request (1) Approval to Utilize the Statewide Price Agreement No. 40-00000-23-00016 to Procure Engineering Services with Bohannan Huston for Phase III of the Aqua Fria Wastewater Infrastructure Project for a Total Compensation of \$776,343.87, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign All Necessary Agreements and Documents, Including the Purchase Order (Public Works Department/Mike Hart and Purchasing Division/Bill Taylor)**
- D. Request (1) Approval to Utilize the Cooperative Educational Services**

Purchase Agreement No. 2024-01-AG116-ALL Pursuant to Ordinance 2012-5 Section 1, Outside Contracts to Purchase 34 Trucks for the Sheriff's Office, for a Total Sum of \$1,792,442, and (2) Delegation of Signature Authority to the County Manager to All Necessary Agreements and Documents, Including the Purchase Order(s) (Purchasing Division/Bill Taylor and Sheriff's Office/Ken Johnson)

- E. Resolution No. 2024-040, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) in the Amount of \$63,233 (Finance Division/Yvonne S. Herrera and Sheriff's Office/Ken Johnson)**
- F. Resolution No. 2024-041, a Resolution Requesting a Budget Increase to the General Fund (101) in the Amount of \$31,453 (Finance Division/Yvonne S. Herrera and Community Services Department/Matilda Byers)**
- G. Resolution No. 2024-042, a Resolution Requesting Budget Adjustments in a Net Decrease in the Amount of \$2,548,645 in Various Funds to Realign Budgets Impacted by the Prior Year Fiscal Close (Finance Division/Yvonne S. Herrera)**
- H. Resolution No. 2024-043, a Resolution Requesting a Budget Increase to the Housing Capital Improvement Fund (301) in the Amount of \$620,247 (Finance Division/Yvonne Herrera and Housing Division/J. Jordan Barela)**

COMMISSIONER HANSEN: Mr. Chair, I will move to approve the Consent Agenda.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Any discussion on the Consent Agenda? Okay, we have a motion from Commissioner Hansen, seconded by Commissioner Bustamante.

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

7. C. Presentation on the Aamodt/Pojoaque Basin Regional Water System Project

CHAIR HUGHES: Let us now proceed to the demonstration. It looks like you're almost ready.

JENNIFER FALER: Thank you, Commissioners, for the opportunity to bring you up to speed on the Aamodt settlement and most notably the Pojoaque Basin Regional Water System. We have not been here in a while to talk to you about it. It is a really good time. We're feeling some momentum building. We've resolved some key issues so we're happy to come and share that good news with you all. It is still Aamodt, damn it. Some of you Commissioners were around as we fought through some of the tough issues so we appreciate the support from Santa Fe County as a settlement party, but we also have a large project to implement as part of the settlement. In a broad

presentation there were several agenda items that you asked us to update you on so we'll hit all of those in our presentation.

I apologize. I'm Jennifer Faler, the Area Manager of the Albuquerque area office of the Bureau of Reclamation. We're the agency that was asked to construct the Pojoaque Basin Regional Water System as part of the Aamodt settlement. This is Jennifer Walters; she's the project manager on the Pojoaque Basin Regional Water System. So I'll let Jennifer kick off. Do we have the slides?

MANAGER SHAFFER: They should be up momentarily. I apologize.

MS. FALER: Momentarily. So I could keep rambling on a little bit.

MANAGER SHAFFER: You're welcome to do magic tricks or something.

MS. FALER: Get some balls for Jennifer. She'll start juggling while I remind you all this was a settlement for four pueblos in the County of Santa Fe in the Pojoaque Basin, an Indian water rights settlement. The most notable project within that settlement is the construction of a new regional water system that will serve all four pueblos and the County of Santa Fe.

So the settlement was enacted in 2010. We broke ground on the project. We had limited construction; that was 2020. We completed the limited construction while we were negotiating the amendment to the act which brought in more federal funding, more state funding and deferred some of the County work. And we started full-scale construction in 2022, so that's what we're here to update you on.

I think we can probably jump into it, reminding you – I'll just hit the agenda, Jennifer – what we were asked to present. I'll go over the project, remind everybody what the project is and we have some maps there, give you a feel for the construction progress, go over the overall schedule. The project is, and you'll see with the map, we broke the project down into three phases.

Phase 1 – is it 55 percent of the total project or 45? So Phase 1 is more than half the project. It includes the intake and it includes the treatment plant. So when you hear three phases they're not equally sized. Phase 1 is more than half of the project so that's the one where we're ramped up to full construction on Phase 2. And you'll hear as well all about – we've ramped up on Phase 1, full construction. We will break down phase 2 and the different contracting actions we envision there and talk a little bit about Phase 3.

We'll go through the funding. The project funding and then the cost estimates on the project. You might be hearing there's a difference there. I'm sure the County is implementing construction projects like the rest of all of us are and realizing the costs have gone up a little bit in the last two years for pipes and any type of construction services. We're seeing – we're calling it a less favorable bidding environment for large projects. There's a lot of federal money out in the system and contractors are very busy and they're able to kind of pick and choose the projects that they bid on, and they might be willing to throw a price out for a project but it's not necessarily their lowest price because they know there's other work out there.

In addition to this being a fairly expensive place, if you're mobilizing here to do work, it's difficult to find labor on these projects and so contractors are busy. We're experiencing significant cost increases on the project and we'll go through the details of that and what we plan to do about that.

We were asked to talk about the operating agreement. We just have a little bit of information to share there. You might have some County folks that are on those teams that are negotiating that might be able to help fill you in on the status of the operating agreement.

Easements, we'll go through how the easements were to be handled through the legislation and then what's actually happened on the ground with the easements. And broadband infrastructure is probably a project near and dear to your hearts so we'll give you the update status on that. And then any kind of ongoing coordination would be our last slide, and I am not seeing any slides up there. Do you have the power point or do you need a thumb drive?

MANAGER SHAFFER: I apologize for the delay. Daniel, will we be able to get those slides presented?

DANIEL FRESQUEZ (Media Specialist): Just one moment.

COMMISSIONER HANSEN: Will we get a copy of this presentation? Because it's not on our BoardDocs.

MS. FALER: You don't have it in your packet?

COMMISSIONER HANSEN: No, we do not.

MS. FALER: Oh, okay. I believe you have a copy of the presentation.

MANAGER SHAFFER: Yes, is the short answer and it will be posted to BoardDocs now. Thank you.

COMMISSIONER HANSEN: Okay. Thank you.

JENNIFER WALTERS ADOLPH: All right. Good afternoon, Commissioners. I would like to thank everybody for the opportunity to come and present a status update for our project. I'll introduce myself again. I'm Jennifer Walters Adolph. I am the project manager for the Pojoaque Basin Regional Water System. I have gotten the opportunity to meet a few of you onsite a few times, so good to see you again.

So I'll go ahead and start with the project overview. Jennifer's already gone over the agenda so I'll just jump into the project overview. She also gave a little bit of the history about the settlement as well. So the whole project is actually broken up into three phases. Phase 1 is the – it's depicted on this as the blue lines. It starts in San Ildefonso at the river intake. That's where we're pulling water from the river, and then it goes from there through a transmission line to a water treatment plant that is located at New Mexico 502 in El Rancho, and that's where that water's treated, and then it goes onto the system.

Phase 2 is the orange lines. We have Phase 2, Stage 1, which is the Nambe section, and we have Phase 2, Stage 2 which is the longer portion that goes from Pojoaque South all the way down to the Bishop's Lodge area.

Just to give you an idea of the size of this project, this water system includes seven new water tanks. It's going to connect to 15 existing tanks. All of the transmission and distribution lines, if you add them all together, it's probably about 150 miles of new pipe. We have six pump stations and when all is said and done we'll get possibly about seven miles of new power lines as well.

So I'll go ahead and jump into the construction updates with photos. So this is Phase 1 progress. We're starting at the water intake facility. Again, this is right off of – right by the Rio Grande and by the bridge leading up to Los Alamos. We have completed two of the collector wells. We have collector well 1 and 3 fully completed, and this is a

picture of one of the collector wells here. You'll get a better idea of their scale and size in the next coming pictures. So we have those completed.

We also have the mechanical-electrical building complete. We did start the raw water line at the wells and that well waterline stops just short of State 502 so that we can pick up and finish it going towards the water treatment plant.

There is some construction that needs to be done within the collector wells. The steel grates will hold all of the components – the pumps, the controls and everything needed for the pumping process.

The remaining work in this area – there's not too much left. Like I said, they're just finishing up a few electrical and HVAC installations and the mechanical-electrical building, and some site work gravel around the site and then also for the access roads.

So here's an updated picture of the mechanical-electrical building. The one on the left is the inside of the building. This was constructed actually with those tanks included inside the building. We actually poured that foundation and placed those tanks prior to the outside of the building being built around it. So there's also – they are finishing up the mechanical-electric building. They did also install the safety fence around that building as well.

This is one of the collector wells. You can see that there are people working inside the collector wells there. The collector wells, the diameter is about 16 feet in diameter and a typical depth of about 30 feet. They have some radial pipes that go out underneath and that's what draws the water in from the river. They're designed to have screening on them so that it minimizes any silt buildup in those wells.

So on to the water treatment work site. We're still within Phase 1 progress. You can see in this slide there is a rendering of the completed water treatment plant site but to date we've done the site work for the construction. That took quite a bit of time. We had to actually build a retaining wall to hold back that hillside just to make additional room for the treatment plant. All the mobilization and the site utilities have been completed and one of the – the larger building, the water treatment facility building has been – the foundation has been completed and the steel frame is going up.

The remaining work is pretty much the remainder of the water treatment plant. There's tanks, raw water lines, clear wells – I can go on and on. But there's quite a bit of remaining work to do.

Currently, CDM, the contractor, is preparing for mobilization at additional sites. It looks like the next coming sites would include Pojoaque Industrial Park tank and pump station, and also include El Rancho tank. So those are – based on what CDM has supplied for their schedule, it seems like those are the next sites to be mobilized.

So this is an ongoing construction overview of the water treatment plant site. You can see – this picture was actually taken in September so a lot of work has happened since this photo. But you can see all of the piping, the conduit that's actually going to be buried underneath that foundation.

The next slide I'll just show you a little bit more of the components. As I had mentioned, this site is located in the corner of New Mexico 502 and El Rancho with the plant being on the west side of El Rancho Road. We have the raw water coming from the right side and going into some raw water holding tanks, going through the water treatment process, and then being stored on the other side in the treated water tanks,

finally being pumped into the distribution system after that.

These are updated close-up photos of the construction in that area. This is one of the photos. It includes the solids thickening tank. These tanks are quite large. I believe under grade it goes down an additional ten feet, so there's quite a bit of concrete work that was done onsite. And this picture was taken from above so it's actually – somebody is standing on the retaining wall and looking down, so those tanks there on the left side, those will hold the treated water prior to it being pumped into the distribution system.

And this is the water treatment process building. So the steel frame is going up. That is currently where we are in the process of the water treatment plant. The majority of the work is right now just focused on the water treatment building.

And there's lots of conduit in the ground to tie all these components and systems together so that they work seamlessly.

As far as the schedule for Phase 1, the design was completed in 2019. Jennifer had mentioned that we did start limited construction in May of 2020, which is not the best time to start construction but we wanted to make sure that we did keep this project on track to be finished within the substantial completion date of June 2028.

So currently we just – I'll walk through what the construction that we have going on right now. The remainder is – we called it the balance construction, and that's due to – when we just started the plant we had the intake. We called that a limited construction, and then as we received additional funding we had little packages of additional construction. We wanted to make sure that we locked the contract in for the remainder of the work. And the estimated completion date of the project, of Phase 1, and this includes all of the sites, would be in the fall of 2027.

So going on to Phase 2, the first portion of Phase 2 that would be in construction is Phase 2, Stage 1. That is the Nambe portion of the water system. That design is completed. As far as the status of that, it is in acquisitions right now. It's going through the solicitation. We're expecting it to be – I use the express on the streets, next month. We are experiencing some low contractor interest. I think Jennifer had mentioned that as well. Given the timeline for this solicitation we expect the contract to be awarded in the fall of 2024 with notice to proceed and groundbreaking in the late fall of 2024. The expected duration of this portion of the construction is 18 months.

The other portion of Phase 2 – we call that Phase 2, Stage 2, because it's a larger portion of the project, we actually – as far as the design is broken up into two components, the site facilities and the pipelines. So the site facilities, the design is complete. It's officially 100 percent next month and it is expected to go through the solicitation process the same – it's a design-bid-build, so expected groundbreaking date would be April of 2025. And the construction duration of that is approximately 18 to 24 months.

The pipeline portion of that project, technically it's at 60 percent but the design is closer to 100. It should be completed by September of 2024. Again, the same process, going through solicitation, expecting that to be bid and work start in the fall of 2025. And that portion as well, the duration is expected to be 19 to 24 months.

Phase 3: So Phase 3, and I apologize for this because after I put it in there that purple lines are very hard to see, but the purple lines are what we are calling Phase 3, the distribution lines. And they go throughout the entire system. The schedule for Phase 3 is

that that also is broken up into two sections. We had a design-build portion and that design-build portion, the design was completed in 2019. After some additional review with the County – I know that there are some areas that needed to be corrected, shifted, sizes changed, so we're in the process of doing that and along with that we're trying to get additional costs for that portion of work so that the County can plan for the areas that are most important for the construction.

If that progresses, we can expect an award in fall of 2024. It will be six months after that. So it will probably be the beginning of 2025, with an expected duration of 18 months. One thing to note about that portion of the work is that the mobilization would already be there. That's what we're banking on, given that CDM and subs are also just working in that area.

The other portion of Phase 3, that is the design-bid-build portion. It's currently at 30 percent and it is on hold pending the indexing resolution, and Jennifer will speak to that.

This is just a summary of everything that I've gone over to this point, going through Phase 1, where the design-build is. It gives you an update on the status and the estimated time of construction. All right. So I'll go over and hand it over to Jennifer for the funding.

MS. FALER: The other Jennifer. Funding and project costs – anybody who's read the legislation knows the funding on Aamodt is fairly complex. We have different pots of money – federal, state, county – they have different indexing rules for all of those. The way the settlement was put together some things are sitting in trust funds, some things are sitting in other funds, so it's quite a complicated story, but I think we've done a good job of putting that into a few slides to hit home with what we're talking about: What are the costs? What's the funding look like? And what do the project costs look like?

So here we have – these are the fundings. So this is the money that we have to spend on this project with the column headings, the 111-291, the 611(g) Those are the acts or agreements that established those funding amounts and the dates that are relevant to those. The roles, federal, state, county, are self-explanatory. So starting with the 11-291, that's public law 11-291. It talked about \$106 million in federal dollars, \$45.5 million from the state, and \$7.4 million from the County. So we had \$159 million was the original cost estimate for this part of the settlement.

We pretty quickly realized that wasn't enough as we started through the design and fortunately the original act had a clause in there, the 611(g), that's where that comes from is in the original act. It said if there's not enough money sit down and figure it out. So we did that in 2019. That was codified in legislation, that agreement. That added \$137 million in federal fund. The state went up to \$100 million, no longer subject to indexing, and the County went to \$14.4 million, but largely the County had deferred and that's the first subtitle. Deferred brought \$24 million in construction that you will do after our project is complete as the need for the water system, there's growth in the county. That will be completed at a future date.

So that was kind of the deal that we all struck in 2019. The last column is just taking those 611(g) amounts from 2018 and indexing them forward to 2023. So that's kind of how that money grows over time. That's a good example of that. So the federal,

\$276.8 million has grown to \$404.9 million through the indexing process.

The other bullets – oh, and of that \$522.3 million we've expended \$123 million to date, about 24 percent of the project budget. And the big ticket items are kind of front loaded with the intake and the treatment plant, so we're kind of comfortable with that level of spending, where we are in the project.

To give you an example of the cost escalation through contracting, the current bid environment, as Jennifer mentioned, starting in 2022 was probably one of the worst times to start a \$500 million project in construction. But again, the 2018 dollars, the Phase 1 construction was estimated to be \$135.5 million. Indexing that, 2018 costs to 2023 dollars would have grown by that \$40 million to \$172 million, but the actual costs – and we did a lot of due diligence on this actual cost to bring those costs down as much as we could. We are convinced that that is the real cost of what it costs to do that work today in today's environment is \$356.7 million. So quite a cost bump there. It's basically doubled, the actual cost through bids versus what an estimate would have been back in 2019 when we were negotiating that agreement.

So now to put that into context, what happened on Phase 1, we've had to figure out what does that mean for the whole project? So putting that into context we're going back to all the cost estimates on the project. So we're going from that last slide which was actual bids, telling us how much money we had but what the bids and contract awards look like, two slides ago I was presenting the funding. So those are all the sources of funding that we can use to construct this project. What this table is are the best estimates of the costs of the full project.

And there's a lot of engineering judgment in these, because you're projecting out costs out into 2026 and 2027 and how much would Phase 3 cost. So 2015, the feasibility study cost estimate was \$320 million in 2015 dollars. Again, referring to that major milestone in this project, 2018, the cost estimate for the full construction was \$406.3 million. If anybody's going to go back and compare this cost estimate to the slide two slides before which is the funding, those numbers are different and to reconcile that, if you go look at the 611(g) agreement, the cost estimate and the actual funding were different in the legislation. There was a discrepancy there, so that's just being reflected in this table.

So \$406 million was the total cost estimate back in 2018. Again, just indexing that out, if the indexing worked, which it should. Indexing is just taking inflation and applying it to your project. And it's the actual inflation. Like what actually happened out there. If the indexing had worked, today's cost estimate should be \$515.8 million. But we're not – we're estimating it at \$776.5 million. And that's again, engineer's discretion following Reclamation's cost estimating policies and things. So we're projecting about a \$250 million discrepancy in the funding that we have available and what we think it's actually going to cost to build all the phases.

But like I said, this is kind of good timing for a presentation because Reclamation has been struggling with this issue on all of our rural water projects of which there is one in New Mexico. It's out in eastern New Mexico. There are several up in Montana. We're kind of struggling with that same thing. Hey, Congress told us to build these six rural water projects; we don't have enough money. What are we going to do about it?

So we've convened a team. They're working through a process to resolve the

rural water projects. That team is then going to tackle the Indian water rights settlement project but we've let my leadership know, we can't wait for a team to solve it. Aamodt needs to get a resolution soon. As Jennifer presented, there's a lot of contracts that are going to be hitting the street. We need a resolution on this project sooner rather than that. So our regional director has given us permission to work on a proposal that will go up to our commissioner to rework the indexing and come up with an index for our on the ground – a little bit of explanation. The way the indexing works, it's done out of our Denver Technical Service Center, and they do indexing for the whole western United States. They don't have a treatment plant index; they have a pipeline index and they have a pumping plant index. But they don't actually have a treatment plant index.

So we've been using the pipe and pumping plant to index our dollars here. And it's not keeping up. And so that's one of the things we'll do is we'll create an index for a treatment plant and localize that to the Santa Fe area. We have permission to start working on that process and we're optimistic that that will result in a substantial increase in the allowable funding without having to go back to Congress and seek a ceiling raise, which was not easy for the partners to do.

So we're going to start that process. It will be internal to Reclamation. We'll get an economist on board and start working through that. So very good news for us. It might take a little while before we have anything to share along those lines, and we're optimistic that that will give us a good path forward. That's all I had on the funding.

The next item I had on the list was the operating agreement. From Reclamation's perspective we were asked to construct this water treatment plant on behalf of the pueblos in the county and we are told to give that to you all. Once we're done, we'll convey the water treatment plant to you. We have about \$5 million where we'll operate and maintain it while it's in construction but once we've expended that \$5 million of operations to maintain it the treatment plant will belong to you all and that's when this operating agreement will be invoked.

We're involved in some of those meetings. We're a source of information. Our contractor is a source of information for the operating agreement that's being developed between the pueblos and the County. So that's what we have to say about that.

I promised something on easements. What was the plan? What's actually happening? So through the act, language in here, just to make it easier for you all to see, the County will procure all the easements and convey them to the United States. To the extent there's a cost for the County, that will be applied to your cost share. So that's how the county easements work. Your folks are currently working on the Phase 1 and 2 easements. We've been working completely on San Ildefonso Pueblo lands so far for Phase 1 but as we award the contract for Phase 2 we will be utilizing easements that are procured by the County. No known issues at this time with any in the county. We've done some coordination. They're well aware of our needs and we're not foreseeing any issues there.

On the pueblo side, the act said in exchange for the funding that the United States is paying for the pueblo's share of these treatment plants, and in exchange for that the pueblos will grant easements and rights-of-way as necessary for the construction of the water system. So what we've done along those lines is negotiated construction agreements with each pueblo. We've completed three of them. San Ildefonso, Pojoaque,

Nambe, we have completed construction agreements with all those pueblos. We're working on Tesuque, a construction agreement. We're currently negotiating with Pojoaque a modification of that construction agreement because some things have changed. So they were meant to be sort of living documents, but they do spell out the actual easements and where all the planned work is occurring. So that's how that is formalized, is through construction agreements in our construction corridors.

We do – we have the need on the 502 for the permanent power line. We need to widen the current corridor that we have in the San Ildefonso construction agreement and we've been working with them to reach an agreement and we're working to complete that agreement as soon as possible. We're going to be at a tribal council meeting next month to present on that. So that's the status of the easement.

Broadband infrastructure, I can hit this. Jennifer is a lot more familiar with it. We've had several meetings with the County on this. Understand, you don't want to pave a road and then come back and put a sewer line in and tear up a brand new paved road. The coordination, we understand the need for that and we'll do what we can to accommodate that and combine as much as we can for cost savings. We also, as is spelled out, Reclamations role in this project is we were asked to construct it on behalf of the four pueblos in the county. Get you a functioning water system and we will convey that. So we are very much bound by all the parties and one party can't come to Reclamation and say, hey, while you're at it, could you do this for us? We bring that to the other parties and say, hey, this – Pojoaque is a good example of that.

So we've been directed – that may be too strong – but when this has come up in meetings the pueblos have said this is great. Let's do it, as long as it's not going to add costs or affect the schedule of the projects. So that's our approach to date and why we sent the letter. It's great. Let's do it. CDM, they're out there and they have roads torn up and we could throw a fiber optic line in there while we're at it, we're all for it. But we need to make sure it's not adding costs or delaying the schedule. So that's the gist of the broadband.

And then just broadly, we can brainstorm, what else are some of the other issues? What's going on? And obviously the cost escalation and indexing is really gotten our attention. We've spent a lot of time working on that and we're glad we have approval to move forward with developing our own on the ground solution for this project. It's not getting caught up in a larger Reclamation process.

Like I mentioned, we will be presenting at the next tribal council to make sure we're not having any easements holding up any of the work. Kind of breaking news: As CDM is ramping up, Jennifer referred to kind of we're having a lot more meetings as they're ramping up, going to full-scale construction. They may be working at multiple sites at one time instead of focusing at the treatment plant or at the intake. So they're looking at some traffic control plans and potentially looking to expand, work longer days.

MS. WALTERS ADOLPH: The main one that I had brought to my attention and I forwarded on to the County was El Rancho Road. They want to temporarily close that road for a period of, I believe, 60 to 90 days. And then below it we have expanding CDM's hours. We're looking at ways to mitigate that to lessen the amount of time to have that road closed, asking CDM if it's possible to expand the hours in order to get that work done in that area quicker.

MS. FALER: That concludes our presentation.

CHAIR HUGHES: Thank you very much, and extra thanks to Daniel for getting slides to work under pressure. Questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Jennifer and Jennifer, for the presentation. So, it's not a good time in the federal government for us to go get any more money, so I'm glad that you've figured out some mechanisms to work on that. But I was in DC in February. I did meet with Senator Ben Ray Lujan and he's still not happy. He still thinks that money, that Commissioner Mikkelson expended money that he didn't need to expend early on, and he wants a full accounting. He said this to me numerous times. I'm sure he's said it to the County Manager. He might have said it to Commissioner Greene. But he is quite concerned about this.

I'm bringing this up because I feel like I have the – myself and Commissioner Hamilton – have the longest history where with this whole process. We worked with Commissioner Mikkelson when he was at the Bureau of Reclamation. I know that he wanted to see this project finished. I think he tried to work very hard but at the same time we felt there was a – and I agree with Senator Lujan, there was a lot of money expended up in Denver early on that needs to be accounted for. So Senator Lujan, that's definitely one of his concerns.

As far as the operations agreement, who are you working with in the County? Are you working with our County Manager? Or who are you working with? Are you writing the operations agreement? What's the process?

MS. FALER: There's been a fair amount of turnover, unfortunately, in the County Utilities Department.

COMMISSIONER HANSEN: Unfortunately. I agree.

MS. FALER: There are two different folks we've worked with and I don't know if there's a new person or not yet. Yes. The County Manager has joined the fun.

MANAGER SHAFFER: Yes, thank you, Mr. Chair, Commissioner Hansen. My understanding is there's been a significant amount of headway made relative to the operating agreement and the estimate is that within the next two months the parties should be reaching agreement and I will be personally working to help facilitate moving that to the finish line and for consideration by the Board, as well as the governing bodies of the other partners.

COMMISSIONER HANSEN: I really hope that you can finish that before Commissioner Hamilton and I leave, since we have the most knowledge and history of this project. I'm wondering about in the agreement for the electricity to move all this water and everything, are you including solar panels? Are you using the latest technology for the pumps and for everything? What kind of energy are you relying on.

MS. WALTERS ADOLPH: The current design doesn't call for solar panels. However, we've asked the electricians to make adjustments to their design to allow for that to be added in the future, so that's something that we are anticipating but it's not in the engineered design.

COMMISSIONER HANSEN: Okay, but then what about a wastewater plant? Are you at all working with San Ildefonso on a wastewater plant?

MS. WALTERS ADOLPH: We've just requested some additional information as to what the status is for the wastewater treatment plant. It was the plan for

the waste to go into the sewer there at the new plant, so trying to get an update on that. In the meantime, if there is a substantial amount of time before the wastewater treatment plant is on line and accepting waste to try and find out if there is an intermediate plan to mitigate all the residual waste from the plant.

COMMISSIONER HANSEN: I'm concerned. Okay. It's a big cost. It's another additional cost that will be taken in that needs to be taken into account. So back to the operating agreement. You think the operating agreement will be done in the next two, three, four months?

MANAGER SHAFFER: Mr. Chair, Commissioner Hansen, yes. That is County staff's estimate. As Jennifer has mentioned, BOR, they're not the lead oar on that and don't really have an active role to play. That's as between Santa Fe County and our pueblo partners.

COMMISSIONER HANSEN: Okay, for now. Thank you, Mr. Chair.

CHAIR HUGHES: Okay, thank you. Other questions? Commissioner Greene, and then Commissioner Hamilton.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Jennifers. I appreciate this update and I hope to have this again maybe in six months but maybe it's only a year but I really appreciate that you came here to give this. It's a nice presentation. I think it answered many of the questions that I had put forward in my request here but nonetheless I still have a few more and maybe some specifics in there.

So just to reiterate, currently you're discussing about a \$250 million shortfall. Is that correct.

MS. FALER: That's correct.

COMMISSIONER GREENE: And some of this can be re-attributed to indexing, if we create a new indexing profile? So that mostly falls on the feds and the County; it does not fall on the state, correct? In terms of the funding partners.

MS. FALER: That is correct. County funding is indexed as well. We'll have to sit down and talk to the County about what we're finding so we don't come up with a final solution and blindsides you all with what that looks like. So we'll bring you inside when we get a little further down the road.

COMMISSIONER GREENE: Okay, and so the federal index would match the County's index? So if we were – I think I saw \$17 million and it is 50 percent more, so that works out to be \$24 million, \$25 million. But the feds would have the same 50 percent increment. The indexing would treat us all equally.

MS. FALER: I don't want to get out ahead of my original director or Commissioner, but I will do my best to advocate that the federal government takes a harder hit than the County when we come up with our proposal.

COMMISSIONER GREENE: Thank you. Please advocate on our behalf. So, okay. And then in terms of a timeline, I get it. COVID has delayed a bunch of stuff and now maybe we can catch up, make up for some lost time, but where are we in terms of – if we're talking about \$250 million, it's a hard number and a hard number. Where are we with a hard date and a hard date? We first thought that this would be completed in 2026, I think I remember. Where do we think that this all three phases running water in the first homes and businesses? By 2028? So we're two years behind?

MS. FALER: The 611(g) agreement gave us an additional two years. 2024

and 2028. So we were originally on the hook to complete it this year. We got four additional years in the 611(g) agreement. So 2028 is our required completion timeline. As for delivering water to homes, there could be some flexibility there, because we'll have a functioning treatment plant in 2026. But yes, 2028 is the plan to complete construction.

COMMISSIONER GREENE: So you're still within your four-year window and not looking at needing any additional time beyond there.

MS. FALER: Correct. We've gobbled up any contingency that we might have had in there. We need to keep the pedal to the metal, but yes, we believe we can complete the whole project by 2028.

COMMISSIONER GREENE: Okay. That's good. In terms of – we've got some climate change and some disaster preparedness that we need to do and robustness and resiliency of this. Are we building this to withstand floods? And are we looking at some critical junctures where it crosses arroyos or it's in floodplains? I've had constituents call in concern about the ability to withstand climate change floods – mostly floods.

MS. FALER: I could – while Jennifer is thinking about the full answer. The infrastructure that's down along the Rio Grande is designed to be submerged. We had originally designed it to be above the – whatever – 500-year, 100-year floodplain, but the pueblo didn't want to look at all the ugly rip-rap, and so it's all buried now. And so it's designed to be operated after being inundated with floods. The treatment plant, I'm assuming has a big enough cushion away from flooding on Pojoaque.

MS. WALTERS ADOLPH: Commissioner, the mechanical-electrical building, the one that is the closest to the river, everything in that area was designed to the required flood elevations by FEMA. And so it was designed to the 100-year flood. Although, like Jennifer had just commented, the collector wells that will have electronics in them and then also the pumps, they are designed to be completely submerged and to continue to work.

COMMISSIONER GREENE: And to – do we think that a 100-year flood is the right standard to be dealing with this? Or is it a 500-year? It seems like 100-year floods seem to happen a lot more often than obviously a hundred years, and even 500-year floods seem to be something that we should be preparing for. Is there other resiliency and robustness that we can design into this to make sure that one flood doesn't make this project?

MS. FALER: It's a good question to be asking. What I'm reflecting on is we're constructing the project from lowest elevation to the highest elevation and it's – as you saw, we poured the foundation for the treatment plant, so we're not able to adjust that. Pretty much as we go along everything goes uphill from there. So if we're concerned about this and we'd started there might be room to adjust. I think there's minimal room to adjust to think about. But I'd also sort of invoke that same philosophy of our project is we could – I'm just guessing. We went to all the parties and said, hey, we want to build more resiliency here. If we're going to spend more money on this, that means something else may not get built, and it's probably not going to get a lot of support from the pueblos, would be my guess.

So it's a good thing. You're planting a seed with us to think about that. Especially with the arroyos. The pipeline is buried five feet so I don't imagine there's five feet of

erosion that would be predicted in an arroyo. It's kind of getting into practicality. We started at the river and we're working our way up in elevations.

COMMISSIONER GREENE: We can make things a little bit more robust to prepare for that. But one of those other indexes, right? We talk about indexing for money, inflation. We should be indexing for climate change, right? And so since we first started talking about the design of this ten years ago, eight years ago, our tolerance and our expectations about climate change impacts, flooding, mostly, are definitely changed. And I would hope that we look at some of those critical junctures, right? If something is a facility that is meant to be or has the ability to be submerged, that's great, right? So that's an impact that is meant to be mitigated.

The other areas that may not have mitigation designs into it right now, I think we should look at those, because it's a reality and awareness that we're dealing with much more acutely right now. I think probably since we started this conversation FEMA maps have changed, right? So FEMA has already started to adjust these things for the – the 100-year flood maps have changed. 500-year map floods have changed. Maybe we need to look at was the original design not in a 100-year flood but that map has changed now and so those risks have gone up. And I would hope that even if the designs don't come into that, a sort of risk analysis could be prepared to look at this before it gets too late. And some of those risks might be burying something just a little deeper, or moving it in a little way, or having some rip-rap or gabions protecting and shielding some of these pipelines at these critical junctures, because from my understanding, this is not the – there's not so much upstream or downstream capacity if something goes off-line. So if a pipeline is broken because of a flood, we may need to – so anyway. We need to make this more robust and I hope we index for climate change as much as we index for inflation.

CHAIR HUGHES: Commissioner Greene, are we ready to move on?

COMMISSIONER GREENE: Yes. So I appreciate the broadband thing as well. You've heard me at a few of these meetings advocate for that. If there's anything we can do to facilitate that and if that's – be very specific. The request has come back to us to make sure that we pay for that and we do that. I think we've made it clear that we're willing to look at that and figure out the design and the engineering for that. Many of the pueblo partners have already gotten federal money to do their broadband project. This is the perfect time to do that. We are looking at some broadband projects in the same area, but we do not want to come back afterwards and have to dig this thing up. And so please come to us with the ask from CDM to say this is what it is to design it and engineer it. Okay, this is what it would take with them to coordinate this so we can bury it alongside of it.

I don't want to come back and say we asked for this for a year, right? It took us six months for us to get a letter to you and it took you six months to get a letter back. So we're a year down the line from this first request from me saying, hey, could we please coordinate broadband alongside of this? There's a network of partners already in this. It's a simultaneous agreement and we should use that partnership, and I think that San I has already talked about burying their lines alongside this. So they've gotten the message. Now, we need to get a design that can allow for that, alongside of that.

Lastly, with fire suppression, I know that we're talking about downsizing some of these lines. I want to make sure that in some of these locations that the ability of this

project to provide some fire suppression doesn't get degraded as well, because in my district and Commissioner Hamilton's and probably all of our districts, getting insurance is now becoming a big issues. And so fire suppression is a way that homeowners can start to have at least some way of getting insurance. And so if downgrading a pipe from an eight-inch to a six-inch or from a six-inch to a four-inch does degrade the ability to put a hydrant or hydrants along this I hope that we don't give us one benefit just to keep the water fresh in the pipes. We can flush the pipes and potentially find a way to maintain fire suppression as well.

There are more comments and I don't know if you have some insight into the fire suppression.

MS. FALER: If I could just, for the fire suppression, it's a robust system for fire suppression. I wanted to hit on the – just for the record – the ask that Reclamation work with CDM on the broadband project. We've been directed by our partners to not expend any money on this. So if it's asking CDM to give you a call to coordinate with the County, we can do that. If it's writing a letter, if it's tasking them with anything that would cost project manager time, we've been directed not to expend Pojoaque Basin Regional Water System funding on that.

COMMISSIONER GREENE: I would hope, and I don't know if this is some sort of coordination with us here or with management or us to give a sort of scope and ask, right? So it's not money from the project, but it's money that we can't do it without going to you, so if there's an ask – hey, it will cost us \$10,000. Whatever the number is. Please put that number to us so that we can knowingly say yes, no, maybe, and go forward. But this sort of don't money for it when we've at least offered to look at this. We're there to pay for this at a certain threshold, so give us the ask, right? To do this will cost this and then we can make the decision whether it comes out of our pocket.

I know that the pueblos don't necessarily want to pay for this but they're also building their own project right now so it's foolish for them not to contribute to this. And if they have a number that doesn't seem too bad, I bet you would could convince them to add to this as not a part of the project per se, but it is a parallel to this. And the excuses of, oh, we don't want to put more money into this. I get it. But it also – it's going to be pound foolish at the end of this if we miss this opportunity.

MS. FALER: Agreed.

CHAIR HUGHES: Thank you, Commissioner Greene. Commissioner Hamilton and then Commissioner Bustamante.

COMMISSIONER HAMILTON: Thank you. Just a comment about – I think Commissioner Greene brought up a good point about designing for climate change. FEMA is – there has been a lot of analysis done to show what revised floodplain maps and data should be. FEMA is notoriously slow at actually adopting them. If I'm not mistaken they're not adopted. So having designed to the old 100-year floodplain, and this has been a problem in other projects. So I might be somewhat wrong; they may have adopted it in some areas, but I think the highest chance, the majority chance is that those old floodplain numbers and 100-year storm definitions and that sort of thing, in which case there's a big risk. So I think it's kind of a serious thing. If there's any way to think about it, we can build the whole thing and just know we have a way bigger risk and somebody in the future is going to go: Why didn't we think about this?

So we seem to be – I understand we're funding-limited. We're funding challenged now anyway without considering that but it's still – like it's an undeniable risk that we're going to be facing.

So with regard to funding, the \$250 million, that's from that \$771 million was it, which you said you felt pretty comfortable with as an estimate for the remaining construction? Those were presented in 2023 dollars, and it's 2024 and the construction is going out to 2028. And so I'm assuming that \$771 million hasn't been indexed for the future. So we might be struggling to find funding sources to meet that gap, but that gap's underestimated. Am I correct?

MS. FALER: Let me just say, we did things like doubled the 2028 estimate, because the treatment plant doubled. So like I said, there's engineering judgment. It's not scientific but I suspect it wasn't Jennifer. I prepared those. We looked them over, but I suspect that we factored in increased costs in the future. It was \$766 million I think.

COMMISSIONER HAMILTON: So it looks like it's not included, and I think it would be useful. I didn't expect that you guys did the actual calculations. One person can't do everything. But I think it would be real useful to have whoever did it lay it out. Because best professional judgment is absolutely necessary. But laying it out lets everybody look at it and give their 3 ½ cents with inflation on whether it passes the laugh test. And I think we're going to struggle enough trying to look for funding to cover \$250 million and indexing with the feds and blah blah blah blah, at a really bad time to say, yeah, you gave us the \$250 million but we really need a \$100 million – tee hee. That's just – so if they could lay it out and maybe you could present it to County staff and stuff. Not necessarily at another BCC meeting, but supply that information so that that could become – we'd have a more informed evaluation and participate in trying to find this funding. That would be my suggestion and my request.

MS. WALTERS ADOLPH: Commissioner Hamilton, I just wanted to mention that we are presenting the 2023 numbers. However, the indexing numbers, they lag a year. So that is the most recent information that we have for the indexing. We have started to look at indexing out until the end of the project. However, because those are estimated numbers, at this point we didn't feel comfortable releasing that to everybody.

COMMISSIONER HAMILTON: I get it. I get what you're doing is technically acceptable but it's not going to be adequate for looking for funding now. You've got to take the best guess. The original budget was best guess and it probably wasn't evaluated in practical terms like, realistically this is going to be phased and things are going to be increased. And it doesn't matter if BOR does have an official indexing, it's basic economics to be able to project so somebody can do that. Guaranteed.

MS. FALER: Commissioner Hamilton, I'll just add that we keep indexing. So it's not a one-shot thing like it was on the 611(g). So whatever we haven't expended this year gets indexed and we create a new index or something that better reflects what's happening on the ground here. We'll keep applying that year after year for all the unspent money. So it's not a one-time shot of funding like last time.

COMMISSIONER HAMILTON: Okay. That makes sense, but as presented, I have this feeling like \$250 is a soft number. And I was just – I'm trying to find where I think the soft places are. I think they might be improved. Thank you. And

thanks for the presentation and keeping us updated. Really appreciate it. Thank you, Mr. Chair.

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

COMMISSIONER BUSTAMANTE: Thank you for the presentation. Quick question. So on top of all this, and it's not necessarily – unless you have a quick answer – I'm concerned about the aesthetics. Everything else is pretty comprehensive that has been discussed. The aesthetics of those facilities that are close to byways and are in public view are right now just a little bit of an eyesore and I'm wondering what the plan is to address that.

MS. WALTERS ADOLPH: So within the design, we've met with the pueblos and then the County, going over this 611(g). We had a cost savings exercise that we needed to do to bring that number down to whatever we could, as far down as possible. That being said, during that process it was determined that on each – like on the pueblos' property, they would be the ones that would agree or sign off on the color scheme and the type of fencing, the type of landscape that is included in the cost estimate or the engineering design.

So once we get to areas that are within the county, the same thing would happen. We would come to the County and say we have this pump station here. If we have a choice of bricks, what is your choice of bricks to use? And so on.

CHAIR HUGHES: Is that it, Commissioner Bustamante?

COMMISSIONER BUSTAMANTE: Yes.

CHAIR HUGHES: Okay. Thank you. Thank you very much for the presentation. All my questions were answered throughout the discussion. I think I knew the least going into this and now I know a lot more. Wonderful.

MS. FALER: Thank you for the opportunity.

CHAIR HUGHES: Thank you.

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

6. **Miscellaneous Action Items**

- A. **Request (1) Authorization to Apply for a FEMA Staffing and Adequate Fire Response Grant in the Amount of \$1,599,000 to Increase the Number of Full-Time Firefighters/EMT-Basics in Santa Fe County, and (2) Delegation of Signature Authority to the County Manager to Sign All Grant Applications and Agreements**

CHAIR HUGHES: Chief Black.

JACOB BLACK (Fire Chief): Good afternoon, Mr. Chair, Commissioners. I'm here before you this afternoon seeking your approval to apply for the FEMA SAFER grant to increase the number of regional firefighters and EMTs within the county. FEMA has several grants to assist local fire department, one of which is the Staffing for Adequate Fire and Emergency Response grants, or SAFER grants.

This grant provides funding for salaries and benefits for three years to fund new positions. This allows for local governments to receive immediate funding to meet the

immediate needs and give them the time to prepare for the increased costs of maintaining those salaries and benefits for the long term. The Fire Department anticipates needing both additional volunteers and regional staff to meet the future demands of emergency response within the county. Thus, we'd like to take this opportunity to apply for the SAFER grant to add two additional full-time firefighter/EMTs to each shift for a total of six new positions.

The FEMA SAFER grant is a time sensitive grant which opened mid-March and closes on April 12th. This brings me to seek your approval, one, to apply for the SAFER grant, as well, as to approve the County Manager to sign all the grant applications and agreements. With that I stand for any questions.

COMMISSIONER BUSTAMANTE: Do we have any questions from the Board?

COMMISSIONER HANSEN: Madam Chair, I move to approve.

COMMISSIONER GREENE: I'll second, but I'll have a question.

COMMISSIONER BUSTAMANTE: Okay, Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Vice Chair. The question I have is so this is a grant to fund for the first year of these hires?

CHIEF BLACK: Madam Vice Chair Bustamante, Commissioner Greene, this is a grant to fund for three full years.

COMMISSIONER GREENE: Three full years. But after that we would be – this would be increasing capacity but we would be – these would be FTEs that would be part of the ongoing budget three years out.

CHIEF BLACK: That is correct. Yes, sir.

COMMISSIONER GREENE: Thank you.

COMMISSIONER BUSTAMANTE: Chief Black, I have a question. So we have the grant funding to start and to get this. Will we be able to absorb these positions when the grant funding's gone?

CHIEF BLACK: Madam Vice Chair, that would be what we would work with the County Manager's Office and Finance to ensure that we secure future funding to allocate to keep those positions in place.

COMMISSIONER BUSTAMANTE: Okay. We have a motion by Commissioner Hansen, a second by Commissioner Greene. We have our Chair back.

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

- 6. B. Request (1) Authorization to Submit a Bureau of Justice Grant Application for \$250,000 for the Purpose of Augmenting Medication-Assisted Treatment (MAT) at the Adult Detention Facility, and (2) Delegation of Signature Authority to the County Manager to Sign all Grant Applications and Agreements**

CHAIR HUGHES: So a Bureau of Justice Grant. Mark Boschelli, go ahead.

MARK BOSCHELLI (Behavioral Health/Corrections): Paolo Soleri alternative sites – love it. Saw Neville Brothers, David Byrnes from Talking Heads and

Gypsy Kings. How's that?

CHAIR HUGHES: You're identifying yourself as being just as old as the rest of us.

MR. BOSCHELLI: That's true. We're waiting for the power point but I can fill in a little bit. My name is Mark Boschelli. I'm the Behavioral Health Manager at the Santa Fe County Adult Detention Facility. I'm in my sixth year there at that facility. I was going to do this presentation with our psychiatric prescriber but she did have a psychiatric emergency so she is covering that and our warden is out today. So hopefully we'll be able to do this.

So the whole goal is to ask for permission to apply for the next phase of our Bureau of Justice assistance grant. I'll come back to that and hopefully I'll go through this. So we're here to fill you in our plans of an implementation of withdrawal management, induction and continuation of care system. So our current state here at the Santa Fe County detention facility, we have evidence-based practices going on. We have bi-weekly twelve step groups going on, but for regular inmates as well as for our Matrix graduates. In other words we are trained to introduce them to the idea that when you get released back into our community to become a taxpaying citizen, we need you to follow up, hopefully, in these 12 step groups. We just thought it's a good practice to teach them how to participate while they're in jail.

We've added participants or potential participants for medications of opiate use disorders into our weekly, already established inter disciplinary team meeting. We have a full-fledged opiate overdose reduction program. What that is is a didactic video presentation given to inmates. After that we put a two-dose rescue Narcan kit in their possession upon release. The idea is to hopefully infiltrate into those family systems because we know the person who's using those medications or abusing fentanyl substances is not the one who'd going to administer the Narcan to save their life but their family members are going to be the ones administering that.

We currently have an evidence-based practice of a Matrix program. This is a 30-day program. It's an intensive, intensive outpatient program. This is facilitated by our licensed clinicians. We have six licensed clinicians plus a clinical internship program where we're training people up to participate and learn how to treat our individuals, as well as hopefully over time, recruit them to become full-fledged members and County employees as licensed clinicians.

This is a modified therapeutic community. In other words it's done in a pod. There are certain set rules. It's a condensed program. It is to be nice to each other, to learn those practices. So even though it's a separate pod and this is taught twice daily for an hour and a half, it's a rigid program. Any graduate will tell you they've never gone through such a participation before, but we follow cognitive behavioral treatment curriculum. This is for offenders with substance abuse disorder. This was originally designed in the 1980s in Los Angeles for methamphetamine addicts, so we hopefully were given the correct treatment to the issue.

This engages individuals with substance abuse disorders and treatment and helps them achieve abstinence from substances. In addition, this is where we first introduce our current MAT, medication for assisted treatment. We currently introduce them to Naltrexone, which is a non-opiate based MAT program. It starts orally and then moves

into a 30-day injection, which is called Vivitrol. So we start with one of our MAT programs right there in this Matrix program.

Upon graduation from the Matrix program, the individuals have other options but here's our currently yearly six-year Matrix stats. We've done 15 rounds; two weeks ago we did our 16th round. This has been going on since May 2018. So it's a pretty robust study. We've had 121 males graduate out of 133. We have basically a 75 percent graduation rate. We've had 32 graduates who've reoffended or relapsed. They come back into our facility. So currently we have a 26.4 percent recidivism rate, which is basically compared to non-treatment at all, which is basically 90 percent recidivism rate coming into the Santa Fe Detention Facility.

Similarly, we've had females, five rounds Matrix program since March 2029. That's a smaller percentage of individuals at our facility. We've had 25 females graduate out of 45 who were accepted. That's a 51 percent graduation rate. Eight graduates of the program have reoffended so we have a 35 percent recidivism rate for that. What we did notice as we drilled down into our stats, we were kind of wondering is there a difference between time element. And in 2023, our stats show that 36 males participated in this program, 31 graduated, and five graduates reoffended.

What we've learned over time is this prescription wears off over time. So we have pretty good stats after one year but then it starts diluting out. So we're trying to figure out what we can do about this.

So as the graduates from the Matrix program were basically ready to go back into the regular population, this is a voluntary program to go into. You don't get court-ordered; you can't be court-ordered. Basically the graduates of this program ask the warden during a townhall meeting, we don't want to go back to populations. So as a result, two years ago, we formulated a re-entry pod and this was dedicated to the Matrix graduates. So this is the next contingency management reward. You've graduated; you've participated in this; you don't want to go back into populations. Okay, we'll give you more programming.

During this pod we have evidenced-based practices going on. Once again, this was formulated by the warden. He asked me to make sure that everything that we're doing is evidence-based, so we can prove this beyond a doubt what we're going to get as results. So we do a seeking safety group in that. That's a SAMHSA approved, trauma-informed treatment. These are for individuals who've experienced emotional, physical and sexual abuse. Most of our people who are abusing substance have that type of history.

In addition, we have an anger management group which is once again a SAMSHA evidenced-based program. We find out that people who keep on recidivising, coming back into our facility have difficulties with the law, with their loved ones, going back into society. So we want to teach them how to appropriately emote and some skills with that.

Additionally to that we have a circle of security class going on. This is a parenting class. This has been approved by CYFD. The idea is it's an eight-week parenting program, step-by-step program for therapy groups. We're focusing on problematic parent-child interactions. What we've learned over time and through many years of doing this type of practice, is that individuals who are abusing substances do much better when

they're reunited with the family system, with their children, with their loved ones. So once again, we are trying to do everything to decrease relapse.

So next, the individuals from the re-entry pod said, hey, now we're going to go back into society, come back into Santa Fe County. But we have a difficulty. We're homeless. We have no home. We're going to go back to the arroyos and we're going to use substances again. So off of that we worked in partnership with the Community Services Department and the Community Services Department came up with funds to fund to the RISE House, which is reintegrating society equally. It's a transitional housing for inmates transitioning from jail to the community. This is funded by the Community Services Department. Currently there is one home and they are in the process of opening up a second home. This is run through a contract with the Life Link, Incorporated.

Next we had these individuals saying, hey, okay, we have housing. We've gone through the Matrix program. We've gone through the re-entry program. We now have housing. We need jobs, because we know what we're going to do for money and it's not going to be jobs. So we have come up with the READY project. And this is rehabilitation, emotional support, access to resources, dynamic employment opportunities, yearning for sustainable life. That's a big acronym. But the idea is to train and assist inmate graduates upon community release, assist these clients with daily living needs, such as getting their licenses, getting their IDs, getting back into society as a norm, access to healthcare, housing, healthy food, transportation, obtaining a GED and other social supports.

Incorporated in this is our brand new program, the Santa Fe County internship employment pilot program. The contractor has been awarded. It is Innovate + Educate. This comes under the auspices with Chef Rios who's opening a restaurant here in Santa Fe. I don't know if you know Chef Rios at all. He's gone against Bobby Flay and two times he has beat Bobby Flay. He himself was someone who was incarcerated so he has an investment in individuals coming from carceral settings.

The Matrix graduates will be given internship opportunities at Santa Fe County in conjunction with intensive case management through the RISE and other programs, and assistance in enrollment in GEDs. The idea is we want to invest in these individuals and actually place them in County positions, those hard to fill County positions. If you become a sous chef you learn how to do this. What is Santa Fe? It's a tourist location, plenty of restaurants, you learn how to cook, and then we start thinking about our senior centers that have difficulties manning staff as being cooks. We would have a ready supply of individuals, and once again, they become taxpaying citizens, and if you're working you're not using substances as much as before.

So what we noticed during this whole process is there's gaps in MAT services. Outpatient medication assistant treatment community programs have gaps such as the stigma of treating our inmates, our felons. Just coming out of the Santa Fe County Detention Facility, everyone assumes these are violent felons. That's not true. Most of the time it's petty misdemeanors. It's difficulty with a DWI. It is normal life occurrences. But that stigma does provide doubt among providers in the community. In addition, we have inconsistent follow-through by released clients with community referrals. Our inmates, even our graduates of the Matrix program are not good at following up. If they weren't they would never have been in the Matrix program.

So we're taking that into consideration. There's also challenges of community agencies recruiting and retaining professional licensed staff. Thus we're creating gaps in service throughout Santa Fe County. It's usually termed as workforce development issues, but we've recognized that and we want to do something about that.

So what's room for improvement at the detention facility? A. Implementation of a medication treatment withdrawal management program. We have a crude one; we want to improve it. We've listened to our inmates, to our patients, to our participants. They want something that's more subtle, more comfortable for them, and so we've actually listened to them. We had a townhall meeting with those individuals and they gave us feedback.

In addition, we're talking about there's room for improvement with medication assisted treatment induction program at the facility. We've heard from constituents including family members of the inmates that they would like to see something like that. On top of that we'd like to build a continuum of care post-release from jail. And then additionally, we'd like to integrate the local courts with the detention facility and community programs.

So what's our goals? Expanding MAT or medication assisted treatment at the jail, the whole idea is to combat really some of these stats that kind of slap us in the face. Two out of three overdose deaths in 2020 involved an opiate – prescription opiates, heroin, fentanyl. In 2020 in New Mexico methamphetamine-involved death rate was 2.8 times the rate of 2015. In 2020, 801 individuals died due to overdose, one death basically every 11 hours. In 2020 86 percent of the overdose deaths involved benzodiazepine, such as Xanax, Valium and fentanyl. And then in 202 the New Mexico fentanyl overdose death rate was seven times greater than in 2016. This is the State of New Mexico.

Now we're going to slim it down to actually the Santa Fe County Detention Facility. So we set up a program two year ago saying let's do our own stats on top of this, see if this is a reflection of the state. So since 2023 we've had 3200 inmates submit UAs at intake. Of that, 91 percent of these tested positive for at least one substance, and 73 percent for two or more substances. Additionally, 55 percent tested positive for fentanyl, 51 for amphetamine, and 78 percent of new intakes coming into our facility right of the streets were positive for combined methamphetamine and fentanyl.

Additionally, some of our goals were to allay concerns about diversion. In other words mediations of opiate use disorder being distributed throughout the facility in a non-prescribed fashion, as well as potential inmates bringing substances into the facility. So we had to work with security. There was fear of this.

And then finally is to help stimulate a community continuity of care after release from jail. We believe that if we don't set that up, if we don't push for that to be part of our community, these individuals are going to relapse and end up back in our facility again.

CHAIR HUGHES: Mark, I'm wondering if you could skip ahead to what you're going to ask us to vote on because we have a really long meeting ahead of us.

MR. BOSCHELLI: Really? We talked all about water.

COMMISSIONER HAMILTON: I know I'm taking it out on you.

MR. BOSCHELLI: Yes, Chair. Here's one of our concerns: 64 percent of our detainees are released within 96 hours of booking. In other words within four days,

they come and go, no treatment, no nothing. There's no linkage. We want to do something about that. And this is what we're asking. So we did a Building Bridges grant in 2023. We applied for the first Building Bridges grant. We were awarded it. Only ten agencies were selected from around the nation. The examples – Los Angeles County, one of the largest jails in the country was selected, St. Louis, and then little old us, Santa Fe County. But they thought we had some promise. We traveled to Washington last year. These coaches were assigned. We learned all the stats from the Bureau of Justice Assistance, from SAMSHA, from the Drug Enforcement Agency. We had monthly zoom coaching meetings. They came out and visited us at the beginning of this month. We went back to Washington and presented our challenges, our accomplishments and goals for expansion.

So what we've learned is Santa Fe County can expand MAT services to our inmates in agreement with the County administration security, medical/behavioral health, and the Santa Fe County Community Services Department. We went from a detox center concept to an overarching strategy of implementation of which well management, induction, and continuum of care.

So what we're asking is to be able to apply for this \$250,000 grant. It's a 14-month grant. It has to be submitted by April 8th. To be able to apply for this you first had to do the first step of the Building Bridges grant. We have accomplished that. This funding is available for two different categories, implementing access to MAT, as well as linkage to care.

So what's our proposed ideas to deal with this? We want to fund one FTE of a peer support worker with a lived experience, a certified peer support worker. We want to be able to supply salary to two or our nurses who would be administering and giving out this medication for opiate use disorder, as well as we'd want to pay for these medications, such as we're going to talk about. And then finally, our future costs that we anticipate, construction and renovation of a new medical wing and withdrawal management medication assisted pods.

So it gives you some idea. Currently we do do Vivitrol. We do Naltrexone. We want to expand out to Zubsolv, which is a one-time daily medication. It's a buprenorphine medication. In other words, it has synthetic opioids, and Naloxone, the Narcan built into it. But it only has to give out one time per day. And then if someone meets the criteria of coming into our facility, they are set up on a MAT program, a legitimate MAT program in our community. We have proof of that and their UAs only show that medication or a prescribed medication, we would continue the medication for assisted treatment but we'd substitute it to a Sublocade which is in injection form, into the abdomen section for 30 days. Therefore there is no ability to divert that medication throughout the facility.

So these are just the key MAT stats. How's that, Chair.

CHAIR HUGHES: Thank you. Thank you, and I hope you realize I love your program and I hope to hear more about it when we take the tour of the jail in a couple weeks. Any questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mark. I too appreciate your program. Yesterday I was called by a lobbyist who was speaking about the Miami-Dade model. Are you familiar with that?

MR. BOSCHELLI: I am somewhat familiar, yes.

COMMISSIONER HANSEN: Anyhow, they have a training in June and I think it would be a great thing for you to look into, and I will forward this email to you.

MR. BOSCHELLI: I would be honored to go travel to Miami for the training program.

COMMISSIONER HANSEN: They want me to go.

MR. BOSCHELLI: Yes, there's a storied program in Houston also. I met with the psychiatrist who came from the Houston program which was very similar to the Miami program. They had a disaster going on in Houston. The psychiatrist took over and basically formulated a program very similar to what we are proposing with our Building Bridges program.

COMMISSIONER HANSEN: Yes. So I'll move to approve.

COMMISSIONER GREENE: And I'll second it. I want to echo –

CHAIR HUGHES: And then we have discussion. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Hi. Thank you for the presentation. Just a clarification. It isn't Chef Rios. It's actually Chef Fernando Ruiz with the Innovate + Educate program. That's okay. We also have the Workforce Integration Network and we're trying to get people supported and we can actually provide training through that. And I'm saying that that's something to all seven counties. It's available to Santa Fe County jail as well. So when we talk about gap in services, I understand from those who've made an effort to meet up with folks at the jail. That's an opportunity that hasn't been returned as far as phone calls. So let somebody know to call them back and I'll give that to you off-line. But that's another opportunity to get people the support they need because workforce is important.

I'm very much in support of everything that you're doing over there and it was such an honor to be at the Matrix graduation. Those \$6.4 million, a good chunk of that is supposed to go to people at our County jail. How do we get that connected? Because that will help them be employed on their way out the door. That should be something that when they get to RISE they have that support.

So sharing that, I'm grateful for the presentation. Thank you.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Very quickly, I had a great time at the Matrix graduation. It was really inspiring to meet or to get to witness and to hear the testimonials from your team and most importantly from the Matrix graduates. It's a terrible thing that's going out there. It's a scourge. But if we have a plan to actually help people get out of the cycle, that's pretty amazing. So thank you very much. Fully in support of this and keep bringing ideas to us because there's a lot of need out there and whether it's jobs on the outside or the right sort of community housing for folks because while I would agree that probably many cases – I won't say most – families are a great support system. There are many families that are not the best support system.

MR. BOSCHELLI: Yes.

COMMISSIONER GREENE: And so to give released folks options, a fraternity of like-minded people or to release them to their family, whatever is the best solution for them is what we should be giving them the best opportunities for. Thank you.

MR. BOSCHELLI: Thank you, Commissioner.

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

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

MANAGER SHAFFER: Mr. Chair, as we transition, I do just want to emphasize one thing that Mark mentioned throughout his presentation is that this really is a collaboration at work between the adult detention facility and the Community Services Department and we want to acknowledge that because it's instrumental to our continued innovation and hope for success in this area. So thanks to CSD even though Mark was leading the presentation. I did want to acknowledge that ongoing collaboration. Thank you.

CHAIR HUGHES: Okay, very good.

6. C. **Request (1) Approval of Service Agreement No. 2024-0233-CSD with Partnership for Community Action DBA New Mexico Eviction Prevention & Diversion Program to Provide Navigation and Direct Legal Representation Services to Uninsured and Underinsured Low-Income Residents of Santa Fe County for a Total Contract Sum of \$375,000, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR HUGHES: That is a very good segue from the Community Services Department. Go ahead

JENNIFER ROMERO (Community Services): Thank you, Mr. Chair, Commissioners. Santa Fe County received a junior bill allocation sponsored by Representative Andrea Romero and Representative Angelica Rubio in the amount of \$375,000 to support New Mexico Eviction Prevention and Diversion in fiscal year 24. The intent to procure professional services with NMEPD is to provide direct legal representation and flexible funds in addition to navigation to prevent eviction for individuals who are low income. Of the total \$375,000 available, \$255,000 will be allocated for rental assistance and \$120,000 will be allocated for direct legal representation.

New Mexico Eviction Prevention and Diversion was founded in 2021 in direct response to the increase of evictions due to the COVID-19 pandemic. Nationally, data shows that low-income tenants often lack legal representation. NMEPD recognized that many tenants were not aware of a court hearing that had been scheduled and their absence often resulted in eviction. Appearing to the initial court hearing is critical and NMEPD is pro-active in identifying and contacting these individuals to provide pertinent information, guidance, and representation.

The addition of direct legal representation services for individuals at risk of eviction will add a valuable resource we do not yet have available in our CONNECT network. Housing instability is a concern for many of our Santa Fe County residents and providing a resource to mitigate eviction will be well utilized. We request the approval of

this procurement with NMEPD. And with me today is Winter Torres, Director of NMEPD and we stand for questions.

CHAIR HUGHES: Welcome. Are there questions from the Board?
Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Jennifer. We need to do what we can to help people that are underserved to understand their rights and to protect them from legal evictions and to make sure that they're living in the proper, adequate housing. One question is, one, this is the end of March, right? Did this just take nine months to get from DFA to us and this is hurry up; spend it now?

MS. ROMERO: Mr. Chair, Commissioners, the funding did not find us here at Santa Fe County till around December, and New Mexico Eviction Prevention and Diversion didn't know that it was here either. So we were trying to find a quick mechanism to get the funds out and we thought CONNECT would be a good way of doing that.

COMMISSIONER GREENE: Okay. Wonderful. And then we're both familiar working on the issues up in the Espanola Valley where sub-standard housing is out there. The remaining families that are up in the Vista del Rio are living in sub-standard housing, right? And so evictions are less of an issue but getting the current landlords to perform the right remediation on these homes – would some of this legal assistance go towards that? Is there a way to use that to make sure that landlords that are not maintaining their homes might get a little letter of warning? Or worse?

MS. ROMERO: Mr. Chair, Commissioners, the funding specifically is for rental assistance and for legal representation in court. And I will let Ms. Torres talk a little bit more about what that legal representation may entail. But I believe the majority of it is to identify those individuals who are – who have received a court date and notifying them and making sure they get to their court date and remediate any issues with the landlord at that court date.

WINTER TORRES: Mr. Chair, Commissioners, the current contract that we have does not include representation in sub-standard housing. That's something we would be interested in but I would have to talk to the two attorneys that I've got contracted to see if they would have bandwidth for that. And then again, as it stands right now, the contract ends at the end of June and what you're talking about is something large that would be an undertaking and it wouldn't be done just by the end of June. But we are aware – I personally know – I think there were a couple around Las Vegas and Espanola and also a couple of public housing complexes that we lost in Gallup as well, statewide. So it's definitely an issue.

COMMISSIONER GREENE: Thank you and good luck.

CHAIR HUGHES: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the service agreement with Partnership for Community Action, doing business as New Mexico Eviction Prevention and Diversion program to provide navigation and direct legal representation services to uninsured and underinsured low-income residents of Santa Fe County for a total contract sum of \$375,000.

COMMISSIONER BUSTAMANTE: Second.

COMMISSIONER GREENE: Second.

CHAIR HUGHES: Okay. Thank you, we have a motion from Commissioner Hansen, multiple seconds but I heard Commissioner Bustamante first for the second.

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

6. **D. Request (1) Approval, Pursuant to Ordinance No. 2012-5, Section 1, Outside Contracts, to Utilize Cooperative Educational Services Contract No. 2020-031B-C105-ALL to Purchase Four Pumpers and One Ladder Truck for a Total Sum of \$4,504,838, Inclusive of NM GRT, and (2) Delegation of Signature Authority the County Manager to All Necessary Agreements and Documents, Including the Purchase Order(s)**

CHAIR HUGHES: Chief Black, nice to see you again.

CHIEF BLACK: Good afternoon, Mr. Chair, Commissioners. During FY 24 the Fire Department requested County funds to purchase two new fire engines, specifically for the La Cienega and Agua Fria fire districts. To aid in purchasing the apparatus the department applied for fire protection grants through the New Mexico State Fire Marshal's Office for those two districts and were awarded each \$300,000 to assist in purchasing replacement engines for those districts.

Currently, for a custom-built engine prices have recently increased to approximately one million dollars per truck and a build time of two to four years. During our research we came across an option to purchase four new engines that are already built and have already been priced at the build price at that time. Additionally, an opportunity arose to purchase an aerial ladder that is nearing completion as well. These five trucks are constructed or are in the build process and have seen less price increases and are not subject to extended build or delivery times.

As the department pursues our County strategic plan, specifically our public safety strategy 1.2.2, which is to ensure the continued and optimal performance of current Fire Department equipment and apparatus, we seek to capitalize on this opportunity to allow the department to move forward and purchase these engines to head off any future price increases and delayed build times. The replacement engines – the apparatus that we will be replacing, we will be moving our first-out apparatus which have an average year of build of 2011 which NFPA recommends first-out apparatus be replaced between ten and fifteen years. So these engines will be replacing engines that are anywhere from – or right around or approaching the 15-year mark. Those engines will be moved to second-out engines and we will look to transfer or surplus our current second-out engines to neighboring departments that are in need. That's a process that's outlined through the New Mexico State Fire Marshal's Office. It's a transfer so that we can ensure to provide maintenance records and pump tests so that we know that those neighboring departments in need are getting apparatus that can currently meet their needs.

So with that, I stand for any questions.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. I really appreciate

that this is a pro-active move to find equipment in a time of shortage, when sometimes these lead times are so long that we're like – my term will be up and I still have three years to go. So this is great to get these things into action. I will move to approve the request approval pursuant to Ordinance No. 2012-5, Section 1, Outside Contracts, to utilize cooperative educational services contract No. 2020-031B-C105-ALL to purchase four pumpers and one ladder truck for a total sum of \$4,504,838, inclusive of NM GRT, and two, to delegate signature authority the County Manager to all necessary agreements and documents, including the purchase orders.

COMMISSIONER HAMILTON: And I'll second.

CHAIR HUGHES: And under discussion, go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I was actually going to say something very similar. Great fore-planning. You couldn't jump on opportunities like this if you weren't doing really strong departmental analysis and planning and I know you guys have that. Deputy County Manager Bernardino really supports strong analyses. The County Manager supports data-driven analyses and using information and I think this is something that we're able to do because that information is available. Great job. Thank you.

CHAIR HUGHES: Thank you, Commissioner Hamilton. Any further discussion? We have a motion by Commissioner Greene, seconded by Commissioner Hamilton.

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

CHAIR HUGHES: I just want to mention in terms of our evening tonight, I think staff thought we would be done a lot sooner. I'm proposing we take our break at the end of number 7. Does that sound okay? That way staff can get through all the stuff they need to and then we'll take a break.

COMMISSIONER HANSEN: That sounds fine.

6. E. Resolution No. 2024-04, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) in the Amount of \$2,669,838 for the Purchase of Fire Apparatus

CHAIR HUGHES: That takes us to item 6. E and Chief Black and Yvonne. Okay.

YVONNE HERRERA (Finance Director): Mr. Chair, Commissioners, this item is being presented to you to help fund the previous item that Fire Chief Black presented. We're requesting a budget increase of \$2,669,838 to supplement the additional funds that were already set aside for the purchases. The fund that will be used is the fund 244, which is the fire operations fund. Currently, at the end of 2023 there was \$17.5 million that was available for any additional items that the department needed and with the addition of this budget increase and the previous amount of \$2 million that was approved by the Board in other budget adjustments we'd be looking to use a total of 27.1 percent of the available fund balance. And with that we stand for any questions.

CHAIR HUGHES: Are there any questions?

COMMISSIONER HAMILTON: No questions. I move to approve.

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: All right. We have a motion from Commissioner Hamilton, seconded by Commissioner Hansen.

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

- 6. F. Request Authorization to Publish Title and General Summary of Ordinance No. 2024-___, an Ordinance Amending Ordinance No. 2012-5 to Repeal the Restriction on the Procurement of Outside Contracts By Competitive Bid, and Repeal the Requirement that Multi-term Contracts Procured Through Competitive Procurement Begin With a Term of One Year**

CHAIR HUGHES: Bill Taylor.

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair, Commissioners. We're here before you today to request specifically authorization by the Board to publish title and general summary of the subject ordinance that we're presenting before you. We have identified certain restrictions, limitations in County Ordinance 2012-5 with regards to using outside contracts in Section 1 and also Section 2, periodic rebidding. Those two provisions in this new ordinance would repeal those two sections of the ordinance with regards to coming before the Board for any use of outside contracts with the amount greater than \$250,000. This does not eliminate the requirement to come before the Board for any procurement or purchase of a contract for more than \$250,000. That would still be coming before the Board for approval.

But this creates sort of busy work for the division as far as requiring a written determination for each case. The Procurement Code currently allows central purchasing offices to utilize outside contracts. They are typically, usually competed for best price and really basically at a better value because they are done with larger procurement units. The second section is related to multiple term contracts. The Procurement Code also allows that we can do multi-term contracts. Professional services can only be for a total four-year term and non-professional can be up to ten years. However, our contracts contain provisions in them that allow the County to terminate for convenience or there's also the non-appropriations or appropriations clause in our contracts. So this just creates more of a streamline for the Purchasing Division and with that I'll stand for any questions.

CHAIR HUGHES: Thank you very much. Any questions?

COMMISSIONER HANSEN: Mr. Chair, I move to authorize to publish title and general summary of an ordinance amending Ordinance No. 2012-5 to repeal the restriction on the procurement of outside contracts by competitive bid and to repeal the requirement that multi-term contracts procure through competitive procurement beginning with the term of one year.

COMMISSIONER HAMILTON: Second.

COMMISSIONER GREENE: Second.

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

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

6. G. Resolution No. 2024-045, a Resolution Naming the Unnamed Portion of the NE/SE Connector Road Project

CHAIR HUGHES: Curt Temple. This is the fun part of the evening, I think.

CURT TEMPLE (Public Works): Thanks. I'm here before you today to ask about a road name for the southeast portion of the northeast/southeast connector road. We've been presented with three names to pick from to name the road out there on the southeast connector. The other road names will not change that are being affected with the addition of the road. We've had many names. This has been going on for about four years. There's been many names vetted. They've been through GIS. They've been through the RECC, and these are basically the three names that we've come up with that are approved by the GIS and Rural Addressing for selection for that southeast corridor name.

CHAIR HUGHES: Do you want to read the three names for us?

MR. TEMPLE: Sure. The three names are Raptor Road, Falcon Way, and Camino de Rapaz.

CHAIR HUGHES: Thank you. Questions or comments from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Yes, I've thought about this a long time. Thank you, Mr. Chair. We have Rabbit Road and we have Dinosaur. So those are the two. We have some really interesting names in Oshara Village. I named them all. I'll take credit for it. I'm not wild about any of these but if I had to accept one of them I would probably go with Falcon Way. I don't know. I just – I wonder if the other Commissioners have ideas.

CHAIR HUGHES: I like Falcon Way as well. Go ahead, Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. I've joked about this but I'm actually very serious about this. I propose a fourth one which is the Hansen Way, very specifically with regards to our County Commissioner who was so instrumental in making the northeast/southeast connector happen, and not calling it Hansen Way but the Hansen Way as a way to acknowledge the force of nature that brought this to be actually originated with her and if it was possible to do this. If she would be willing to accept that I would put that forward but that's for all of us to discuss, but The Hansen Way.

COMMISSIONER HANSEN: I don't know if that's actually available. There are roads that have Hansen in it throughout the county, so I don't know if that's actually – I'm honored, and thank you, Commissioner Greene.

JULIAN SENA (Public Works): Good afternoon, Commissioners. Could you please repeat the question?

COMMISSIONER HANSEN: I don't know if that road is even available, that name.

MR. SENA: I would just require about a 20 minute break to vet through the various databases to see if that is available, but I would say that it may not be. We've already got some Hansens down by West Alameda, but I would just have to check.

COMMISSIONER HANSEN: But there are others.

MR. SENA: Are there any other suggestions?

COMMISSIONER BUSTAMANTE: I personally like Falcon Way as well. I think it's good.

CHAIR HUGHES: Is that a motion?

COMMISSIONER BUSTAMANTE: Mr. Chair, I'd like to motion that we accept the term Falcon Way.

COMMISSIONER HANSEN: Do we have a second?

CHAIR HUGHES: I'll second Falcon Way.

COMMISSIONER HAMILTON: Were we going to wait to have it checked out or did you want to just defer because of the questions?

COMMISSIONER HANSEN: I'll defer. I would like –

COMMISSIONER GREENE: This is your chance. You may not ever have a road named after you again. Maybe. You might not.

CHAIR HUGHES: We could name something after Commissioner Hansen.

COMMISSIONER HANSEN: Personally, I'd rather have a building.

CHAIR HUGHES: We'll get there too. The next building we build.

COMMISSIONER HANSEN: I'm good with Falcon Way. It does go along with Rabbit and Dinosaur and I get that – I really wanted to actually call Alexis, who owned this piece of land a long time ago, because there was some history with Oshara and Native tribal people out there, although I don't remember us ever finding any actual ruins out there at all. There is one archaeological site, but it's not a ruin, so to speak.

MR. SENA: Mr. Chair, Commissioners, one thing I would note is what we typically like to do with road names is similar to that, is look for things that were historical or thematic to the area. So when the suggestions came to us we had decided on some of the things that were birds of prey, so raptor, falcon. We thought it was similar to things around that area – Dinosaur Trail and Rabbit Road, but if there are some historic suggestions you'd like us to vet we'd be happy to do that as well.

COMMISSIONER HANSEN: We have a motion on the table and I am okay with Falcon Way. I think that sounds nice.

MR. TEMPLE: I just wanted to say Ms. Girard did approve Falcon Way. That was one of her suggestions also, because of the birds of prey that are out there and she was very good with that one.

COMMISSIONER HANSEN: Okay. That's good to hear.

CHAIR HUGHES: Any further discussion? Okay, so we have a motion by Commissioner Bustamante, seconded by Commissioner Hughes.

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

6. H. Resolution No. 2024-046, a Resolution to Amend Resolution No. 2023-067 to Replace the Polling Place/Voter Convenience Center Within the Consolidated Precinct Consisting of Precincts 15, 18, 73, 84, 85, 115, 125, 148, and 156

CHAIR HUGHES: Clerk Clark.

KATHARINE CLARK (County Clerk): Hello. Good afternoon, Commissioners. This resolution is going to move our designated polling site from the Edgewood administrative building to our fire station down in Edgewood. The town commissioners down in Edgewood let me know that the building would not be available for voting due to some legislative changes and so we decided instead of trying to negotiate around that we would simply move the polling center.

The training center is very nice. Chief Black, Ignacio Dominguez, Elias Bernardino have all been very helpful in making sure that we could quickly arrange for that and move the site, so this is the resolution designating that change for the primary and the general election, and we will then go to District Court to get that final approval.

CHAIR HUGHES: Okay. Thank you, Clerk Clark. Are there questions?

COMMISSIONER HANSEN: Move to approve.

COMMISSIONER GREENE: Second.

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

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

6. I. Resolution No. 2024-047, a Resolution Requesting Authorization for the County Manager to Execute All Grant Agreements, Contracts, Purchase Orders and Necessary Forms Related to the Public Housing Upgrades Projects for the Camino de Jacobo, Santa Cruz and Valle Vista Housing Sites Funded Through Housing Initiative Grants Issued by the State of New Mexico; and Authorizing the Utilization of Outside Contracts to Procure Services for the Public Housing Upgrades Projects for the Camino de Jacobo, Santa Cruz and Valle Vista Housing Sites to be Funded with Housing Initiative Grants

CHAIR HUGHES: Our last item under number 6 is 6. I and for that we have Jordan Barela. Thank you.

JORDAN BARELA (Housing Coordinator): Thank you, Mr. Chair, Commissioners. I'm here today to present a resolution for potential approval and that is a resolution requesting authorization for the County Manager to execute all grant agreements, contracts, purchase orders and necessary forms related to the public housing upgrades project for Camino de Jacobo, Santa Cruz, and the Valle Vista Housing sites that could potentially be funded through housing initiative grants issued by the State of New Mexico and subsequent to that, authorizing the utilization of outside contracts to procure services for those projects.

As part of the 2024 capital outlay bill, the County had proposed three projects related to public housing upgrades. Those projects were for all three of our housing sites – Camino de Jacobo, Valle Vista and Santa Cruz with an estimated funding gap of about \$7 million. In total, through the capital outlay bill, we received about \$575,000 in state capital outlay, which left a significant funding gap. Subsequent to that, in about late February, staff were contacted by the Governor’s Office who indicated that there was \$2 million available in discretionary funding for affordable housing that could potentially be appropriated for our various housing projects.

Upon being made aware of that news, we, being Community Development, had discussions with the County Manager’s Office and the Finance Division to discuss a potential project implementation plan in light of the restrictive timelines for project execution, so the biggest caveat to that funding is that if it was funded through the current appropriations all money would need to be expended by June 30, 2024, so the end of this fiscal year.

Staff determined, based off our review, that approximately 22 residential structures could obtain new roofs and new stucco within that time frame and budget constraints, but in order to ensure the feasibility of this project staff, we’re here before you making these requests to delegate this authority to the County Manager as well as receive approval to use outside contracts as the feasibility of this project is really dependent on our ability to get through the administrative processes relatively quickly. And with that I will stand for any questions.

CHAIR HUGHES: Questions from the Board?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Go ahead.

COMMISSIONER HANSEN: I think this is a great opportunity for the County. I know it’s a quick turnaround and I’m hoping that we can manifest it in the quickest amount of time, so good luck, Jordan and good luck, County Manager, getting this done, and so I will move the resolution requesting authorization for the County Manager to execute all grant agreements, contracts, purchase orders and necessary forms related to the public housing upgrades for the Camino de Jacobo, Santa Cruz and Valle Vista housing sites funded through housing initiative grants issued by the State of New Mexico; and authorizing the utilization of outside contracts to procure services, etc.

COMMISSIONER BUSTAMANTE: Second.

COMMISSIONER GREENE: Second.

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

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

CHAIR HUGHES: That concludes item 6. I noticed that a lot of people have entered the room for our public hearing tonight and I want to let you know that we are a little behind schedule, not unusual. So we are going to have a couple presentations. Then we’re going to take a little break and come back. So I think the public hearing would probably not start any sooner than 6:00. So people are welcome to stay but also they’re welcome to wander around if you don’t want to be seated.

7. **Presentations**

A. **Presentation on Santa Fe County Earth Day Event 2024**

CHAIR HUGHES: Michael Carr and Nav Khalsa. Go ahead.

MICHAEL CARR (Sustainability): Good evening, Mr. Chair, Commissioners. I do have a power point presentation as well. Thank you so much. My name is Michael Carr. I'm a Sustainability Specialist with the Community Development Department, and I'll allow Nav to introduce herself.

NAV KHALSA (Sustainability): Nav Khalsa, Volunteer Coordinator at the Community Development Department.

MR. CARR: Thank you for the opportunity to present today. We have a brief presentation, I promise, on the upcoming Earth Day event for Santa Fe County. The purpose of the Santa Fe County Earth Day events is to engage County staff and the community in implementing sustainable practices, to preserve natural resources for current and future generations. We appreciate the support that we have received from the Board of County Commissioners, County staff, and community partners on these events over the years.

The County has held successful Earth Day events over the last several years. In 2021 the County worked with the Public Works Department and the Santa Fe Watershed Association to carry out a series of community planting events throughout the county. These included plantings at the Pojoaque Recreational Center, along the Santa Fe River, Arroyo Hondo Fire Station #1, Edgewood Senior Center, and the Max Coll Community Center.

In 2022, in collaboration with the Public Works Department, the Housing Authority, a contractor and community groups, the County carried out additional plantings at the Santa Cruz public housing development, Camino de Jacobo public housing development, Edgewood Senior Center, Arroyo Hondo southern trailhead, and the Boys and Girls Club in Valle Vista.

And last year in 2023, Sustainability staff in collaboration with the Santa Fe County Open Space, Parks and Trails Division, Public Works Department, County Commissioner liaisons, master gardeners and a contractor installed an amazing rain garden at the Santa Fe County's Fair Grounds.

These events have proved successful in meeting our goals and resulted in involving approximately 230 community members, in addition to numerous County staff in these Earth Day activities. These efforts have also culminated in the planting of almost 600 perennial plants, trees and shrubs.

This year we're planning to host our Earth Day celebration and the Santa Fe County Arroyo Hondo Fire Station #2, just off Seaton Village Road. The fire station is a notable community landmark and gathering space hosting an annual Fourth of July celebration typically attended by over 100 community members. The fire station sits downslope from Seaton Village Road and produced stormwater runoff that flows over the parking area and around the building into the adjacent arroyo. We plan on installing green stormwater infrastructure at the site to support some of the stormwater capture and retention, as well as provide additional habitat for birds, pollinators and other wildlife.

The location is also beneficial to exhibiting to the public how these systems work and support countywide water-wise landscaping practices.

Before I move on to some specifics about the event, I just wanted to briefly cover why these stormwater management features are so important. Runoff can wash pollutants such as pet waste, motor oil and trash into waterways as it moves over impervious structures. Runoff is considered a significant threat to water quality in the United States by the EPA. However, properly managed runoff can serve as an important water source in Santa Fe County's dry climate. To protect waterways Santa Fe County is required to manage pollution from runoff under its National Pollution Discharge Elimination Systems, small municipal separate storm sewer systems permit, much more conveniently known as the MS4 permit. Under this permit the County must maintain a stormwater management program and report annually on that program.

So traditionally, gray infrastructure like pipes, curbs, gutters and storm drains were designed to move stormwater off of landscape, where green stormwater infrastructure on the other hand serves to treat and infiltrate runoff in place. The two photos on the right are showing two rain gardens in Santa Fe, one off Aspen Drive and one downtown. These gardens are both harvesting the runoff from nearby paved areas – a parking lot and then East Alameda, to allow the water to infiltrate into the soil, which supports trees and other vegetation growing.

Pictured here is a specific example of a green stormwater infrastructure feature called a Zuni bowl. This will be a feature included in this year's Earth Day celebration and illustrates how potential water runoff can be slowed and captured on a landscape. Instead of moving over the landscape, a Zuni bowl slows draining water and provides areas along its downslope path to pour into plunge pools and dams. The dams and pools provide areas for that water to kind of be captured and infiltrate down in the soil more slowly, where it would otherwise wash downstream with sediments, pollutants and other materials.

Pictured here, the Earth Day rain garden we plan to install is located in the red circle, which is right next to an outdoor kind of canopy pavilion and a parking area. This garden will harvest water runoff from that parking area and help increase some water infiltration along an area that has been having some erosion, just off the path. The site is currently dominated by piñon and juniper trees and some chamisa shrubs, also known as rubber rabbitbrush. Incorporation of this feature will provide additional water resources to that existing flora, which is being preserved during the installation of this feature.

As the parking lot drainage is currently eroding that slope, hosted by the plants it is expected that the installation of this GSI feature will prevent some long-term damage to the surrounding trees.

This graphic illustrates the initial rain garden design for the Arroyo Hondo Fire Station Earth Day event. The asphalt parking area is located in the bottom right of the picture in gray with the pavilion canopy and picnic tables located in the top right in white, that white rectangle, and the existing piñon and juniper trees are represented by those large green canopy symbols with the tops in full use on those trees.

A Zuni bowl and water capture feature is located in the bottom center. It's that little snake of blue trailing down into a half circle, almost full circle of gray, and that is where the water is going to be draining off asphalt, going through those trees downslope

and hopefully infiltrating down into the landscape to prevent any future runoff and erosion cuts through that landscape. Throughout the center of the design there's also a variety of native plants and woodcuttings that will provide additional water retention, ponding for wildlife habitat, and some space for children and the public to interact with that space. There's some small cuts of wood up there so kids could jump around if they feel fit or are interesting in kind of experiencing some of the feature we install.

So as we approach Earth Day work will commence to prepare the space for the final plantings on April 20th. Excavation, installation of the water capture feature will be completed with the final plantings involving the community, including those of the Board who are able to attend. The event will also host tabling from community organizations and some educational activities, and there will also be a series of presentations by our contracting partner and County staff.

We hope this event succeeds and increases the awareness of sustainable landscaping practices through example, with the intent to support the establishment of this garden over the next two years this space will serve as a new demonstration garden to inform the expanded use of GSI in Santa Fe County. Going forward, we will work to develop additional plans to develop GSI infrastructure in the county and utilize this plan to continue the annual celebration of the earth and County water projects.

So thank you, Mr. Chair, Commissioners, for the opportunity to present on this exciting event. I would also like to thank Santa Fe Fire, our County Manager's Office, our rainwater harvesting experts, and all others who have had a hand in creating a memorable celebration of the earth and our shared natural resources.

MS. KHALSA: I just wanted to briefly say as a volunteer for the 2021 events and then as a staff member for the following, Public Works has been a huge partner in our accomplishing the work that we've needed to do for Earth Day and we've endeavored to give them a break this year and really put all the heavy lifting on our contractor, so we thank Public Works for their collaboration and continued collaboration and we just really want to acknowledge that they've been a huge part of making this happen every year. So thank you.

MR. CARR: And also this is a formal invitation to the Board of County Commissioners to attend. So thank you.

CHAIR HUGHES: Oh, thank you. It's already on my calendar. Somebody made me put it there, I think. Comments from the Board? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I have to thank you again. My jaw's dropping. I'm in love with the work that you all are doing since my last Earth Day. This is the type of thing that when Commissioner Hamilton said imagine sustainability working with Growth Management, and now you're saying and Public Works works with us to develop this. But a big developer saying we're going to do this, and instead of it being punitive it's, you'll get credits. Or it will cost you less for your permit, or whatever. If you deploy something like this. And I love it. It's going to bring earth back to itself and Happy Earth Week right now because this is so exciting to me. So I couldn't thank you enough. And I'm excited about it because this is exactly the vision for what could be integrated with regard to that WPAC. Thank you.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Well, that was perfectly said. It's great

to have these living examples. I feel like you guys certainly can go further as you work interdepartmentally. I can think of even more formal incentives, and here are the examples of what could be put in, and people can think about and get some incentives for doing things that are beneficial and mitigate some of the negative impacts of development and what not. And so make us more resilient to climate change and the various associated problems. So it's a great job and actually it makes me feel rather good that you guys as professionals in this kind of resilience, in this field where you guys were working on these concepts while I was chatting about them. I'm really pleased with your foresight and expertise. It's really impressive.

CHAIR HUGHES: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, guys. This is encouraging to see that you're working across organizations here. You're going to make a nice little spot that will be beautiful. I had fun at the Earth Day event two years ago. I'm sorry I missed it last year but I will be here this year. And then one of the things I'd love to see is this is a great demonstration project in the installation. Next year, or at the end of the summer, let's see what – send us pictures, right? And let's look and see what happened to all the trees that we planted two years ago and see them maybe in a month or two when they blossom to see where things look these days and so we see the fruits of our labor. No pun intended.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. It warms my heart to see the progress that Sustainability is making towards improving the landscape of all of our buildings. I think it's really important to put things into action and this is an example of putting things into action. So thank you very much, and thank you for joining the County. Welcome, again and I see you have made a great contribution, so thank you.

CHAIR HUGHES: Very good. I'm looking forward to my fourth Earth Day at the County, so thank you very much.

7. B. Presentation on Public Art Plan for 100 Catron Lobby

CHAIR HUGHES: Welcome, Rod Lambert.

ROD LAMBERT (Public Works): Mr. Chair, members of the Commission, thank you for having me. I'm here to present about the public art plan for the 100 Catron building. As you know, it was completed in 2019 and it's a two-story, 60,000 square foot office space that houses a large portion of our staff that are mostly public-facing, and there's currently a dearth of public art in this space. However, there is a Resolution 2015-39 that accommodated a \$100,000 budget for the creation and installation of public art in the building. The original resolution has a lot of stipulations in it – whereas, whereas, whereas, so I've kind of boiled it down to drawing historic links between Santa Fe County and Mexico, emphasizing fresco art as an artistic medium, stating the importance of arts and culture to the region, and also informing the public of the significance of the three trails, the Camino Real, the Old Spanish Trail, and Santa Fe Trail.

So as an FYI, national trends in public art are kind of discouraging the installation of permanent pieces on walls like murals. They're often costly to maintain and/or repair,

the maintenance is difficult and costly, and it often cannot be removed if there's a need for a repair or a renovation. We've got currently two situations in Public Works, one at the Abedon Lopez Center and then the other at a fire station on Agua Fria. So we're currently photographing the one you see there for Jerry West and we're getting it printed on a large canvas so that we can maintain the image after their demolition happens. So in order to prevent that it's best to have art work that's flexible and that can be moved.

So then how are we able to incorporate the spirit of the original resolution and following these best practices? And the answer is I'm approaching it from a two-pronged approach. One is to display three maps created by an artist and each will represent one of the trails, and then as a result, once that's completed, we can have artists who are informed by those art works to be able to create proposals to create a hanging piece that will hang ideally in that light well in the lobby above the staircase.

Omar Ganzo is the artist that we selected to do the maps. He's a local artist. He grew up in Mexico actually on the Camino Real, which was a really interesting twist of fate. He's an annual participant in the contemporary Spanish Market, and he uses a fresco on panel method, which is essentially plaster on panel, so it's very specific to his practice, and so that makes it easy for us to be able to remove it, move it or other maintenance concerns that may happen.

So Omar is going to receive \$8,500 for three maps total. I was there a couple of weeks ago getting an update from him, so this is kind of an example of one of the. So you can see it's the plaster and he's got a color kind of pain over that and he's drawn out the general map. Each map's going to be different. They're going to be located there. That would be kind of an example of where the center one would be on the stairwell. Each is going to be accompanied by didactic educational information about each of the maps and their history and their contributions to the community, both cultural but also fiscal. I think there's a lot of economic impacts that happened as a result of all those trails.

Each map will be distinct and they're going to be approximately 30 by 25, and they'll be mounted to the wall with security locks.

So there's some more examples of the progress. You can kind of see each one has its own flavor. It's going to have its own kind of color and aesthetic as well, so they'll all be differentiated but they'll all be a family. They'll be cousins, not brothers.

The second one will be informed by the three maps, so once we get those three maps up then I can start kind of doing a search for artists that are interested in producing the mobile artwork. That will be the substantial part of the budget. So we hope to get three artists – there'll be proposals, select three to present design maquettes, and then they'll have the second round of review and they'll receive \$1,500 for their submissions, and then the selected artist will receive approximately \$80,000, depending upon the cost for installation and others.

That's kind of a shot of the gallery. The intent of the process is to kind of respond to Omar's message that he creates with the three maps, and then give a visual three-dimensional translation of the literal maps in abstractive sculpture for the public to enjoy, and it will also match the design aesthetic of the building, including the finishes and colors.

Other possible opportunities in the future for this building would be that area there for Catron and Griffin streets. I think there's an opportunity to put a sculpture there,

whether it be on loan, or if we find a budget to buy something. Also those planters there, they were developed architecturally to prevent anyone from hitting their heads on the stairwell and they're kind of sitting there empty. So it's a possibility that we could get some funding and have an artist to – either two artists do each planter or do one artist that does both. So any questions?

CHAIR HUGHES: Any questions? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, I'm wondering, how can we – and you've gone a long way and I think it's beautiful. I think it's beautiful. And I'm thinking about those who lived here, who migrated on the trails, up and down the Bajada, through both northern – so we had both those who were nomadic tribes, and then the residential, but there were, between Keresan, or the Keres, and the Tewa and Towa, that there were trails. And I don't know. I don't, I don't see them reflected here. Or a way – and I'm saying in that migration, as well as something that just sort of depicts maybe the stagnant lives that were there as these trails came in. Something that shows a dynamic, an opportunity to reflect on the time parcels of this, of as cultures used the lands and even from when I think of animal pathways and these migration areas for different animals and then the human species in the migrations, and to integrate sort of a bigger picture instead of the good old-fashioned colonial – these three things came in and now we're a tri-cultural – it's not real.

And I think art has an opportunity to do that, right? So I'm wondering – I'm saying it so that we can think and come into some kind of reflective way of acknowledging that which was here before us, those who were here before and how that migration was and then the continuous integration of it all. There's something beautiful there.

MR. LAMBERT: Yes, Mr. Chair, Commissioner Bustamante, you read my mind. I've already actually been in discussion with a mobile artist to kind of see what she would expect or what she would want from a proposal, and we can incorporate all of that into the proposal, which is my intention. Because her initial thing that struck her was again the animal trails and how do we abstract that and tell the more robust part of the story. So that would be, I think, inherent in the call, so thank you for bringing it up.

COMMISSIONER BUSTAMANTE: Thank you, sincerely.

CHAIR HUGHES: Are there other questions or comments? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you for the presentation here. It's a nice building. It will nicer, so good job. Let's – the comments I have is a little related to Commissioner Bustamante's is I love the story of the three trails, but it also is a human artifact amongst – with a colonial bent to it. So having some respect for those that came before us and including the nature, right? Indigenous and the nature that was destroyed by us being here, sadly.

I also look at the opportunity for creating digital and the sort of dynamics of video or photography and digital screens that can be hung but then can be rotated and have dynamic video of – that are storytelling and not just – this is great. Frederico Vigil is a friend and somebody who I've loved to sit beneath his work, but that's a big, dramatic work. And having something that might be a little more dynamic and be a rotational piece that has the ability to say, here's a theme. We want to talk about the three trails. We want

to talk about the animals and we want to talk about these things. But the photographers and video producers and also animators, even, right? Can go in and produce something that it changes and it has a different ongoing life beyond that.

Also then for the corner spot on Catron and Griffin, we have a probate judge here who does weddings. I've always thought that that space should be a wedding garden, especially to be able to just call out and say if you're going to go get married at the courthouse steps at it used to be or at the County steps, that that could be a place that was a beautiful spot and a garden, thematically made for vows and renewing vows or doing it the first time. So anyway – thank you.

MR. LAMBERT: Mr. Chair, Commissioner Greene, thank you for that. My intent and the approach of the process for this was to make sure I accommodated the dimension of the three maps and their inclusion in the artwork, but I also simultaneously did not want them to dominate the way this was going to be interpreted or translated. And since the resolution was so old and things have changed, I wanted to have the emphasis be on the larger piece and it being able to be the one that has the more larger impact and has a larger discussion.

And when I was at the City in the Arts and Culture Department there, we also have – it was a story maps program, where we hired artists to develop digital content that then were accessed by QR codes, which could be a complete educational opportunity that overlays this at some point in the future. So thank you for that suggestion.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Rod, so much. This is like something that we have been talking about for such a long time, since we built that building. It's so important to have art in it. I think whatever can hand there in the middle will be fantastic. I hope that these maps have some more color and aspects to them and also I know that it was Councilor Miguel Chavez, or Commissioner Miguel Chavez who is also an artist and cared very much about these issues, like myself, who is also an artist. And so that I hope that they have some representation like these beautiful frescoes that we sit under, that they have some color and some intricacies into them.

But I know how important the El Camino Real is a completely historical trail that was a path at some point and took it from Mexico to Ohkay Owingeh. So I'm excited and I'm happy to see something happening because I really wanted something to happen there for a long time and I think that having art and having some kind of hanging in the middle will be really enchanting to the building. And I thank you for coming to Santa Fe County and joining us. And I thank Brian for seeing your talent and using it so that we could have this happen here, because you are in Public Works and this might not be exactly what we can stretch the boundaries of Public Works. I'm always good with stretching the boundaries of the silos that we get ourselves into. So thank you and congratulation. And thank you, Brian for allowing this to be part of Public Works and recognizing that and also Manager Shaffer for his recognition of how much we all care about art is our beautiful city of artists.

CHAIR HUGHES: Thank you. Thank you, Mr. Lambert. This is exciting and I look forward to seeing it and I think you've gotten plenty of comments from the other Commissioners to fiddle with.

MR. LAMBERT: Mr. Chair, members of the Commission, if any of you

were interested in maybe serving on the selection committee for the larger piece once we get down the road, let me know –

COMMISSIONER HANSEN: I'm interested.

CHAIR HUGHES: You have a volunteer. Thank you very much.

[The Commission recessed from 5:30 to 6:00.]

8. Matters of Public Concern

CHAIR HUGHES: We're back from our break. We are going to go to Matters of Public Concern, for matters not related to the public hearing. Then we will skip ahead the public hearing, since everybody's here for that, and then we'll come back to items 9 and 10. So Matters of Public Concern would be for anyone from the public who wants to address us for anything other than single-use plastics. Is there anybody in the audience? Daniel, is there someone online who wishes to address us?

MR. FRESQUEZ: Mr. Chair, we did have one person sign up online for Matters of Public Concern. His name is Gary Stoller.

CHAIR HUGHES: I can almost guarantee he wants to talk to us about single-use plastics.

MR. FRESQUEZ: Then, no, Mr. Chair, there are no other users online.

CHAIR HUGHES: Okay. Hopefully, Gary didn't really have something else but we'll accept that.

12. Public Hearings

A. **Ordinance No. 2024-06, an Ordinance Prohibiting the Use of Single-Use Plastic and Expanded Polystyrene Products in Santa Fe County; Encouraging Use of Reusable Bags; and Establishing Enforcement and Penalties for Violation** [*Exhibit 1: Letters in Support; Exhibit 2: Redline Changes from Staff*]

CHAIR HUGHES: From our Community Development Department we have Jacqueline Beam to get us started. Welcome, Jacqueline.

JACQUELINE BEAM (Sustainability Director): Thank you, Mr. Chair, Commissioners. On September 26, 2023 the Board of County Commissioners gave direction to staff to finalize a draft ordinance that was presented in the meeting, along with the Single-Use Plastic and Polystyrene Working Group research findings and recommendations. The draft ordinance includes several highlighted requirements and I'll just briefly summarize that in that retail establishments shall not provide single-use plastic bags and pre-check-out bags should be provided to customers.

It does not apply to the following: Pre-check-out bags provided to customers, bags provided for prepared takeout; laundry, dry cleaning or garment bags; bags used to contain or transport live animals; and bags used to transport chemicals, pesticides; bags used to protect paper newspapers; plastic wrappings, bags or containers distributed by the manufacturer for packaging or preparing goods for display prior to sale.

On February 27, 2027 the Board of County Commissioners authorized publication of title and general summary of this ordinance prohibiting the use of single-use plastic and expanded polystyrene products in Santa Fe County, encouraging use of reusable bags and establishing an enforcement and penalties for violation. The Sustainability Division of the Community Development Department held an informational meeting for retail establishments regarding this topic and the proposed ordinance on March 18, 2024. A communication regarding the meeting was sent to the contact information for retail establishments that potentially would be affected by this ban, and no representatives from retail establishments attended the informational meeting.

Since publication of title and general summary, the Sustainability Division has received a few public comments. Public comments received on or before March 19, 2024 have been summarized on a chart attached in your packet and the following is a brief summary of the nature of public comments that have been received. A request for the ordinance to include a provision encouraging retail establishments to charge a 10 cent fee for recycled content paper bags; a request for the County to evaluate the potential for the spread of bacteria if single-use plastic bags are prohibited; and comments that penalties are disproportionate to the violation; a request that restaurants be excluded from prohibition on single-use plastic bags; and a request for restaurants to be excluded from the ordinance.

And I have with me more or additional comments that were made after the 19th that I'd like to distribute. And also included in the packet are proposed redlines and the proposed redlines for the ordinance that was posted in public notice for public comment includes Section A, which exempts bags for prepared take-out food with a high liquid content, and it was recommended that that be changed to the discretion of as far as what high liquid content is to be decided upon by the retail establishment.

Also, a provision encouraging retail establishments to charge a fee for recycled paper bags, and to also consider not charging a fee to those that are part of WIC, TEFAP, or TANF or SNAP programs.

Also, redlines revise Section 7 to create new Section 7. A, B, and C that set forth graduated penalties for violations of the ordinance while consistent with state law, retail establishments that are convicted of violating any provision of the ordinance would be guilty of a petty misdemeanor and the punishment for the first and second offenses will be limited to a fine. Third offenses and subsequent offenses will be punished by a fine not exceeding \$300 and/or imprisonment not exceeding 90 days.

Upon hearing public comment from those that are here today and online, the Community Development Department respectfully requests consideration and potential action on this ordinance prohibiting the use of single-use plastic and expanded polystyrene products in Santa Fe County, encouraging the use of reusable bags and establishing enforcement and penalties for violation. With that I stand for questions.

CHAIR HUGHES: Thank you, Jacqueline. Are there any questions from the Commission before we go to the public? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Jacqueline. How did these penalties come about? What are they commensurate to?

MS. BEAM: I believe – and so I apologize if I didn't know the details of how those decisions were made but the Legal Department responded with the redlines and recommendations for a tier –

COMMISSIONER GREENE: So first infraction, small fine. Second infraction, slightly more significant. Third infraction, jail?

MS. BEAM: Correct. And with that I might add that the Sustainability Division has taken on the complaint hotline aspect of this and so our whole goal will be to try to educate businesses and provide some resources so that they will not end up in that last category. That is definitely something that we're committed to.

CHAIR HUGHES: And Commissioner Greene, all of these are up to, not to exceed. They're at the discretion of the judge.

COMMISSIONER GREENE: Discretion of the judge is not us and a judge who =

CHAIR HUGHES: Right. But the redline was because the original version just had the maximum penalties and so we wanted to show that at least for the first and second you would not get – the judge wouldn't even have the authority to give you the maximum. At least that's my understanding of why it was written this way.

COMMISSIONER GREENE: Seems very harsh. Fines should be enough.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So part of it is this is what state law says for a petty misdemeanor? Okay, so any petty misdemeanor, and anybody who wants to correct me from Legal if I'm incorrect, is the final version. What we did, myself and Commissioner Hughes, with Legal, we met and tried to reduce it so that we had a three-tiered system instead of just going to the harshest penalty, which is what state law requires for a petty misdemeanor. And so we added in two different designations and one is – I have to get to the first one of the penalty. So we reduced it. What section is it under, Jacqueline?

MS. BEAM: Seven.

COMMISSIONER HANSEN: So in the original one, without the redline, it was any owner of retail establishment who violates any provision of this ordinance shall be deemed guilty of petty misdemeanor. Upon conviction, a violation of this ordinance shall be punished by a fine not exceeding \$300 and/or imprisoned for a period not exceeding 90 days.

So in the redline version, which is what we hope to pass tonight, is where we added the lesser penalties in the beginning. So there's a first offense and there's a second offense. Because that wasn't there when we went to publish title and general summary. And I think you already know, Commissioner Greene, that enforcement is not a huge part of County government.

CHAIR HUGHES: All right. Are there other questions and comments? I think the audience may have some thoughts about this particular aspect as well. Anybody else? Okay, let's go to public comment. How many people in the audience are here to make a comment? And how many people do we have online, Daniel?

MR. FRESQUEZ: Mr. Chair, we currently have three people online.

CHAIR HUGHES: Okay. So I think we can give everybody three minutes, and the Clerk needs to swear you in. So we'll do the people in the audience first and then

we'll go to the online people second, and the Clerk can take over swearing in the audience.

[Those in the audience wishing to speak were placed under oath.]

CHAIR HUGHES: I think when you come forward you're supposed to state your name and address and that you understand you are under oath.

[Duly sworn, Kristen Thomson testified as follows:]

KRISTEN THOMSON: I'm Kristen Thomson, 207 Ephraim Street, Santa Fe. I understand I am under oath and I am representing the New Mexico Restaurant Association. Thank you so much to the sponsors of the bill for considering our changes and adopting them in part in the draft. We appreciate the open conversation and understanding. As you mentioned, the previous draft included overly harsh penalties for non-compliance without a well defined process, and thank you also for reconsidering the confusing ban on plastic bags that really left harsh penalties and required the best judgment of an employee of ours.

We pushed for these amendments because we have a deep understanding of the operational realities faced by small businesses in our community. The original penalties threatened to treat minor infractions with disproportionate severity, although those still exist. We are glad that there is a process at least. And risk criminalizing everyday business practices similar to those in use directly across the street from where this ordinance will apply. I'm going to skip ahead since we're short.

As an aside, as a taxpayer in the City and County of Santa Fe, City and County of Santa Fe, I listened to the presentation from our Corrections Department just before getting here, and the interaction that that department has with people facing and accused of petty misdemeanors. That's an incredible waste of tax dollars when it comes to something this minor. The initial proposal highlighted a crucial oversight in the process, and that is the involvement of the business community. Hence, selecting businesses when these folks are working all day long in their premises is not a reasonable expectation. So we ask that we are stakeholders throughout this process, throughout the implementation, etc.

Finally, I also want to point out, when I walked up to this hearing the doors were locked. That's a violation. The doors to the building are locked. That's a violation of the Open Meetings Act. And I think that since you consider plastic bags this big a threat, of a petty misdemeanor, that you look at the penalties for an Open Meetings Act. They do not include jail time.

CHAIR HUGHES: Thank you very much.

[Previously sworn, Bridget Dixon testified as follows:]

BRIDGET DIXON: Bridget Dixon, 4147 Las Brisas, and I understand that I'm under oath. I'm Bridget Dixon. I'm the president and CEO of the Santa Fe Chamber of Commerce. We have over 700 member businesses. Today I want to talk about the ban on single-use plastics. The Santa Fe Chamber of Commerce and its members, we are committed to sustainable, responsible business practices. Businesses are not just economic entities. They are stakeholders in our communities, involved in environmental stewardship and a critical part of our economy's social fabric.

We are eager to work with the Commission to explore how we can collectively enhance our community's environmental and economic wellbeing. We're here as a

partner in implementing and improving the policy you're considering tonight. We appreciate some of the changes that have been made. However, we feel that stakeholders still have not had an opportunity to speak out and we'd love the opportunity to be that conduit to connect you to those business stakeholders to weigh in on this. Thank you for your time.

CHAIR HUGHES: Thank you very much. Who's next? Don't be shy. You all raised your hand before.

[Previously sworn, Karen Sweeney testified as follows:]

KAREN SWEENEY: My name is Karen Sweeney. I live at 16 Esquila Road in the county. I'm under oath. Good evening Chairman Hughes and Commissioners. My name is Karen Sweeney and I have been part of the single-use plastic prevention working group that met over the past year. We reached out to potential businesses and associations that would be impacted by the ordinance but did not receive much input except for several positive letter. I have three key letters that I would like to summarize briefly that outline such support. I believe you have them know but I don't think you had them before.

The first is from Dr. Matthew Campen, Regents professor of pharmaceutical sciences at the UNM College of Pharmacy. His group's work identifying microplastics in every one of 62 placentas studied was covered recently in the Guardian newspaper. We reached out to him and he enthusiastically offered a letter of support in which he talks about some recent research. Quoting Dr. Campen, "In the past month three reports utilizing novel technology have opened the planet's eyes to the true scope of infiltration that microplastics have in the body."

Two weeks ago his group presented research from autopsies showing the human brain specifically sequesters microplastics. The concentration was 50 times greater than the concentrations in the placentas. I quote Dr. Campen again: "This is a global problem and the concentration of microplastics will continue to rise exponentially for decades to come due to neglectful plastics utilization and waste policies. It is time to start stopping. Stop the blasé approach to human consumption of raw materials. Stop the casual and purposeless disposal of single-use plastics. Stop assuming that people are going to independently make the right choice without a regulatory mechanism in place."

The second comment comes from Juliana Ciano of Reunity Resources. Reunity, a local non-profit organization employs 30 people and includes composting programs, a regenerative farm and much more. Juliana knows "single-use plastics are the number one contaminant found in our compost. We see straws, single-use bags, Styrofoam take-out containers and plastic utensils within the food waste we collect from restaurants, schools, businesses and homes. They do tremendous damage to our soil and waterways. We strongly encourage you to vote yes."

Finally, this from Murphy O'Brien, owner of Café Fina and operator of the Legal Tender in Lamy. He has instituted sustainable practices in his businesses for many years including paper cups and take-away boxes. I quote from him: "While there is some cost increase incorporated in product pricing, it is a cost we must pay to be better stewards of our environment. I believe my customers support this practice. While reducing unnecessary plastic in our environment this ordinance would level the playing field among restaurant businesses in the county. I look forward to passage of this ordinance."

Thank you.

CHAIR HUGHES: Thank you, Karen.

[Previously sworn, Pat Bellard testified as follows:]

PAT BELLARD: Good evening, Pat Bellard, 6 Herrada Terrace, Santa Fe. I'm under oath. Good evening, Commissioner Hughes and Commissioners. I'm here to express my support for the proposed ordinance which is aimed at protecting our local environment. As a community we are responsible for safeguarding our natural resources for future generations. This ordinance represents a crucial step in that direction. It reduces single-use plastics and other polystyrene products in Santa Fe County, it encourages the use of reusable bags and it penalizes violators. These measures will make a tangible difference in reducing the various risks to human, animal, and plant health.

These measures will preserve the beauty and integrity of Santa Fe County. In addition, the ordinance reflects the values of our community. We pride ourselves on being stewards of the environment and passing this ordinance would demonstrate our commitment to that responsibility. I urge you to consider the long-term benefits of the ordinance and vote in favor of the adoption. Together we can make a meaningful action to protect our environment and ensure a sustainable future for all residents of the county. Thank you for your time and consideration.

CHAIR HUGHES: Thank you very much.

[Previously sworn, Elizabeth McClaren testified as follows:]

ELIZABETH MCCLAREN: My name is Elizabeth McClaren. I live in Eldorado. I'm a member of Eldorado 285 Recycles, and I'm under oath. Thank you, Commissioners for listening to me. It has been well established that plastic harms the environment and our health. Plastic production workers are at increased risk of leukemia, lymphoma, brain cancer, breast cancer and decreased fertility.

A study led by Boston College Global Observatory in partnership with Australia's Minderoo Foundation found, "Current patterns of plastic production, use and disposal are not sustainable and are responsible for significant harms to human health as well as deep societal injustices." In New Mexico, plastic ends up in landfills where it sits for years, or in our streams, or stuck on chollas, spoiling the beauty of the land of enchantment. These plastic bags do not break down completely. The photo-degrade, becoming micro-plastics. Now is the time to ban single-use plastic in our county just like the City of Santa Fe has done. It's working there and we can make it work here. Thank you for listening to me.

CHAIR HUGHES: Thank you very much.

[Previously sworn, Anne Salzmann testified as follows:]

ANNE SALZMANN: My name is Ann Salzmann. I live at 110 Verano Loop, Santa Fe. Thank you for letting us speak. I wanted to address one of the issues that's been raised about the safety of reusable bags that are brought from home. Almost a decade ago California banned single-use plastic bags. At the time, NPR did a study to investigate concerns of bacterial diseases arising from unclean bags, and they found that there had been no outbreaks of disease and thus no concerns had been elevated to the level of questioning the safety of people bringing their own reusable bags.

It is generally believed that meat in unsealed containers or packaging could create bacteria, including *E. coli*, if the meat leaked into the bag. Studies done by academic researchers in California and Arizona have concluded that although there are some

bacteria present in some bags, the average person is not getting sick. Researchers commented that meat contamination could occur more easily on kitchen counters and cutting boards than from reusable bags.

Still, some safety tips offered are labeling one's bags for produce, another one for meat, etc., not storing bags in hot cars, and washing them out if they look dirty. These are certainly worthy reminders.

It's important to ban these single-use plastic bags for the health of our planet even though people object. We need to create new awareness of the dangers of plastics in all its varieties in our lives, and the reality is that we don't know how to deal with the overwhelming amount of plastic trash that is already threatening our planet. We are not pioneers here. New York banned plastic bags in 2020 and seven other states have some version of a plastic bag ban. Let's take a step for the future and enact this ban in Santa Fe County. Thank you.

CHAIR HUGHES: Thank you.

[Previously sworn, Susan Daniel testified as follows:]

SUSAN DANIEL: Susan Daniel, 1 Lobo Lane. And I understand that I am under oath. Some of my comments are more personal than the research that's been discussed today, and I would like to register my support for the plastic bag ordinance. As you know, the environmental hazards are numerous and every international researchers, including Dr. Matthew Campen at UNM have four microplastics in human placentas, which is really quite alarming. Business expenses can be decreased when a customer is asked if they want a bag for ten cents. I'm sure you all have seen people carrying a few items from stores without bags.

Personally, I have been using reusable grocery bags for years and they have paid for themselves since stores give a small credit each time they are used. And at this point I am actually earning money for their use.

As the saying goes, old habits die hard. Change is difficult but the environmental and health benefits cannot be dismissed. Please pass the plastic bag ordinance. Thank you.

[Previously sworn, Stephanie Levy testified as follows:]

STEPHANIE LEVY: Hi. I'm Stephanie Levy, 21 Domingo Road in Santa Fe, and I understand that I'm under oath. I'd like to thank the Commissioners and Mr. Chairman and the committee for the hard work drafting this ordinance. I heartily approve of it and thank you for the care you've give with the waivers for fees for needy families and those on food assistance programs. We're not the first to pass such an ordinance. According to US PIRG, one of three Americans lives in a place with some form of single-use plastic ban, thanks to the action of activists and legislators like you.

Across the country, plastic foam bans have passed in more than 200 cities and other communities, and by the end of this year McDonalds will phase out foam cups and containers worldwide in favor of 100 percent recycled materials. A few retailers, restaurants and people used to reusing plastic bags for trash can liners or pet-waste bags will find this ban inconvenient or balk at increased costs to their businesses. But I'd argue that it's time to consider the cost to the community and to our soils and waterways that single-use plastics and their degradation into microplastics create, not only for taxpayers but for all beings on the planet.

And while I understand the potential negative impacts to the bottom line of a few small businesses, I think the urgency of the problem impacting the whole ecosystem outweighs the profits of the few, especially when the alternatives are so easily available. And about those costs, as the most prominent tangler in the sorting machinery of recycling facilities, plastic bag contamination costs the County about \$400,000 a year. According to a KRQE news report, in 2021, the DOT received \$10 million in pandemic relief money to help clean up roadside litter and has until 2025 to spend this money. The department's normal annual budget for cleanup is more than \$3 million. If we assume the DOT is using this money effectively, anyone who drives between Santa Fe and Albuquerque or anywhere along the roadways in Santa Fe County can see this problem has clearly not been addressed. There's no the DOT and volunteer groups can keep up with the flow of single use plastics contaminating our environment, no matter how much money we throw at the problem.

During my three minute comment, 28,800,000 plastic bags will be produced worldwide, each with an average lifespan of 12 minutes. We must turn off the tap. Passing this ordinance is the first step. Thank you.

CHAIR HUGHES: Thank you.

[Previously sworn, Joe Eichner testified as follows:]

JOE EICHNER: I'm under oath. My name is Joe Eichner. I live at 6 Verano Drive in Eldorado. Chairman Hughes, members of the Commission, I represented the local Sierra Club on the committee that drafted the ordinance before you this evening. The Sierra Club enthusiastically supports this ordinance and urges your favorable vote. The Club especially welcomes your effort to reduce Styrofoam food packaging along with grocery bags.

On a personal not, I am a 90-year-old senior citizen. My daily exercise is walking around my Verano Loop neighborhood in Eldorado. Every day I encounter trash in the utility easements along our roads and I pick up what I can with this gadget. Most of my daily haul consists of – guess what – plastics, including the ones you are addressing today. I know that if I leave this trash in place our intense high altitude sun and high winds will reduce the plastics to micro- and non-sized particles, polluting our soil, ground and surface water, and the air.

Many of these trash plastics also contain leachable hazardous chemicals like the PFAS that contaminate well water in the county's Cienega area. My personal bête noir are the tiny colored plastic flats, each no bigger than my hand. Here's an example. They're used to mark the paths of underground utility lines so that digging projects can avoid them. After our Eldorado water company replaced several miles of water mains in my neighborhood using plastic pipes, of course, I found 2,000 to 3,000 of these flags on my daily walks. This was many months after the digging was done. Most of them were well on their way to becoming micro- and non-sized particles.

One-time, throw-away items like these are just one example of our overuse and failure to limit the harm of plastics. Thank you.

CHAIR HUGHES: Thank you.

[Previously sworn, Elsie Krause testified as follows:]

ELSIE KRAUSE: Good evening, Chairman Hughes and County Commissioners. My name is Elsie Krause and I live at 20 Herrada Road in Santa Fe,

Eldorado I would like to comment tonight how plastics are affecting our entire lives. I've learned that plastics never disappear. They break down into millions of tiny particles and are everywhere. They are now in almost everything we consume. They've been found in our arteries, our lungs, our livers. Oh, sorry. Yes, I'm under oath. I didn't realize I had to say that.

They are in our urine and blood and have been found in women's breast milk, the placenta, and in our newborns' first poop. These microplastics are doing damage to us we are not even aware of but their convenience and low cost is masking the huge harm to all of us and even one bag is here forever. On January 4th of this year Consumer Reports published the results of their study of a wide variety of today's food to see how much plasticizers we consume and it's an eye-opener. They tested 85 different foods, including Del Monte sliced peaches, Chicken of the Sea's pink salmon, Yoplait French vanilla yogurt, Chipotle chicken burrito, even organic Annie's cheese ravioli and all but one of these foods tested contained plasticizers.

By 2050, they're saying if nothing is done about this an estimated 14 billion tons of plastic will be in our oceans. It's mind-boggling. Medical researchers are linking microplastics in our arteries to a huge increase in heart disease, so we are all at risk. Doctors say inaction against plastics is no longer an option. So please consider this and pass this ordinance, not only to protect our environment but hopefully to set an example that encourages other municipalities to follow. It might be a small step in the light of what needs to be done, but it's a most necessary beginning. Thank you for listening.

CHAIR HUGHES: And thank you.

[Previously sworn, Joseph Durlak testified as follows:]

JOSEPH DURLAK: My name is Joseph Durlak. I live at 26 Condesa Road in Eldorado and I understand that I am under oath. I'd just like to talk about the bottom line here. Some people have already mentioned that this ordinance and laws like this – it's not new. It's been passed in various communities. What has happened in these different communities? Now, the statistics vary, depending upon what kind of ordinance or law or legislation is passed – what's been banned, what taxes, what consequences have been invoked in these different jurisdictions?

But at least eight states here in the United States have passed statewide legislation of one kind or another. At least 394 cities or counties in the United States have passed legislation about these kinds of things. And the latest data is that at least 77 countries from around the world have passed some sort of legislation around this material and this target. What has happened in all of these jurisdictions? I assure you, nothing terrible. Really. Albuquerque should be embarrassed for rejecting it or passing it and then getting rid of it. The exception proves the rule.

Members of the Restaurant Association representative and a representative of the Better Business Bureau have said they want to cooperate with this. That is wonderful. When these kinds of legislations pass, people do cooperate. The citizens get used to it and they change their behavior. The businesses get used to it; they change their behavior. Nothing terrible will happen; only good things will happen. I applaud the Commissioners for developing this ordinance, asking for our input and I hope you do pass it. Thank you.

CHAIR HUGHES: Thank you. Is there anyone else here in the chambers who wishes to speak? Seeing none, Daniel, could we go to our first online speaker?

MR. FRESQUEZ: Mr. Chair, yes, sir. Currently we have four people raising their digital hands. The first person speaking will be Gary Stoller.

CHAIR HUGHES: Okay, and I think we have to swear each of these people in individually.

[Duly sworn, Gary Stoller testified as follows:]

GARY STOLLER (via Webex): I'm Gary Stoller, [inaudible] in Eldorado, and understanding I am under oath. I would like to deal with a slightly different topic than everyone dealt with and is not normally considered when considering an ordinance like this. It's a topic that's not mentioned by mainstream media very often, but it's the significant effect that plastic pollution has a driver of climate change. Here are some facts to consider: Plastics are made almost 100 percent from fossil fuels. The plastic industry as the country would be the fifth largest emitter of greenhouse gases, behind China, the US, India and Russia. The fabrication of plastic releases pollutants at every stage of the process, from extraction to refinement, usage, disposal, degradation.

And as if the plastic prices wasn't bad enough now the fossil fuel industry plans to triple production by 2050. This is their Plan B a huge infrastructure build-out to increase plastic sales to offset the losses caused by the use of alternative energy sources and increased popularity of electric vehicle. In short, the plastic industry, if they succeed in this planned build-out, it's likely game-over for our climate.

The remedy begins with stopping so much unnecessary use of single-use plastics. This ordinance helps take the very first step. Since there is little hope for federal action on plastic pollution, it's up to municipalities, counties and states to step up and initiate action. I applaud the hard work and political courage of County government in creating this ordinance and I urge its adoption. Thank you.

CHAIR HUGHES: Thank you. Daniel, go ahead.

MR. FRESQUEZ: Mr. Chair, our next speaker is Sarah Pierpont.

[Duly sworn, Sarah Pierpont testified as follows:]

SARAH PIERPONT (via Webex): Good evening. Thank you. My name is Sarah Pierpont. My address is 1211 Agua Fria, Santa Fe and I understand I am under oath. Good evening, Commissioners, Chairman Hughes. I also applaud the courage and resilience of the committee and this Commission to put together this ordinance. My name is Sarah Pierpont. I'm the executive director of the New Mexico Recycling Coalition. We are a statewide group and we've worked with other communities throughout the state on reducing single-use plastic use. I was also the director of the committee that worked for over a year to research this, the Single-use Plastic Pollution Prevention Committee.

I do want to recognize that we reached out to the Restaurant Association, the Chamber, and a lot of the large organizations to be a part of that year-long stakeholder group. We did not receive any response. We worked directly with businesses in the county, and the businesses that did respond, they all were supportive of this ordinance and the way to mandate the restriction and reduction of single-use plastic use.

So I'm here to speak to you as a director of a recycling organization. Something that we talked about briefly was on the single-use plastic bags can serve as a large contaminant in the recycling stream, but before we even get to recycling there is the waste management hierarchy that we are all familiar with of reduce, reuse and recycle. And as recyclers, we are really supportive of that hierarchy with reduce taking

precedence and trumping the other R's in the system. So this is an effort to reduce the single-use plastic that is not recyclable in our state.

For example, single-use plastic bags are considered tangles and those get caught in the equipment. It requires recycling processing facilities to be shut down for about two hours per day to remove that material from the equipment and to keep their workers safe. As mentioned, it costs the City of Santa Fe and Santa Fe County combine about \$400,000 to \$500,000 per year in added processing expenses, just from lost productivity to remove those tangles from the waste stream. They are a confusing item for the consumer because oftentimes they have the recycling triangle on them but they are not accepted in any curbside program in New Mexico and almost in no curbside programs throughout the country.

Secondly the Styrofoam is not recyclable anywhere in our state and is actually a contaminant for a lot of the other items that we will recycle successfully in New Mexico. For example, if those plastics like Styrofoam get into the paper stream then that can degrade the value of the good recycling paper. So it's really important to keep these out of the waste stream. And because of the mislabeling of the recycling symbol, that little chasing arrow triangle that we're all so familiar with, which doesn't have any truth in labeling required. Basically any company can put that on their product. Because of that it's so confusing for consumers so the best thing to do is to reduce it at the source and ban it from being in our environment in the first place. Thank you.

CHAIR HUGHES: Thank you. And our next speaker, Daniel?

MR. FRESQUEZ: Mr. Chair, our next speaker is George Gundrey.

[Duly sworn, George Gundrey testified as follows:]

GEORGE GUNDREY (via Webex): My name is George Gundrey, 127 East Alicante Road, and I understand I am under oath. I'm speaking to you today as part of my role as the president of the New Mexico Restaurant Association. I also own Tomasita's Restaurant in Santa Fe, and this ordinance would not affect me directly, but obviously it affects things in our industry and that's why I'm here.

At my restaurants we stopped using Styrofoam. We started using biodegradable plastic ware years ago because of demand and because of my own personal concerns about plastics as well. My concern is about the process for this ordinance and also just generally with our elected officials at the County, state and local level. I'm not sure how rigorous the invitations were to participate in the process of this bill, but the Restaurant Association found out about it from a newspaper article, and it is very, very hard to run a business right now. It's so, so difficult. And when we see an ordinance that says we're going to send you to jail for three months because you haven't adequately trained your staff to not offer a plastic fork, it kind of shows a lack of concern for the business community here.

And so I really – the New Mexico Restaurant Association, there's other associations that are available to speak and work on these rules. And the ordinance as it stands right now is fine, but only because we found out about it in the newspaper. If you had engaged with us we could have also had a conversation, for example, about all the plastic that the New Mexico Environment Department, the food program, the Health Department per se requires us to use, and can we lighten up some of the load that we're required to use all these plastics. We could start a dialogue about that.

I'm curious also about some of the carve-outs for other industries. I don't know but I find it hard to believe that there's not a biodegradable alternative to the plastic bag around the newspaper. Why are other industries carved out in that way? So basically my concern is really just with the process. You can't just send a letter to a business and say we're going to have a meeting, and say, well, no one showed up. And I'm not saying that's exactly what happened but we are here for you. The Restaurant Association is here for you. there's a retail association that's available and we would love to work with you guys closely in the future on other ordinances that do affect our businesses and get in the way of us taking care of our customers and doing the best we can for our employees. So I thank you so much for hearing my comments.

CHAIR HUGHES: Thank you very much. We're hearing from all my favorite restaurants tonight. Is there anybody else online, Daniel?

MR. FRESQUEZ: Mr. Chair, we have one last speaker: Sue Garfitt.

[Previously sworn, Sue Garfitt testified as follows:]

SUE GARFITT (via Webex): My name is Sue Garfitt. I live at 4 Abanico Road in Eldorado, and I do understand I am under oath. I am a member of the Eldorado 285 Recycles, and also a member of the Beyond Plastics Santa Fe, and I really strongly support this ordinance. I do believe that the plastics that we are consuming, that we are throwing out, are polluting our world and our bodies far too much, and we must start to resolve this issue. We must stop doing what we're doing and look to the future in stand of the past.

We used to, a long time ago, not even have plastics in our lives. We should consider the fact that so many times when we reach for a plastic bag, if there's an alternative, take it. We have to learn how to re-establish our habits and perform better. I really believe that what we can do is a lot more sustainable and I know that Santa Fe County is all about sustainability. I see your sustainable programs all the time and I really believe that you're doing an excellent job. I want to suggest that please, take this ordinance and strongly accept it, and we'll just move forward. Thank you.

CHAIR HUGHES: Thank you. Do we have anybody else online?

MR. FRESQUEZ: Mr. Chair, we do not have any other users online.

CHAIR HUGHES: Okay. Did anybody come into the room late? Anybody else need to speak? Okay, seeing none we will close the public hearing and we will go back to the Board for questions and discussion. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, thank you for bringing this forward. I think that everyone has made a very good point and the most, I think, important thing that keeps resonating in my mind is we're not cutting new ground here. This is happening in so many places. It's so important. These microplastics – I've had the argument that plastics actually works to keep the climate cool because it sequesters carbon. I say, good, we'll all be gone because these microplastics are not good for public health. They're not good for the environment. I'm grateful for everyone who stood up to speak on behalf of future generations. Thank you both. I would be incredibly proud had I had the opportunity to bring this forward. I'm grateful for your good work. Sincerely.

CHAIR HUGHES: Thank you, Commissioner Bustamante. Other comments? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair and thank you,

Commissioner Hughes and Commissioner Hansen for studying this and staff for taking the time to look at this. When I started as a Commissioner about a year ago your former liaison, Olivia Romo, asked me my position on this and I brought up a bunch of what I would consider solution-based things where the County can help the community. Small businesses sometimes can't afford these things whereas big businesses again can afford to buy all sorts of other solutions here. The thing that I brought forward to her at the time was why doesn't the County become a buying agent and be somebody that buys an alternative, whether it's bags that are recyclable plastic, or whether they are paper bags or whether they are other types of goods – paper packaged for restaurants and other things so that the buying of these things could be bought at bulk and made affordable for our local restaurants who might not be able to do it if they just buy a couple hundred or a couple thousand a month.

Anyway, that didn't seem to go anywhere and I wish it did. I come from: be part of the solution.

So I have a couple questions. First, as a bit of transparency, I'm a dues paying member of the Chamber of Commerce. I'm a dues paying member of the New Mexico Restaurant Association. I also am an owner, co-owner of a business that is listed somewhat in this ordinance, so I don't know – it doesn't really affect me because I don't do very much business in the county, and I do business with George Gundrey and Tomasita's and Atrisco, so lots of people and friends are in the room testifying in this situation, but I'm not financially affected by this; I just understand what it's like to be a small business person in this area.

I appreciate the fact that there were some changes to make it a little easier, but the penalties still seem a little harsh. I'm a little concerned about all of the industries that have been carved out of this – the newspapers is a great example. The dry cleaners. Dry cleaners used all sorts of chemicals and the PFAS issue still could be part of the dry cleaning industry these days. I wonder why we didn't look at the PFAS issue in single-use containers. There's a lot of – as we learned at the PFAS hearing a couple weeks ago, one of the issues out there was that fast restaurants put PFAS on paper to make things slide off easier and make it so that your cheeseburger doesn't stick to the paper. So that's a single-use thing going right into the landfill coated with PFAS which to me is as big an issue as these plastics these days.

I also think that we're missing the target here by not looking at the consumer package goods industry. If you go into any store these days so many things are overly packaged, either with tamper-proof containers that are so much more plastic than is necessary, and we could require a recyclable plastic and make it easier for – make it a requirement for retailers to only source things that are less packaged.

I wonder about dog waste bags. Those are about as defined as single-use as possible. I have a dog. Should I not pick up his poop? It's a battle to decide whether I should be disposing of a bag with poop in it.

And then lastly, how is this going to be enforced? Who's going to be – is this going to be us taking pictures of instances of a restaurant or a retailer giving bags? Or is it just going to be a few of us turning in our neighbors? How do you plan on doing this? So I guess that's the only – there's lots of questions in there but that's the first one that is the main one. Because I don't think the other ones have answers, but you can answer

whatever you like.

MS. BEAM: Thank you, Mr. Chair, Commissioner Greene, The enforcement piece – we will be setting up a hotline for any complaints or violations, questions, also as a resource for retailers. We'll also be setting up educational outreach meetings and just as it's stated in the penalty of three tiers, as those problems continue to exist, if they do, for a retailer after that third time, then we will submit the reference over to code enforcement and then code enforcement will take over. But it is our goal to prevent that from happening.

COMMISSIONER GREENE: Do you think that the penalty of the threat of jail is actually necessary to get to that point?

MS. BEAM: It's a matter of state law, so it's not really our choice in this, is my understanding from our Legal Department. And so I think my personal opinion is neither here nor there. I do believe that if we provide an ordinance without teeth and do just expect people to do the right thing, they're not doing it now, so I do tend to not agree with that argument.

COMMISSIONER GREENE: So just to be clear, it's a requirement that we make this a petty misdemeanor? Could it just continuously be fines?

MS. BEAM: It's my understand that that's state law, and I'll let the legal opinions speak.

MR. YOUNG: Mr. Chair, Commissioner Greene, so the statute allows for a maximum penalty of up to \$300 or imprisonment. Of course the judge could order either or both and what this ordinance does is take a more educational approach, really. I think the idea is that Community Services and the department will work with people who come in through the hotline to educate. That's an important part of this is to educate upfront. But there is a graduated penalty which starts with the \$50 fine for the first violation. If it is found that they have violated and it's a continuous violation, which is the up to the maximum \$300 or the imprisonment that is really that sort of – I guess that person who is just sort thumbing their nose at compliance.

So it's not that a judge would probably immediately react to that, but then again, judges have discretion as I think was pointed out earlier as well.

COMMISSIONER GREENE: So just to follow up on that. So the minimum restriction that we could create would be a petty misdemeanor. We couldn't create citations, continuously ratcheted up citations that are not misdemeanors at the misdemeanor level?

MR. YOUNG: Mr. Chair, Commissioner Greene, what we're talking about is a maximum that a judge could order as a penalty for violation of a County ordinance.

COMMISSIONER GREENE: And the minimum, a violation of a County ordinance is a misdemeanor?

MR. YOUNG: That's what it would be characterized as is a petty misdemeanor. That's where it initially started in this ordinance. But again, the judge would have discretion what to order in any case. I think the statute sets a ceiling for a violation of County ordinances at the maximum. And then what this ordinance does is actually create additional layers or ceilings to that, based on the number of violations. But again, judges have discretion on what they might actually order in a particular case, base

on the circumstance.

COMMISSIONER GREENE: So we have the discretion today to decide whether this is a misdemeanor at its beginning, right? Is there a citation – somebody's dog is running wild, running at large. It's a ticket, right? You speed, it's a ticket. You could have 50 tickets and you don't necessarily suddenly become a petty misdemeanor. You're just continuously cited, which should be enough, I would think. That's a penalty in itself and it could be \$50, \$150, \$250, \$20,000, at a certain point, whatever you want to get to. But to put something on somebody's record as a petty misdemeanor might be a badge of honor for some people but it might be something that seems to me like a little overboard.

MR. YOUNG: Mr. Chair, Commissioner, those are misdemeanors, right? You have classifications of different crimes out there. This is usually a misdemeanor and that's what it would be.

CHAIR HUGHES: Thank you. More questions? I have a quick question just related to that. So it sounds like what people might be asking for, do we have to include the part that says imprisonment for a period not to exceed 90 days? Or can we just leave it at fines? Or would that not have the effect we want? Because it's a petty misdemeanor, I assume the judge has some discretion regardless of what we put in our ordinance. I was just wondering if we took out the imprisonment part would that somehow violate state law?

MR. YOUNG: Mr. Chair, it's at the discretion of the Commissioners of what to put in the ordinance in terms of penalties, but what statute does, again, is provide a maximum. So that would be the limit of any kind of penalty. But this is actually very specific. Most of our ordinances just contain the standard language, up to a maximum of \$300 or imprisonment. But this is actually very specific. I think the request in a number of public comments that were made was to address that and provide actually more of a tiered approach to it to work with business owners and retail establishments.

CHAIR HUGHES: Thank you. So, Commissioner Greene, did you have something else?

COMMISSIONER GREENE: I would ask my fellow Commissioners to strike the imprisonment aspect of this because I think we have lots of ordinances on the books that are much more serious than this and the jail time just seems a little out of line. But we can discuss that here.

CHAIR HUGHES: I think it would be fine with me to not have the imprisonment as an option. I don't think we need that. I think \$300 per violation would be enough to discourage anybody from getting to the third level.

COMMISSIONER GREENE: May I ask, is there a way to do it without having to go to court? Or like if somebody – so we don't clog up our courts with this if it gets to that, where a citation can be acknowledged similar to a traffic violation and just say, I'm sorry; I learned my lesson. Can I just pay my fine?

MR. YOUNG: So Mr. Chair, Commissioner Greene, it's usually like a ticket, right? You cite a ticket. But there still has to be some due process attached to that. So if you get a ticket you can still go to court, right? And so I don't know that that actually may be solving that type of problem. But essentially there would be this process where code enforcement would issue a citation as they do and then there would be a court

process attached to that.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: With regard to the maximum penalty, a number of people have said we're not the first to pass this. Do most of the other ordinances have jail time penalty? Or do most of them not have it? And is there any – I could see it's just not necessary if you raise the – after multiple violations if you raise the fines higher and higher you might achieve more than putting people in jail. But that's just my uneducated thought about it. Do people – do other places who've passed this before, long before we have, have information on that? Has anything been published?

CHAIR HUGHES: I think that's a question for you, Jacqueline, if you were the one who looked at the other ordinances.

MS. BEAM: Yes, Mr. Chair, Commissioners, and I am not – so Bernalillo is one example and they do have a fine associated with their ordinance. A formal warning for the first offense, a civil fine of \$100 for the second offense, and a civil fine of \$250 for the third offense and subsequent offenses. And that is from the impact study report that was made and there's no reference to jail. But it's my understanding it's up to the discretion of the judge on that and so it's – we can take it out but it's still up to the discretion of the judge.

COMMISSIONER HAMILTON: And this would be similar to somebody who just has 500 speeding tickets. They can throw somebody in jail with that? I would want some assurance that that actually remains at the discretion of the judge, even if you take the jail time piece out of the ordinance.

COMMISSIONER BUSTAMANTE: I can answer that.

CHAIR HUGHES: Go ahead:

COMMISSIONER BUSTAMANTE: It's not written that way. It's written that it wouldn't exceed \$300. So it's not like it would become more. It absolutely has no teeth if there isn't something that goes beyond that \$300 fine. If we take that out, it's not like it increases. Frankly, if I'm able to just buy my plastic bags and they're less expensive, I'm willing to pay an extra \$300 every 90 days. There's no teeth. So it's not like it becomes like your tickets and they go to your passenger seat and see that you have a number of tickets you've failed to pay, and then you end up – frankly, you can get jail time for that too, for misdemeanor traffic violations that you have not paid for.

So I completely don't see that it would be effective with \$300 and/or imprisonment. \$300, drop the imprisonment, for a period not exceeding – so a fine, not exceeding \$300, period. That's the way it's written. So if we drop the imprisonment, this has no teeth.

COMMISSIONER GREENE: Mr. Chair.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: So that is because of the laws around the petty misdemeanor thing. A simple fine can be levied, in my understanding, by the County, at whatever levels we want within our own thing. We could create a \$20,000 fine for the tenth offense or whatever.

CHAIR HUGHES: I think we're limited to the \$300.

COMMISSIONER GREENE: I don't think so. I think that's a petty misdemeanor aspect. Are we limited by a petty misdemeanor? How does Bernalillo

County do it as a simple fine?

MS. BEAM: It says, any person who's found in violation of the article may request a hearing, be scheduled by a County hearing officer. The request shall be made in writing to the County business license clerk within 15 days. So they're going through their business licensing process. And the County hearing officer shall determine whether a violation of this article occurred. The hearing officer shall mail a written notice. Five working days later, if the hearing officer determines a violation of this article did occur the hearing officer shall impose a fine a prescribed. If the hearing officer determines a violation did not occur, the imposition of a fine will be removed and no fine will be imposed. Failure to pay a fine imposed by this article may prevent the issuance of a business license or business license renewal.

So they're going through the business license.

COMMISSIONER GREENE: They're going as an internal solution.

MS. BEAM: Right.

COMMISSIONER GREENE: I think that that's more befitting of this, as opposed to putting it over to the courts where –

CHAIR HUGHES: Let's go to Commissioner Hamilton.

COMMISSIONER HAMILTON: You still have to have hearings. There has to be a process for that, and they never raise – it doesn't matter. They're never going over the \$300 legal limit for a petty misdemeanor and they never raise it. So you can get a \$250 fine every 90 days and if it's cheaper for you to do that – there's nothing that gives us the option, the way I understand it, to say, and on the 50th or the 12th violation we're going to fine you \$2,000. We're not allowed to do that.

CHAIR HUGHES: The sentence above the section on penalties says each calendar day during which a violation occurs shall constitute a separate and distinct offense. So theoretically the code officer could go every day for a month and the fine would be 30 times \$300, because they would have violated it. So it does – none of this is going to happen because we know the restaurants are going to comply and people will probably just need a couple reminders if they don't read the letter that Jacqueline is going to send them explaining their new responsibilities. But, yes, if it's all right with everybody I'm fine taking off the imprisonment because I think – I cannot really imagine a judge sending someone to jail even if they were flagrantly violating this ordinance. We can't even keep DWI offenders in jail.

COMMISSIONER BUSTAMANTE: So Mr. Chair, that's why I would leave it there. That is why I would leave it there.

CHAIR HUGHES: Okay.

COMMISSIONER BUSTAMANTE: Because they're not apt to do it but at least it has teeth in the event that they could or needed to or decided to. We do not have the code enforcement that's going to go to one business and then calculate how many times someone is violating. We don't have that infrastructure, or we table this and go back and look at something that says then their business license is pulled. So I just don't see that this has teeth.

Now, if we go the avenue of pulling business licenses, that's one thing, or keeping something that says you're going to spend some time in jail if you don't. To your point that people are going to comply, then why would the imprisonment issue be a concern?

MS. BEAM: Mr. Chair, Commissioners, one thing also to note is that we don't really have a hearing officer in this realm. So our systems aren't set up in the same way that Bernalillo's systems are set up. Our business licensing automatically renews. And so it would change some structures internally for how we approach our enforcement. I guess I'll just leave it at that, but these options have been discussed.

CHAIR HUGHES: Thank you, yes. And thanks to Manager Shaffer for writing this section that we're now debating, because it is an improvement at least over the first version. Commissioner Hansen, what are your thoughts since you and I worked on this together.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you, everybody for coming and commenting. Thank you, Kristen, for taking the time to come and meet with me and Commissioner Hughes. That was really beneficial. But I find – I know that this committee worked to reach out to the business community. And I know they did that. And I'm sorry, Bridget, that your office did not get a copy, but I know that you were reached out to. And so I am concerned about that because I support the Chamber of Commerce and you know that. But at the same time I also know that we took a year and it was in the newspaper a number of times during that period and we did reach out and we did notify people. So I'm glad that you saw it in the paper the last time, finally.

But at the same time I think we're making a huge over-comment on the imprisonment for a period not exceeding 90 days. That just doesn't happen in Santa Fe County. It's really unlikely that any judge is going to put anybody in jail for 90 days even if they don't pay their fine. We can't even keep the people who are creating crimes in jail. So I think it's overblown. I think it's an exaggeration.

COMMISSIONER GREENE: And unnecessary then.

COMMISSIONER HANSEN: But I also agree with Commissioner Bustamante about having teeth. Somebody reads that and goes, oh, well, I better comply. And then I'm going to the County being a buying agent. We can't do that. That's anti-donation.

COMMISSIONER GREENE: It's not anti-donation. You're buying in bulk and you're reselling it as a bulk buyer of stuff. We could have done it for PPE if we wanted to. We gave all sorts of things away all the time for this. It's not that it's illegal. To throw out the Anti-Donation Clause as a catch-all for things that we can't do is wrong. We could be a buying agent that could buy in bulk and offer it to people at cost.

CHAIR HUGHES: So why can't – I don't know why somebody like the Chamber of Commerce couldn't do something like that. That is something that they would be doing as a business to help their businesses. That seems a logical thing. That is not the business of the County. And so I think this is a good ordinance. We worked with people. We listened to the community. We worked to make this a better ordinance and personally, this is not strong enough for me. But I'm happy with what I've gotten so far and I think there needs to be a regulation about producer responsibility, because that is where recycling starts, in the producer responsibility. And that is what we really need to be going after. But we are just a County; it needs to happen at the state level. Something I believe I can work on. But at the state level we need the state, like Colorado – Colorado has a producer responsibility rule that Jacqueline and I were witness to in Denver last

year at a Smart Cities Conference with the UN and Secretary of State. So they recognize this is a world problem and we're just doing our small little piece here.

And so with that I am going to make a motion to approve this ordinance with the redlines and accept all the redlines. So I move that an ordinance prohibiting the use of single-use plastics and expanded polystyrene products in Santa Fe County, encouraging use of reusable bags and establish enforcement and penalties for violation, with all of the redlines accepted.

CHAIR HUGHES: Thank you, and I'll second. I hardly ever get to second anything. So we have a motion and a second. We can continue discussion. Commissioner Greene.

COMMISSIONER GREENE: Thank you. Would you be willing to accept a friendly amendment that would knock down the imprisonment to not to exceed three days, 72 hours? So there is the chance of being locked up but don't let somebody be made an example of that is more than a DWI, lock and release.

COMMISSIONER HANSEN: Can we do that, Mr. Young?

MR. YOUNG: Mr. Chair, Commissioner Hansen, again, it's at the discretion of the Commissioners and where to set the penalties. Again, the maximum is 90 days per statute. So if you knocked it down I guess to 72 hours or three days you would have the discretion to do that as well.

COMMISSIONER HANSEN: Okay. I'll accept that. I'll accept imprisonment for a period not exceeding three days.

COMMISSIONER GREENE: Thank you.

CHAIR HUGHES: That's fine with me as the seconded. I just wanted to point out that if they violated 30 days in a row they can still earn 90 days. Not that that – we know that's so unlikely to happen.

COMMISSIONER HANSEN: Three days in jail is bad enough.

CHAIR HUGHES: That would discourage me from anything. We get to visit the jail. We know what it's like there. Other discussion. So the motion on the floor is to accept all the redline changes but to change the imprisonment for a period not exceeding three days. Any other comments? Okay. We have a motion by Commissioner Hansen, seconded by Commissioner Hughes. Could the Clerk call the roll?

The motion to approve Ordinance No. 2024-06 passed by unanimous roll call vote as follows:

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

CHAIR HUGHES: So by a vote of 5-0 the ordinance is adopted and it goes into effect in 30 days. And thanks to everyone who came forward to speak and thanks to the Restaurant Association for your assistance.

MS. BEAM: Thank you Mr. Chair, Commissioners.

MANAGER SHAFFER: And Mr. Chair and Commissioners, before we move on, I just wanted to note, relative to access to the building, I am informed that County staff did unlock the main entrance to the building on Grant Avenue at approximately 12:45 pm and that staff did confirm multiple times since then that the doors remained unlocked. I'm not sure what may have occurred relative to the constituent that indicated that the doors were locked at the moment that they came up to the front doors but we will look into that further. But I did want you to know what our standard operating procedures were. And if anybody else experienced any challenges accessing the building please let the County Manager's Office know before you depart. Thank you very much.

CHAIR HUGHES: Thank you, Manager Shaffer for that clarification because we were all under the impression that the doors were open. The front door. Perhaps we need to put signs on the back door and the side door that say if you're here for the public hearing it's at the front entrance.

9. **Matters from the County Manager**
A. **Miscellaneous Updates**

MANAGER SHAFFER: Thank you, Mr. Chair, Commissioners. Just a reminder that we do have a special meeting scheduled for April 12th beginning at 9:00 am and that is for the purposes of the annual jail tour and inspection. And then finally, looking forward to the month of May, we have several special BCC budget study sessions scheduled. That's all I had. Thank you.

CHAIR HUGHES: Thank you, Manager Shaffer.

10. **Matters from County Commissioners and Other Elected Officials**
A. **Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations**

CHAIR HUGHES: Commissioner Bustamante, you probably knew I was going to call on you first.

COMMISSIONER BUSTAMANTE: I'm so grateful. I've never gotten to go first. I'm sorry. I have to take a moment. Actually, thank you. I want to thank everyone who attended the PFAS meeting last week. I don't think it would be unfair to say that the community left wishing that things were going to be more immediate. But the next steps are to convene the panelists who were at the meeting. We're very grateful to have Shelley Moeller, who is working with the community to provide the public health information that they need.

But the next steps are for the County to really work with the other entities who were on the panel in catching up and working together somewhat in a task force formula, if you will, in addressing the issue and the problem that's before us. So there are a lot of questions. There are less answers than there are questions right now, but what we are very happy to be able to communicate is that there is a lot of motion in getting this addressed. It's irrelevant of levels in other communities irrelevant that other people in the

east coast are experiencing and have been for quite a while for the people that this is now an issue for it is immediate and critical. So I'm grateful for that perspective as it's been shared with me by the people who are most concerned.

So that has been the number one issue and again, we're incredibly lucky to have the resources and the people that we do to move forward and continue working to support community where they are not able to help themselves. There is also some additional activity from individual players who have a good, strong science background and are willing to assist from a community role in mapping, charging, getting money released. It's not an emergency; it's a crisis, and we can possibly get some additional funds from the New Mexico Department of the Environment, and possibly that would allow for community members who don't have funds to test their own wells, or donors who have offered to put under-cabinet filtration systems for those who have already identified higher levels but don't really feel comfortable with the water source that they have. So there is a lot of action in that area, and again, I couldn't say how grateful I am enough. Thank you.

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

COMMISSIONER HAMILTON: I apologize for missing the meeting two weeks ago. All the best laid plans went awry when instead of landing and being able to get to my computer I sat on the tarmac. Travel is a real interesting thing. But thank you for carrying on. Thank you.

CHAIR HUGHES: Thank you. So we go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Chair Hughes. I don't have a whole lot – I have a lot going on but at the moment, the Agua Fria Village Association meeting, the traditional historic village, will have an in-person meeting on April 1st at the Nancy Rodriguez Center. It is an annual meeting for them so everyone from the village and surrounding areas are invited.

And then on April 4th I want to remind everybody that there is a memorial and funeral for Representative Jim Trujillo at 10:30 at the Basilica of St. Francis, and that's really all I have. Thank you.

CHAIR HUGHES: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, everybody. First off, I want to wish everybody a joyous Holy Week and Easter Week this weekend. Everybody should enjoy with their family and friends and celebrate the peace that is beholden in that celebration. I want to thank the Emergency Management Team of the County and all of the jurisdictions around that are working to make the pilgrimage a safe event. I know some people are already starting to walk today, probably even before today, but I know that the peak will be on Good Friday and I plan on walking myself because it is a beautiful walk to celebrate with the community. Once again, thank you and be safe out there and have a wonderful Easter, everybody.

CHAIR HUGHES: Thank you, Commissioner Greene. On my end, I did attend the grand opening of the pallet shelter at Christ Lutheran Church yesterday. It's ten little tiny homes – even tinier than tiny homes but definitely a step up from living in a tent and there'll be support services for the homeless people – formerly homeless. Well, they'll still be homeless because it's just a shelter. People living there, they're going to

get support services from Life Link. It was a very well attended event despite the fact we were getting snowed on and blown through the whole thing. But it's a good thing that the City has done there, so I want to commend them for that.

Also, I have received some indication – maybe the rest of you know too that the Lamp Lighter project has finally got its permits from the City of Santa Fe. Now it's fighting with the state to get the money that the state promised. But hopefully that project will be moving along toward the rehabilitation of that old motel into nice new apartments.

There's still a lot of interest in my district around the hazard mitigation plan so I'm glad that we're moving forward with that to get that done so that we can say that we have one and it's in place.

Like three of you, I attended the Matrix graduation and that was very interesting and inspiring and hopeful for the graduates.

And finally, I want to wish all the pilgrims on whatever journey you're on this Holy Week to be safe and hopefully it will be spiritually enlightening as well.

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

CHAIR HUGHES: Any elected officials online, Daniel?

MR. FRESQUEZ: Mr. Chair, there are no elected officials online.

CHAIR HUGHES: Okay, and is there any word from the Clerk's Office you wish to convey to us, Madam Deputy Clerk?

DEPUTY CLERK WILSON: Not at this time. Thank you.

11. Matters from the County Attorney

There were no matters requiring an executive session.

13. Informational Items/Reports

- A. Community Development Department February 2024 Monthly Report**
- B. Community Services Department February 2024 Monthly Report**
- C. Finance Division January 2024 Monthly Report**
- D. Growth Management Department February 2024 Monthly Report**
- E. Human Resources and Risk Management Division February 2024 Monthly Report**
- F. Public Safety Department February 2024 Monthly Report**
- G. Public Works Department February 2024 Monthly Report**

There were no comments or questions on the reports.

14. Concluding Business

- A. Announcements**

B. Adjournment

Having completed the agenda and with no further business to come before this body, Chair Hughes declared this meeting adjourned at 7:30 p.m.



Approved by:

Handwritten signature of Hank Hughes in black ink.

Hank Hughes, Chair
Board of County Commissioners

ATTEST TO:

Handwritten signature of Katharine E. Clark in black ink.

KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:

Handwritten signature of Karen Farrell in black ink.
Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



COUNTY OF SANTA FE) BCC MINUTES
STATE OF NEW MEXICO) ss PAGES: 84

I Hereby Certify That This Instrument Was Filed for
Record On The 2ND Day Of May, 2024 at 02:51:39 PM
And Was Duly Recorded as Instrument # 2033080
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy County Clerk, Santa Fe, NM

SFC CLERK RECORDED 05/02/2024



Submitted by Matthew J Campen, PhD, Regents' Professor of Pharmaceutical Sciences in the UNM College of Pharmacy, Albuquerque, NM

Thank you to the Santa Fe Commissioners for allowing me the opportunity to provide this statement. The ordinance under consideration - to limit dispensing products in single use plastic bags by grocery stores or restaurants, ban Styrofoam takeaway containers and require that accessories, such as plastic utensils and straws, only be available upon request – is a sensible measure and a small step in the right direction to reducing the impact of plastics on our community and the planet.

I have been a toxicologist since obtaining my PhD in 2000. The topic of microplastics is relatively new, as it has only been in recent years that observations of plastics in the human body have been reported. But since then it has become abundantly clear that microplastics pose a growing threat to human health.

In the past month, 3 reports utilizing a novel technology, pyrolysis-GC/MS, have opened the planet's eyes to the true scope of infiltration that microplastics have in the body. Two papers, one from China and one from Italy, showed that plastics selectively access atheromas in major blood vessels like the coronaries or carotids. Plastics in the carotid arteries were associated with a 4-fold increased risk of a future heart attack. In the third paper, from our lab in Albuquerque, we reported that we found microplastics in every human placenta we tested. We just presented new research two weeks ago at a conference in Salt Lake City that the human brain specifically sequesters microplastics – the concentration we observed in autopsy brain specimens was 50 times the concentrations seen in placentas. Human brains are almost 1% by weight made of plastic. The threat this poses for neurological disease is unclear, but early evidence suggests a link to Alzheimer's disease and related dementias.

This is a global problem, and the concentrations of microplastics will continue to rise exponentially for decades to come due to neglectful plastics utilization and waste policies. It is time to start stopping – stop the blasé approach to human consumption of raw materials. Stop the casual and purposeless disposal of single-use products. Stop assuming that people are going to independently make the right choice without a regulatory mechanism in place.

As an analogy, the only reason we have clean air to breathe today is because of the Clean Air Act in 1972, which eliminated lead (Pb) in gasoline, insisted on technology-based emissions controls on cars, and forced industries to account for and control their emissions. In the 1960's, the good people of America were certainly welcome to make good choices about air pollution, but that simply never happened. Since the Clean Air Act was implemented with bipartisan approval, we have seen a 90% reduction in air pollution across the country and a 95% reduction of the level of lead in our blood. So, appreciate that government-based regulation has an essential role in improving the environment and, as a result, human health.

SFC CLERK RECORDED 05/02/2024



Reunity Resources

Mar 22, 2024

Dear Santa Fe County Board of Commissioners,

Reunity Resources employs over 30 people in Santa Fe County District 2, Commissioner Hansen's district.

We are a nonprofit organization with the mission to implement and educate about closed loop systems and food security. The organization consists of composting programs, a regenerative farm, farm stand, day camp and more! At the core of our organization is a concern for our local environment. We collect over 1.4 million pounds of food waste from the Santa Fe area each year, diverting it from the landfill where it creates methane, and instead making valuable compost within our soil yard. We then use that compost to grow more food within our community and sell compost to residents, farmers and landscapers in the Santa Fe area for their own gardening use.

We are delighted to hear about the county's proposed ban on certain single use plastics in Santa Fe County. This ban would greatly benefit our operation, which employs over 30 individuals working within the County. Single use plastics are THE NUMBER ONE contaminate found in our compost. This is simply because of the ubiquitous nature of single use plastics and their common proximity to food waste. We often see straws, single use plastic bags, Styrofoam take out containers, and plastic utensils within the food waste that we collect from local restaurants, schools, businesses, and homes. These do tremendous damage to our soils and waterways. Any steps towards limiting these damaging items from the waste stream would be greatly appreciated.

We strongly encourage you to vote YES to pass the single use plastic ban in Santa Fe County and we are hopeful that the County's leadership will encourage other communities to do the same.

Sincerely,

Juliana Ciano

Reunity Resources Program Director

SFC CLERK RECORDED 05/02/2024

March 21, 2024

To: Santa Fe County Commissioners

From: Murphy O'Brien

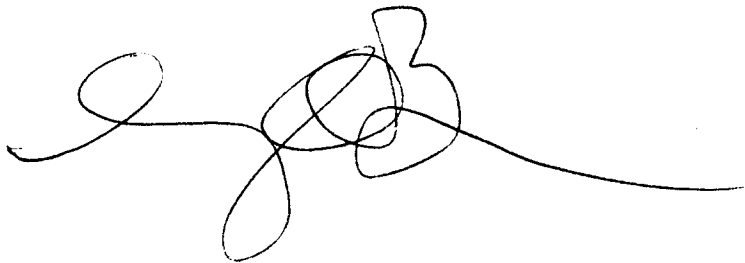
Re: Proposed Plastic Reduction Ordinance

Dear Commissioners:

As a restaurant business owner of Cafe Fina and operator of The Legal Tender in Lamy, I heartily support your proposed ordinance to reduce single use plastic in Santa Fe County.

I instituted these practices in my restaurant business several years ago, including paper cups and takeaway boxes. While there is some cost increase incorporated in product pricing, it is a cost we must pay to be better stewards of our environment. I believe my customers support this practice; in fact I consider it a positive marketing approach.

While reducing unnecessary plastic in our environment, this ordinance would level the playing field among restaurant businesses in the County. I look forward to passage of this ordinance.

A handwritten signature in black ink, appearing to be 'Murphy O'Brien', with a long horizontal line extending to the right.

SFC CLERK RECORDED 05/02/2024

Steven M. Rudnick
P.O. Box 33710
Santa Fe, NM 87594
505-466 1335

March 25, 2024

Dear Commissioners,

I am sorry that I could not be with you in person tonight to talk about single-use plastics.

I am sure that you have heard that plastic is choking our oceans. I am a Ph.D. Oceanographer and keenly aware of the problems that we have created. There is now an extensive body of research showing that macro-plastics are being ingested by fish and sea mammals and even more showing that small particles, micro- and nano-plastics, are ending up in smaller organisms interfering with their life cycles.

To some extent this becomes a climate issue when normal carbon processing that delivers fecal carbon to the ocean bottom is reduced but it is a larger biological problem. We know that these plastics are ending up back in our bodies through food consumption, and although we can measure them, we do not yet know the consequences of this.

Plastics recycling has been a farce, promoted by the bottled water and soda industry and the fossil fuel producers. Less than 20% of single-use water bottles are recycled and this is even less for other single-use plastics such as plastic packaging films. Ultimately, most of these materials end up in the ocean.

Sincerely,

Steven M. Rudnick, Ph.D.
59 Condesa Rd., Santa Fe 87508

SFC CLERK RECORDED 05/02/2024



Jacqueline Y. Beam

From: sarah recyclenewmexico.com <sarah@recyclenewmexico.com>
Sent: Thursday, March 21, 2024 2:11 PM
To: Jacqueline Y. Beam
Cc: Cristella Valdez; Paul Olafson; Leandro R. Cordova; Karen Sweeney
Subject: RE: SUPP draft ordinance UPDATED request

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello! I'd like to update my requested change/addition to the ordinance. Is it possible to add this in as a "red line" before next week's meeting?

My request is to add back in the following after Section 5a.

- 2. Retail establishments are encouraged to charge a fee for each recycled-content paper bags. Retail establishments are encouraged to waive the fee for any persons with a voucher or electronic benefits card issued under Women, Infants and Children Program (WIC), the Emergency Food Assistance Program (TEFAP), Temporary Assistant to Needy Families Program (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP) also known as basic food stamps.
- 3. If a fee is charged, retail establishments shall provide, on the customer transaction receipt, the number of recycled content paper bags provided and the total amount of the fee charged.

Sarah Pierpont
Executive Director
New Mexico Recycling Coalition
505-603-0558

Inspiring New Mexicans to rethink, reduce, reuse and recycle!

From: sarah recyclenewmexico.com
Sent: Wednesday, March 13, 2024 12:04 PM
To: Jacqueline Y. Beam <jybeam@santafecountynm.gov>
Cc: Cristella Valdez <crisvaldez@santafecountynm.gov>; Paul Olafson <POlafson@santafecountynm.gov>; Leandro R. Cordova <lcordova@santafecountynm.gov>
Subject: RE: SUPP draft ordinance

Hello Jacqueline,
That makes sense. Thank you for being the point person. My request is to add back in the following after Section 5a.

- 2. Retail establishments may charge a fee up to \$.10 per recycled-content paper bags. Retail establishments are encouraged to waive the fee for any persons with a voucher or electronic benefits card issued under Women, Infants and Children Program (WIC), the Emergency Food Assistance Program (TEFAP), Temporary Assistant to Needy Families Program (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP) also known as basic food stamps.
- 3. Retail establishments shall provide, on the customer transaction receipt, the number of recycled content paper bags provided and the total amount of the fee charged.

Sarah Pierpont

SFC CLERK RECORDED 05/02/2024

**Executive Director
New Mexico Recycling Coalition
505-603-0558**

Inspiring New Mexicans to rethink, reduce, reuse and recycle!

From: Jacqueline Y. Beam <jybeam@santafecountynm.gov>
Sent: Wednesday, March 13, 2024 11:45 AM
To: sarah recyclenewmexico.com <sarah@recyclenewmexico.com>
Cc: Cristella Valdez <crisvaldez@santafecountynm.gov>; Paul Olafson <POlafson@santafecountynm.gov>; Leandro R. Cordova <lcordova@santafecountynm.gov>
Subject: SUPP draft ordinance

Hello Sarah,

In an effort to reduce the risk of a rolling quorum, I have been directed by leadership to request that all correspondence regarding potential additions or changes to the draft ordinance be sent to me and I will relay the correspondence one by one to the Commissioners.

Thank you for understanding—we just need to be sure that we are following the procedural legalities as this process unfolds.

Please feel free to call me if you have any questions or concerns.

Best regards,

Jacqueline

Jacqueline Beam
Sustainability Manager
Mailing address: P.O. Box 276
Santa Fe, NM 87504
Office: 505-992-9832



SANTA FE COUNTY

SFC CLERK RECORDED 05/02/2024