

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**MEETING**  
**April 9, 2019**

Anna T. Hamilton, Chair - District 4  
Henry Roybal, Vice Chair - District 1  
Rudy Garcia - District 3  
Anna Hansen, Chair - District 2  
Ed Moreno - District 5

SFC CLERK RECORDED 05/21/2019

**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**April 9, 2019**

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

**B. Roll Call**

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

**Members Present:**

Commissioner Anna Hamilton, Chair  
Commissioner Henry Roybal, Vice Chair  
Commissioner Rudy Garcia  
Commissioner Anna Hansen  
Commissioner Ed Moreno

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

The Pledge of Allegiance was led by Natasha Lucero, the State Pledge by Marcos Saiz and the Moment of Reflection by Abraham Maes of the Clerk's Office.

**F. Celebrating Santa Fe County's People, Talents and Initiatives**

CHAIR HAMILTON: Today we have Casey Janes who's going to tell us a little about a Japanese Society in the county. This is definitely – Casey and my offices are right next to each other, and we said hello to each other for probably a year a half or more before we ran into each other in the presence of City Councilor Peter Ives, who did a lot of stuff with Casey on this Japanese connection and had understood from me about my husband restoring Japanese swords and he introduced us. And it was like, well, we know each other. We just didn't know we had any common connections.

So this is one of those really cool but esoteric things that people we see every day

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as we're here working but there's this other part of their life that's really interesting. So take it away, Casey.

CASEY JANES: Madam Chair, Commissioners, thank you for this opportunity to talk to you today. My name is Casey Janes and I am president of Santa Fe JIN. Really, thank you for this opportunity. So who is, what is Santa Fe JIN? It started back in 2004. A group of Japanese people in our community decided to get together and form a group that would help raise awareness of the Japanese community in Santa Fe. Also to promote Japanese culture within Santa Fe and they were trying to think of a way to really do this, because within a community group, it's easy to just be a small group. So they decided to have a festival, and that's where we got the annual Japanese cultural festival that we have here in Santa Fe every year.

Actually, we're going to have the next one on May 11<sup>th</sup> and we invite everyone to come to that. It's a really great opportunity to experience Japanese culture, to experience it in a way that is unique. You can use it as a way to experience that culture here within Santa Fe. So I thought I'd show some pictures of people that participate in the festival. These are people right in our community, and here we go. This is what we usually think about Japan. Really beautiful architecture and wonderful artwork and in our festival we have people here in Santa Fe. This is Benjie Feldcamp, who is a face-painter. And to make our event a lot more interesting to kids he brings his talent to our festival and he does it for free. He's a local artist. He's great at what he does.

We also have a good community of vendors. This is Eric and Dave on the left. They live down in Madrid and they run the Sakata Um Foundation. And this poor guy that's on the right. His name is David Shell. This is a picture from last year and he's working at our JIN booth. He doesn't know it but I'm about to ask him to be our volunteer coordinator for next year. So he's been doing that his year and he's been doing a great job. But if you've ever been to Native Treasures, he also works with that group and he works with Kitchen Angels.

On the left we have Iku Fujimatsu. She's just a great spirit to have around and she works with the tutorial school. We have Tom Henrod, who's one of our board members on the right. He's also a local Santa Fean. And every year at the festival we try to have a special guest. So this is actually a storyteller that we had a couple years ago from Japan who actually came over and did some storytelling for us. And here we have Keko and Rose Henrod. They're working at our booth, and they just – it's so much about just love and what you do at the festival. We're not trying to convert anybody to appreciate Japanese culture; we're just about bringing people together who might already have an interest in the culture.

This was an international group of women who perform taiko, and they were at our festival last year. Fabulous performers and for those people who might be interested in Kabuki or more intense themes, we had a Kabuki academy come from Seattle, I think, a couple years ago. We had a kite maker, and I believe he was also at the International Folk Market. And we've had Rintaro and Tiffany Tumaribuchi as other performers. And really, we bring in these people because we hope that they enrich our own community. The festival is as much for our guests as it is for us. And so these are things that people wouldn't see elsewhere.

This is a group, ALJ06, and they're down in Albuquerque, and they like to come up and perform. They're on the left, and BK Taiko, they're on the right, and that's our stage at the festival.

And this is on the left, Carl Tallender and his group, Santa Fe Odaiko. They're a local group right here in Santa Fe that does Taiko. And on the right we have Tom Burk, who is a samisen player. He's also a local Santa Fean. This is the other thing the festival really helps, Santa Fe JIN really helps is that we have these special interest groups, like maybe sword making or taiko performing and we try to give these groups a venue to show what they work on and to also appeal to people who might want to join their group. So it's a good way for these subgroups to stay alive and stay interesting.

And then we also have a dance academy here in Santa Fe. These are two students dancing at our festival. We have AKK Karate that has a dojo here in Santa Fe. They're also in Albuquerque and they like to do the lion dance for us as well. And then this is Chisaku Matsumoto and she's a sensei of the dance academy here and just a living treasure for us to have in Santa Fe. Always, always willing to perform, always willing to share with people the joy of dancing.

This is Paul Singdahlsen and his archery group, so people who are interested in archery. And then we do like to also involve the younger generation, so this is Kaoko and her daughter getting ready for Teiko.

And we're not just about the festival. Certainly, that's our biggest thing but we're also about smaller events throughout the year, so we support a bonadori festival that's in August, which is more of an appreciation for your ancestors and those people who have passed on in your family. And usually we do this at the Rail Yard and we go out and we dance and we dress up. It's a great time if you want to come for that. More pictures of us at the Rail Yard.

And everybody in these photos is local to Santa Fe. It's a community; it's about us. And then just some pictures about Japan. Everybody loves pictures about Japan.

CHAIR HAMILTON: Definitely.

MR. JANES: So that's really our group. We're not – we try to be as helpful as possible to anybody who's interested in Japanese culture. We can help with trips or anything of that nature. So thank you very much for your time today.

CHAIR HAMILTON: Thank you. So actually, before you go away, weird as it is, for doing cool stuff, you get a certificate of recognition. Can we do a picture? Do we have somebody available to do a photo op?

[Photographs were taken.]

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

KATHERINE MILLER (County Manager): Madam Chair, just one small change was made on Friday, April 5<sup>th</sup> at 1:37 pm that aren't on your originally posted

agenda, and that is on page 2 on Matters from County Commissioners, item VI. A. 1, the caption was corrected. Otherwise, the agenda is as it was posted a week ago.

CHAIR HAMILTON: Excellent. What's the pleasure of the Board? Can I have a motion to approve the agenda?

COMMISSIONER HANSEN: Move to approve.

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: Thanks. We have a motion and a second.

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

**I. H. Approval of Minutes**

**3. Request Approval of the March 12, 2019, Board of County Commission Meeting Minutes**

COMMISSIONER HANSEN: I have changes. I'll give them to you later.

COMMISSIONER GARCIA: Move to approve the minutes.

COMMISSIONER MORENO: Second.

CHAIR HAMILTON: Motion from Commissioner Garcia, second from Commissioner Moreno.

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

**1. Request Approval of the March 8<sup>th</sup> and 15<sup>th</sup>, 2019, Santa Fe County Canvassing Board Meeting Minutes**

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: I make a motion to approve item H. 1.

COMMISSIONER HANSEN: Second.

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

**2. Request Approval of the March 12, 2019, Board of County Commission Special Community Development Block Grant Program Meeting Minutes**

COMMISSIONER GARCIA: Madam Chair, I'd like to make a motion to approve item H. 2.

COMMISSIONER HANSEN: I second that.

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

## II. CONSENT AGENDA

No Items.

## III. ACTION ITEMS

### A. Items from Consent Agenda Requiring Extended Discussion/ Consideration

No items.

### B. Resolutions

#### 1. Resolution No. 2019-51, a Resolution Supporting the County's Applications for a Federal WaterSmart Grant to Build Aquifer Storage and Recovery Project

JOHN DUPUIS (Utilities Director): Madam Chair, I'm here today to request approval of the resolution supportive of a WaterSmart grant application. The Bureau of Reclamation publishes the annual drought resiliency grant opportunities around January and the County has gone through strategic planning identifying additional backup water supplies as a primary strategic goal for the utility. This helps us to achieve that and it is partnering with the developer of Rancho Viejo Subdivision. With that I stand for any questions.

CHAIR HAMILTON: So, Commissioners, do you have any questions on this grant, or comments or any discussion?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Congratulations. Thank you, John, for your work on this and I would like to make a motion to approve.

COMMISSIONER MORENO: And I'll second the motion.

CHAIR HAMILTON: I have a motion and a second. Any further discussion?

COMMISSIONER GARCIA: I have a couple questions for Mr. Dupuis. So the WaterSmart grant, what exactly does that grant allow the County to do?

MR. DUPUIS: Madam Chair, Commissioner Garcia, the grant allows the County to request funds up to \$300,000 in support of the category of projects that the job resiliency program allows for. And we have requested the full \$300,000 and Mr. Thompson in representing the Uni-Vest Company that will provide the remainder of the funds, so we have a zero contribution besides staff time and other resources to implement the project.

COMMISSIONER GARCIA: Madam Chair, so – develop a pilot aquifer storage recovery project. So for an example, would that allow the County and/or Rancho Viejo to possibly inject treated effluent water into the groundwater table?

MR. DUPUIS: Madam Chair and Commissioner Garcia, it is possible. It would require some additional treatment prior to doing that, but yes it is.

COMMISSIONER GARCIA: So Mr. Dupuis, what type of projects are you looking at? Are there two or three projects that you're looking at for water recovery that you have in mind?

MR. DUPUIS: Madam Chair, Commissioner Garcia, we're really responded to this rather quickly, and this was a project that was piloted in 2005, so we took the project as it and basically advancing it to the next stage. The planning process on how to have multiple sources that can then take advantage of the ASR project, when implemented, is something that would be completed in the future.

COMMISSIONER GARCIA: Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. I just want to add, the idea of looking into aquifer storage and recovery is one of the things, as we've been talking in the County generally, and this has been something that's been on the Water Policy Advisory Committee's work list that they've been looking at, and we've been in some discussions, joint meetings with the City to talk about water issues and drought and it's one of the issues that comes up over and over again. It's one of the few opportunities unless you're going to build off-channel storage, which is quasi-natural. People think about it differently. A way to store water that you're conserving and keep it within the region, available for when surface water is very difficult to divert, potentially.

So the fact that they became aware of this grant opportunity, bringing money into the County and the thought of this very relevant thing to investigate I thought was really well considered. Is there other discussion before we vote. So we have a motion and a second.

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Roybal was not present for the vote and arrived shortly thereafter.]

CHAIR HAMILTON: Commissioner Hansen wanted to say something.

COMMISSIONER HANSEN: It has come to my attention that, you as the great water utility director that you are, and we're so happy to have you here, is that you went out on your own time on Saturday and helped clean the acequia in La Cienega. And I saw this great picture of you opening the gate. And it was because of your work in the community that they gave you the honor to open the gate, and I think that is such a great thing to see that spirit of County employees working with the acequias. I'm only sorry it wasn't in my district, but since it was brought to my attention I wanted to make sure that you were recognized for it, and we have a picture and I'm hoping we can get it up on the County website of you opening the gate. I think Daniel has a picture, I'm not sure, but Sara and I are working to get the picture up on the site. So I just wanted to kind of roast you a little bit and thank you for your great service.

MR. DUPUIS: Wow. Very nice.

COMMISSIONER GARCIA: Madam Chair, there's several ditches, acequias in La Cienega and I was unaware of that, but that's good. Congratulations. That's awesome.

CHAIR HAMILTON: Thank you and congratulations on this. Please let

us know, did they publish a decision timeframe?

MR. DUPUIS: Madam Chair, I do not know the decision timeframe. If I had to speculate, I've seen September somewhere and I think that's it but I would need to get back to you.

CHAIR HAMILTON: You'll let us know.

MR. DUPUIS: Sure.

COMMISSIONER GARCIA: And just one last thing, Madam Chair. We clean the ditch every single year. You're welcome to come to La Cienega and clean the ditch and Commissioner Roybal has several ditches also in his part of the county.

MR. DUPUIS: Madam Chair, Commissioner Garcia, I'll take you up on that. I enjoy it. There's a lot of fun stories that you hear and there's no better way to learn with what goes on with water than being out there with them.

COMMISSIONER GARCIA: Exactly. Thank you.

**III. B. 2. Resolution No. 2019-52, a Resolution Requesting a Budget Increase to the Emergency Communications Operations (RECC) Fund (245) in the Amount of \$1,157,170, for the Santa Fe County and City of Santa Fe's P25 Radio and Prime Site Project**

TONY FLORES (Deputy County Manager): Madam Chair, Commissioners, the next item on the agenda is a cleanup resolution RECC, City of Santa Fe P25 and Prime Site project. If you recall, in January of this year we bought four, three items, approval of an MOA, approval of the use of a statewide price agreement, approval of a project for the P25. This now today is actually putting the money in place so that we can implement the project. So this is the financial back piece to what you approved in January, and with that, we'll stand for questions.

CHAIR HAMILTON: Thanks. So Commissioners, are there any questions on this?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I know that this particular facility is part of the Public Safety Complex.

MR. FLORES: Correct.

COMMISSIONER HANSEN: And it has a relatively low electric rate on it. But is there any solar planned on this building?

MR. FLORES: Madam Chair, Commissioner Hansen, this project doesn't involve anything but servers in a radio project, so it's not a facility improvement project.

COMMISSIONER HANSEN: It's not a facility. Okay. But do we have the low electric rate on this facility?

MR. FLORES: Madam Chair, Commissioner Hansen, we'll bring back to you, as we indicated in the capital planning session two weeks ago a list of projects that we'd be looking for solarization on. So I don't have the answer for you today.

COMMISSIONER HANSEN: Thank you. I appreciate that. I have one more question, and maybe it was in here and I missed it. But when do we plan to start?

MR. FLORES: Actually, Madam Chair, we've already started the project. This purely gets the money in place so the purchase order can be initiated.

COMMISSIONER HANSEN: Okay.

CHAIR HAMILTON: Thank you. Any further discussion? If not, what's the pleasure of the Board?

COMMISSIONER MORENO: I'll move approval.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

**III. C. Miscellaneous**

**1. Request Approval of a Community Water System Acquisition Agreement with Hyde Park Estates**

MR. DUPUIS: Madam Chair, Commissioners, I'm requesting approval of the community water system acquisition agreement for Hyde Park Estates community water system, and this has been in the works for some extended period and we are very happy to have it at the point where it's at and many of you have worked with it and heard extensively about it and we have finally got to the place where we're all on the same page and it covers all the needs of the County and the water system. With that I stand for questions.

CHAIR HAMILTON: That's great. Before I go to questions from the Board I think there might be some people in the audience here from Hyde Park. If I could just see a show of hands. So you can see this is very important to the Hyde Park community and we really appreciate you guys coming out for this. Commissioners, is anybody with any questions? Yes, Commissioner Hansen.

COMMISSIONER HANSEN: So I just – I don't have any issues with this but I just wanted to understand that in Exhibit C, excluded assets, is all water rights. So what happens to these water rights?

MR. DUPUIS: Madam Chair, Commissioner Hansen, the water rights stay with the community water association because the County doesn't have direct ability to use groundwater rights for deliveries to support that. So that expense will be recovered in their rate over an extended period of time.

COMMISSIONER HANSEN: Okay. That's good enough. Thank you.

CHAIR HAMILTON: Any other questions? Commissioner Moreno.

COMMISSIONER MORENO: A comment. I was a resident of the community 35 years ago and I'm happy it's clicking along and I'm really happy that they have a more secure future in their future. Congratulations for keeping the faith and managing and working with a very difficult system. Congratulations for getting this far. Thank you.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Mr. Dupuis, I guess I have several questions. What are the benefits that the County has in acquiring this private system?

MR. DUPUIS: Madam Chair, Commissioner Garcia, the benefits are numerous and not straightforward. One is in times when any small system has a transition of operators and people who maintain that system to no one because there's no inherent interest. It becomes very problematic and I've seen extreme cases, that being the most beneficial in my opinion in that we don't let someone fail prior to acquiring them. We work with them when they're solvent to have an equitable transfer of those assets to us.

COMMISSIONER GARCIA: And so Madam Chair, Mr. Dupuis, I'm sorry I didn't read this entire agreement, but how does the County get reimbursed for the County putting general fund money into this private system?

MR. DUPUIS: Madam Chair, Commissioner Garcia, the County gets reimbursed through a surcharge that's applied, and it's over, I believe, a 15-year period.

CHAIR HAMILTON: I was just going to add something to that, because it was kind of a brief answer, but part of our policy is like if a new development is coming on line they're giving a new system over to the County and then they start paying County rates. So in a system, if there's debt involved or depreciated assets that need to be brought up to speed, there's a surcharge added onto those rates which Hyde Park is paying to cover those costs. So they're coming in on equal footings. It's not unfair to other ratepayers. In other words, other ratepayers are not bearing that cost.

COMMISSIONER GARCIA: Other ratepayers are not bearing that cost.

CHAIR HAMILTON: The cost of having to bring in any particular piece of equipment, any infrastructure in Hyde Park up to appropriate condition.

COMMISSIONER GARCIA: So Madam Chair, Mr. Dupuis, so that system that has been built for many, many years out there, so did they actually bring that system to current day County standards? Or are we acquiring the old pipes, the old tank – I guess where I'm going with it is maintenance for that water system is going to come out of your budget and your team, right?

MR. DUPUIS: Madam Chair, Commissioner Garcia, that is correct, and there will be higher than – higher costs that a new system if it were and that is accommodated by assessing the depreciation on the asset and the life cycle that is remaining within the infrastructure, and it has a specified value. The lost value of the depreciation is made up as part of that surcharge. So as I said, they are made equivalent to a new subdivision that would be accepted into the utility.

COMMISSIONER GARCIA: I have a lot of questions but I'm done, Madam Chair. Thank you.

CHAIR HAMILTON: Thank you. Is there other discussion? So what's the pleasure of the Board?

COMMISSIONER MORENO: I would move approval.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

CHAIR HAMILTON: Thank you, Mr. Dupuis and congratulations, Hyde Park community members.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: I guess just for the reasons I was asking some of the questions is there's a lot of water systems actually throughout the entire county of Santa Fe so I just wanted to see how the County is going to go about acquiring private water systems, because I have couple in my district that are actually private water systems so that's why I was asking questions. But we can sit down at a later date. Thank you.

CHAIR HAMILTON: Very good. Yes, Commissioner Hansen.

COMMISSIONER HANSEN: So I just want to comment that part of this acquisition of this water system was part of the annex agreement with the City and that is part of the reason – it was not?

CHAIR HAMILTON: I don't think so.

COMMISSIONER HANSEN: I thought – Manager Miller, am I wrong in assuming that this was part of the annex agreement to take over this water system?

MS. MILLER: No, Madam Chair, Commissioner Hansen. This didn't have anything to do with the annexation agreement. Several, several years ago the Board passed a resolution to look at bringing on mutual domestics, either as retail or wholesale customers and the three that we have been working with, that came forward were Hyde Park, Cañoncito and Chupadero. This is actually the first one and it definitely has not been without growing pains to figure out the best way to do this. I appreciate their patience in working with us because it's been difficult. I think when the Board initially passed the resolution they didn't anticipate a lot of the things that we ran into in looking at the assets that the utility or the mutual domestic had, and so we've had to really work through that, but it had nothing to do with annexation.

What part did have to do with annexation though is we – or not really annexation. We had a settlement with the City of Santa Fe relative to some issues with BDD and water rates and our master meters, where we had master meters, and this was one of the meters that was negotiated into that agreement with the City, and that is that they would still be able to use the multi-family meter there as opposed to having to redo this completely different as a whole new master meter.

COMMISSIONER HANSEN: Thank you. I just remember there was something to do with the City and I didn't remember exactly what it was. So I appreciate that clarity.

**III. C. 2. Discussion of and Possible Action on the Restated and Amended Joint Powers Agreement Establishing the Regional Coalition of LANL Communities by and Among the Incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos, Taos County and the Sovereign Governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez [Exhibit 1: Restated JPA; Exhibit 2: Resolution 2017-129; Exhibit 3: Board Letter to DOE]**

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: First, I want to start off by thanking the staff, our County Attorney Frederick and also Manager Miller for working and revamping this JPA for the Regional Coalition of LANL communities. They made changes that put us in compliance with following state regulation and it's something – I just want to say thank you. I think that the JPA as it's written now really has made a big difference in us being able to move forward in the way this board should actually operate and function, but I do want to see if Manager Miller can kind of give a summary of what we've worked on and where we're at with this JPA. After that I'd also like to look for approving this JPA from Santa Fe County.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I would really appreciate a discussion before any motion, but if there is going to be a motion I am going to move to table, because I did not see this JPA until yesterday and I feel like this is an extremely, extremely serious commitment that we are making. I don't like a number of things in the JPA. I don't feel that they are protecting the citizens. They don't support our policies that we have already passed. I have copies right here that I would like to pass out or resolutions that are policies that this Board has already motioned and passed that support cleanup and support limited amounts of – there's things like advocate long-term stable funding of LANL mission.

So what does that mean? Does that mean that we're supporting PIT production for the next – forever, as a stable funding for LANL? And also, I'm extremely disappointing and I'm passing this out too, that the Regional Coalition took no stand on the Defense Nuclear Facility Safety Board, which I consider incredibly important to oversee the community. And these are the policies of this Board and I think that in order for me to support any kind of interaction with the Regional Coalition I need to know that our policies that this Board has passed are being followed and that we are continuing to act in good faith about cleanup.

I don't see the value in the amount of money of \$10,000. I don't see any value to the Regional Coalition in cleanup because in 2010 they were getting \$223 million and today they might get \$220 million, and that's in a nine-year period and there has been no change in increase of funding from the Regional Coalition. So therefore there is not a good argument to say, oh, the Regional Coalition has increased funding when it has not.

And so I feel like there are a number of issues with this resolution. First, the public has not had the opportunity to weigh in on it. This is the first time it's been presented in any public body, and that concerns me. I think that numerous people – I have gotten numerous emails since that has been on the agenda about how people are not in support of the Regional Coalition because it is not really advocating for cleanup and the \$10,000 that we spend to be a member – I can go to Washington for way less than that and get a fair amount of money for cleanup on my own.

So I don't understand what the benefit of being a member of the Regional Coalition is, with all due respect, Commissioner Roybal. I just don't see it. And so I'm going to ask that this be tabled.

CHAIR HAMILTON: Can I briefly ask, are there people in the audience who are here because they're concerned one way or the other with this particular – so

there are a few people here who are interested in this. Is that a motion, Commissioner?

COMMISSIONER HANSEN: I can make it a motion.

CHAIR HAMILTON: Ms. Brown, if there's a move to table something, that ends discussion; yes?

RACHEL BROWN (Deputy County Attorney): If the motion is on the table, you act on that.

CHAIR HAMILTON: If the motion is on the table. If the motion is to table the item, that terminates discussion?

MS. BROWN: And you acted on that motion, and then perhaps it will be tabled without further discussion.

CHAIR HAMILTON: And then it's automatically brought up at the next meeting? Is that the requirement?

MS. BROWN: Unless you identify another date that you prefer to have it heard.

CHAIR HAMILTON: You just have to identify the date it's brought up?

MS. BROWN: Correct.

COMMISSIONER HANSEN: So, Madam Chair, I feel really strongly that I have brought a number of things up in front of this Board, and I have brought them up on the Friday before and people have told me they have not had time to read it. And then we get something the day before the meeting in the late afternoon, and we have not had time to read it or to make comments on it. And so that disturbs me. I just don't think that is proper that we are making an important decision the day before, especially the fact that this has not been seen in public and we are the first public body. And I don't see anywhere where it supports our mission that we have voted on as a body.

CHAIR HAMILTON: I certainly got a lot of emails, several emails about requesting that they define their mission better and that those definitions and their various operating things have not been clarified. Ms. Miller, did you have something?

MS. MILLER: Madam Chair, so let me back up a little. If you recall, oh gosh. Was it over a year ago. Maybe it's been two. How time flies. When the RCLC was looking at renewing the contract with the previous contractor it came up that the JPA was not very clear in the duties or the powers of the Regional Coalition. So it didn't specify whether the coalition could hire employees. It didn't specify whether the coalition could contract with entities. It said Los Alamos County was the fiscal agent but it didn't say what that entailed.

So from that point forward numerous things happened, some of it being – so they put off awarding the contract. They looked at revising the JPA, and they voted as a group on some revisions. It's not the version in front of you right now. It was a much simplified version. This one isn't even the fully redlined version. This is just redlined from the version that was presented to RCLC. There's so much more in this JPA than the current JPA that exists. But the RCLC board recommended approval of it. They never went back and sent it back, so Los Alamos County as a fiscal agent is responsible then to send that JPA back to all of the entities that are signing partners on the JPA to adopt those amendments.

The board itself cannot adopt amendments to itself. So only the entities that make up that joint entity can vote – can actually change that agreement. So even if we're the

first, it's still got to get all the other entities – this is not a short process. This will be a very long process because anytime a change is made to this then it has to go back to everybody else. That's why I just want to point out what is on the agenda is discussion and possible action. You may say you don't want to do anything with it. So it was never assumed – we didn't write "request approval of." We wanted you to know – so Santa Fe County, as one of the entities really pushing from that time that the JPA a year and a half ago was kind of reviewed and the Board itself looked at and said, yes, we agree it needs some changes. Let's go ahead and recommend those changes. Those changed were never effected, yet the coalition has still continued under the original JPA.

Since then, also, Los Alamos County says we don't really even want to be the fiscal agent anymore. Well, unfortunately, the way the JPA reads, as it currently stands, it's Los Alamos County. It doesn't give an option for it to be another county. So our discussions back in the fall were, okay, so how do we fix that structure? How can we get the JPA drafted so that you have – if the fiscal agent doesn't want to be the fiscal agent anymore, instead of amending the whole JPA, how can we change fiscal agents? Because you'd have to have all seven parties, not just the RCLC, which has one representative from each party on that board.

They could – they want to be able to say, okay, if Los Alamos County doesn't want to be our fiscal agent we'll find a different one of our members. Or somebody external to be it. But they can't do that because the way the JPA is written it says Los Alamos County will be the fiscal agent. Period. End of story. Well, unless you get all partners to amend that JPA you can't even make that change.

So we were directed at that time, back by this Board to work with Los Alamos County and work with RCLC to come up with a revised version of the JPA that allowed those things. And it was not saying that RCLC can't do other stuff, it was just could we clean up the way the JPA was written? Because the JPA was written very narrowly that it had to be Los Alamos County. It wasn't clear whether they could contract with somebody – all those things. So that's what County Attorney Frederick and Los Alamos County Attorney – I'm sorry I don't know the individual's name – and RCLC contractor, worked on that revision.

Then it was presented to RCLC earlier this year, to the coalition members. Not to individual counties and cities, but just the coalition, and they approved that as a board and then made a couple of the small changes that you see in here. What I'd asked the County Attorney to do is give you the original JPA that currently exists and then the version of the changes that were made, and then this one, because this redline version is only showing you the changes that RCLC made to the recommended changes. This is a very different JPA than what currently exists. It outlines specifically what the RCLC can do and how they can do it. It also allows for them to change fiscal agents. Because right now, Los Alamos County say's they're fiscal agent but all they're going to do is receive money and make disbursements but per the discussion that was here in this chamber was, well, we'd like to see it more specific because a fiscal agent usually does much more than that, including make sure the audit is conducted, make sure the disbursements are in accordance with the law and regulations and any RCLC policies, or whoever the fiscal agent is.

So this goes back to that time back in the fall when Los Alamos County sent out a

letter stating that they didn't really want to do the fiscal agent duties and so for the most part the RCLC has been operating without full fiscal agent services. But unless you change the JPA you can't change fiscal agents.

CHAIR HAMILTON: So it sounds like there are two problems. One is that the JPA does need to be improved and this is an improvement, and the other issue has to do with what the RCLC does in terms of its function and whether we want to be a part of it. By am sympathetic to the idea that we're just getting information today, and since it's not on for definite action, I would suggest we entertain further discussion and have it come up maybe like the next meeting as an action item, if that seems fair to everybody. Are there other questions or things – the next thing on the agenda or very soon is public comment so people will get a chance to say something about this as well as sending more emails. So is there further discussion right now on this? Manager Miller.

MS. MILLER: So Madam Chair, one of the issues – I can't print out the original redline but what I wanted to tell you, what is different, is pretty much that whole section E, which is on the version that you're looking at is on page 3, all of those duties, that's what's not in the current JPA. So what RCLC was trying to do as an organization was get all of that clarified where basically it says that they can enter into contracts including office leases and personal property rental agreements but cannot acquire, or shall not acquire or own real property, vehicles or debt, that they can contract with an executive director or legal counsel, experts, auditors, accountants, administrative staff as necessary, provided, however, the coalition shall not hire employees.

So these were the things that were completely silent in the existing JPA and the point of this was to try to clean that up. And for any of this to be adopted, it has to go to every one of the member parties to be adopted. So even if you were to say we like all these things, as soon as it goes to, say, the City of Santa Fe or City of Española or Taos County and they say, well, we want you to add this, this and this, effectively none of those changes will be in effect until every party agrees to it. And so any changes you make also have to go back around to every party.

So we were requested and I confirmed with Commissioner Roybal, at least start the dialogue about it because it's going to be a long process and all the while, you'll have a fiscal agent who's doing minimal work because there's nothing to hold them to.

CHAIR HAMILTON: Right. Commissioner Hansen.

COMMISSIONER HANSEN: So that's another reason to table this and delay it because we don't have all the information. We have a long process. This is a discussion and I think that I would like to read this and leave some time to actually think about it and make changes to the document because I think there are some incredibly weak lines in the beginning of this document. I understand that it's more comprehensive than the previous document, but it does not cover certain things that I think need to be explained in this JPA.

CHAIR HAMILTON: Is there other discussion at this point?

COMMISSIONER GARCIA: Are we tabling it?

CHAIR HAMILTON: We don't technically have to table it because it's on the agenda for only possible action so I suggest that we have some discussion and then have it on a future agenda for action.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: So I think that we – like I said, staff was really involved and I appreciate the time and effort that they put into this document. I do think that if there's any concerns I know these documents are also on the RCLC website and they were discussed in a public meeting at our last meeting. But I think it doesn't matter when it's brought up in that board meeting or in this Board meeting that we do want to make sure we're addressing any public concerns, which we did to that point and we did redline some other issues, but I'm fine if the Commissioners want to wait and look at this. As Manager Miller had indicated, this is just the beginning process. But this document is 100 times better than what existed. So this is just the beginning stages. Basically, if there's any changes it has to go all the way back around, so I think that any changes that we would like to see incorporated, I think Bruce did a great job putting this together and working with the county attorney from Los Alamos County and also input from Manager Miller. I think they did a great job but there's always room for other ideas. Manager Miller.

MS. MILLER: Madam Chair, Commissioner Roybal, I do want to point out this. We didn't take it upon ourselves to change the policy direction of the board. That's not what we were asked to do, or its mission. We were asked, because of all the fiscal problems to fix the fiscal side of it and that's what this does. If all the members of the coalition want to change the mission then this doesn't do it. This didn't in any way attempt to change the mission because we didn't have any direction to change the mission, not from the coalition itself or any of the coalition members. I understand that individual Commissioners and Councilors may want to but we didn't as staff didn't take that on because what we were trying to fix was the fiscal problems which were basically being covered in the media was that there weren't enough controls.

What we were trying to do was create a JPA that helped set up the structure for there to be proper fiscal controls. And so that's all this attempts to do. It does not attempt to change the mission of the RCLC.

CHAIR HAMILTON: Commissioner Garcia, were you –

COMMISSIONER GARCIA: I guess I understood we were in the middle of a table but I guess we can have discussion on it even though we haven't got a second on the tabling. But as Manager Miller just stated, this isn't changing the mission of the Regional Coalition, it's actually just adding a lot more requirements to their auditing process as was needed for that board. This isn't a resolution. This is actually a joint powers agreement that we have with the LANL communities. It's not a resolution. It's actually a joint powers agreement that's already in place. It's already in place. It does assist the County and counties and everybody in the coalition with a lot more strict auditing processes through DFA.

So like Manager Miller said, we're not here to change the mission of this with what we have in front of us. It's actually to put a lot more items in there for auditing purposes.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: I'd also like to add that right now, the board can't hire an attorney. The board wants to hire an attorney to look at things that

happened in the past and until the JPA gets approved with these powers they really can't do that.

CHAIR HAMILTON: That's a good point.

COMMISSIONER ROYBAL: So it's something that the board is adamant about making changes so we can move forward and make sure we're in compliance with the State Auditor wanted, so this is just another piece of that puzzle. It doesn't change the focus of the board right now but that's something the board did have some changes in their study session that they did have. So I still think that right now this makes us in total compliance and solves the fiscal problems that do occur on this board. So I still think it's something we should look at trying to pass and hopefully other members will pass so that we can move forward with making a lot of these corrections.

CHAIR HAMILTON: I appreciate what you're saying and I actually recognize and I think that was what I was trying to get at in part when I said there were two separate issues, fixing the JPA and the ability for things that are already ongoing to be managed appropriately fiscally and to solve some of the associated problems with that is dependent on revising the JPA and some of the other issues about mission of the RCLC. But I feel we have to respect the fact that we just got this today and there's been a request to have time to review it and that's my reason for wanting to put the actual action item on the next agenda.

COMMISSIONER ROYBAL: That's fine with me.

CHAIR HAMILTON: Manager Miller.

MS. MILLER: Madam Chair, so there's a few things. One is, yes, this was just to try to correct those common administrative items. Santa Fe County does not have to be a member of the RCLC if that's what this Board so chooses. We can withdraw under the current JPA and let the rest of the entities do what they want to do with the JPA. That's one option. The second option is we can stay a member, have this more clarified and it be that way, or you could, if you really want to see the mission of the coalition addressed and any change to the JPA, I would recommend that rather than trying to change the JPA that you pass a resolution to the RCLC that says, and the other members that, hey, we would like to see you add these things to you mission.

And the reason I say that is it's, as I said, changing – you pass a resolution out to everybody and everybody agrees with that. Then you go work on changing the JPA. But if each entity makes a change to the JPA and we have seven members and it keeps going around, you'd be in this continual round robin of making changes to the JPA.

And so I would just suggest one of those things. If you want to make changes beyond what's in here that aren't just maybe grammatical changes or something like that that everybody could easily agree to, but if you want to look at changing the mission or adding to the mission of the RCLC I would recommend that you then do that via a resolution to the rest of the members saying we'd really like you to look at that if you're going to change the JPA. Because the JPA has to go to all the members, then has to go be approved by DFA.

And so if we were to just make changes in here because we said, well we'd like to change the mission of it. Well, we might be the only ones that want to change the mission of it. And meanwhile, you don't get the changes for the administrative functions that you need. So those are just some thoughts about how you might want to handle this going

forward and something to think about. But I wanted to at least make sure you knew this was out there, the RCLC and what its intent was and what we're trying to do with those changes.

CHAIR HAMILTON: Commissioner Moreno and then Commissioner Roybal.

COMMISSIONER MORENO: Thank you, Madam Chair. Has it been – is Los Alamos County the fiscal agent?

MS. MILLER: Madam Chair, Commissioner Moreno, they are now because the JPA as it's currently written says they are. But they sent a letter, the county sent a letter out end of September, early October timeframe that said, well, as the fiscal agent this is all we're going to do is we will receive and disperse funds. That's not typically all a fiscal agent does. Usually a fiscal agent will help provide legal advice. They will help – they will conduct audits. They will review expenditures to make sure they're in line with policies. They'll make sure any reporting that's required is done. That type of thing. So that was prompted this draft of the JPA was to say, okay, if Los Alamos County doesn't want to do it, we can write a JPA that says that the members of the RCLC get to select their fiscal agent, and then that fiscal agent will do x, y and z.

That's not the way the current JPA is written though And so it just says Los Alamos County or the fiscal agent, and Los Alamos County in theory can't really get out of that without changing the JPA either.

COMMISSIONER MORENO: Thank you. And Madam Chair, I don't think this matter is ripe for deliberations and at the appropriate time I would move to table.

CHAIR HAMILTON: Okay. We don't really –

COMMISSIONER HANSEN: I second Commissioner Moreno's motion.

COMMISSIONER ROYBAL: After you have a table and a second, is there still discussion? No? Okay.

BRUCE FREDERICK (County Attorney): You can discuss tabling, but then you'll vote on the tabling and that's what you have to vote on first before you go on to the main motion, if there is a main motion.

COMMISSIONER GARCIA: So there's no more motion, Madam Chair.

MS. MILLER: So there's a motion and a second to table, but you can't discuss the tabling but you can't – in other words, do you want to table to date specific? However you want to table in some particular way, or you can vote down the tabling and come up with something else. It's whatever you guys want to do. You don't keep discussing the JPA itself once you have a motion to table. You just discuss the tabling motion.

CHAIR HAMILTON: Since we weren't going to take action anyway I was hoping to get more discussion going, but since I have a motion and a second and we're not going to take action today, all in favor of tabling and ending discussion?

**The tabling motion failed by 2-3 voice vote with Commissioners Hansen and Moreno voting for tabling and Commissioners Hamilton, Garcia and Roybal voting against.**

CHAIR HAMILTON: So let's continue. So that fails. We're still not taking action today but Commissioner Roybal, we can continue discussion and then Commissioner Garcia.

COMMISSIONER ROYBAL: We can go to Commissioner Garcia next.

COMMISSIONER GARCIA: Madam Chair, I would just like to really urge the body up here to listen to what Manager Miller has explained. There is an existing joint powers agreement that we've had for many, many years and despite what happened a year, a year and a half ago already this item E, which doesn't take a lot of reading to do. It's basically saying can enter into contracts including office leases, personal property, acquire office equipment and supplies, contract with the executive director, legal counsel, experts, auditor, develop and adopt and annual budget, establish bylaws, policies to govern its affairs including but not limited to relating to fiscal management, travel reimbursement and annual audits subject to Section 5.C, receive deposits. It's not really that much technical writing and if we want to change the mission of the coalition then maybe the Board, the governing body up here should adopt a resolution that we can take to LANL communities and say this is the mission that Santa Fe County would like to see the LANL communities move forward. And at that time if the LANL communities in my view doesn't want to move forward then we can talk about maybe possibly termination of Santa Fe County being involved with LANL communities.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair, Commissioner Garcia and Manager Miller. I do think that the idea of – I don't think any of us that sit on this Board know more about fiscal responsibility or the rules and regulations and as our County Attorney and our County Manager do, so I don't see that we would be able to make any changes to this joint powers agreement that would be relevant to that. So I do agree that I think that a resolution is more fitting to say these are the issues that Santa Fe County has and what we would like to see the Regional Coalition pursues for our communities and I think that would be a better way to bring that idea forward rather than trying to change the joint powers agreement that's only really talking about the way that business is conducted as far as fiscally responsible.

So I still feel that even though we're looking at not having any motion today I still feel that we should have a motion to approve this joint powers agreement. So if it fails, then I'm fine but I really don't see how we would have any additional information for our next meeting that would make the changes any better at this point. So I'm ready to approve this JPA.

COMMISSIONER GARCIA: Second.

COMMISSIONER HANSEN: So Madam Chair, I don't have any problem with the financial issues or anything, what I have problems with is the recitals and A, where it does talk about the mission. It says on the fourth whereas, The parties shall share a common interest in asserting that LANL's mission remains sustainable and diverse while assuring protection of the environment. LANL's main mission, 70 percent of their mission is to build PIT production and build weapons. So that comment right there is like are we saying that we want to change the mission of LANL to make it sustainable when 70 percent of it is made to do weapons production?

Then on page – under A, advocacy of long-term stable funding of LANL's

mission. LANL's mission is to build weapons. So we are supporting LANL's mission. We are not supporting the mission of sustainability. So there are conflicts in here. And that's as far as I – I mean I glanced over this thing, but the mere fact that I got this yesterday and I am supposed to approve this today. I can only vote against this because I cannot support what is being said here. It doesn't mean that the financial part is not good and helpful because it probably is really helpful to the mission of the RCLC to have a better definition of what financial oversight is, but that's not what it's talking about in the authority of the Regional Coalition.

The Regional Coalition is supporting the mission of LANL, which is 70 percent weapons funding which is a contradiction to their actual mission, supposedly, that says that they're working on the environment and cleanup where it says nothing about that in here. There's work to be done on this JPA because it's in conflict.

MS. MILLER: Madam Chair, could I ask Commissioner Roybal, when's the next RCLC meeting?

COMMISSIONER ROYBAL: Actually, we have Mr. Vasquez here. April 19<sup>th</sup>.

MS. MILLER: So perhaps it would be appropriate to – as I say, there's other entities who have to take a look at this as well. If Commissioner Hansen would like to put together a resolution that states what she's discussing for our next BCC meeting or the May 14<sup>th</sup>, and you vote on whether you want to send that to the rest of the coalition members. Remember, we're just one of many entities that belong to this, so changing the mission of it needs to be done by all the members; it can't be done by just us. We don't have to join. That's the other alternative. Or you could adopt this and say, now we're out because we don't want that.

But I think the struggle we're having right now is this Board needs to decide do they want the mission of the RCLC, as far as you're concerned, to be changed in order to be a member. Because that's the discussion that's really happening here. And if so, I think that needs to be a request to the other members, and that can't be done by changing the JPA. We're not the creators of this JPA; we are just members of it.

So I think you'd need to pass a resolution that we request to the RCLC and its members, can we change the mission to incorporate whatever it is, Commissioner Hansen, that you feel is missing from the mission of this organization and send that to the RCLC and the other members. If the other members say, sure. We're okay with that, then we could look at a draft some amendments would incorporate those mission statements that you're referring to. If they're not, us putting them in there will just get them kicked right back out and lengthen the process of getting the actual administrative items of this JPA taken care of.

And then you still always have the option as a Board to say you want to be a member of it or not. So I would just suggest we'll withdraw this from the agenda and we won't put it back on until you've had an opportunity in the next meeting or two to discuss a resolution that talks about the mission issues that Commissioner Hansen has brought up, and we can present that back to RCLC as well as the other bodies to the JPA, if you so approve such resolution. And then see if they want to incorporate changes into this JPA or not, let them continue to discuss this in their own entities as well. I'm sure they'll have similar discussions, some of them, and it will take a while for all entities to adopt it,

but at least then you would have a decision in front of you of whether you want the mission of RCLC to change, not whether you want to adopt the administrative changes to the JPA.

COMMISSIONER HANSEN: So if we were only dealing with administrative changes, that would be one thing. But we're not, because of the recitals of Section A of what it says in here. That has to be addressed somehow. Also, this Board has approved a resolution requesting that the New Mexico Environment Department strengthen the revised Los Alamos National cleanup consent order to call for additional characterization off legacy nuclear waste requesting the Department of Energy to request cleanup funding from Congress and significantly increase safety training and direct the County Manager to transmit copies of the resolution to the associated parties.

So we have already passed a resolution stating some of the things that we feel are really important to have happen as a County and this was passed in 2017. So I just once again, I've already said this, I saw this resolution, this JPA yesterday. I feel like you – both Commissioner Roybal and Commissioner Garcia, you have tabled and voted against things that I have brought up on a Friday, not the day before, because you didn't read it. I haven't read this completely and I find it unacceptable.

COMMISSIONER GARCIA: Madam Chair, I actually – I certainly follow you, Commissioner Hansen, 100 percent, and some of the things that are a challenge to me, I understand what the National Laboratory has done up there in the last 30, 40 years, and the cleanup that needs to be done up there, that actually floats down, hopefully not, into my district. And I certainly follow you in regards to the cleanup. Some of the other things that I struggle with are the economic development and workforce that the National Laboratory provides to northern New Mexico, and yes, do I agree that they make, that 70 percent of the things they make up there, assemble up there, create up there, I don't agree with? Probably. But we walk fine lines whenever we talk about – not really talking about – but 70 percent of the workforce in northern New Mexico is doing what they do up there. I just see it as an economic engine for northern New Mexico. And I agree. It definitely needs to be cleaned up, what they're doing up there. It's almost like I'm dealing with two, three different things of the National Laboratory and how it challenges myself to look at the different things that this board, these policy makers are considering.

So I certainly understand. I was actually a little bit – I was wrong in actually assuming that the only thing that was changing in this resolution was item E, but I guess I didn't realize that all of the other items, all the other whereases were new stuff.

MS. MILLER: Madam Chair, Commissioner Garcia, the recitals didn't change, nor did the mission. That's what I said. It's the administrative functions. All those recitals that you're looking at here are in the current JPA that we're a part of. Same with the mission statements. There might be some language cleanup but they're the same.

COMMISSIONER HANSEN: I didn't know that. And we don't have the old copy.

CHAIR HAMILTON: We have reason to know we're a member, and I think that – I really do see the point that there are two issues. Changing mission is a completely separate issue, and frankly, I'm not sure there's a conflict in working from the inside, being part of the RCLC and pushing them. These administrative changes don't actually directly conflict with the resolution that calls on them to do cleanup which we've

been working on pretty tirelessly.

I still – I agreed in principle before that I'd still like to see this reviewed and voted on, maybe even at the next meeting. I think the idea of the Commission deliberating on whether we want to be members or not or how we see potentially changing the mission as being frankly a longer, a bigger discussion and taking longer. And I don't necessarily see holding this up. I just respect the need to review things. Mr. Frederick.

MR. FREDERICK: Madam Chair, I just want to re-emphasize, we didn't take it as our task to do anything with the mission. In fact we tried to keep the JPA, aside from obvious grammatical errors exactly the same but impose much, much, much stricter financial controls on how they deal with money, because right now, Los Alamos County, they're technically the fiscal agent but they've kind of said they aren't going to perform as they used to perform, or not even to the extent they used to perform as fiscal agent.

So that's how we saw our mission. It was just to add those fiscal controls. Not to change the JPA substantively in any way because we didn't get that direction from the Board to do that or to try to do that.

CHAIR HAMILTON: So, if there's no further discussion – I'm sorry.  
Commissioner Roybal.

COMMISSIONER ROYBAL: Madam Chair, thank you. I think that there should be some time to review and we can come back to the next meeting and look at this, but I will say, for the record, as Commissioner Hansen said, we did table something that she brought forward on a Friday before a meeting, but to be very clear, that was a letter that was written by Commissioner Hansen and this is something that was created by our County Attorney and staff and reviewed and so there's a big difference in my opinion. It's something that our staff has created and I stand firmly behind that they know the law and that they put something in front of us that is to protect the coalition and the County. But I'm perfectly fine with postponing this until the next BCC meeting. Thank you.

COMMISSIONER GARCIA: Hold on. Commissioner Hansen, did you hear that? Did you hear what Commissioner Roybal just mentioned?

COMMISSIONER HANSEN: I heard that he says he is willing to have this go to the next meeting.

COMMISSIONER GARCIA: Okay. Just wanted to make sure.

COMMISSIONER HANSEN: So does this mean you're withdrawing your motion?

COMMISSIONER ROYBAL: Yes, we can withdraw the motion until the next meeting.

COMMISSIONER GARCIA: I'll withdraw my motion also. I'm just going to be a little upset if we're going to look at the same exact thing next time and there's going to be very minimal changes because all the changes that are in here right now are in red as you know how that works. And there's minimal changes but we're okay with that. Thank you.

#### **IV. MATTERS OF PUBLIC CONCERN**

CHAIR HAMILTON: Now, if I'm not mistaken, there are people here on

a few different issues. So I had already asked, but if you don't mind a little repetition of people here to speak about this RCLC issue. Do you still want to speak? Are there people here to speak about the forest project issue? Are there people here to speak about anything aside from those two issues, any other issues? Okay. I'm going to respectfully ask that we limit our comments to two minutes, just because there are a lot of people to speak. When you come forward, if you could just give your name and address, and if we could do the RCLC people first, just to have some continuity.

JONI ARENDS: Good afternoon, members of the Commission. My name is Joni Arends. I'm with Concerned Citizens for Nuclear Safety. I want to clarify one issue with regard to what the communities from Taos to Albuquerque have been asking since 2010. We want definitions of these items: cleanup, LANL missions, mission diversification, plutonium sustainment, and this is something that we've asked the Regional Coalition for for years, to be able to understand what the money, what our taxpayer money has been used for as part of the membership, and what's being done with it. And what do these words mean in terms for the Regional Coalition

So when we're talking about mission, we're talking about what is the mission of the Regional Coalition and what are they doing when they go to Washington, DC? Are they lobbying? Because it's a big circle, where DOE is giving money to the Regional Coalition to lobby DOE and Congress for cleanup. And it's a vicious circle and there really needs to be an analysis if the new ethics bill that came through that the governor signed. It's much broader.

And you have to know that the Los Alamos County has been signing the IRS returns for the Regional Coalition and the energy communities alliance of which the Regional Coalition is a part, for the ECA for decades. So the County needs to be asking more questions about what is this pull-back right now by Los Alamos County.

CHAIR HAMILTON: That's two minutes so if you could wind up please.

MS. ARENDS: Right. The communities from Taos to Albuquerque have been asking for almost a decade now for definitions of these terms and it's very important at this time that these definitions be provided.

CHAIR HAMILTON: Thank you very much.

SCOTT KOVAC: Thank you Madam Chair and members of the Commission. My name is Scott Kovac with Nuclear Watch New Mexico. I had an idea. Maybe if Santa Fe County had an idea of what they were expecting out of the Regional Coalition of LANL communities – I don't see that there's an actual, what does the County want? And along with that, you might consider, I would respectfully ask the Commission to consider, maybe there's an annual milestone. I'm not sure what that is. Maybe it's an amount of cleanup funding every year or something, that you're trying to approach. Just to see if the Regional Coalition is providing what you guys really are looking for.

And speaking of cleanup funding, if the lab was just focused on, if the RCLC was just focused on cleanup funding that would be great. And don't forget that there's other people that work on getting cleanup funding for the laboratory, including myself. I'm currently on a planning committee, we're going to send 60 or 70 people to DC to lobby on cleanup issues across the nation. So there's other people that are doing this and we really appreciate the look towards cleanup funding. It's the other 70 percent of the budget

of LANL that is a concern of ours. Thank you very much.

CHAIR HAMILTON: Thank you. So the people who want to speak to the forest project? Nobody? Well, come on up. You can self-sort. The first one up here can start speaking. Give your name and then the next person can replace them. Feel free to form a line but just feel free to come up. Nobody stood up yet. Please come up and speak and everybody else can stand up and come up.

BARBARA FIX: Good afternoon. My name is Barbara Fix. I live at 610 Alicia Street. I, like everyone else, fears a catastrophic fire in our watershed. In a good year, like this year, it provides 40 percent of our water. Our watershed has been overgrown. The Forest Service and other members of the Fireshed Coalition are valiantly trying to restore or to make that watershed safe for the citizens of this city and this county. If a catastrophic fire happens the massive amount of particulate matter that's going to come down will be devastating. This town will be destroyed.

I believe that the people who are asking for an EIS – basically doing an EIS means putting off doing any more forest thinning or any more prescribed fires for at least four or five years. Drought is going to come back. I believe, as I've heard from Forest Service officials that, hey, we've got to look at the fact that all of us have the same concern for the forest. And sometimes in zealotry people are carried away. I offer you two letters to the editor in the New Mexican from last year. Sam Hitt described a meeting of the Native Plant Society of which I am a member and officer that Ellis Margolis a USGS PhD scientist, had said that the purpose is for logging and increased grazing. That's not true. I offer you a copy of the response that I made to that and I ask you to consider what the long-term effect is on this community. Thank you. *[Exhibits 4 and 5]*

MARY LANE: Thank you, Commissioners Hansen and Hamilton. My name is Mary Lane. I live on Romero Street in Santa Fe. I ask on behalf of many that the Commission stay informed and stay vigilant on all aspects of the Santa Fe mountain landscape restoration project. This forest, this watershed, defines our place and cannot be harmed without harming us all. Please stay vigilant for us. Thank you very much.

CHAIR HAMILTON: Go ahead. That's great. I appreciate the comments. I just wanted to mention that we have a list and record of everybody who spoke two weeks ago. So this is public comment but I'd respectfully ask that if people have spoken last week their comments are on record, so except for anything new to say it might be nice to just let other people have time to speak. Next.

ANN MCCAMPBELL: Good afternoon, Madam Chair and Commissioners, I was here two weeks ago but I have some new comments. My name's Dr. Ann McCampbell. I live at 11 Esquila Road, Santa Fe, aka Eldorado. And I'm here to urge the Forest Service to go right to an EIS for the radical project that they're proposing. One line I really appreciate in the resolution says the project may have a significant effect on the environment and should not qualify as a categorical exclusion under NEPA. I think that's very reasonable and common sense. But extending that a little farther I think it also should not qualify as an EA. And even though often EAs are done to decide if an EIS needs to be done, in this case I think it's more of a waste of time and energy.

I think there is time. I don't think there is an emergency. I think that there needs to be a much harder look at the impacts. I think if it was a true thinning project and 10 to 15 percent of the trees and fuel was removed, maybe an EA would work. But removing

90 percent of the trees is huge and I think other people mentioned, if you've seen the watershed and the really catastrophic look of removing most of the trees, where you can already see there's erosion. You can wonder, where did the wildlife go? There's no more habitat.

And I do appreciate the resolution. It talks a lot about interacting with the public, and I think that's logical but not practical. Because in my 20 years of trying to negotiate with the Forest Service it hasn't been very successful and the only way that we truly have input is with an EIS. And I think the forests are a valuable and priceless community resource and we do need to work together to see how to go forward.

CHAIR HAMILTON: Thank you. Next.

SARAH HAYDEN: I'm Sarah Hayden, 44 Cougar Ridge Road, and the Santa Fe National Forest protection advocate for Wild Earth Guardians. This resolution started with our concern that there really wasn't a genuine public process going on. We've been trying to engage with this for a few years, and all the meeting and the way the Forest Service has addressed this has been very one-sided. And so we were asking you for help. And I really appreciate that you've tried and you've felt like you have balanced it but this isn't balanced from our point of view because it does not recommend an EIS. It recommends an EA and they can do an EIS if they find it's warranted. Well, they've already broadcast pretty clearly; it's not going to be warranted.

An EIS does not take five years. It takes two years, and an EA takes about one year. There's not an emergency. We don't have the fire history over on this side of the Santa Fe National Forest like they do in Las Conchas, or the Jemez. And they need to not be intermixed with each other. There's been so much environmental damage and they haven't even gotten to the basics of how to manage slash without starting bark beetle outbreaks. And this thinning is going to be focused in the WUI, the wildland-urban interface, and current research indicates that it isn't useful. It does not protect structures and no Forest Service person has given me any research that indicates otherwise. There's just so many questions, and they're so unanswered. If they just push this through and start January 1<sup>st</sup> like they intend to, according to the schedule of proposed action, it could be a tree disaster for the forest. Please restore the resolution to ask for an environmental impact statement.

CHAIR HAMILTON: Thank you, Sarah. Next. Somebody who hasn't spoken?

MARK BENDER: My name is Mark Bender. I live in Eldorado. I may be coughing because I have allergies but those are only going to get worse as a result of these fires. We do need an environmental impact statement. It would be fine with me if it took two years because to be honest, there is more to this than just science. There's also politics. People like to pretend that these are objective, scientific issues. I have a degree in laboratory science. I understand what science can do and what it can't do.

We're looking at the policies of an administration that does not recognize climate change, and that's going to be reflected in decisions that the Forest Service makes. It's because it's political that we have to come before the County Commission. If this were simply a scientific issue, we could go to the Forest Service and say, look, you can see what climate change has done to our forests and cutting down the remaining trees is only going to exacerbate the problem.

But the real problem we have now is we need to demand of the Forest Service, and the Department of Agriculture, which oversees it, that they listen to the public. I appreciate that you've included in the resolution that they need to listen to the public. They need to consider alternatives. I would add to that that they should do a full environmental impact statement taking into account the effects of climate change.

CHAIR HAMILTON: Thank you. Is there anybody else?

SAM BERRY: Hi, Commission. My name's Sam Berry and I work with the Forest Stewards Guild, which is a non-profit here in Santa Fe. We've been around for 30 years promoting ecological and economically sustainable forestry. And we're also very concerned about the impact of wildfire here. Some of the impacts are in the resolution here about water, recreation, forest health and type change we've seen in the Jemez, and then the impact on communities, both economically and socially here, then post-fire flooding. So it's a complex issue, and I think our forests here are really complex systems and we acknowledge that.

But likely here there are a variety of treatments that have already happened, such as in the watershed in other forests nearby, so I think there's a lot of history and science and kind of conclusions to draw on and we kind of build on these plans. So the Forest Stewards Guild is a member of the Santa Fe Fireshed Coalition and we support sensible plans based on the best available science. One thing we did recently was convene scientists from USGS, the University of New Mexico and Northern Arizona University to talk about their research into this and it wasn't even tied to this. We're just interested in promoting the best available scientist and that was the common ground thing a couple weeks ago.

We also – I don't know that we disagree with points 1, 2, or 3. We also agree that the Forest Service needs to do a comprehensive NEPA process and involve the community. But we do kind of urge action in the fireshed here to help restore the forest and maybe reduce the wildfire risk. Thanks.

CHAIR HAMILTON: Thank you. I just want to mention that Commissioner Hansen and I both attended that April 3<sup>rd</sup> science meeting. It was very well done, and others here.

DIANE OLDENBERG: Thank you, Madam Chair and Commissioners. I'm Diane Oldenberg. I live in the wildland-urban interface, 100 yards from the national forest. I'm on the forest land almost every day. I also am a former wildlands firefighter, an initial attack firefighter. I've done environmental education. I work with conservation groups from Mexico to Alaska. I may be the only one who's testified who's actually fought a wildfire, at least today. I urge you to support an EIS. The issues are extremely complex. As you know, an EIS has mandatory public participation. It details public involvement from the draft EIS to the final EIS. It says that all science has to be looked at. I was at last week's meeting when a number of scientists, highly regarded, that were not in the room were disrespected as being "agenda-driven". An EIS looks at all science. It also has mitigation that's mandatory to protect habitat and wildlife and reduce and repair damage.

A good example of a successful EIS is the Southwest Jemez project that replanted riparian areas, reintroduced Doug fir and closed roads that were causing problems. An EA limits public input. There's no mandatory mitigation, and it doesn't review

“alternative science”. Please consider an EIS so that all voices are heard for the forest that all of us love. Thank you.

SAM HITT: Madam Commissioner and Commissioners, my name is Sam Hitt and I’m going to make this very brief. You’ve heard from me before and I’ve sent you letters that go into detail on the issues. It’s just still a mystery to me why a non-binding resolution requesting that the federal land managers prepare an EIS is opposed so strongly by the Forest Service and their allies. It’s just a mystery to me.

I knew a Navajo man who once told me was our way of asking permission and acknowledging the more than human world. I think we have to respect that. I think that was full of insight. And NEPA requires that we think outside the box, that we evaluate low-impact alternatives, such as preserving roadless lands and allowing natural self-thinning to control fires. That’s what an EIS would do, a number of alternatives that would be not typically considered that would, as the previous speaker said, would look at all the science, which an EA is not required to do.

So I believe we’re capable of self-governance, but the powerful voices of self-interest must not drown out everyone else. And I think the solution is giving ordinary citizens their rightful place at the table to demand an honest and measured way forward. So Commissioners, please listen to the deed-holders of public lands and demand an EIS from the US Forest Service. Thank you very much.

CHAIR HAMILTON: Thank you. Is there anybody else here who wishes to speak? Does anyone from the Forest Service want to speak now or do you want to speak when we consider the resolution? Or our Fire Chief or anybody? This is public comment. The Fire Chief doesn’t consider himself a member of the public. I didn’t mean any disrespect there.

STEVE ROMERO: Steve Romero with the US Forest Service, Pecos-Las Vegas District Ranger. I do want to say in regards to the resolution, the Forest Service has no issues with it, so we’re here if you have any questions regarding anything, whether it’s the NEPA or anything else. We’re here to help answer any of those questions.

CHAIR HAMILTON: Thank you.

SANDY HURLOCKER: Sandy Hurlocker. I’m with the Forest Service. Yes. We’re here today to answer questions and not take a position on the resolution itself.

CHAIR HAMILTON: Thank you. So seeing nobody else, I’m going to close public comment and I want to really thank everybody for coming. I assure you we pay attention and we hear what everybody’s saying and we try to do that on all sides and really appreciate your time. Commissioner Hansen.

## VI. MATTERS FROM COUNTY COMMISSIONERS

### A. Resolutions

**Resolution No. 2019-53, a Resolution Urging the United States Forest Service to Conduct a Comprehensive Environmental Analysis in Accordance with the National Environmental Policy Act Prior to Commencing the Santa Fe Mountains Landscape Resiliency Project [Exhibit 6: Staff Report]**

COMMISSIONER HANSEN: Thank you, everyone, for being here. I feel

responsible for bringing this resolution forward. I care deeply about the forest. I care deeply about correct information and disseminating correct information. I think it is incredibly important that the dialogue continue. Part of the reason I have brought this forward to begin with and then included Commissioner Hamilton is because most of the constituents who were bringing this forward lived in her district. Also, they live in Commissioner Roybal's district, the forest does anyhow.

I saw this as an opportunity for communication, because what I'm hearing from the activists is that the Forest Service is not listening to them, and that concerns me. That is definitely a concern. And so with that discussion, I went to Sandy and met with him and he – they have said that they have hired Hannah Burgess – is that your correct name? Berman? As a public outreach director. So I'd like you to stand up because I want people to know that the Forest Service has hired somebody for you to be in touch with. So that is a good step.

We worked on this resolution. I do have a question. I do have a request of Commissioner Hamilton, because she took over this resolution and added a lot of the really good parts about public participation. But one of the lines she had added to the previous resolution which was a project of this size is requested to require an environmental impact statement. That seemed to satisfy people, and I would like to put that back in this resolution. I don't know if I have the votes to do that but I think that if we are – we want to ask, what I continually hear is that people want an EIS. I want the Forest Service to do a complete NEPA analysis. If they come up that they can do this with an EA then than have to give us that information of why they can do it with an EA. They cannot just do an EA and move forward; they have to – and I see Sandy shaking his head, saying, yes, you have to tell us why.

I want that communication to continue to happen. I brought this forward because of that reason, to make sure that we are communicating with each other so people feel that they are being heard. I think that is incredibly, incredibly important. I don't like hearing the fact that you're going to destroy 90 percent of the forest. Is that what you're going to do? Is that your intention? Is that what's going to happen with the EA? Where did that number come from? I want to know where that number came from, because I feel like it's not – you're telling me, you're shaking your head no. Somebody else is shaking their head yes. So that's concerning to me, because who's right? I don't know who's right.

I'm trying to understand. I think that there are things that we can do in the forest starting now, like Dr. McCampbell said, the ten to fifteen percent of thinning that could start happening. That is something that could start happening now that would help protect a lot of the homes, protect some of the areas that are not – that can easily be thinned. Hand thinning is a really competent method to do. So I'll leave it there for right now because I'm sure that there are other Commissioners who have comments. But I would like the other Commissioners to please consider this language which for a project of this size is expected to require an environmental impact statement. It could be added at the second whereas before Now, therefore.

CHAIR HAMILTON: So I'm not actually willing to include that. The other Commissioners can do whatever they feel is appropriate. There's a very strong scientific reason not to do that. Everything you said about NEPA and wanting the

communication, that's exactly why this is written the way it is. First of all, I recognize when people are really emotionally committed, which by the way, I've worked 44 years in environmental science and I'm emotionally committed as well, so I recognize that there's science and there's a desire to really advocate for what's perceived as the best for a particular situation.

But this is a complex problem. There was no place – in only three hours, one of the things that the April 3<sup>rd</sup> workshop brought out that was well represented and recognized was the research but also discussed on the level of detail, of fact, not just I want it done this way or I think it's better this way. There was fact brought forward that addressed issues having to do with what is it that saves houses? What saves houses, yes, can be very different from what saves old growth trees. And so that distinction was made. That's why this is legitimately a forest restoration project.

Burning down the entire – I've worked on a lot of projects. The project area is 50,000 acres. The treatment area isn't 50,000 acres. So to say we're going to burn down 50,000 acres of trees, that's an emotional statement, not a statement of fact. The resolution is worded the way it is to give the project proponents a chance to actually define what they're going to do and we have been very careful to put in the resolution that there's going to be – that we really support and encourage a lot of public involvement. And frankly, the Forest Service is committed to doing more public involvement than even what's required in the regs and an EIS.

I recognize there's mistrust, maybe even on both sides, but to me, this resolution is very strong in supporting the details and the spirit of NEPA. That's what we wanted to do. We support the idea of doing this kind of project. And I recognize there are some people who don't support touching any forest, anywhere. But I cannot support a resolution like that because in fact I'm in favor of these kinds of projects if they're done environmentally responsibly.

So everybody else can have their say. I would like the resolution brought forward exactly the way it is. I see, Commissioner Moreno, did you have your hand up?

COMMISSIONER MORENO: I just had a question, if I may.

CHAIR HAMILTON: Yes.

COMMISSIONER MORENO: This number, 90 percent has me puzzled. Can you explain how that comes and from whence it came?

MR. HURLOCKER: Actually, we don't use the number 90 percent. It's been used to describe what we're doing but that's not how we see it.

COMMISSIONER MORENO: It's been abused.

MR. HURLOCKER: So it's not a number that – I guess if you look at strictly at the trees per acre, mathematically you can work it out that way. If you have 100 trees and you want to take it down to ten trees, you're at 90 percent, right? It's percent. But that's not our intention and that's not what we're doing across the landscape.

COMMISSIONER MORENO: A follow-up. Are you – if this project goes forward, would you be amenable to have a committee of residents of the county to help you in your planning?

MR. ROMERO: Yes, absolutely. At this point in time we're developing the proposal so we don't have a proposal at this point in time. We do have what we call an analysis area, the 50,000 acres that Madam Commissioner was talking about. So

within that 50,000 acres, that's what we're looking at where and how we're going to do our treatments relative to all of our values at risk and we can't do that by ourselves as one agency. We need help from the public. We need help from our coalition. So yes. And part of that is, yes, we want to go above and beyond what's required on our NEPA to get that public participation, to help us through that process.

CHAIR HAMILTON: Thank you.

MR. HURLOCKER: If I could add, one experience we've had in the Santa Fe Watershed, over 15 years ago now, that required a monitoring group to be formed, and so we have experience with a technical advisory group that came out of that decision. We're seeing that as a possibility here to be able to put that together.

CHAIR HAMILTON: That's great to hear.

COMMISSIONER MORENO: Thank you. And in my previous career as a mediator in environmental issues, I really support the use of people who know the land and that's pure gold. So to take advantage of the people who are here who support it.

CHAIR HAMILTON: Thank you. Other Commissioners? Yes, Commissioner Garcia.

COMMISSIONER GARCIA: I'd just like to bring up a couple things. First of all, thank you everybody who spoke. Thank you for coming to your public chamber. I appreciate everybody coming forward. Thank you, gentlemen for being here. Steve – I've known Steve for a long time. Actually we went to high school together. He's worked for the Forest Department all his life. If there's somebody that knows the forest better than anybody possibly it's this guy here because he's there every single day. Thank you for what you two gentlemen do and everybody else on the staff.

May of 2000 – who knows what happened May of 2000? Somebody gets a prize.

COMMISSIONER HANSEN: Cerro Grande.

COMMISSIONER GARCIA: May of 2000 is what I remember driving up 599, parking out there with some people and watching that fire start and the sunset of May of 2000. I'm going down the road – I know the fire service did start it. I'm just going down as to how that started and seeing that entire mountain burn over a period of time. Thinning out forests, thinning out the forestry, I have a friend that actually had about a 1,600-acre ranch near the Colorado-New Mexico border. They just unfortunately or fortunately for them sold it about two months ago. It was actually off of the Los Pinos River. Beautiful piece of property. When you went into – that property was actually exchanged with the Forest Department to their grandfather in order to do trapping for the forest and in order to do thinning out of the forest for that entire area, and that's how the gentleman got that piece of property.

And the reason why they actually thinned his property and he thinned the surrounding forest is for the habitat to come out, whether it's elk, deer, whatever. Livestock. That way the forest could actually grow. And as to thinning out the forest, I know a lot of people have come here and talked about the watershed and the watershed where it's at but I don't know if anybody has actually gone into the Pecos Wilderness where you can't even walk through the trees because it's so dense.

And so my position on thinning out the forest is, yes, I believe the forests need to be thinned out, and yes, I believe we need to actually look at the environmental concerns what prescribed burns of the forest actually do. So I think – and as the gentlemen here

mentioned and it seems like everybody in the audience is for the resolution the way it's written, with my vote of the County Commission moving forward for this resolution. This resolution will then move forward to DC, to the administration? Is that how it works?

CHAIR HAMILTON: Yes. It can be then distributed far and wide to anybody anyone on the Commission or staff wants to send it to. It's a public document and we can send it anywhere.

COMMISSIONER GARCIA: Right. So I just wanted to say those words. But thank you everybody once again.

CHAIR HAMILTON: So you know, I just wanted to make a comment about some of the information that came out on April 3<sup>rd</sup>, and one of them, because it really wasn't all one-sided, and one of them was the information on what they called activity fuels. That was a new one on me. Everything has a name, right? So it is a concern to think trees and then leave piles of deadfall because that's still burnable and it creates other problems. So that is certainly something and the scientist who was talking about it said, yes, they found that is a serious problem, right? So that's a piece of information that we expect that you guys are going to bring forward in your evaluation, right?

But then Greg Allen, a PhD who's well known in this area for his forestry expertise made a point of coming up to me and saying part of the thinning issue is that it's really needed to preserve old growth trees, because they're out-competed by the dense stand of trees. So there was information presented on both sides and I'm assuming all of that is taken into consideration. So is there more discussion? Commissioner Hansen.

COMMISSIONER HANSEN: So a part of my concern in this is that we live under an administration, the 45<sup>th</sup> president of these United States who I don't really care to say his name, has basically directed the Department of Agriculture to take as much as board-feet out of the forest as possible. Literally. So that is one of my concerns and that is why I think Commissioner Hamilton and I worked so hard on this resolution. And it does say in here, at least it says that if warranted by the findings of an EA a full EIS will be done. So there is at least the mention of that, since I don't see that the Commission is interested in putting back the wording that was in the other resolution.

But I want you all to remember the administration that we're living under, and the direction that you get from the federal government. And I know because I've been at NACo and I've heard. NACo, for those of you who don't know is the National Association of Counties. And it is to go out and clear the forests. I completely agree with what Commissioner Hamilton said about preserving old growth. I agree with that. We need old growth to be there. We need to thin the forest. There is no doubt about that. But we also need to do it responsibly and we need to be as responsible and respectful of wildlife and human health. And that's why a lot of the language in here talks about public engagement.

I appreciate that Sandy and Steve have hired Hannah to do public outreach. Let's see if that really is going to be true, if people feel like they can call Hannah and express their concerns and have an open mind and that they will think outside of the box. That is part of what it means to be up here is to have leadership and talk about thinking in different ways about how you can preserve and protect our forest, at the same time

protecting our watershed, our community. Protecting our watershed is one of the most important things that we can do. It is incredibly serious and I believe that we have done a good job in the thinning of the forest. It's a little naked. I don't think that that level of thinning needs to be done in this project everywhere, but I think you need to think about how each section of this area – because this is not one size fits all; this is a large project in two different areas that need to have some special treatment in each area and I think that that is where people want to have input and have concern.

I also – I'm grateful that the Forest Guild was here. They were my first client when I started as a graphic designer in 1990. So I have a long history with the forest. And recognizing the give and the take. So we are bringing this resolution forward. Please don't disappoint us. I'm talking to you and Sandy and Steve. And Hannah. Be open to what Sam Hitt has to say, even though you might disagree with it. You might not agree with Sarah Hayden, but be open to it and try and hear what she has to say, because it's extremely important to her and to Sam and to everyone who showed up. And the numerous letters. I would say hundreds of letters that I have received.

People are afraid because they know what the direction of the 45<sup>th</sup> president of these United States is and that is to burn the forest and get rid of it as much as possible, because that is the directive even I heard in Washington. How many board-feet can you get out of the forest?

So Santa Fe is a unique place. I appreciate and recognize that you have brought Hannah on as somebody who people can talk to. I encourage all the environmentalists here and all the people who really care about the forest to reach out to her and not just shake your head and say, oh, they'll never listen to me. But to actually make that commitment to try and work with each other. And you're never going to win. I don't win up here every time. I lose some times; I win some times. That's the way it is. That's the way life is.

So I am asking you to please be respectful of each other and work hard to make this process and come back and report to us, and let us know what is going on with the forest and how you are working with the community, what's happening with the public outreach. Those are things we want to know. So thank you.

CHAIR HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: I'd like to make a motion.

CHAIR HAMILTON: Please. Go ahead.

COMMISSIONER GARCIA: I'd like to make a motion to pass Resolution No. 2019-, a resolution urging the United States Forest Service to conduct a comprehensive environmental analysis in accordance with the National Environmental Policy Act prior to commencing the Santa Fe Mountains Landscape Resiliency Project.

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: So I have a motion and a second. Is there any additional discussion? Commissioner Moreno.

COMMISSIONER MORENO: Very short. I prefer the NEPA analysis, the full one.

CHAIR HAMILTON: That's what we're doing.

COMMISSIONER MORENO: Good. Thank you.

CHAIR HAMILTON: So there's a motion and a second.

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

CHAIR HAMILTON: Thank you. Thank you for your time and I thank everybody who came for their input and I look forward to long interactions on this. Thank you very much.

**V. MATTERS FROM THE COUNTY MANAGER**

**A. Miscellaneous Updates**

**1. Recognition of “National Tele-Communicators Week”/ 2<sup>nd</sup> Week of April 2019**

KEN MARTINEZ (RECC Director): Madam Chair, Commissioners, thank you for allowing me to speak for a few minutes. I just wanted to come and speak to you a little bit about next week. Next week from the 14<sup>th</sup> to the 20<sup>th</sup> is National Public Safety Tele-communicator Week. It's a week that's dedicated, the full second week every April to honor and recognize what 911 operators and tele-communicators do across the country for their communities in public safety. They're there 24/7. Our specific center works 12-hour shifts, 6 am to 6 pm and then 6 pm to 6 am, and when we're short-staffed like we are now they work overtime, sometimes forced overtime, mandatory overtime. And they do a great job keeping our public safety and making sure that the citizens of our city and county are able to reach help whenever they need it.

So I just wanted to come in front of you and publicly recognize all of our public safety tele-communicators at Santa Fe Regional and let them know that we appreciate what they do and are thankful for their role in our community. So that's why I'm here and that's the time I want to take. Thank you very much.

CHAIR HAMILTON: Well, thank you. So what are we doing for them? Aside from saying thank you?

MR. MARTINEZ: Several people from the community have called and wanted to reach out. We've got one of the churches in town that's going to take gift baskets for the operators. This next weekend I'll be speaking in front of their congregation on Saturday and then attending their services on Sunday to receive the gifts for the operators. The whole week there are activities planned. We are actually going to have themes, so they'll dress up according to these themes during the entire week and go to work that way. And so that's a little way for them to kind of just take the week and appreciate themselves and have a little bit of fun doing that.

CHAIR HAMILTON: Can you actually let us know what the theme is every day so that when we're talking to them on the radio we know what they looked like? What they're dressed up as?

MR. MARTINEZ: I wish I would have brought the list, the sheet with me but – I'm not going to remember. Some of them are sports themes and others are superhero themes and things of that nature. They've got to take that time. It's a stressful job. They're there all the time listening. Nobody calls 911 when they're happy.

CHAIR HAMILTON: Or stress-free.

MR. MARTINEZ: Absolutely. So they do a great job and I just want you

as Commissioners and the rest of the County staff and everybody out in the public to realize and recognize that when you call 911, a lot of people think they're talking to the police officers. They think they're talking to the Fire Department. They're not. They're talking to a trained tele-communicator who's actually certified through the state as an emergency medical dispatcher, certified through New Mexico State Law Enforcement Academy and has worked at least a year in training before they can work on their own. So it is a career. It is a profession, and I'm proud of the work that they do, so I want you all to be as proud as well.

CHAIR HAMILTON: Absolutely. They often work under a lot of pressure and when multiple calls are coming through and they have to keep it straight and their traffic is being walked on and they need to keep it straight to keep everybody safe. It's a lot of pressure.

MR. MARTINEZ: It really is.

CHAIR HAMILTON: Thank you for coming. Commissioner Hansen, then Commissioner Roybal.

COMMISSIONER HANSEN: I just want to thank you for being here. I want to thank you for giving us a tour, Sara and I, the other day when we were out there visiting. It was really good to come out and visit the center and see what is actually happening there and see how needy you are of space. And we are moving forward with that, I know. Everything takes time, but I really appreciated all of the people and all of the work that everyone was doing and I was happy to meet a number of the people there. I look forward to coming out and visiting you again. I'm glad to hear that they all have a year of training and workforce training. I think workforce development and training is really important and the more that we can provide that for the County staff is really important to me. Thank you.

MR. MARTINEZ: Thank you for being there. It was nice to see you and Sara there, and I extend the invitation to all of you Commissioners to go out at some point and take a look at the center and see what we do. Sit in there for a few minutes and just pay attention to everything that's happening. Everything that happens within this jurisdiction goes through that center at one point or another. So it's a great tour to take and I want to invite you all out there any time you want to go.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to echo the sentiments and the recognition that Director Martinez has brought to us today. A lot of our 911 call operators in dispatch, they don't get the recognition that they truly deserve, because we have our emergency responders that would be going blindly to a location. They have no idea, but they have communication with our dispatch. That's imperative and a lot of times we forget that piece so I really appreciate you bringing this forward and not only recognizing our local dispatch staff but also nationwide. I really appreciate that it's a sign of a true leader. Thank you, sir.

MR. MARTINEZ: Thank you, Commissioner.

COMMISSIONER GARCIA: Madam Chair, just in regards to – just to echo what Commissioner Roybal actually said, very excellent choice of words. Also, Ken, thank you for what you do for the last three, four, five years maybe in working, being the director for the E-911 Counties Affiliate. I used to see what you used to do at

the Round House. Great job. And maybe you could arrange with somebody from the Manager's Office and see how we could actually really kind of recognize these individuals. Because I know you can't bring them all here at one time. Maybe at the picnic or something. So if you can maybe come up with three or five or six ideas so we could recognize them. It would be a great thing.

MR. MARTINEZ: Thank you, Commissioner. I'll do that.

CHAIR HAMILTON: That's a great idea. I just had a thought. Like the next time all the Commissioners – because I know you guys are pretty clued in and think about these things, but the next time you watch the news and see something like the airplane crash at the Santa Fe Airport, which everybody went home and saw that news. Think about what they had to do on dispatch, back and forth to handle that, that kind of craziness and the stress they have on that.

COMMISSIONER GARCIA: One thing that you could actually do. Maybe this would be a nationwide thing. You see cops. You see probation officers. You see all these movies that I watch. But they never ever recognize or they never ever talk about the dispatch individuals. You always see the body-cam on the police officer or the unit, doing whatever they've got to do, but they never ever talk about the seven, 10, 20, 50 people sitting in this room, taking those calls and funneling them to who and where they need to go.

MR. MARTINEZ: Absolutely. And that's why it's so important to remember them and a week like this is dedicated specifically to them. It's nationally. It started back in 1981 in Contra Costa County by a Sheriff's Office and it just took off from there. So it's really important so thank you very much for your words of encouragement and support. We really appreciate it.

CHAIR HAMILTON: Thank you. Thank you so much, Ken.

**V. B. Presentations**

**1. Stanley Cyclone Center Presentation**

CHAIR HAMILTON: Welcome, Anna and Terri.

ANNA WAR (Community Services): Good afternoon, Madam Chair, members of the Commission. Back in May of 2017 we cut the ribbon on our Stanley Cyclone Center. In August we actually hired Terri Werner to be our event coordinator and we brought her here today because since August we have lots and lots of great things happening out at Stanley, and we have been busy there a lot. So Terri has really had her work cut out for her and she's doing a wonderful job. So we have her here today to share a few of those great things with you.

TERRI WERNER: Madam Chair and Commissioners, thank you so much for this opportunity to be here. I truly appreciate it. I also truly am thankful for the opportunity to be your event coordinator for Stanley Cyclone Center. It is an amazing facility and we have got the ball rolling. The last seven months have been amazing. I've given you a little stat sheet in your packet, an open riding flyer and also our April calendar so you can kind of see on the April calendar how that's a pretty typical calendar so far.

So I just want to take a motion to go over the things that we have done and then

what we're looking forward to. Right now, weekly, we have open riding two days a week. We have two private roping clubs that are using the arena three days a week. We have 4-H rodeo team using it twice a week. We have Riders Special Olympics equestrian team; they use it every Saturday morning. We have Stanley Spurs 4-H Club that meets once a month, and currently the arena is being booked seven days a week. So some group is in there every single day of the week.

The events that we've had, and just to highlight, for the open riding, in the last seven months, we've had 187 open riders come and use during the open riding hours, which is pretty exciting for the citizens down there in Santa Fe County. It's pretty neat to see them come and use it, especially during the winter when we had two foot of snow. They managed to get their horse trailers out and get there.

In November, the very beginning of November, we had a fall harvest open house to kind of re-introduce the center to Santa Fe County and it was fantastic. We had live demos. We had live music. We had free hot dogs, 4-H Clubs there, kids crafts, Santa Fe County DWI was there. We had vendors and we had food trucks. It was all sponsored by Santa Fe County and it was a really nice event where we got a lot of groups in there and got to use the arena and actually re-introduce the arena to everyone.

Right after that we had an Encinias roping benefit and they had over 600 teams come through that Sunday and rope and it was fantastic. The arena held up perfectly, the facility held up perfectly and managed all of it. It was wonderful.

Walking in Circles Rescue Ranch has been doing horse shows there. We had one in August and October with over 147 entries. We've had private riding where folks come in and rent the arena, either for a half-day or a full day. We even had a group come from Minnesota. They were meeting another group from Arizona, just needed an arena for a day and so they saw us on the website and rented it. So it was really kind of neat on that.

So we've had a total of 20 days of private riding rentals. We've had a memorial service there for one of our local community members that passed away, which was really a beautiful thing to see in an arena. He was a roper and a long-time member of that community. We've had 4-H goat tying series, 4-H cutting horse competition, 4-H and FFA 505 Steer Jackpot. It was a three-day event where 4-H and FFA families came in and brought their steers and they competed. They came from Hobbs, Farmington, and everywhere in between, and they came to Stanley. So that was a really neat event to see.

We've also had a dog sniffing training clinic. They rented our classroom and had dogs there going around the grounds. They had lots of smells and they got to do some training there. We've had 4-H shooting sports safety training, Santa Fe County voting, of course, in November. And 4-H leaders training and meetings, and just this last Saturday we had the Rio Grande Mule and Donkey Association. They had an all-breed horse show.

So it's been busy, but let's see what we have to look forward to. Looking forward, we still have all of our weekly events booked to 2020. We have an FFA artificial insemination clinic. It's going to be a three-day clinic coming up. Private riding. I already have many days of private riding booked. 4-H Junior Rodeo is going to do a series of four rodeos at the center. Cow sense, working cow horse clinic, a series of four dates. Walking in Circles trainer challenge. There are also, Walking in Circles is doing series of four horse shows that have been booked. Ranch horse versatility clinic is going to be there in September. Enchantment Driving Club driving derby, so that's the horses and the little

buggies. They're going to be there, and Rio Grande Mule and Donkey Association has already booked their end of the year awards and riding ceremonies. And I am currently in discussion with New Mexico Rodeo Association to host a rodeo in 2020, so we're going to try and get them there for one of their series of eight that they go all over the state. So we're working on that.

So as you can see, we've done a lot. As I said, the center itself is amazing. The arena is top-notch. People come in there and they're just at awe of what you've done and what you've brought to southern Santa Fe County and I just want to say thank you so much. I also want to take a moment to thank – I know you know you have amazing people that work at Santa Fe County and it's been an honor to get to know and work with a lot of them. I'd like to say thank you to Rachel O'Connor, Anna War, Gino Montoya, Robert Martinez, Public Works and P.J. Montano and his crew have been unbelievably wonderful, Property Control and Fleet, and Open Space and Trails' David Padilla. It's been a real honor to work with all of them.

CHAIR HAMILTON: Fabulous. Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Ms. Werner, thank you for first of all your volunteer work that you do for the County Fair, because you're always at the County Fair. You're always there, two weeks. Thank you for that. Also in regards to moving the Cyclone Center forward, great job. Thank you. Thank you very much. I get one of these every month from Ambra because she actually gets it from one of you so I always look at it. I need to get out there on a Saturday or a Sunday or during the week and just go and look at the Cyclone Center and see how it's really being used. I'm glad that staff is actually working with you, whatever you need out there, weeds cut. We talked about a lot of that stuff the last time I talked to you. But once again, thank you for moving the – getting the venues into the Cyclone Center. I totally appreciate it. Thank you.

Back about 11 years ago I actually sat down with Commissioner Mike Anaya because I wanted to give both the Anaya Commissioners credit because it was their vision who actually wanted to have a riding arena down in the southern part of the county. And I sat down with Commissioner Mike Anaya and he – we were going through projects and he said, you know what I would like? I would actually like some sort of a riding arena and he had a few other ideas down in the southern part of the county and so it was kind of Commissioner Mike Anaya's as to getting this arena down there in the southern part of the county that his brother, Commissioner Robert Anaya kept the ball rolling, kept the ball rolling and now two years later we have an open arena there.

So congratulations to those previous Commissioners because they actually did an excellent job in getting his beautiful arena down in the southern part of the county. And if any of you have not been there, you should go look at it. It's a really nice venue. Once again, thank you for what you do. And I had one other question. They kind of told me that they actually won this event but I don't know whether to believe them or not. Whenever you have over 600 teams that participated. Did Robert Martinez win that championship? Because he told me that earlier but I don't know if he was just pulling my leg or not?

MS. WERNER: Ask him to see the saddle.

COMMISSIONER GARCIA: Once again, thank you.

MS. WERNER: Thank you.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I am overjoyed to see the fact that the Stanley Center is being used and appreciated. I think horse activities are incredibly important for our youth and 4-H and we invested a large sum of money in this center and so it is really rewarding to see that it is actually being used, which it was not in the past. So thank you for that. I really appreciate it. I also know that I have been in discussion with other Commissioners from Sandoval County talking about wild horses and there's been some talk of doing some kind of clinic on wild horses and using the Stanley Center. I don't know if anything's come out of that yet but it is in discussion and I think that having the Stanley Center down near Sandoval County and them recognizing what a great resource this is, is wonderful. So thank you for all your work, and forward.

MS. WERNER: Thank you.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to echo the sentiments of our Commissioners and just thank Ms. War and Ms. Werner for all your hard work. You guys really made a difference in making sure that this facility is being utilized. So I'm really happy to see that. And I also want to thank you for recognizing staff that on a day to day basis keeps this facility going. I really appreciate that and I think that you guys are doing a great job so keep up the great work. And I especially like the young adult and the youth programs that come out there. I'd really like to come out on the next one that you guys have, so I know you guys invite us. I'll try to get out for the next one. Thank you.

MS. WERNER: Good. That'd be awesome. Thank you.

CHAIR HAMILTON: Thank you so much. It's great to see so much being done there. But really: dog sniffing? I actually have a friend who trains dogs.

MS. WERNER: I know. it's not for me to judge. I just said, sure.

CHAIR HAMILTON: Very good. Are there other questions or discussion? It really is great to have you bring this forward so we know what's going on. Keep us involved. We really appreciate it.

MS. WERNER: Thank you again for the opportunity.

CHAIR HAMILTON: Thank you.

**V. A. 2. Legislative Update [Exhibit 7: Legislative Session Report]**

MS. MILLER: Madam Chair, on the dais is the last legislative session report Hvtce put together for this session. It captures all of the signed and chaptered bills. As you know, several more since our last Board meeting were signed and this is the list of what happened to all the bills and also on page 13, the pocket vetoes, and on page 14 the vetoed bills. Tony stands for questions.

MR. FLORES: I'm dealing with an HR issues, so I stand for questions.

CHAIR HAMILTON: Are there any particular vetoed or pocket vetoed bills that are worth highlighting for us, like of particular concern?

MR. FLORES: At this point, Madam Chair, no.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: So do you know why the Interstate Stream Commission membership was pocket vetoed?

MR. FLORES: No, and what I can do, Madam Chair and Commissioner Hansen is I can bring you whatever bills you want and the messages included with each of those but I don't have the answer as to why they decided to do that.

COMMISSIONER HANSEN: Was there something controversial about it?

MR. FLORES: Again, I couldn't tell you.

CHAIR HAMILTON: Before you – on page 15 and 16, are pocket vetoes the ones that are highlighted in red?

MR. FLORES: Madam Chair, 14 is the vetoed bills, 13 is the pocket vetoes. The capital outlay starts on page 15. Those are vetoed or line-item vetoed in red.

CHAIR HAMILTON: So what's on page – capital outlay on page 15 and 16 are all vetoed?

MR. FLORES: No, Madam Chair. Anything in red has been vetoed.

CHAIR HAMILTON: Got it. Okay. Fine. Sorry. Manager Miller, I interrupted you there.

MS. MILLER: Madam Chair, I think what Tony was saying is with every outright veto there's a message that will say why the governor vetoed the bill, and we can provide all of those messages to you or any of them that you would really like to see, but on pocket vetoes, there are no messages so we can't know for sure why those bills were not signed. And I wouldn't try to speak to that.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: I was just hoping you had some insight that I might now have on the Interstate Stream Commission membership.

MR. FLORES: Any insight I have would be my personal opinion.

COMMISSIONER HANSEN: You can share that with me later.

MR. FLORES: So Madam Chair, starting on page 15 is all the capital outlay that Santa Fe County – that includes all the municipalities, towns, villages, acequias, mutual domestics, local governments, etc., have received. We the County actually lost some money that was coming for the district attorney upgrades. That's at the top of the page on 15. There was also a couple of items that were vetoed at the judicial courthouse. And then on page 16, the \$5,000 that was appropriated for the La Cienega Library improvements was also vetoed.

The last veto on page 18 is the Santa Fe Welcome signage construction. That was going to the City of Santa Fe. That did not come to Santa Fe County. So overall, we didn't do too bad on items that were vetoed that would have come directly to the County or we have some part of.

COMMISSIONER HANSEN: I have a question. How much money did we get for Aamodt or for the regional water system?

MR. FLORES: Madam Chair, there were two appropriations in this bill, ID# 7216, the Indian Water Rights Settlement, received \$2 million in general fund, and then there was money allocated for the state's portion of their payments that came back. So I think the total million was \$20 million. Between the \$18 million that went directly to

OSE/ISC, and then the \$2 million that came in in capital outlay. So \$20 million.

MS. MILLER: And Madam Chair, Commissioner Hansen, or Commissioners, the language also that we had requested or that we had been directed to work on adding to the bill, which indicated the \$20 million was 20 percent of the state's anticipated funding was kind of a nod in the direction that they would look at \$100 million instead of the \$72 million that is in the settlement.

COMMISSIONER HANSEN: Thank you.

CHAIR HAMILTON: Thank you.

MR. FLORES: So I still stand for questions. If there aren't any specific bill language on any of the bills that she did actually sign into law or veto, not pocket vetoed, please get them to T.J. or Hvtce and I can bring those on the 30<sup>th</sup> and just have the information as to what that bill pertained to, and any impact to Santa Fe County.

CHAIR HAMILTON: Thank you. That's great.

COMMISSIONER GARCIA: Madam Chair, I have a couple questions for Tony. So just really quick, the bill that we actually talked about that was on the governor's desk in regards to the – for lack of a better term, the taking of weapons from an individual that's committed domestic violence –

MS. MILLER: House Bill 328.

COMMISSIONER GARCIA: She did sign that, right?

MS. MILLER: She did sign it.

COMMISSIONER GARCIA: So now we have to deal with –

CHAIR HAMILTON: And which one? I'm so sorry.

COMMISSIONER GARCIA: That was the bill that we actually discussed at the last County Commission as to whether or not we should write a letter to the governor regarding if somebody has a domestic violence change.

CHAIR HAMILTON: Oh, yes.

COMMISSIONER GARCIA: I just wanted to make sure that the entire Commission realizes that she did sign that bill, so now our Sheriff's Department will need –

MR. FLORES: The repository of firearms.

COMMISSIONER GARCIA: Yes. Depository. Yes. So just to kind of –

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: So is that going to create an unfunded mandate for us?

MR. FLORES: I believe the Sheriff – it was part of the minutes, there was a concern about the amount of time and the ability to house some of the weapons if a person is under that, so I wouldn't necessary consider it an unfunded mandate because I don't know what the fiscal impact is going to potentially be for Santa Fe County. He did raise concern. This Commission raised concern. Commissioners Roybal and Garcia raised concerns. I just don't have the answer. I don't know if I'd characterize it as an unfunded mandate.

COMMISSIONER HANSEN: But it will impact us financially.

MR. FLORES: Madam Chair, Commissioner Hansen, I think it's going to impact us. I don't know if it's going to impact us financially.

COMMISSIONER HANSEN: Okay. Thank you. I appreciate that.

CHAIR HAMILTON: Thank you. Is there further questions or discussions?

COMMISSIONER HANSEN: Madam Chair, I was very happy my Healthy Soils Bill passed, a number of bills I wrote a letter to were all signed into law, so I am grateful to the governor. I think it was a very productive legislative session. Santa Fe County did okay. I'm grateful for the money for the Agua Fria sewers. I'm grateful for the money for the solar system. I think the nod of adding \$5,000 to our \$500,000 was a nod to the fact that maybe we should have asked for more. The City asked for a million and they got \$925,000. So if we would have asked for \$750,000, we might have gotten it and so I'm grateful for that. So next year.

CHAIR HAMILTON: Thank you.

## VI. MATTERS FROM COUNTY COMMISSIONERS

### B. Proclamations

#### 1. **Request Approval of a Proclamation Proclaiming April 29, 2019, as Community Healthcare Day in Santa Fe County**

COMMISSIONER GARCIA: Madam Chair, is Rachel around? Oh, good Patricia is here. So actually bringing this resolution forward is wanting to proclaim April 29, 2019 as Community Healthcare Day in Santa Fe County and kind of with that, Patricia, can you actually let us and the viewers out there know what Santa Fe County is doing in regards to healthcare, some of the different things your department is working on?

PATRICIA BOIES (Director Health Services Division): Thank you, yes. Madam Chair, Commissioners, Commissioner Garcia, the Community Services Department, the Health Policy and Planning Commission and this body have a long-standing commitment to community health, from the Santa Fe County *Health Action Plan* that has been discussed often here, to the commitment towards implementing an accountable health community to connect residents with the resources they need for health and well being, and indeed this morning, as discussed as part of the strategic plan, supporting a healthy community is a key component of our County's vision.

Specifically, the Santa Fe County Community Services Department, we commissioned a gap analysis throughout Santa Fe County and as part of that gap analysis, which is part of our accountable health community implementation, the southern portion of Santa Fe County was identified as a health professional shortage area, which means that the Federal Health Resources and Services Administration sees that there are shortages of primary care, dental care and mental health providers, which makes it a real hardship for families seeking healthcare in that area.

Commissioner Garcia, do you want me to speak specifically that the Mountain and Valley Health Facility in Edgewood that will include a comprehensive healthcare center that will provide primary medical, dental, behavioral health and many other services and will go a long way toward rectifying the shortage of healthcare services in southern Santa Fe County and the Community Services Department and our Health Policy and Planning Commission, many of whom attending the groundbreaking of that

facility are very excited about the opening of the facility.

COMMISSIONER GARCIA: Thank you, Ms. Boies. Also in regard to not just the southern part of the county but the year 2015 we actually passed our Health Action Plan and there were a couple Commissioners that were very instrumental in working with other Commissioners on that *Health Action Plan* and it has taken us a couple, two, three years to actually get to implementing some of the stuff such as the southern regional – the Mountain and Valley Health Regional Center that actually the County Commission here approved to get on the ballot which the electorate actually voted for that. And so I'm sure that the people in the southern part of the county actually appreciate that. Thank you to the County Commission as a whole and actually the voters throughout Santa Fe County, not just the southern part of Santa Fe County. Everybody from the northern part, the 2,000 square miles, all the way to the southern part, I-40, actually voted in favor of this facility. But could you get into a little more detail of how we're working with our triage individuals, just very briefly how we're working with the City of Santa Fe. So that way we have this opportunity kind of in a nutshell to explain this, not just the southern part of the county, working throughout the entire county.

MS. BOIES: Well, the County *Health Action Plan* identified and continues to work on specific priorities, including access to healthcare, which is a major priority. It was actually the number one in the County *Health Action Plan*. Reducing suicide, reducing drug overdose, reducing alcohol abuse, all of which could be considered behavioral health issues, as well as increasing the consumption of healthy food. And many of these priorities dovetail with what the City of Santa Fe has as priorities, and in fact as part of implementing our accountable health community to connect people with the resources they need, whether it's housing, food, transportation, utilities, we are working closely with the City and all of our Community Service organizations and our federally qualified health centers, including First Choice in Edgewood, and La Familia and Pecos are following the same procedures to help navigate people to these essential what we call the social determinants of health but are really crucial because standard medical care is really only about ten percent of what makes people healthy. So we're working along with the hospital and the last couple of Health Policy and Planning Commission meetings have had discussions by Christus St. Vincent and also by Presbyterian about their priorities.

And they're all very similar to ours: behavioral health, senior care, and also navigating people to what they need, the social determinants of health.

COMMISSIONER GARCIA: Madam Chair, also, so whenever – two of the instrumental guys, Commissioner Miguel Chavez and Commissioner Robert Anaya, whenever they worked on as previous Commissioners in regards to the 2015 Action Plan, are we still going in that direction as to what the vision, what they were thinking at that time?

MS. BOIES: Madam Chair, Commissioner Garcia, yes, we are, and in fact, when we had the gap analysis that was done in 2017, the Health Policy and Planning Commission, and that was also presented to this body. The Health Policy and Planning Commission looked at the needs identified in the gap and they were very similar, in fact identical, to what was already in our Health Action Plan. And so we have not changed those in any appreciable way because they are consistent, the needs continue to be

consistent. One need that was identified in the gap analysis that will provide difficult for I think everybody concerned is the one for housing.

COMMISSIONER GARCIA: Thank you. And then one last thing is also one of the reasons why I chose April 29<sup>th</sup> as the Community Health Day in Santa Fe County is it actually coincides with the new ribbon-cutting which we're all invited to go to on the 29<sup>th</sup>, with the Valley Healthcare Facility. So thank you. And Madam Chair, I had this proclamation. I don't know if we want to take turns reading it or you want me to read the entire proclamation.

CHAIR HAMILTON: Why don't you go ahead and read it. That would be great. Or it's up to you. We're happy to do whatever you want.

COMMISSIONER GARCIA: Thank you. A Santa Fe County proclamation proclaiming April 29, 2019 as Community Health Day in Santa Fe County.

Whereas, in 2015 the Board of County Commissioners adopted the Santa Fe County *Health Action Plan* which focuses on Santa Fe County's health priorities including increasing access to healthcare, increasing the consumption of healthy food, reducing suicide, drug overdose and alcohol abuse among our residents; and

Whereas, the County is implementing an Accountable Health Community to ensure that county residents, regardless of income have access to high quality healthcare and are linked to the resources they need for health and well being; and

Whereas, in November 2016 Santa Fe County voters approved a \$5 million general obligation bond for the development of community health facilities in Santa Fe County; and

Whereas, the 2017 health services gap analysis prepared for the Community Services Department identified the southern portion of Santa Fe County, including the communities of Cerrillos, Madrid and Edgewood as a health professional shortage area, with shortages of primary care, dental care and mental health providers as designated by the Federal Health Resources and Services Administration; and

Whereas, the scarcity of healthcare services in southern Santa Fe County, our neighboring counties Tarrant and Bernalillo counties, has posed a dilemma for families seeking medical services; and

Whereas, the population of southern Santa Fe County is approximately 40,000 residents and of that total, approximately 10,000 are living below 200 percent of the federal poverty level, 5,000 are on Medicaid or other public insurance programs, and 5,000 are uninsured; and

Whereas, to address the lack of healthcare services in the three-county area, the County, in partnership with First Choice Community Healthcare, the Town of Edgewood, the New Mexico Department of Health, New Mexico State Land Office, and the United States Department of Agriculture developed the Mountain and Valley Health Facility as the anchor for the Edgewood Health Commons project; and

Whereas, the facility includes a comprehensive healthcare center which will provide primary medical, dental, and behavioral healthcare, after-hours urgent care, specialty consults and x-ray services;

Now, therefore, in celebration of the ribbon-cutting and community celebration of the facility, Monday, April 29, 2019 is proclaimed as Community Health Day in Santa Fe County. Approved, adopted and passed on this 9<sup>th</sup> day of April 2019 by the County

Commission. Thank you. And one other thing that I would just actually like to note and give this gentleman some credit is actually Tony Flores under the direction of County Manager Miller. Whenever you read one of these whereases, is whereas, the First Choice Community Healthcare, the Town of Edgewood, the New Mexico Department of Health, New Mexico State Land Office and the United States Department of Agriculture developed the Mountain and Valley Health Facility, so the ideas and how you actually get five to seven different entities, anywhere from the federal government to private partnership to actually work together on an agreement to build a facility is just amazing. And Tony and your team, Katherine, under your direction, thank you guys for putting together a project that I don't think working for the County for the last 28 years I've ever seen a project of that magnitude or all those partnerships together come alive. So thank you. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you so much, that's a very valuable thing. And thank you, Patricia. Do we want to come down and do a picture together since this is a proclamation? Commissioner Hansen.

COMMISSIONER HANSEN: Commissioner Garcia, do you want to make a motion to approve?

COMMISSIONER GARCIA: With that, Madam Chair, Commissioners, I'd like to make a motion to approve the Santa Fe County proclamation proclaiming April 29, 2019 as Community Health Day in Santa Fe County.

COMMISSIONER HANSEN: I second it.

CHAIR HAMILTON: So we have a motion and a second.

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

COMMISSIONER HANSEN: Commissioner Garcia, I am looking forward to attending the ribbon-cutting.

[Photographs were taken.]

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

CHAIR HAMILTON: The very first thing I'd like to do, we'll go to Manager Miller first, is to recognize our new Finance Director, Gary Giron. If you want to stand up and get a little round of applause. We're very, very grateful to have you here and we look forward to a long time together and great interactions, and maybe Manager Miller can say something about your qualifications and all the strife you're going to have to face, all the difficult issues.

MS. MILLER: Madam Chair, as I mentioned this morning in our study session but not in the regularly scheduled BCC meeting, Gary Giron is our new Finance Director. He started yesterday, his first day and he comes to us from the Alzheimer's Association. He's been the executive director of New Mexico's Alzheimer's Association

for the last six years. Correct, Gary? And prior to that he was Finance Director at Bloomfield Schools. He's also been DOT Cabinet Secretary, Deputy Cabinet Secretary of DOT on the finance side, as well as Department of Health, Deputy Cabinet Secretary on the finance side. And I won't go into all the other stuff that he is certified to do but if you ever need a counselor, there you go.

He has a very strong behavioral health background as well as finance. So we're very excited to have him join the Santa Fe County team.

CHAIR HAMILTON: Absolutely. And knowing that the group you're coming into and your two deputies, Erika Thomas and Yvonne Herrera who've done such a great job doing the stop-gap in the interim, that's a real strong statement for what you bring to this position. We're really glad to have you.

GARY GIRON (Finance Director): Madam Chair, members of the Commission, I am very excited to be here with you and to be a part of this team. Thank you, Katherine. I appreciate everything.

CHAIR HAMILTON: Are there other Matters from County Commissioners in terms of recognitions, acknowledgements? Or just general things? Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I want to share a few things that happened in my district in the county. On Friday I went to Nuestra Música, which happens yearly at the Lensic and it is a celebration of New Mexico rich music and cultural heritage. It is an incredible event that happens that expresses the cultural history of northern New Mexico. Cipriano Vigil, Roberto Mondragon, Mel Gallegos, this new wonderful group called Lone Piñon is a young group of Hispanic musicians saving the culture here. So it was really a wonderful event and then it ended with Antonia Apodaca who is 95 years old who plays the accordion and is a legend in northern New Mexico. It was just a fabulous event and I highly recommend it. It happens every year in April and it's just a wonderful part of the rich cultural heritage that exists in northern New Mexico.

And speaking of the rich cultural heritage that exists in northern New Mexico, especially in Santa Fe County in District 2, I have the honor and pleasure of going to the Cultural Review Committee for the Agua Fria School site, which is LA-2. The Agua Fria School site is actually an ancient, 11<sup>th</sup> century or earlier pueblo in the Village of Agua Fria. There were two ancient pueblos in the Village of Agua Fria – the Pindi Pueblo, which was on the north side of the river, which has unfortunately been destroyed by sand and gravel operations. Then on the south side, right by the water tower and underneath, you can go down 11 feet and there are rooms – there's a whole village underneath and it's all on the church property. And it is now on the State Registry, and it will now go to the National Registry to be on the National Register. So that to me is really exciting that's happening in District 2.

And also in District 2 I'm going to have a townhall on May 7<sup>th</sup> at the Nancy Rodriguez Center where we'll talk about many issues in the district including 599 and Via Veteranos, the Santa Fe River Trail, and many other things that are of concern to my constituents. So I'm excited to share that.

Also, at the same time that the Agua Fria site was put on the State Registry, so was the John Gaw Meem studio. So the studio that he had on the corner of Camino del Monte Sol and the road to St. John's – his studio was right there on the corner and that

has also become on the State Registry and now will go to the National Historic Register also. I believe this building is already on the State Registry. Is that true?

CHAIR HAMILTON: Paul is shaking his head.

COMMISSIONER HANSEN: I would assume that it was, that there was no question. So that was really great and that's all I have for now. So thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Other Commissioners? Anything from other Commissioners? Did Commissioner Garcia have anything? I guess not. Okay.

## **VII. MATTERS FROM OTHER ELECTED OFFICIALS**

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

CHAIR HAMILTON: Madam Clerk, do you have something?

GERALDINE SALAZAR (County Clerk): Yes, thank you, Chair Hamilton and Commissioners. First of all, I'd like to mention that when you were going over the bills, I want to note for you and the public that House Bill 407, which was titled Election Laws 50-year tune-up, which is over 400 pages, was passed in the House and the Senate and signed by the governor and Chapter 212. In addition to this, earlier today Commissioner Garcia had asked a question regarding the City of Española's election, and so I have some updated information that the City Española, there's a portion of the city that's in the county, which we're all aware of, and there's approximately about 700 voters in that area. The City of Española is not opting in. As far as we know, they're not going to opt in. They're going to manage their own elections and continue in the process that they've done -- of access to our voter registration files.

So that's where that stands. In addition to that I want to inform the citizens and those listening that this year we will have the November 5, 2019 local election, all non-partisan election, and that is from municipalities excluding the City of Española but it will include the City of Santa Fe, water boards, any other non-partisan elections will be on the ballot for November 5, 2019. But remember also there will be early voting during that election cycle. So we're gearing up for that, so this is the next election.

And then the following year will be the presidential election, 2020, where we will conduct a primary and a general election. But for this year it's all non-partisan, all these little mini-elections that have gone on for years and years will now be consolidated on one ballot. Thank you very much.

CHAIR HAMILTON: Thank you so much. I don't see any other elected officials here, so we'll move on. I think we're going to -- because it's 5:00, go to IX. Public Hearings and run those first and then do executive session afterwards. So just before, to clear anything up, do any of the Commissioners have any questions on the monthly reports? The departmental reports so people don't have to stay? Thank you for staying for the meeting.

**IX. PUBLIC HEARINGS**

**A. Land Use Cases**

- 1. CASE # 19-5060 Wayward Sons, LLC Craft Distiller Liquor License. Wayward Sons, LLC, Applicant, Request Approval of a Craft Distiller Liquor License. The Property is Located at 20 Bisbee Court, Suite D and is Zoned as Employment Center (EC) within the PD-1 Community College District (CCD-EC) within Section 24, Township 16 North, Range 8 East, (Commission District 5)**

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. The zoning for this property is regulated by Ordinance No. 2016-9, the Sustainable Land Development Code, Chapter 8, Section 8.10.3, Planned District Santa Fe Community College District. The site is zoned as Employment Center within the PD-1 Community College District. Table 8.44: CCD Use Table illustrates the uses allowed within the above-mentioned zoning district subject to all other applicable standards of the SLDC.

The CCD Use Table allows for warehouse or storage facility, wholesale trade durable and non-durable goods, refrigerated warehouse or cold storage, beer, wine, and liquor store as a Permitted Use. Manufacturing is illustrated in the CCD Use Table, as a Conditional Use.

The initial approval of this development was granted under Community College District Ordinance No. 2000-12, adopted by the Santa Fe County Board of County Commissioners on September 11, 2007. The CCD Ordinance listed manufacturing as an eligible use. Ordinance No. 2000-12, Section 5.A.1 stated, "eligible uses may be proposed anywhere within a zone in which they are allowed pursuant to the Land Use Table.

Existing uses, on this site not allowed in Table 8.44 are covered in Chapter 1, Section 1.11.3 of the SLDC which states, "Development permits and final approvals granted by the Board, County Development Review Committee or the Administrator prior to enactment of the SLDC for which rights have vested shall remain valid, and development and use of the property shall be allowed so long as the development and use is in accordance with the development permit and final approval."

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. The Liquor Control Act requires the Board of County Commissioners to conduct a public hearing on the request to grant a Craft Distillery Liquor License at this location. In accordance with the Liquor Control Act the BCC may disapprove the issuance of the license if the location is within three hundred feet of any church or school; the issuance would be in violation of zoning or an ordinance; or the issuance would be detrimental to public health, safety or morals of the residents of the local option district.

Growth Management staff has reviewed this request for compliance with pertinent Code requirements and finds the following facts to support this submittal: CCD Use Table 8.44 allows the requested use; Chapter 1, Section 1.11.3 validates existing uses which were previously approved by the County prior to enactment of the SLDC; the

Applicant has met the State of New Mexico requirements for noticing; the site is 3.3 miles from the nearest church and 3.1 miles from the nearest school.

Staff recommendation is for approval of a craft distillery liquor license for manufacturing/production only to be located at 20 Bisbee Court, Unit D. Madam Chair, I stand for any questions.

CHAIR HAMILTON: Thank you. So Commissioners, are there any questions on this? Some preliminary discussion? We'll also have public comment. Are there any questions at this point. So we are going to have – this is a public hearing. Is the applicant here? Hi. Thank you. And is there anybody here from the public who wishes to speak to this application? Would you care to say something? Not required at all. Okay. Great. Thank you. Thank you for being here. So once again, is there anybody here from the public who'd like to make any comments on this application? Seeing none, I will close public comment on this application. If there's no other discussion and no questions what's the pleasure of the Board? Does anybody know if the two other Commissioners want to be here for this? That's fine. So what is the pleasure of the Board?

COMMISSIONER MORENO: I move approval.

COMMISSIONER HANSEN: I second.

CHAIR HAMILTON: Thank you. So we have a motion and a second.

**The motion passed by unanimous [3-0] voice vote.** [Commissioners Garcia and Roybal were not present for this action.]

CHAIR HAMILTON: That takes care of it. Congratulations and thank you very much.

COMMISSIONER HANSEN: I have one comment.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you for having a small business in Santa Fe County. I think we're creating a really nice little brew hub in the Bisbee Court area.

CHAIR HAMILTON: Which could be a cool thing. Thank you.

**IX. B. Ordinances**

- 1. Ordinance 2019-\_\_\_, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, to Restate Chapter 11 (Developments of Countywide Impact), Adopt Regulations for Mineral Resource Extraction and Processing, and Add Definitions to Appendix A [Exhibit 8: Fishman Material]**

CHAIR HAMILTON: Jacob, are you up on this? Welcome.

JACOB STOCK (Planner): Madam Chair, Commissioners, I've been working on this project along with my colleagues. I'll be giving a brief review of proposed amendments to Chapter 11 of the Sustainable Land Development Code concerning developments of countywide impact. After reviewing the amendments and the process of developing the amendments I'll present on the changes that were made

since I last came before the Board on March 12<sup>th</sup> and I'll also address some comments from the public.

This meeting will serve as the second of two public hearings. The first public hearing was held before the Planning Commission on March 21<sup>st</sup>. Following the public hearing we will ask the Board to consider adoption of an ordinance amending Chapter 11 of the SLDC.

In the interests of time, the SLDC defines developments of countywide impact, or DCIs as developments which place major demands on public facilities and the budget, affect the environment, health, safety and welfare beyond immediately adjacent properties, and create serious adverse noise, light, odor, vibration and traffic impacts. The DCIs currently identified in the SLDC include landfills, junkyards, large-scale sand and gravel extraction and processing. Regulations for mining and resource extraction are addressed in the proposed amendments that I'll be talking about today. Concentrated animal feeding operations or feedlots, those are reserved, and oil and gas production is regulated under a separate ordinance.

The proposed mining section, that's 11.14 in your draft, will replace Article 3, Section 5 of the 1996 Land Development Code. So these existing regulations served as the starting point for developing these regulations that you'll find in the mining section and many of the requirements are unchanged actually. It was necessary to develop new regulations for mining to establish a permitting process that was consistent with the SLDC and to reflect evolving regulatory best practices.

Regarding Chapter 11 as a whole, our goal in developing these proposed amendments was to create a complete and reasonable regulatory process that prevents negative environmental and social impacts, avoids long-term treatment requirements, requires the operator to bear all present and future costs associated with a DCI, and establishes regulations for mineral resource extraction and processing.

The resulting amendments clarify and establish requirements applicable to all DCIs. They address errors and clarify language. They clarify procedures for a DCI overlay zoning district and for a DCI conditional use permit, and again, they establish regulations for mineral resource extraction and processing.

So staff carried out an extensive process to develop these proposed regulations. We held multiple meetings with stakeholder groups from the community, and we received public comments during the public comment period and four public meetings which were held throughout the county. All public comments were recorded on a spreadsheet, which is Exhibit A in your packet, not Exhibit C as it says here; it's Exhibit A. I'd also like to add that a number of organizations submitted letters in support of this ordinance and these include, among others, the Turquoise Trail Regional Alliance and the League of Women Voters.

We also reviewed mining regulations and standards from other counties and consulted with State agencies in New Mexico that are charged with regulating mining.

We contracted with a national expert in mine regulation as well. That was Don Sutton of Spectrum Engineering. Don has worked extensively in the mine industry as an engineer and has helped states and federal agencies develop regulations and review permits. It was our intention to have Don here today to answer questions but he wasn't able to make it, so I'm sorry about that.

As I mentioned before, this will be the second of two public hearings on this ordinance. The first was held at the Planning Commission meeting on March 21<sup>st</sup>. We received comments from the Planning Commission and from the public during this hearing. All comments from the public were recorded in Exhibit A with the other public comments, and comments from the Planning Commission were recorded in Exhibit B, which is also included in your packet.

Some of the comments that we received during the first public hearing resulted in changes to the proposed amendments. So there are some slight changes from when we brought this to you before. Those are due to our responses to these comments. For example, the Planning Commission suggested that we revise the term of the financial guarantee to allow more staff flexibility. They also suggested that we include code violations as a basis for permit suspension or revocation, and that we add a requirement for a stormwater pollution prevention plan, or a SWPP.

A member of the public also identified imprecise language in our annual monitoring requirements, which resulted in a change to the document as well.

So we've also received comments on this ordinance's effect on sand and gravel extraction. Generally, sand and gravel means mining for construction materials. We have a more detailed definition but in general that's what I'm referring to when I refer to sand and gravel. So anyway, I would like to take a moment to review the County's regulations for sand and gravel.

To start off –

COMMISSIONER GARCIA: Madam Chair, you're going to explain to us the proposed sand and gravel, or the existing?

MR. STOCK: So I'm going to start off by explaining the Commission how we classify sand and gravel regulation in the county, and then I will get into how the proposed amendments would affect a new application for large-scale sand and gravel extraction.

COMMISSIONER GARCIA: So right now we actually have a hard rock mining, and we actually have sand and gravel. Correct? That's how we look at it?

MR. STOCK: Yes, Commissioner. We also have junkyards –

COMMISSIONER GARCIA: I just need to make sure, because the last time I asked these gentlemen, not to put you on the spot about what I'm going to ask you guys questions, I went and looked through the ordinance and it wasn't there what I was told, so we need to put stuff on the record because – and I'll bring it up in a little while as to what it was, but I just want to make sure that we're all clear as to hard rock, sand and gravel, and large sand and gravel operations, right?

MR. STOCK: Yes. So I'll get into that, Commissioner Garcia. We have small-scale sand and gravel extraction, which is not regulated as a development of countywide impact. That small-scale sand and gravel requires a conditional use permit and it's also subject to supplemental zoning standards, which are in Section 10.19 of the SLDC. So a small-scale sand and gravel operation is an operation that is less than 10 acres. It's extracting fewer than 20,000 tons of material, and it does not utilize blasting. So that's small scale and that's not a DCI.

COMMISSIONER GARCIA: So can I ask a question, Madam Chair, or do you want me to wait till the end? About this 20,000 tons right here. So I guess my

question, I don't know how you want to handle it, is that 20,000 tons per day, per year, forever? What is 20,000 tons?

ROBERT GRIEGO (Planning Manager): Madam Chair, Commissioner Garcia, the ordinance as it's stated currently in Section 10.19 of the code indicates – it does not make a distinction whether it is per year. It just says extracts less than 20,000 tons of construction material and does not use blasting. So that's the language in the code and again, the way I think it is in practice, and Vicki can correct me on that would be, 20,000 tons would be the maximum amount that could be extracted from a small-scale sand and gravel operation. For a small-scale sand and gravel based on the permit that they received. If somebody came in they would be able to extract up to 20,000 tons as a small-scale sand and gravel operation.

COMMISSIONER GARCIA: So Madam Chair, if you have a piece of property that has no zoning on it, has nothing on there, and you want to go extract 20,000 tons in a month, you could do that. Or a year. Or over a five-year period. You could do that?

MR. GRIEGO: Yes. I think the term, the amount of time is not identified in the ordinance so it could be whatever time period, based on your application that was submitted. So your application would have an operations plan. The small-scale sand and gravel extraction does require an operations plan so they would have to indicate what they were doing when they submitted their application for a small-scale sand and gravel operation.

COMMISSIONER HANSEN: But that's in Section 10.

MR. GRIEGO: Yes. So small-scale –

COMMISSIONER HANSEN: Okay. I just want it to be clear. Thank you.

COMMISSIONER GARCIA: So just really quick. So if you had 20,000 tons, and each one of those 18-wheelers that you see going down the interstate carries roughly 2,000 tons. So if you divide 20,000 tons, by 2,000, as one of those 18-wheelers, that's ten trucks, ten 18-wheeler trucks is small-scale.

CHAIR HAMILTON: [inaudible – microphone was off]

COMMISSIONER GARCIA: Right. But you can extract 20,000 tons out of your property, so I'm just trying to envision, is it 500 trucks? I'm just wondering, if we pull ten trucks out of your sand and gravel operation I'm just trying to visualize how it would work.

MR. GRIEGO: So Madam Chair, Commissioners, I just want to point out, when we were going through the Sustainable Land Development Code in 2013 and then amended in 2015, we did have a significant discussion regarding small-scale sand and gravel versus large-scale, and at that time large-scale was meant to be 20,000 tons, and there was a lot of discussion at that point from the Board and from the public in regard to what defines small-scale and what defined large-scale.

CHAIR HAMILTON: Are you good or do you have more at this point or do you want to wait for later? Okay.

MR. STOCK: Okay, Madam Chair, Commission, if I could continue. So we spoke a little bit about small-scale sand and gravel. Large-scale sand and gravel, on the other hand is regulated as a development of countywide impact and if someone were to establish a new large-scale sand and gravel operation in the county it would require a

DCI overlay district and a DCI conditional use permit subject to Chapter 11.

So the SLDC defines large-scale sand and gravel extraction as an operation that is larger than 10 acres, it extracts more than 20,000 tons of material, or utilizes blasting as part of their operation.

So regarding how the proposed ordinance will affect sand and gravel operations in the county, first the amendments will only affect new applications, not existing operations. The amendments add appropriate requirements applicable to all DCIs, so these are requirements applicable to everything that is defined as a DCI in the SLDC, so these include – I'll list them out and I can go into more detail about any of them if you'd like. These include reporting on an applicant's background, sampling and analysis plan, proof of technical and financial feasibility of the operation, an analysis of greenhouse gas emissions and an offset plan, stormwater prevention plan or SWPP, and an analysis of the DCI's fiscal impact on the county. So again, these are additions applicable to all DCIs.

As far as large-scale sand and gravel, a closure plan is the only additional requirement specific to large-scale sand and gravel operations. This requirement for a closure plan for new applications was added at the recommendation of the New Mexico Environment Department. Their staff, in consulting with them, recommended this, so that's why we decided it was necessary to include.

So this concludes my presentation and I'll stand for any questions.

CHAIR HAMILTON: Thank you. So are there questions? I'll start with a brief question. In the closure plan is there a requirement – are there any requirements with respect to that closure like land reclamation to some prior condition or whatever?

MR. STOCK: Yes, Madam Chair. A reclamation plan is required as part of the application and that requirement is already existing in Chapter 11.

CHAIR HAMILTON: Thank you. Other Commissioners, are there other questions? Okay, so we're also going to take public comment. This is a public hearing. Are there people here who would like to speak to this issue? You can all raise your hands. You can come forward and when you come to speak – do we need to swear them in? So if everybody who is going to speak would not mind, stand up. You can all be sworn in, and then when you come up you can simply state your name and your address and that you recognize that you're under oath.

[Those wishing to speak were administered the oath.]

CHAIR HAMILTON: Thank you. Anybody, please come forward.

ROGER TAYLOR: My name is Roger Taylor. I live in Galisteo, New Mexico. Madam Chair, Commissioners, I'm here representing two organizations, one smaller, one much larger. I'm the president of the Galisteo Community Association and I'm the vice president of the Turquoise Trail Regional Alliance which represents quite a few businesses and communities along Route 14, the National Scenic Byway.

Obviously, I'm here to support this proposed ordinance. I've been a member of the stakeholder group for several years, along with other people from the Turquoise Trail group and other representatives from communities and a mining expert, as well as legal representatives from the S-turn Ranch. We believe that this is very important to do. Since the existing DCI was put into place years ago there have been a number of changes in technology and a number of issues that have developed over time with the results of mining activities.

The EPA protections that we have today seem to be getting rolled back on a massive scale at the federal level which also impact the state level. It weakens, to businesses' advantage and that can be good but also bad. Public funding for regulation and contamination cleanup is being reduced and in many ways eliminated. You've all read of different things like the Gold King Mine and what's going on with that, that was something that was developed years ago before lots of regulation was developed. Reclamation plans were not there, and of course we all know what's going on environmentally, what a disaster it is and what it's doing to the communities in that area.

Updating the existing ordinance is a great opportunity to address some of these concerns by more clearly defining requirements and expectations, and frankly, through the inclusion of additional requirements. I'm not necessarily a fan of additional regulation but sometimes regulations are necessary when you look at the larger whole. Our group in particular is focused on protecting the existing water resources, obviously, in our state, a major issue, and reducing unacceptable risk to the public health and environment.

As mentioned previously, the area I'm talking about is primarily in District 3. It's a focus area of lots of present but mostly past mining and proposed extraction. As you go along the Turquoise Trail Scenic Byway, and I emphasize those words, you see evidence of some of the prior history. Now, some of that to people who don't live here, who are tourists, it looks great: slag piles, coal scars, little dust clouds on windy days that are black. For those of us who live here we know that it's not necessarily the healthiest thing to have. And I'm talking about the specific areas – Cerrillos, Madrid, Golden, where there has been a lot of different types of mining.

We know that in Madrid and in Cerrillos, if you go to the restaurants there, you don't drink the water, and then you've got visible scars in the Ortiz Mountains that I can see from my home in Galisteo. These operations I'm talking about are mostly defunct and we have a brand new industry in that area – heavy tourist draw. We get lots of travel there. It brings a lot of benefit both to the City and the County. Madrid has become a very large revenue producer and Cerrillos is undergoing a revitalization. These are things we want to encourage and we want to make sure business that does come in adds to that and doesn't detract from that.

And so I'm going to – I'll be honest. I know that these regulations add extra cost and they may be discouraging to some businesses looking to locate there. On the other hand, if we look at just one example, and again, I'll use the Gold King mine, what the results of that can be in the costs. What's gone on in this plan that we've worked on for so long is putting in reclamation plans, putting in requirements, protections over the existing water supply. It's putting up a fund in advance so that if something goes wrong, the money's actually there. And I'll use a good example. One of my colleagues is going to talk about it but years ago we stood here fighting a proposed gold mine called Santa Fe Gold, up in the Golden area, and I will just tell you that yesterday, in their quarterly filing with the US Securities and Exchange Commission, they reported being \$9 million in the hole. This was planned many years ago that was approved here. No reclamation program. No controls over water quality, because they weren't in our regulations.

So these are things that we should look at. These are things that we should consider. And there are good businesses and they toe the line and they are responsible citizens but you only need one, and when it's an extraction industry, that one business

can do a huge amount of harm to a very large area. So we very much strongly recommend passage of this ordinance. Thank you.

CHAIR HAMILTON: Thank you very much. Next.

MARK HOYT: Good evening, Madam Chair, Commissioners. My name is Mark Hoyt and I understand that I am under oath here. I live in Santa Fe and I'm also on the board of the Turquoise Trail Regional Alliance and my colleague Roger has raised a lot of points. I just want to say a few additional things. I'm have a pretty solid understanding of mining and mining issues, basically because I've been involved with gold in my profession and also fair trade gold and have viewed large and small-scale mining all over the world.

I was also leading the community opposition to the Santa Fe – Stop Santa Fe Gold, proposed mine in the Ortiz. One thing I want to say about that mine is it would have used annually between water usage of 5,000 and 7,000 homes annually and one ounce of gold would require the crushing of 160,000 pounds of rock. So for that to be viable gold had to be above \$1850 or up to \$2,000. This kind of points to the instability of mining and they could have started that mine and gold could have been up to \$2000 or \$2,200. Gold could have dropped to \$1,400, or \$1,300, which is its current value right now and what we have right now is an open pit for us to clean up as a County.

So I've been involved with the public input with the staff and I really appreciate staff and thank staff. I think they have done a really great job. These are really difficult, highly technical issues and I'd like to specifically speak to the hard rock mining part of this ordinance, which is what I've been focusing on and really, really highly recommend that you pass this ordinance. I think it really does the most critical thing which is protect the life and businesses and also the long-term sustainability of our county. I think that it protects us in context of bonding issues and if we get a company that comes into the county we need to make sure that they do not leave us a legacy mine or a potential superfund site that we as taxpayers have to cover in the future. We actually even see this kind of situation right now with the reclamation of the Pegasus mine, which Barrick is still funding, I guess to the tune of about a million dollars a year reclamation. We would have seen the same kind of situation in the Santa Fe Gold. It had the rock geology and most likely we would have seen the same kind of acid mine pit that would have ruined the water tables and required constant reclamation.

So we don't necessarily say that we want to stop gold mining or stop mining there but if there is going to be mining we need really, really strong regulations and staff has done a great job. I know I represent a huge number of people and organizations that really support this very strong mining ordinance and I really hope that you guys as Commissioners will pass this ordinance. Thank you very much.

CHAIR HAMILTON: Thank you very much. Next.

OSCAR HUBER: Madam Commissioner, Commissioners, my name is Oscar Huber from Albuquerque, New Mexico. I just have a few points that I'd like to ask. I was at the last Planning Board meeting here where Council Member Shepherd asked the Planning Committee about the difference that Commissioner Anaya at the time had asked an explanation of difference from reclamation to mining or sand and gravel. They were told they'd never worked on it. I believe that's what he said. I'm not sure. I don't want to put words in her mouth, but that's what I believe she said. I think that needs

to be addressed. I think we need to define – there's a difference between reclamation and the sand and gravel operation. That's my one point.

My other point which I'd like to get clarified because I still don't understand it. A small sand and gravel operation totally 20,000 total? That's it? Or is that annual? I don't know and I don't know if anybody here knows. So those are my one points. Thank you for your time and thinking about this matter.

CHAIR HAMILTON: Thank you. We can have staff speak to that in a minute. Next speaker.

MR. GRIEGO: Madam Chair, Commissioners, just in response to the question about the total amount, 20,000 tons, that would be the total amount.

CHAIR HAMILTON: Total. Right. Thank you. Did you get that?

KATHARINE FISHMAN: Hi. Thank you, Commissioners, for letting me speak tonight. My name is Katharine Fishman. I live at 6405 St. Annes in Albuquerque, New Mexico. Yes, Commissioners, I wanted to speak today because I'm concerned about the overlap between the amendments that are happening to the DCI today to apply to the mineral extraction regulations which are Chapter 14, as they apply to sand and gravel. I have heard the concerns of the citizens as spoken to you before from Turquoise Trail, and I understand their concerns and I understand the regulations as they have been drafted do work well for the hard rock mining industry.

The way that the DCIs have been drafted though does not work out well at all for sand and gravel. I'm the operator of the Waldo Quarry in Santa Fe County. Just to let you know, we are the primary supplier of sand and gravel products for Santa Fe County, the City of Santa Fe and District 5 of the New Mexico Department of Transportation. We supply most of the basecourse for Santa Fe County roads and aggregates used in asphalt to help repair the City's and the County's streets and as well as the roads maintained by the Department of Transportation throughout the City of Santa Fe and Santa Fe County.

To say we're in partnership with Santa Fe County is not necessarily a stretch. Right now, meaning 2:00 this afternoon, but right now we were producing materials to fulfill the numerous POs issued by Santa Fe County to conduct your annual maintenance. Most of our products coming off of the pay belts right now are to supply those POs. Our rock is also utilized by District 5, New Mexico Department of Transportation. Most of the major road work that's been done over the past 20 years has utilized our asphalt and our rock.

Representatives of my company and I attended two of the stakeholder meetings held regarding the regulations for the mineral resource extraction and processing regulations. Both times we were told that our attendance was not necessary because the regulations did not apply to sand and gravel like we produce at Waldo Quarry. I was not aware of any changes or amendments being made to the DCI regs, including how Section 11.6 and 11.7 would apply to sand and gravel, until the Planning Commission meeting that was held two weeks ago.

As an operator of one of the only gravel pits in the county I was surprised to learn that no effort was made to contact me as a representative of industry to consult on these regulations. I don't understand about members of the mining industry not being contacted when there's a lot of local representation here. In fact I think most of the mining industry that's represented in Santa Fe County is not even aware that these regulations have been

amended.

My concerns today are not necessarily with the subchapter 14 regulations for mineral resource extraction. As I said, I'm a sand and gravel producer. But I do ask that a section be added to the applicability section that indicates that Section 14 does not apply to sand and gravel extraction; that is subject to Section 11.13. As the regulation currently reads, being Section 14, any type of mineral would be subject to its regulations. Gravel and sand are made of minerals and as such, I think it would be good to note that the proposed mineral extraction regulations do not apply to any sand and gravel operation. This was my and my representatives only request at the two meetings we attended regarding the Section 11.14 regs, but my request did not make it into the final drafts.

My concern today is the scope and breadth of the DCI overlay district and the DCI conditional use permit applications in relations to sand and gravel extraction and processing. I can only assume that no one in my industry has taken a look at these regulations in terms of what it would take to get any sand and gravel operation approved. Because effectively these regulations, as written, would make it impossible to get a sand and gravel operation approved in Santa Fe County. The sheer enormity of the undertaking, the cost and time involved, as well as the uncertainty that remains during the approval process, as well as after the permit is issued, it would definitely encourage people not to even try.

Clearly the goal of the regulations was to protect Santa Fe County and its environment and natural resources. I think the intent was to protect these natural resources and environment from the hard rock mining that people have experienced, such as the Gold King Mine. But a lot of these regulations are just too hard to meet for the sand and gravel for construction industry.

So what Section 11.4 provides is that sand and gravel processing is subject to the DCI overlay district and the DCI conditional use permit regulations if they are large-scale. Large-scale is defined in 11.11.2 as any operation that produces 20,000 tons of material or affects then acres or more of land or utilizes blasting. Twenty thousand tons is not a lot of material as has been already discussed today, but just to give you an idea of what 20,000 tons of material is, 20,000 tons of material will do approximately 5.68 miles of basecourse road at six inches thick, or 6.4 miles of asphalt road four inches thick, or 47 miles of chip seal road. But District 5 schedules 125 miles of chip seal roads per season. The same quantity would rebuild 2.25 miles of a two-lane road with basecourse and asphalt. 20,000 tons would build about 1.5 miles of a subdivision street from sub-base, basecourse, asphalt, curb and gutter, sidewalks and landscaping.

As you can see, 20,000 tons is not a lot of material. Basically, anyone in the aggregate business that is operating something bigger than a borrow pit for a construction project will be subject to these DCI regulations. This includes anyone mining for decorative landscaping rock or producing roadway cinders. The way the regulations are written, even grading an area for a proposed roadway or overpass that's ten acres or more could be subject to the DCI regulations if you stockpile the fill material. The definition of sand and gravel operation includes any screening, crushing, gravel recycling, washing or stockpiling of aggregate in concert with extraction. Most grading projects include stockpiling of aggregate. I don't think this was anyone's intention but it is the effect of the regulations. These regulations could have a lot of unintended consequences on

development in Santa Fe County.

We blast at the Waldo Quarry, so it's clear that we will be subject to these regulations. If I want to expand the Waldo Quarry in, say, ten years, and this is a preview of what the new regulations would do and the process I'd have to follow. First, I'd have to apply for a DCI overlay zoning district. This is the first step and it includes a pre-application meeting where I have a meeting with the neighbors and I have to provide notice to everyone located within five miles of my district, including any applicable registered organizations and community organizations. Then I would have to start to work on my submittals. Just on the submittals alone I can estimate that it will take anywhere from six to nine months to get the submittals together, but I will have to hire a consultant to perform a noise study. I will have to hire a planner or similar consultant to prepare a map of the area. I will have to hire another consultant to perform a viewshed analysis. I'm going to have to hire somebody to prepare a traffic circulation plan for me. I'm going to have to locate a number of items, such as all the emergency facilities, natural resources, cultural and archaeological sites, slopes and wildlife that are in my district. I'm going to have to provide a statement of how my gravel pit complies with the visions, goals, objectives and policies and strategies of the County Sustainable Growth Management Plan and how my gravel pit relates to and is compatible with adjacent areas within five miles, and how my gravel pit will not adversely affect any other land use in the area. I have to consult with all the affected tribal governments and groups and hired a licensed professional archaeologist in developing a cultural resources protection plan that avoids the disturbance of archaeological resources.

I have to provide all these studies, reports and assessments – SRAs – required in Chapter 6 of the SLDC. This includes an environmental impact report, adequate facilities and services assessment, a WASR or water report, a TIA, traffic impact analysis, and a fiscal impact report. So all of this goes before a TAC hearing, a hearing officer, the Planning Commission, and the BCC for review and approval, all subject to public hearing. I have to pay for all these studies and also pay for the County to review all these studies, including if the County hires consultants to review the work done by my consultants for an undetermined amount of money, to not exceed, apparently \$10,000 per review.

So assuming I get through all that, which is actually right there explains basically what I've been used to going through as far as getting approval for a gravel pit. Those are not – I guess they're not the realm. But assume I get through all that approval process, I have my zoning district application approved and assuming it gets done. We were assuming it would probably take about a year and a half to get that done, I still can't mine. I haven't gotten a permit yet. Typically, in other counties, once you've gone through this process, the operator emerges with a permit, but these regulations specifically state that one cannot apply for a zoning permit and a conditional use permit at the same time. Section 11.5.3 states that the two applications cannot be submitted and run concurrently. So you have to start the process all over again and I start round 2, which is the DCI conditional use permit process.

So again, I have to have another neighborhood meeting and notify all the neighbors within the five miles. I need to fill out the application and provide, again, all the submittals required under Chapter 4, along with my final order approving my zoning

district. I have to prove that I'm in compliance with all the terms and conditions of the overlay zoning district at the time I'm filing my application. I also have to provide a phased plan of the development, operation and reclamation, along with a cost estimate stamped by a professional engineer.

All the studies, reports and assessments that were previously done for the zoning district under Chapter 6 all need to be updated. So what I did before in the last year and a half getting that zoning district approved, I now have to update all those studies to current day. This includes the environmental impact report, adequate facilities and services assessment, the WASR, the TIA and the fiscal impact report. The environmental impact report has to address all the impacts to the environment that are listed in Table 11.2. For sand and gravel alone, we have to address 21 of the potential impacts in that table, a lot of which do not even remotely impact the sand and gravel operation.

So I also wanted to make you aware that a professional engineer has to prepare a sampling and analysis plan for all surface water, groundwater, soils, geochemistry, vegetation, terrain, and cultural and archaeological resources in conjunction with the environmental impact report. I know of no professional engineer that actually conducts these types of sampling and analyses. The Administrator has the sole discretion to determine whether our sampling and analysis plan is adequate. The Administrator can send me back to do more samples until they're completely satisfied, or require me to update and revise the sample analysis plan as needed.

In addition to all the reports I've already submitted that I've told you about above, there are additional reports that are now going to be required to be submitted. That includes the technical and financial feasibility assessment that was mentioned in Mr. Stock's presentation. This includes me proving that I have the financial ability to complete each phase of the development and have to provide a description of all debt and equity in each phase, a debt retirement schedule, sources of funding to retire the debt, estimated annual costs of operation, and this would be for the entire scope of my mining operation. And if I'm seeking a mining operation that would extend from 20 to 25 years, this is a quite a substantial undertaking to have to be able to project and forecast.

There's also a reclamation plan, that's not new, but it has to be developed by a professional engineer, but what is different than other reclamation requirements is that it is now required that a professional engineer oversee the entire implementation of the reclamation plan at the operator's expense. Typically, an operator gets a reclamation plan and implements the plan themselves. This requires the cost of oversight by a professional engineer the entire time you're conducting reclamation. This could take years.

There has to be submitted an emergency response and preparedness plan, a fugitive dust control plan, your greenhouse gas emissions assessment and plan. This particular plan requires a professional engineer with demonstrable expertise in emissions modeling to predict your greenhouse gas emissions, and you have to propose your offsets for all those greenhouse gas emissions. In other words, remove your carbon footprint. You have a hazardous and toxic materials plan, also prepared by a professional engineer, and proof of responsible and established technology practices. I have to prove, by written documentation that the mining activity will utilize established practices and technology that have been utilized in the United States for at least 10 years. So in this case I have to prove that blasting works, and I'm not too sure how I would go about proving it, other than

showing that blasting works.

There are additional standards to be met including proving that the proposed gravel pit will be adequately hidden from the viewshed, that any hazardous materials are properly stored, the water resources are protected. Many of these standards in 11.8 appear to be clarifying what needs to be demonstrated in other reports. The procedure requirements of Chapter 4 must also be followed for this conditional use permit. This means that I go to the neighborhood meeting, the TAC hearing, the administrative and staff review, agency review as needed, I go before a hearing officer, the Planning Commission and then ultimately BCC approval. So this is a repetitive process from the zoning approval for the zoning overlay district.

Any additional variances that I request will also require three additional hearings to be approved.

So according to the regulations, assuming I'm approved after this process is concluded, if I'm approved for my permit, there's an annual monitoring report the permittee must submit. Basically everything that happened at the gravel pit during the year must be reported to the Administrator. This includes air, soil, ground or surface water monitoring as necessary, and an updated environmental report that updates the 21 impacts in the table that I cited before. This annual report shall be presented every year at a public hearing in front of the BCC. After reviewing the report, the Administrator has the sole discretion to determine whether the permit should be revised, suspended, or revoked. So after going through this entire process, every year basically, you're subject to another review, and you could have your permit pulled at any time.

If the Administrator determines the permit should be revised, the permittee shall cease all operations and file a new application for a DCI conditional use permit. In other words, they make you start all over again if you have to revise your permit. So there appears to be no appeal process for the Administrator's decision on this annual report. There appears to be no room for administrative approval of the revision. The permittee's only option is to start all over again with a new application with new submittals and follow the Chapter 4 procedures.

In addition, the regulations provide that the review of these applications and reports, as well as all inspections shall be at no cost to the County. Therefore the County can hire experts and consultants and charge back to the applicant the cost of those experts and consultants. This can cost upwards to \$10,000 per expert or consultant. There is no restrictions on who the County hires or how much they cost other than the \$10,000 limit. There are no timelines in the regulations on how long the County can take to review, make a decision or a recommendation. These regulations, while clearly protective of the environment, effectively serve as a ban to any further expansion of any sand and gravel operation in the county. To put it simply, no one can afford to expand or start up a sand and gravel operation. Just a rough estimate of these costs, to take these applications through the process over a three-year time period is generously estimated to cost \$500,000 or more, not to mention the time it would take in the public hearing processes that would effectively kill the project before it's started. There's simply not enough profit or margins in sand and gravel to be able to afford to go through this process. The annual reporting process also provides a huge level of uncertainty to operators as far as their future operations.

This means, ultimately, that when my quarry and other quarries within Santa Fe County shut down Santa Fe County will have to import all its basecourse from surrounding counties. This will cost a minimum of 30 cents a ton-mile, assuming diesel prices remain low. This will affect how much the maintenance will be able to afford to do every year, as well as how much it will cost DOT to repair its roads. Either the taxpayers will have to pay more taxes or less roadwork and maintenance will be done.

Construction will also take a hit. It will cost much more for concrete and asphalt parking surfaces. This affects public institutions as well as private developers. Schools will have to pay more to pave their parking lots. Affordable housing costs will yet again increase because of these County regulations affecting construction materials. The jobs I provide and the taxes that I pay will go away. Right now I employ about 50 people that work in the Santa Fe area. The gross receipts I collect on the sand and gravel products I sell will also evaporate.

So just to let you know, I'm not opposed to regulations and I'm not opposed to following the rules and I'm not opposed to doing what needs to be done. For the past year, I actually went through the process in Rio Arriba County to expand my El Guique gravel pit. I got an expansion of 60 acres and I just recently received my permit. It took me a year and it cost approximately \$150,000 to get it all done. But that process do-able. I could see the light at the end of the tunnel. I could see how much it would cost and how I could possibly receive my permit at the end of the process. Through these regulations I don't see the end. I don't see a permit in my hand after I spend the money.

I believe Santa Fe County could achieve the same goals without tying up so much of their limited staff time with these review processes and their resources. I believe what Santa Fe County should do is make these DCI overlay districts and rules that they have changed to satisfy the requirements that they want for hard rock mining be limited in some way to hard rock mining and produce something like – my colleague keeps referring to it as DCI-lite, that maybe there's a DCI regulation that is not so cumbersome and not so burdensome that would prohibit sand and gravel extraction, that would require sand and gravel to follow a process that is ultimately achievable.

So today I'm asking the BCC to recommend amending Section 11.14 to exclude sand and gravel for construction and to table the adoption of the DCI zoning district and conditional use regulations until more time can be spent to see how those regulations impact sand and gravel operations. Further study as to applicability of these regulations as they apply to sand and gravel produced for construction is needed. If Santa Fe County would like to continue to utilize local resources for its continued maintenance programs, perhaps after consultation with other people in the mining industry, such as myself, staff could come up with procedures that are more affordable for sand and gravel, that strike a better balance between the desires of the public to maintain its environment with the needs the public has for sand and gravel for construction for its roads and for other construction projects. Thank you.

CHAIR HAMILTON: Thank you very much. Are there other people who wish to speak? Come right up.

SHANE MUTH: My name is Shane Muth. I live at 1425 Roma Avenue in Albuquerque, New Mexico. I wasn't planning on talking so I didn't prepare anything, but after hearing that very long, onerous detail of what is going to be applied for the SLDC

for sand and gravel I felt compelled, after listening to Roger, who had some very valid points, our company, my family's company is Albuquerque Cerrillos Mineral Company, LLC. We're actually not operating because we've been working with your staff for the last almost four years trying to figure out exactly where we fall. And I'm reading the onerous details for a sand and gravel operation, which is where staff has put us. They tell us we're a sand and gravel operation. We are not a sand and gravel operation. We own mineral rights in the Madrid area.

There are these huge slag piles that you actually mention, cause a bunch of dust and that makes it – it's ugly for the folks in Madrid. We're talking about removing those piles. Yet, because we're removing piles that are already existing from operations that were already there, we're being lumped into sand and gravel. My problem is, we're not sand and gravel. What she just said, that was crazy. That's crazy for a business that actually is sand and gravel. We're nowhere even closely related to sand and gravel. We're actually a reclamation process. We're trying to be green about it and remove the products, the tailings from old mining operations that were happening in Madrid and get rid of them.

They're huge, red piles of dirt that we're talking about trying to get rid of and make it back to the way it was originally, back to its natural state, yet we're being told we have to do these regulations for SLDC for sand and gravel. I just don't see how that computes. We are not extracting; we are removing tailings that were taken out of a mine process that happened 50, 60 years ago. That's not sand and gravel. There's no extraction; there's no processing. You put a truck next to it, you put a front-loader in there, you fill the truck up, you drive it away. That's it. That's the extent of what we're talking about doing. So to put that as a sand and gravel operation is a complete disservice to me. What we're trying to do is be green and take those pilings away from Madrid and clean that area up, making it nicer for the tourists so you don't have the piles and the sand blowing around, which is black and red and all the different colors that are left over after a mining process.

So what I'm trying to understand is why we're being lumped into sand and gravel, because the SLDC does not address the problem that we have. The problem we have is removal of debris. That's what we're trying to do. Piles of debris that have been there for 60, 70 years, we're trying to get rid of them. It's a green process. It would be easy for us to do it and it is not sand and gravel. What's I'm trying to understand and what I'm trying to get your folks to understand is we need to come up with an alternative. There has to be another way to do this because we can't even afford even a quarter of what she's talking about. It's just completely exorbitant. And that's what I had to say. I just think there needs to be some form, something within this group that addresses reclamation only, because that's all we're talking about. We're not talking about extraction. We're not talking about blasting. We're not talking about anything other than loading a truck up and driving it away.

I have no problems with regulations, but for that. You can't do that under the SLDC. You cannot do it the way it's written. It's undo-able. And that's the problem we have. Thank you for your time. I appreciate it.

CHAIR HAMILTON: Thank you. So is there anybody else that wants to speak to this matter? Seeing nobody, I guess I will close – if there's nobody else I'll close

the public hearing. I want to thank everybody who spent the time to come and talk. Roger? Sure. Can you keep it brief? So public comment is not closed; it is still open.

MR. TAYLOR: So this has been very instructive, and I will say that the stakeholder group I was working in was focusing on hard rock mining, and that is what my comments were to. But listening to the sand and gravel, I think there's a lot of validity to what I heard. And I just heard this other gentleman, and there's a third category here that doesn't exist with reclamation of a planned activity, but something that has been existing for many years and is probably a third category. And so as I look at it I think that we need to look at the process from the different angles of what we're trying to do and I'm not sure, listening to this, that one umbrella/catch-all works. I think there's been a lot of hard work here. I think the staff has done a great job in trying to understand a complex issue, but I would like to say that I hear three things here. And that's all I'll say.

CHAIR HAMILTON: Thank you very much. So are there any additional comments from anybody else? I really appreciate your time. I'm going to close public comment. At this point, are there questions or discussion from the Commissioners?

COMMISSIONER GARCIA: Madam Chair, I have something. Mr. Taylor, very, very well said, your last comments. We have three different things going on here. We have existing stuff, we actually have hard rock mining, and I forget what the third one you're talking about is new sand and gravel. And staff, actually you guys did do an excellent job.

A couple of things I have that I guess I'm just kind of a little bit annoyed with, or not annoyed. Where did we go – back before we were all Commissioners here, the County Commission I believe adopted a policy that any time we had an ordinance changed we would have two public hearings. And right now we're actually in one public hearing.

CHAIR HAMILTON: No, we've had two. I mean we haven't had two. One was with the – there were two public hearings though. One was associated with the Planning Commission, one with us.

COMMISSIONER GARCIA: I'm just wondering, where did we actually get direction that the Planning Commission, who aren't even policy makers, they're a recommending board to the County Commission that they actually have the authority to have the first public hearing. And when have we ever counted that as two public hearings? CDRC was a public hearing, then the County Commission was a public hearing? No. Was Planning Commission a public hearing now? County Commission is a public hearing? So that counts as two? I'm just wondering, where did the County Commission get off track there? Us as governing policy makers have to have the two public hearings and we didn't have them. I guess that's one question I have.

CHAIR HAMILTON: Bruce, could you –

MR. FREDERICK: Madam Chair, the decision was made, we looked at it. An assistant County Attorney in my office looked at it with the Administrator and concluded that the purpose, substantive issue was public hearing and that's on the record whether it is – the question is two public hearings. And in fact two public hearings were held. This Board delegated one of those public hearings to the Planning Commission. The public got the same notice it would get whether it was held here or not. In fact it was held

in this very chambers except it was the Planning Commission. The Planning Commission didn't make any decision, just heard the public comments and heard staff, so people got to voice their concerns. That was on the record.

You can consider it here today. In fact it's in the record here today, I believe, the Planning Commission comments are in the record today. So substantively, you've held two public hearings. Now I want to also clear up, this is a resolution you passed some time ago that required the two public hearings. It's not a state law requirement; it's a requirement you imposed on yourself, and really, you're deciding whether that's sufficient or not. If you wanted to vote to have another public hearing here at BCC, that's your prerogative. But if you want to just relay on the Planning Commission hearing, we've made a determination that that's fine.

CHAIR HAMILTON: Okay. But Legal made the determination, right? It was not the BCC that approved that. Not that that's a legal issue.

COMMISSIONER GARCIA: That's a concern I have going into the future. So let's assume – let's look into the future. So let's play this out for a little bit. We getting maybe a little bit, not totally off track. So let's assume we have the animal ordinance. This room was packed with people who actually wanted to talk about their pets. And so we've always – the County Commission has always required two public hearings in front of the County Commission for any ordinance. That's just a concern I have. So if we want to give the Planning Commission authority to consider that one public hearing, that's something that we need to think about as we move forward.

A couple of questions I have for staff. In regards to, first of all, thank you for everybody that got up and spoke and being involved in the community. Mr. Huber, thank you for your grandfather for what he did for the Town of Madrid, back many, many, many years ago. Obviously you know the ballpark is named after Oscar Huber. Mrs. Cook, your father actually was a big economic development visionary gentleman back in the days whenever he was around, did an excellent job, provided many, many jobs for the community in northern New Mexico, especially.

Stockpiles, existing stockpiles. What are they? Where are they regulated at? And one of the other things I just have is I don't know if anybody has read this ordinance but this is a very intense ordinance which as Mr. Taylor said, the sand and gravel operators agreed, yes, we all need to have environmentally safe ordinance, which they're willing to follow, which Mr. Taylor is actually correct and we need to actually start looking at the environment as well as protect it because the mine that he spoke about was a total nightmare, total mess, and as Mr. Taylor also mentioned, a lot of his concerns were geared towards hard rock mining, not sand and gravel. So just kind of for the record.

I would like to see if we could actually table this so I can maybe sit down with staff and get a little bit more detail as it to what exactly is a stockpile.

CHAIR HAMILTON: Before any motions are made I would like us to have the opportunity to discuss this in executive session. So I appreciate it. I'm totally sympathetic to the postponing action. But if we table it now we can't have that further discussion.

COMMISSIONER GARCIA: Okay.

CHAIR HAMILTON: I'm not trying to force an action, I just would like to do it a certain way and have the discussion first.

COMMISSIONER GARCIA: Okay. So Madam Chair, I just have a lot of questions here and I don't know how to go about it. Maybe if another Commissioner can actually ask their questions or concerns.

CHAIR HAMILTON: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: I found it difficult to listen to the fact that one did not want to have to deal with tribal consultation and I happen to know that sand and gravel has destroyed many ancient pueblos in Santa Fe County and especially one in my own district. So that concerns me, because that is something that is a cultural resource and I don't want to see that destroyed. So that is something that I am extremely in strong favor of is tribal consultation. Because we are living on ancestral land and this is ancestral land and I respect my tribal brothers and sisters.

So that, and I think regulation is really important. Yes, these regulations are very tough. They are strict. I understand about having sand and gravel, that it falls into a little bit different category than hard rock mining and that we should still have sand and gravel. I have sand and gravel operations in my district. They're not pretty. I don't find them attractive. I find that they're too close to the road. They're too close to where development is happening, so maybe they shouldn't be in those areas where development is happening and where the city has grown and areas have moved out into the area.

So as far as reclamation, sir, I don't think that that's addressed in here. If it is I missed it. So I think that that is something we do need to discuss, because if all you're doing is backing up a truck and loading up material, if that's really all your doing, then that should possibly fall into a different regulation. So I would like to hear from staff.

COMMISSIONER GARCIA: Madam Chair, Commissioners, back many, many years ago, I don't know when Mr. Cook actually opened the Waldo pit, I was one of the first staff members who actually – I'm sure you all know where the Waldo pit is. It's obviously in Waldo, and so as one of the first staff members, myself and actually Charlie Gonzales who worked on the Waldo pit when Patty Pepler who the Cooks actually have the lease agreement with, we worked on that and we were, like staff, we kind of struggled because the mining ordinance, sand and gravel ordinances back then were a little – we just didn't really deal with an operation that size 20-some years ago.

I actually thought – actually I know that we did a very good job as in to what we did back in the day. They roughly created 20 different cells. And so what happens is actually they could mine the first cell, mine the second cell, not go to the third cell until the first cell is reclaimed and so on and so forth. And one of the conditions we actually put on the Waldo mine is – which I'm very proud of every time I drive up La Bajada Hill and I look over there to the right and nobody knows it's there. It's hidden back in there. You don't really see it back in there. And one of the things we also did is obviously the light pollution back in the day.

As they mentioned there, the audience, we're all concerned about the environment and so some of the regulations that we're imposing here may or may not work for sand and gravel. They definitely need to work for hard rock. So I just thought I'd just bring that up as Commissioner Hansen was looking for some of her thoughts, possibly.

COMMISSIONER HANSEN: I have another comment. Commissioner Charlie Gonzales who is the chair of the Planning Commission heard all of this a couple weeks ago or a month ago. I don't know when their public hearing was, but all the

comments from the Planning Commission are Charlie's. So he didn't seem to have issues with that at the moment.

CHAIR HAMILTON: Are you saying – could you clarify? There were no other public comments?

COMMISSIONER HANSEN: There might have been other public comments but he made a number of recommendations that staff took into account.

CHAIR HAMILTON: Okay.

COMMISSIONER HANSEN: Okay. That's all.

CHAIR HAMILTON: Commissioner Moreno.

COMMISSIONER MORENO: Thank you. This has been an illuminating experience. I'm going to follow Mr. Taylor's lead here that what we're looking at is three types of disturbances and there is a section on sand and gravel in the report describes the things that you have to do. This seems to be a simplified version of a plan for sand and gravel. But I don't think for sand and gravel – we need sand and gravel if we're going to be growing, a population growing in Santa Fe we need sand and gravel and that's one.

Reclamation, the gentleman wants to just clean up the mess that history has put upon us, and then hard rock mining, that's where this to me, this proposal as it stands, only mining would be in this category. I think there's another way to accommodate the needs of a growing community and doing it with reasonable regulations, strong, but some of these feel like you're not going to get there.

So I would request for my fellow Commissioners to consider something in that vein.

COMMISSIONER HANSEN: Madam Chair, I would really like to hear from staff on some of these issues.

CHAIR HAMILTON: Okay. There might be some things staff can address but there'll be many things they probably can't address off the cuff and I'm going to suggest we go into executive session to talk about some of the issues. Staff can come. Are there things that have been asked that you can speak to at this point?

MR. GRIEGO: We can provide some levels of clarification. As Jacob Stock's presentation identified there were already regulations for large-scale sand and gravel that were in place in Chapter 11 of the SLDC. It did require many of the processes that were identified through some of the discussions today. So again, those regulations were already in place. Some of the changes to the regulations for sand and gravel I think we're mixed up between those required for mining and resource extraction and sand and gravel mining. So I think, just for your information, sand and gravel was already a development of countywide impact. Reclamation is not completely defined and if somebody wanted to do reclamation without a sand and gravel it's not defined how we do that. And we have had discussions with Mr. Huber in regard to an application and how we would apply the code to that application.

So again, we do understand the issue regarding reclamation versus large-scale sand and gravel mining.

CHAIR HAMILTON: The difference for sand and gravel, between the previous regulations and the DCI, the new changes, was the process that was described in the one public comment accurate?

MR. GRIEGO: Well, the process was very similar to what it is now. I

think that there are some additional requirements that were identified but the process was the same. The process that was described is exactly the same. You have to first apply for a DCI overlay zoning district for large-scale sand and gravel. You would then have to apply and submit all the studies, reports and assessments and those kinds of things, and then after that process, then after that was approved then you have to do a conditional use permit. That was already in the code as it exists right now.

CHAIR HAMILTON: For sand and gravel.

MR. GRIEGO: For large-scale sand and gravel.

CHAIR HAMILTON: Right. Large-scale sand and gravel. Thank you. Are there other things, questions? Commissioner Hansen.

COMMISSIONER HANSEN: Robert, we're not changing something that has been in existence in sand and gravel for the last five years? The last ten years? Give me a timeframe. SLDC.

MR. GRIEGO: Yes. Jacob Stock will be able to address your question more specifically. Jacob Stock is going to present to you, Madam Chair. Commissioners.

MR. STOCK: So Madam Chair, Commissioners, I'd like to speak just a little to a few of the points that were made. First of all I just want to speak to the point about 11.14 applying to large-scale sand and gravel. 11.4 only applies to mineral resource extraction and processing, which is defined differently from sand and gravel. Sand and gravel is regulated under, I believe 11.11 for large-scale sand and gravel. So any changes that were made or additions made in 11.14 do not apply to large-scale sand and gravel extraction.

Regarding the changes to the process for receiving an overlay district and a conditional use permit for sand and gravel, I had a power point up that said specifically each of the points, each of the new requirements that would apply to sand and gravel, so that includes specific to large-scale sand and gravel – a closure plan, and then general to all developments of countywide impact, a fiscal impact analysis, a stormwater pollution prevention plan a greenhouse gas analysis and an offset plan, a statement of technical and financial feasibility, a sampling and analysis plan, and a statement about the applicant's background and past business practices.

So those are the new requirements that would apply to a large-scale sand and gravel.

CHAIR HAMILTON: And when you say new requirements, that's new compared to the previous regulations for sand and gravel.

MR. STOCK: New, compared to what is already required of a new sand and gravel application.

CHAIR HAMILTON: Thank you.

COMMISSIONER HANSEN: So, Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: You mentioned that you wanted to go into executive session.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: Would you like a motion?

CHAIR HAMILTON: Yes. I would entertain a motion. But first. Mr. Frederick, do we want to go into executive session just for this and then come out with

and then go back in for the other issues?

COMMISSIONER HANSEN: So I would like to make a motion to go into executive session to discuss Chapter 11. Is that general enough

MR. FREDERICK: Madam Chair, we're requesting a motion to go into executive session pursuant to 10-15-1 of the Open Meetings Act to deliberate over the pending ordinance change.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR HAMILTON: Do I have a second?

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: Thank you. Madam Clerk can I have a roll call please?

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

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

[The Commission met in closed session from 6:45 to 6:57.]

CHAIR HAMILTON: Do I need a motion to come out, or are you going to speak to that first?

MR. FREDERICK: Yes, let's get a motion to come out.

CHAIR HAMILTON: I would entertain a motion to come out of executive session.

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

COMMISSIONER MORENO: Second.

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

CHAIR HAMILTON: And I will summarize what we talked about because we actually want to have the discussion out here in the public meeting. So we were asking questions about the potential fiscal impacts, about what was a previously existing regulation for sand and gravel compared to the new components and components that apply to hard rock mining as compared to sand and gravel and we had some questions about could staff speak to why the permits required were being done in sequence as opposed to consecutively.

MR. FREDERICK: And Madam Chair, if I may, let me state for the record that I misremembered the Open Meetings Act. If this were an adjudicatory proceeding we could deliberate in executive session. This is not an adjudicatory

proceeding. In fact witnesses don't even need to be sworn for this. This is a legislative process. This is what's called law-making as opposed to an adjudicatory trial type proceeding. So we actually cut the executive session short and we just want to make clear, and we'll continue that discussion now out in the open.

CHAIR HAMILTON: So I think that's a good summary of everything we had questions about and we can continue those questions out here in public. So Commissioners, Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, I'd like to have one more public hearing on this. I'm – as Mr. Taylor mentioned, there's three different things going on here and I just want to make sure that all three different things aren't piled on this one huge ordinance that requires – and I get the environmental stuff and the lady here said, we're willing to do all the environmental stuff – air quality, water testing, whatever is needed. She's amenable to look at some of these requirements on her. As Mr. Taylor said, we do need these requirements. As Commissioner Hansen and everybody else agrees on environmental concerns regarding mining of all types are different.

So that is what I'd like to see is one more hearing. I just need to sit down with staff. Maybe I just need to sit down with staff and whether it's Mr. Taylor or the people here on the left, sit down and figure out what exactly is happening here. That's what I would like.

CHAIR HAMILTON: And we did mention that normally there are two public hearings in front of the BCC and it gives – it's a much better opportunity for us to hear what the concerns are and what things are being asked of staff. And so we've kind of missed out on that ability from the first hearing. So are you tendering that as a motion?

COMMISSIONER GARCIA: Yes. I would like to make that as a motion.

COMMISSIONER ROYBAL: Second. Discussion.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I just want to reiterate as well. I've listened to Mr. Taylor and Ms. Fishman and different items they brought up and I think it is worthwhile for us to sit down and go back over this proposal and see what we need to do to clarify to make adjustments to it to make it to where everybody can actually work with it. So I'm glad that Commissioner Garcia did bring this up, so I appreciate it.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I agree. I think we need another public hearing but I do also agree that we need strong regulation and it seems that many of these regulations have existed for some time. They have not necessarily been changed, but sand and gravel is a different category. Reclamation also is a different category that we do not have anything in and maybe it would behoove staff to do a little research on how we would deal with reclamation in this ordinance. Because I do think that there are certain requirements. It's nice to say you just pull up a truck and dump it in, but what are you dumping into the truck and what is the impact of the stuff that you're moving, because what kind of dust does it have? What kind of carcinogens? Does it have uranium in it? We have plenty of uranium in New Mexico that can be mixed in with some other things that have been mined in the past.

These mine piles have been sitting there for a long time. So what exactly is there?

So that concerns me, because I am concerned about the health and safety of our citizens. And that is my real primary goal. I also recognize that sand and gravel is part of – New Mexico is an extractive industry. That is part of our legacy here, but how we do it and how we keep it clean and how we keep it responsible to our citizens that we provide health and safety along the way, and not just let people make tons of money off of the land in New Mexico and not take care of cleaning it up and making sure that they have a strong closure plan, making sure that they know what they're doing when they're closing the plan, making sure that the water is protected. Those are important things to me.

So I could have more to say. I want to meet with staff again. I have met with them already once or twice I think, and so I want to talk to them more about making sure that this is a strong ordinance for hard rock mining and I don't think any of this needs to change for hard rock mining. I think we need to discuss where we are with sand and gravel and how we can make sure we are not putting people out of business, but at the same time we are protecting our community.

CHAIR HAMILTON: Thank you. Is there any further discussion? So I have a motion and a second regarding having a second hearing.

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

CHAIR HAMILTON: I actually also wanted to say – I might have said it in my original summary, one of the questions we asked staff to look at and discussed a little was had there been consideration to the fiscal impact, not just on industry but on the County as well. So there are additional things that they are going to give an additional look at. So if there's no additional discussion then a second hearing will get scheduled and then we'll proceed from there. So thank you very much. Thanks to everybody who gave input on this.

#### **VIII. MATTERS FROM THE COUNTY ATTORNEY**

**A. Executive Session: Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1 (H)(8) NMSA 1978, including:**

- 1. Regional Water System Related to Aamodt Settlement**
- 2. Right-of-Way Settlement Agreements**
- 3. *City of Albuquerque et al. v. NMTRD et al.***

COMMISSIONER HANSEN: I move we go into executive session to discuss the regional water system related to the Aamodt, right-of-way settlement agreements and City of Albuquerque, et al. v. NMTRD.

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

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: I have a motion and second. Can I have a roll call?

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2, 3, 6, 7, and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:**

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

[The Commission met in closed session from 7:07 to 7:59.]

Commissioner Hansen moved to come out of executive session confirming that the only items discussed were those mentioned on the agenda. Commissioner Garcia seconded and the motion carried unanimously.

**VIII. CONCLUDING BUSINESS**

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

Upon motion by Commissioner Hansen and second by Commissioner Moreno, and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 8:00 p.m.

Approved by:

*Anna Hamilton*  
 Board of County Commissioners  
 Anna Hamilton, Chair



*Geraldine Salazar*  
 GERALDINE SALAZAR  
 SANTA FE COUNTY CLERK



COUNTY OF SANTA FE )  
 STATE OF NEW MEXICO ) ss

BCC MINUTES  
 PAGES: 115

I Hereby Certify That This Instrument Was Filed for Record On The 21ST Day Of May, 2019 at 09:23:12 AM And Was Duly Recorded as Instrument # 1886688 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
 Deputy *Estrella* County Clerk, Santa Fe, NM  
*Mastine Z*

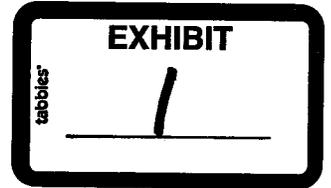
SFC CLERK RECORDED 05/21/2019

Respectfully submitted:

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

SFC CLERK RECORDED 05/21/2019

AGENDA: III. C. 2.



**RESTATED AND AMENDED JOINT POWERS AGREEMENT  
ESTABLISHING THE REGIONAL COALITION OF LANL COMMUNITIES BY  
AND AMONG THE INCORPORATED COUNTY OF LOS ALAMOS, THE CITY  
OF SANTA FE, SANTA FE COUNTY, THE CITY OF ESPANOLA, RIO ARRIBA  
COUNTY, THE TOWN OF TAOS, TAOS COUNTY AND THE  
SOVERIEGNSOVEREIGN GOVERNMENTS OF THE PUEBLO OF OHKAY  
OWINGEH AND THE PUEBLO OF JEMEZ**

THIS RESTATED AND AMENDED JOINT POWERS AGREEMENT (the "Agreement") is entered into by and among the Incorporated County of Los Alamos, New Mexico, the City of Santa Fe, New Mexico, Santa Fe County, New Mexico, the City of Espanola, New Mexico, Rio Arriba County, New Mexico, the Town of Taos, New Mexico, [and] Taos County, New Mexico, Ohkay Owingeh Pueblo and the Pueblo of Jemez (each a "Party" or "Member" and, together, the "Parties" or "Coalition Members").

**RECITALS**

WHEREAS, the Parties are political subdivisions of the State of New Mexico (the "State") or sovereign federally recognized Indian Tribal Governments, and

WHEREAS, Los Alamos National Laboratory ("LANL") is one of the largest employers in northern New Mexico and a critical economic driver in the region; and

WHEREAS, the local economy and environment of each of the Parties is affected by LANL's activities and programming; and

WHEREAS, the Parties share a common interest in assuring that LANL's missions remain sustainable and diversified, while assuring protection of the environment; and

WHEREAS, the Parties share the goals of engaging LANL, the U.S. Department of Energy, the State of New Mexico, and other government agencies with respect to local concerns about LANL's activities, and of increasing the Parties' ability to participate in and influence federal and state government decision-making affecting LANL; and

WHEREAS, as described in Section 2 of this Agreement, the Parties have common powers with respect to promoting economic development, cultural and educational activities, and environmental protection for the benefit of their citizens; and

WHEREAS, the Parties are authorized by the Joint Powers Agreements Act, Sections 11-1-1 through 11-1-7 NMSA 1978 (the "Act"), to create a joint powers authority for the purpose of exercising powers common to the Parties specified in this Agreement; and

WHEREAS, the Parties desire to create a joint powers agency pursuant to the Act to carry out the purposes described in this Agreement in accordance with the terms and conditions set out below.

**AGREEMENT**

**NOW, THEREFORE,** the Parties hereby agree as follows:

1. Creation of Regional Coalition of LANL Communities. The Parties hereby

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create the Regional Coalition of LANL Communities (~~the "Regional"~~ the "Regional Coalition" or "Coalition"), which is a political subdivision separate from the Parties, which shall act on behalf of the Parties with respect to the subject matters of this Agreement. The Coalition is a political subdivision of the state of New Mexico.

2. Authority of the Regional Coalition. The Regional Coalition shall have the authority to exercise the following powers common to the Parties in accordance with New Mexico state law with respect to LANL and LANL-related activities and issues:

A. Promotion of economic development, including:

- (i) promotion of new missions for LANL that the citizens of the Coalition Members support;
- (ii) advocacy of long-term stable funding of LANL missions;
- (iii) promotion of new and diverse scientific endeavors at LANL, focusing on employment and educational opportunities within the Coalition Members' jurisdiction;
- (iv) support of business incubation and business development on non-federal lands;
- (v) support of workforce training and development; and
- (vi) regularly review LANL and related activities and impacts on the region and promote awareness of LANL, its contributions toward and impacts on the region.

B. Promotion and coordination of environmental protection and stewardship, including:

- (i) clean-up activities and site maintenance to ensure consistency with community values and future use goals;
- (ii) planning activities to address future use goals, stewardship needs and obligations, and prevention of future contamination;
- (iii) evaluation of cleanup planning, implementation and oversight for protection of workers and neighboring communities.

C. Participation in regional planning, including:

- (i) evaluation of policy initiatives and legislation for impacts on Coalition Members;
- (ii) development of long-term relationships between local, state and federal officials and LANL officials;
- (iii) coordination of regional planning with LANL strategic

initiatives and other advocacy organizations and initiatives.

D. Evaluation of policy initiatives and legislation for impact on the Regional Coalition, including:

- (i) participation in public comment and outreach initiatives to influence decision-making concerning LANL activities;
- (ii) advocacy in state and federal legislative process and administrative proceedings.

E. In exercising the common powers of the Parties described in Subsections (A) through (D) of Section 2 above, the Regional Coalition shall have the additional common powers to:

- (i) enter into contracts, including office leases and personal property rental agreements, but shall not acquire or own any real property, vehicles, or debt;
- (ii) acquire office equipment and supplies and other personal property as necessary to accomplish the purposes of this Agreement;
- (iii) contract with an executive director, legal counsel, experts, auditor, accountants and administrative staff, as necessary; provided, however, the Coalition shall not hire employees;
- (iv) develop and adopt an annual budget for operations, and bill and collect payments from Coalition Members in accordance with this Agreement and the duly adopted annual budget, subject to Section 5(C);
- (v) establish bylaws and policies to govern its affairs, including but not limited to policies relating to fiscal management, travel, reimbursement, and annual audits, subject to Section 5(C);
- (vi) receive, deposit, expend, and invest public monies, subject to Section 5(C);
- (vii) lobby state and federal officials, but only to the extent consistent with state and federal law and grant requirements;
- (viii) apply for and to receive state, federal, and other grants, appropriations, and donations, subject to Section 5(C);
- (ix) sell any of the Regional Coalition assets deemed by the Board to be unnecessary, excess, obsolete, or scrap in accordance with New Mexico state law, subject to Section 5(C);
- (x) sue and be sued in any court of competent jurisdiction, subject to the limitations and immunities under New Mexico state law, including without limitation, the New Mexico Tort Claims Act, Section 41-4-1, *et seq.*, NMSA 1978: and

(xi) do any and all other lawful things that are reasonably necessary and appropriate to carry out the purposes of this Agreement and exercise the express common powers of the Parties specified above; and

3. Regional Coalition Board of Directors.

The Regional Coalition shall be governed by a board of directors (the "Board") who shall be appointed as follows:

A. The governing body of each Party shall appoint a director, who shall be an elected public official of that Party, with current experience in strategic planning, economic development, environmental protection or the legislative process.

B. The governing body of each Party shall appoint replacement directors to fill vacancies in the board position appointed by that Party. Such replacement directors shall have the qualifications described in subsection A of this Section 4.

C. Each Director shall have a term of office as specified by the governing body of the Party appointing that Director. Directors may be reappointed for additional terms as determined by the Party appointing that Director.

D. The governing body of each Party shall appoint at least one and no more than two alternates (each an "Alternate Director") to serve as a director in the absence of the Director. An Alternate Director shall have the qualifications described in subsection A of this Section 4, except that the Alternate Director may be either an elected official or an employee of the Party represented by the Party appointing the Alternate Director.

4. Meetings and Duties of the Board.

A. Meetings of the Regional Coalition shall be held at least quarterly and at such additional times and in such locations as the Board determines.

B. Meetings shall be held in compliance with the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA 1978.

C. A majority of directors shall constitute a quorum for the transaction of business. A majority vote of the quorum shall be required for the adoption of resolutions, bylaws, policies and plans; to enter into contracts and leases; to make purchases over \$2,500; to adopt an annual budget; appoint officers of the Board; delegate authority; and to take any other official action on behalf of the Board.

D. The Board shall:

(i) adopt bylaws, which shall not be inconsistent with this Agreement and which shall (among other things) govern the selection, duties, removal, and replacement of Board officers, conflicts of interest, conduct of meetings, compliance with the Open Meetings Act, voting, formation and conduct of subcommittees, amendments, and

reporting;

(ii) appoint officers of the Board, which shall include a chair, vice chair, treasurer, and secretary, who shall serve one-year terms;

(iii) adopt written resolutions, plans, strategies, and policies to carry out the purposes of this Agreement and govern the exercise the Parties' common powers specified in Subsections (A), (B), (C), (D), and (E) of Section 2, including a code of conduct, and travel, per diem, and expense reimbursement policies;

(iv) develop an annual budget for each fiscal year, which shall begin on July 1 and end on June 30 of the following year;

(v) comply with all federal, state, and other grant accounting, expenditure, and reporting requirements;

(vi) delegate its authority and duties under this Agreement, as necessary and appropriate, to a Member, subcommittee, executive director or other contractor, including the task of developing proposed bylaws, plans, strategies, policies, budgets, and other materials to be proposed and considered for adoption by the Board in accordance with this Agreement;

(vii) keep minutes of its meetings in accordance with the Open Meetings Act, including posting on the organization website after they are approved by the board;

(viii) assure that none of the revenues of the Regional Coalition inure to the benefit of any individual or entity, except as compensation for services rendered or payment for goods, property or legal rights, or reimbursement of expenses.

(ix) to the extent applicable to the Board's activities, comply with all laws applicable to political subdivisions of the state of New Mexico.

5. Fiscal Agent.

A. As soon as practicable after approval of this Agreement by ~~DFA~~ the New Mexico Department of Finance and Administration ("DFA"), the Board shall enter into an agreement ("Fiscal Agent Agreement") with a Member of the Coalition to serve as the Coalition's fiscal agent. The Fiscal Agent Agreement shall describe the duties of the fiscal agent, consistent with this Agreement.

B. The Board shall adopt by resolution policies and procedures prepared by the fiscal agent to assure the Coalition complies with all laws applicable to political subdivisions of the state of New Mexico governing the receipt, expenditure, investment, budgeting, depositing, and accounting of public money ("Fiscal Policies"). The Board may incorporate into its Fiscal Policies the policies and procedures of any Member that is also a political subdivision of the state of New Mexico.

C. The fiscal agent shall follow generally accepted accounting principles

(GAAP) and shall maintain strict segregation of Coalition funds from other funds managed by the fiscal agent, and shall strictly account for and segregate federal funds from non-federal funds.

D. The fiscal agent shall provide for strict accountability of all receipts and disbursements of Coalition funds in accordance with NMSA 1978, Section 11-1-4 of the Joint Powers Agreements Act. The fiscal agent shall authorize, review, and approve all expenditures of Coalition funds to assure such expenditures are consistent with the Coalition's annual budget, the Fiscal Policies, and applicable Federal and New Mexico state law.

E. As soon as practicable after a Fiscal Agent Agreement terminates for any reason, the Board shall execute a new Fiscal Services Agreement with another Member of the Coalition. The Board shall not authorize the expenditure of any Coalition funds, and no Member shall be obligated to contribute funds to the Coalition, unless and until a Fiscal Agent Agreement is in full force and effect.

6. Effective Date; Term; Member Withdrawal; Termination.

A. The effective date of this Agreement shall be the date it is approved by the ~~Department of Finance and Administration ("DFA")~~ DFA, which shall not occur until all Members have duly approved and executed this Agreement.

B. The term of this Agreement shall be perpetual, subject to subsection D below.

C. Any Member may withdraw from this Agreement by providing written notice of withdrawal to the Board Chair and, thereafter, shall no longer be a party to this Agreement. Such withdrawal shall not terminate this Agreement as to the remaining Members. The withdrawing Member shall not be entitled to refund of any funds it contributed to the Coalition prior to withdrawal.

D. This Agreement may be terminated by a written agreement to terminate executed by all Parties or by vote of the Board by two-thirds or more of the Directors.

7. Disposition of Coalition Funds Upon Termination. Any surplus funds of the Regional Coalition remaining at the time this Agreement is terminated shall be returned to the Parties in proportion to their respective contributions. Any funds provided by federal agencies shall be disposed of or returned in accordance with the federal grant requirements and applicable law.

8. Amendment; Addition and Withdrawal of Members.

A. Subject to Paragraph B below, this Agreement shall not be altered, changed, or amended except by a written instrument executed by the Parties and approved by the DFA.

B. A Tribal government, New Mexico County, or New Mexico City may

~~LANL Coalition JPA FINAL Amendments V3~~ RESTATED AND AMENDED JPA  
REGIONAL COALITION OF LANL COMMUNITIES

become a Member of the Coalition and a Party to this Agreement upon request and approval by the Board, and any Member may withdraw from this Agreement pursuant to 6(C). The parties' intent is that a Tribal government shall not waive its sovereign immunity as a result of entering into this Agreement. This Agreement shall automatically be amended to incorporate such addition or withdrawal of a Member without further approval by DFA. In the case of an additional Member, the amendment date shall be the date of the Board action approving the addition; in the case of withdrawal, the amendment date shall be the date of the Member's notice of withdrawal.

9. Privileges and Immunities. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workers' compensation and other benefits which apply to the activity of officers, agents or employees of any such public agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of the Act, as provided in Section 11-1-6 NMSA 1978.

10. Governing Law. This Agreement shall be governed by the laws of the State of New Mexico; provided that, with respect to any tribal government that is a Party, it is hereby recognized that the powers and status of such Party, as a tribal government, is subject to the laws of the United States.

11. Counterparts. This Agreement may be executed in counterpart originals.

12. Entire Agreement. This Agreement constitutes the entire agreement and understanding of the Parties with respect to the subject matter hereof.

13. Replacement of Prior Joint Powers Agreement. This Agreement replaces and supersedes the prior Joint Powers Agreement executed among the Parties, approved by the Department of Finance and Administration on October 13, 2011, including all amendments thereto.

IN WITNESS WHEREOF, the Parties have ~~executed this~~ executed this Agreement, which shall become effective as of the date of approval by the New Mexico Department of Finance and Administration.



THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY  
RESOLUTION NO. 2017 - 129

A RESOLUTION REQUESTING THAT THE NEW MEXICO ENVIRONMENT DEPARTMENT STRENGTHEN THE REVISED LOS ALAMOS NATIONAL LABORATORY CLEANUP CONSENT ORDER TO CALL FOR ADDITIONAL CHARACTERIZATION OF LEGACY NUCLEAR WASTES; REQUESTING THE DEPARTMENT OF ENERGY TO REQUEST INCREASE CLEANUP FUNDING FROM CONGRESS, AND SIGNIFICANTLY INCREASE SAFETY TRAINING; AND DIRECTING THE COUNTY MANAGER TO TRANSMIT COPIES OF THIS RESOLUTION TO ASSOCIATED PARTIES

WHEREAS, in June 2016, the Department of Energy (DOE) and New Mexico Environment Department (NMED) signed a new revised Consent Order governing cleanup that incorporates several loopholes whereby Los Alamos National Laboratory (LANL) can avoid comprehensive, complete cleanup by simply claiming that it is too difficult or costly; and

WHEREAS, the new Consent Order bases LANL cleanup on projections of future funding availability instead of what is actually needed to accomplish comprehensive, complete cleanup; and

WHEREAS, in August 2016, based on the new Consent Order, DOE released an estimated cleanup baseline that extended the timeframe for the completion of cleanup at LANL to 2040, asserting that only 5,000 cubic meters of waste needs to be cleaned up, while an estimated 30 times (150,000 cubic meters) that much legacy waste<sup>1</sup> is anticipated to be subject to "cap and cover", which means leaving the waste buried where it is currently located on LANL property, above the drinking water supply of Santa Fe and Los Alamos Counties; and

WHEREAS, the DOE is expanding the production of new plutonium pit triggers at LANL for the nation's nuclear weapons from 20 to up to 80 pits per year, which is estimated to nearly double the associated generation of radioactive and toxic wastes<sup>2</sup>; and

WHEREAS, plutonium pits are used as the "triggers" for the nation's nuclear weapons; and

WHEREAS, plutonium is a radioactive and heavy metal substance with significant health and environmental risks; and

WHEREAS, independent experts outside of the Department of Defense have found that all plutonium pits, including those created when the existing nuclear stockpile was created over the last 72 years, have reliable lifetimes of a century or more, arguing that expanded production

<sup>1</sup> "Legacy waste" is radioactive, hazardous and/or toxic waste or mixed (radioactive and hazardous) waste that was generated, stored and/or disposed during the Cold War.

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of plutonium pits is unnecessary; and

WHEREAS, the DOE has determined that “Required improvements to the [Nuclear] Criticality Safety Program are moving at an unacceptably slow rate” and that “The number and latency of infractions in the plutonium facility is of concern”, for which LANL received the only “red grade” (lowest score) in nuclear criticality safety in the DOE nuclear weapons complex in the 2016 report of the Department of Energy submitted to the Defense Nuclear Safety Facilities Board (DNSFB)<sup>2</sup>; and

WHEREAS, the nuclear weapons complex at LANL has suffered several accidents in recent years, documented in a multi-part series from the Center for Public Integrity,<sup>3</sup> including the following events:

1. In March 2011, in violation of nuclear material handling protocols, a manager placed an amount of nuclear material in a glovebox<sup>4</sup> that exceeded the criticality limit of the box;
2. In August 2011, technicians, seeking a photo-op, in violation of nuclear material handling protocols, placed eight rods of plutonium in close proximity to each other—several more rods would have triggered a deadly nuclear chain reaction;
3. A 2013 LANL study found that glovebox leaks in the Plutonium Facility (PF-4) occurred roughly three times a month, often the result of avoidable errors;
4. In December 2013, LANL sent a drum containing radioactive material to the Waste Isolation Pilot Plant (WIPP) disposal facility near Carlsbad that ruptured inside the facility—a result of improper mixing of ingredients—costing the federal government approximately \$1.5 billion to clean up;
5. In May 2016, a trolley used to carry nuclear materials in a facility at LANL fell from the ceiling and crashed into a glovebox, which was fortunately empty and not in use;
6. The DOE annual report to the DNSFB, released in February 2017, found that LANL was the only nuclear production site whose performance did not meet expectations in the functional area of criticality safety expectations<sup>5</sup>;
7. In July 2017, a LANL employee sent “special nuclear material” across the country by air in direct violation of nuclear safety standards; and
8. In August 2017, two further incidents of mishandling of plutonium metals occurred, one of which was acknowledged as a ‘criticality safety event’; and
9. On September 23, 2017 three “pipefitters released airborne radioactive material when they removed a plug from a service panel on the base of a glovebox” and this incident involved “the same work crew and glovebox involved in the contamination August event.”<sup>6</sup>

<sup>2</sup> “2016 Annual Metrics Report to the Defense Nuclear Facilities Safety Board, January 2017, Nuclear Criticality Safety Programs,” [https://www.dnfsb.gov/sites/default/files/document/10666/DOE%20Letter\\_2016%20Metrics%20Report\\_Feb-1-2017.pdf](https://www.dnfsb.gov/sites/default/files/document/10666/DOE%20Letter_2016%20Metrics%20Report_Feb-1-2017.pdf), see p. 4.

<sup>3</sup> Center for Public Integrity, six-part “Nuclear Negligence” series at <https://apps.publicintegrity.org/nuclear-negligence/>

<sup>4</sup> A “glovebox” is a specially constructed container that permits the safe handling of hazardous and toxic materials, including radioactive materials, utilizing gloves that employees slip their hands into, allowing them to touch and manipulate those materials.

<sup>5</sup> [https://www.dnfsb.gov/sites/default/files/document/10666/DOE%20Letter\\_2016%20Metrics%20Report\\_Feb-1-2017.pdf](https://www.dnfsb.gov/sites/default/files/document/10666/DOE%20Letter_2016%20Metrics%20Report_Feb-1-2017.pdf)

<sup>6</sup> September 29, 2017 DNFSB “Los Alamos Report for Week Ending September 29, 2017” and “Los Alamos Report for Week Ending September 1, 2017” at <https://www.dnfsb.gov/sites/default/files/document/12881/Los%20Alamos%20Week%20Ending%20September%201%20C%202017.pdf> and

**WHEREAS**, DOE should request increased funding from Congress and allocate sufficient funding to ensure all contractor staff working with radioactive and hazardous material are trained in the handling of said material, and overseen by more federal nuclear safety experts, in order to ensure the safety of the employees, downwind and downstream communities, the nuclear stockpile and the surrounding communities, including Santa Fe County; and

**WHEREAS**, DOE should ensure that DOE staffing targets are fully met on a priority basis, as the February 2017 report of DOE to the DNSFB noted that targeted staffing levels had not been met<sup>7</sup>; and

**WHEREAS**, radioactive and hazardous contaminants produced as a result of nuclear weapons research and production at LANL have been and continue to be released into the Rio Grande and the Española Basin Aquifer<sup>8</sup>, designated by the Environmental Protection Agency as a Sole Source Aquifer<sup>9</sup>; and

**WHEREAS**, LANL's legacy radioactive and toxic wastes are located as close as eighteen miles from the Santa Fe Plaza and 5 miles from the Buckman Well Field and Buckman Direct Diversion Project; and

**WHEREAS**, LANL's radioactive and toxic wastes are buried in unlined pits, trenches and shafts, unlike the composite liners and leachate collection systems that the (NMED) requires of all local governments; and

**WHEREAS**, the Governing Body of the County of Santa Fe supports the complete and permanent cleanup of all hazardous, toxic and radioactive wastes related to nuclear weapons research and production at Los Alamos; and

**WHEREAS**, sustainable futures for the Counties of Santa Fe, Rio Arriba, Sandoval and Los Alamos, six Pueblo nations and the broader region depend on preventing groundwater contamination of the Española Basin Aquifer and the Rio Grande; and

**WHEREAS**, at the October 5, 2017 meeting of the Buckman Direct Diversion Board (BDDDB), a motion was unanimously approved that authorized the Board Chair to sign the proposed Memorandum Of Understanding Between The U.S. Department Of Energy And The

<https://www.dnfsb.gov/sites/default/files/document/13166/Los%20Alamos%20Week%20Ending%20September%2029%2C%202017.pdf>

[https://www.dnfsb.gov/sites/default/files/document/10666/DOE%20Letter\\_2016%20Metrics%20Report\\_Feb-1-2017.pdf](https://www.dnfsb.gov/sites/default/files/document/10666/DOE%20Letter_2016%20Metrics%20Report_Feb-1-2017.pdf)

<sup>8</sup> "Interim Measures Work Plan for the Evaluation of Chromium Mass Removal," LA-UR-13-22534, April 2013, EP2013-0073, p. 1, see also Fig. 1.0-1 (p. 13) and Fig. 1.0-2 (p. 14).

Related NMED Ground Water Quality Bureau permits:

1. DP-1835: Extraction Wells and Injection Wells for Chromium Project
2. DP-1793: Land Application of Treated Chromium Project waters in Mortandad Canyon

<sup>9</sup> A Sole Source Aquifer is defined by the EPA as an aquifer that supplies at least 50% of the drinking water for its service area and where there are no reasonably available alternative drinking water sources should the aquifer become contaminated. <https://www.federalregister.gov/documents/2008/01/22/E8-999/determination-of-sole-source-aquifer-petition>

Buckman Direct Diversion Board Regarding Notification And Water Quality Monitoring after review and agreement on six proposed edits; and

WHEREAS, at the October 5, 2017 meeting of the BDDDB, a representative from the Los Alamos DOE office committed that status updates would be provided to BDDDB as requested regarding the overall cleanup program, including the hexavalent chromium plume in Mortandad Canyon with concentrations above regulatory levels; and

WHEREAS, complete cleanup of LANL would benefit all New Mexicans, permanently protecting precious surface and groundwater resources and the Rio Grande while creating hundreds of high paying jobs for twenty years or more if the wastes were completely removed.

NOW, THEREFORE, BE IT RESOLVED that the Santa Fe County Board of County Commissioners (Board) hereby requests (a) that the NMED strengthen the revised 2016 Cleanup Consent Order to require additional characterization of legacy nuclear wastes; (b) that DOE request increased cleanup funding from Congress; and (c), that DOE significantly increase safety training for all employees at LANL.

BE IT FURTHER RESOLVED by the Board that the County Manager is hereby directed to send copies of this Resolution to the New Mexican Congressional Delegation, the Governor of New Mexico, the President Pro Tempore of the New Mexico Senate, the Speaker of the New Mexico House of Representatives, and the Secretaries of the United States Department of Energy, Department of Defense, The Defense Nuclear Facilities Safety Board, Environmental Protection Agency and the New Mexico Environment Department.

PASSED, APPROVED, AND ADOPTED THIS 14<sup>th</sup> DAY OF November, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

By: [Signature]  
Henry P. Roybal, Chair

ATTEST:  
[Signature]  
Geraldine Salazar, Santa Fe County Clerk

Date: 11/14/2017

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
I Hereby Certify That This Instrument Was Filed for  
Record On The 15TH Day Of November, 2017 at 11:38:12 AM  
And Was Duly Recorded as Instrument # 1841438  
Of The Records Of Santa Fe County  
Deputy [Signature] Witness My Hand And Seal Of Office  
County Clerk, Santa Fe, NM Geraldine Salazar



SEC CLERK RECORDED 11/15/2017

APPROVED AS TO FORM:

  
R. Bruce Frederick, Santa Fe County Attorney

Date: 11/14/2017

SFC CLERK RECORDED 05/21/2019

SFC CLERK RECORDED 11/15/2017

**Henry P. Roybal**  
*Commissioner, District 1*  
**Anna Hansen**  
*Commissioner, District 2*  
**Rudy N. Garcia**  
*Commissioner, District 3*



**Anna I. Hamilton**  
*Commissioner, District 4*  
**Ed Moreno**  
*Commissioner, District 5*  
**Katherine Miller**  
*County Manager*

April 3, 2019

The Honorable Rick Perry  
United States Department of Energy Secretary  
1000 Independence Avenue  
Washington, DC 20585

RE: Call for Suspension of Order 140.1

Dear Secretary Perry:

On behalf of the Santa Fe County Board of County Commissioners of Santa Fe County, I write to express our strong concerns about the potential effects of Department of Energy (DOE) Order 140.1 on the Defense Nuclear Facility Safety Board's (DNFSB) ability to perform its critical statutory duty.

In order to fulfill its mission, the DNFSB must have access to a range of information regarding the design, construction, and operation of defense nuclear facilities such as the LANL. Our general concern is that Order 140.1 would improperly impede the DNFSB's ability to obtain the information that it needs from DOE staff and DOE contractors to fulfill its statutory mandate. In particular, we are concerned that Order 140.1 could result in DOE or DOE contractors improperly restricting access to and information about defense nuclear facilities to the DNFSB.

The enabling statute for the DNFSB at 42 U.S.C. Section 2286c(a), mandates that the Secretary of the Department of Energy "shall fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information as the Board considers necessary to carry out its responsibilities under this subchapter." It stands to reason that this statutory requirement is there to ensure that the Board, its staff, and inspectors get the information and access **they** deem necessary to fulfill the DNFSB's mission. However, the following provisions of Order 140.1 appear to be in conflict with this statutory requirement for cooperation.

1. The Order at Paragraph 4b(2)(b) authorizes DOE "Departmental Elements" acting at the direction of the Secretary or the Secretary's designee, to deny access to information "where the person requesting the information does not need such access in connection with his/her duties." This provision appears to grant the Secretary or the Secretary's designee blanket power to unilaterally determine what information the DNFSB needs to know to perform its independent advisory function.
2. The Order at Paragraph 4b(2)(1) appears to improperly limit DFNSB access to only "completed documents" in two key areas. One is where the documents contain DOE decisions

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FAX: 505-995-2740 www.santafecountynm.gov

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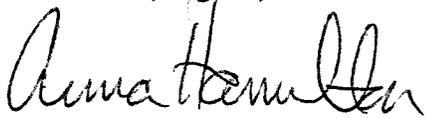
on the safe design and operations of defense nuclear facilities, with examples given of safety basis documents, safety evaluation reports, and design, construction, and operation Standards. The other is where the documents "represent[ ] any event or practice at a defense nuclear facility which the DNFSB considers may adversely affect public health or safety", with the example provided of "approved results of fact-finding review and investigations." The obvious concern here is that DOE could deny Board access to critical decisional and investigative documents indefinitely on the grounds that they are not yet completed or approved. This language could enable or even encourage stonewalling by DOE staff.

3. The Order at Paragraph 4b(3) and (4) could prevent DOE contractors from responding to otherwise proper requests for information or access by the DNFSB without formal authorization from a designated DOE representative. Simply stated, these provisions amount to a "gag rule" and are contrary to the spirit if not the letter of 42 U.S.C. Section 2286c(a). DNFSB inspectors should have unfettered and unfiltered access to DOE contractors and their employees at defense nuclear facilities.
4. The Order at Paragraph 7h provides a restrictive definition of "public health and safety" that appears to conflict with the provisions of the DNFSB's enabling act. In the Order, "public health and safety" is limited to the "health and safety of individuals located beyond the site boundaries of DOE sites with DOE Defense Nuclear Facilities." The Board's enabling act in no way restricts the Board's mission to advise the Secretary on protecting the public health and safety of individuals living and working outside a defense nuclear facility. 42 U.S.C. Section 2286a(a) in fact expressly states that the Board's mission is to inform and advise the Secretary "in providing adequate protection of public and safety *at* such defense nuclear facilities," and not just **outside** the facilities. We recognize and applaud the Board's track record in documenting and making recommendations on health and safety issues that have arisen within the site boundaries at LANL, and oppose any attempt by DOE to limit the Board's ability to serve that vital function.

Santa Fe County Commissioner Anna Hansen (D-2) met with Todd LaPointe, Deputy Associate Under Secretary, DOE's Office of Environment, Health, Safety, and Security, and Mark Do, Physical Scientist, DOE's Health Safety and Security, on February 20, 2019. During that meeting, Commissioner Hansen conveyed the concerns expressed within this letter. She was told that these concerns would be taken into consideration, and that a review of the Rule would take place at some point after it had been in effect for a year or so.

In conclusion, the Santa Fe Board of County Commissioners urges you to suspend DOE Order 140.1 and reissue an order that fully complies with the DNFSB's legal authority under statute to continue to protect workers and the community.

Respectfully signed,



Anna Hamilton, Chair  
Board of County Commissioners for Santa Fe County

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SFC CLERK RECORDED 05/21/2019

# An explanation of facts, not statement of desired goals

Sam Hitt, founder and director of Wild Watershed, in his unfortunate letter ("Insult to injury an ecologist's reasoning," My View, Feb. 8), claimed that Dr. Ellis Margolis, research ecologist, in his recent talk to the Santa Fe chapter of the Native Plant Society of New Mexico, advocated for forest clearing to replace mixed conifers with a monoculture of ponderosa pine and for livestock grazing to be intensified to eliminate grass cover. That is not what Margolis said or even implied. Hitt confused Margolis' explanation of facts regarding patterns of change with a statement of desired goals.

The main thrust of Margolis' talk was to describe the considerable technical advances in the science of tree ring dating (dendrochronology), whereby through statistical analysis precise determinations covering hundreds of years he can tell what time of year and how sustained precipitation and droughts occurred, whether past fires were of low or high severity, their size and the relationships among many factors. Scientific calculations based on minute nuances can now be made so precisely that if you give Margolis a random piece of wood you find in the Jemez Mountains forests, he can tell you when that tree lived, e.g., 1280 CE.

**Before making such incendiary statements ... one should make sure one is accurately representing another's view, especially in these times of disinformation.**

That kind of information and knowledge is invaluable science that forest managers can use in protecting our forests. Margolis' description of how 19th-century grazing and later fire suppression denuded our grasslands and damaged our forests is not advocating for any result. The one pattern Margolis identified that we all must be aware of is the historical sequence of a wet year followed by drought then followed by ever more massive fires.

Before making such incendiary

statements as Hitt's, one should make sure one is accurately representing another's view, especially in these times of disinformation. Publicly stating distortions of others' views does not promote the public dialogue our nation so obviously needs.

*Tom Antonio is president of the Santa Fe chapter of the Native Plant Society of New Mexico. Barbara Fix is membership secretary of the Native Plant Society of New Mexico.*

Feb 8, 2018

EXHIBIT

tabbles

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# OPINIONS

LETTERS TO THE EDITOR

## Insult to injury: An ecologist's reasoning

In a recent talk at a New Mexico Native Plant Society meeting, Dr. Ellis Margolis, a research ecologist with the U.S. Geological Survey in Santa Fe, discussed his tree ring research and implications for forest management. He told the standing room-only crowd that it was possible through intensive tree clearing to change forests in the Jemez Mountains from a mix of conifer species to forests dominated by fire-resistant ponderosa pine. He also causally mentioned that a return to destructive livestock overgrazing would eliminate grass cover that fuels fires. Both suggestions are disturbing. Conversion of diverse forests to a single commercially valuable species has long been the goal of the timber industry. The livestock industry also favors more intensive grazing. Such irresponsible advice likely would be just the excuse the Trump administration seeks in its drive to exploit public lands for profit. The environmental consequences would be catastrophic for our forests already ravaged by a rapidly warming climate.

**Sam Hitt**  
founder and director  
Wild Watershed  
Santa Fe

**\* AMENDED AGENDA: V.I.A.1**

**Henry P. Roybal**  
*Commissioner, District 1*

**Anna Hansen**  
*Commissioner, District 2*

**Rudy N. Garcia**  
*Commissioner, District 3*



**Anna T. Hamilton**  
*Commissioner, District 4*

**Ed Moreno**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*



**M E M O R A N D U M**

**DATE:** April 9, 2019

**TO:** Board of County Commissioners

**FROM:** *Anna T. Hamilton, Santa Fe County Commissioner, District 4*  
*Anna Hansen, Santa Fe County Commissioner, District 2*

**VIA:** Katherine Miller, County Manager

**RE:** **A Resolution Urging the United States Forest Service to Conduct a Comprehensive Environmental Analysis in Accordance with the National Environmental Policy Act Prior to Commencing the Santa Fe Mountains Landscape Resiliency Project. (Commissioner Hamilton and Commissioner Hansen) (Item Tabled at the March 26, 2019, Meeting)**

SFC CLERK RECORDED 05/21/2019

**SUMMARY**

This resolution expresses Santa Fe County's support for having a comprehensive analysis of environmental impacts conducted for the Santa Fe Mountains Landscape Resiliency Project in accordance with the National Environmental Policy Act (NEPA) process, prior to project implementation.

**BACKGROUND**

The U.S. Forest Service is in the early stages of planning a 50,000-acre forest fuel treatment project within the Santa Fe Fireshed called the Santa Fe Mountains Landscape Resiliency Project. The designated project areas are northeast and southeast of Santa Fe (Figure 1). As a major action with federal involvement, this project is subject the NEPA process, intended to provide an assessment of environmental impacts, as well as plans for any needed impact mitigations, prior to project implementation. This resolution encourages the U.S. Forest Service to recognize the magnitude of this action and conduct a comprehensive and objective NEPA analysis, which will allow for a comprehensive assessment of cumulative impacts, mitigation of any adverse impacts, and strong public involvement.

**ACTION REQUESTED**

Commissioner Hamilton and Commissioner Hansen respectfully request the Board of County Commissioners support and approve this item.



**THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY  
RESOLUTION NO. 2019 – \_\_\_\_\_**

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A RESOLUTION URGING THE UNITED STATES FOREST SERVICE TO CONDUCT A  
COMPREHENSIVE ENVIRONMENTAL ANALYSIS IN ACCORDANCE WITH THE  
NATIONAL ENVIRONMENTAL POLICY ACT PRIOR TO COMMENCING THE SANTA  
FE MOUNTAINS LANDSCAPE RESILIENCY PROJECT

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**WHEREAS**, the United States Department of Agriculture Forest Service (Forest Service), along with the Greater Santa Fe Fireshed Coalition (Coalition), has designated 168 square miles (107,520 acres) of National Forest and private lands in northeastern Santa Fe County and surrounding areas as the Greater Santa Fe Fireshed (Fireshed); and

**WHEREAS**, the Coalition's mission is to use a proactive, collaborative approach to improve the health and long-term resilience of forested watersheds and communities by addressing wildfire; and

**WHEREAS**, the Fireshed is a focus for mechanical thinning of trees and other vegetation and prescribed burning in order to reduce fuels and protect resources including critical water sources; and

**WHEREAS**, the Fireshed provides recreation and outdoor enjoyment to more than 100,000 Santa Fe County residents and thousands of visitors each year and is home to the Santa Fe Ski Basin, Hyde Memorial State Park, Santa Fe Municipal Watershed, portions of the Pecos Wilderness and Tesuque and Nambe Pueblos, extensive inventoried roadless areas and high value habitat for breeding birds and other wildlife; and

**WHEREAS**, the Forest Service is in the early stages of planning a 50,000-acre forest resiliency project within the Fireshed called the Santa Fe Mountains Landscape Resiliency Project, during which the likelihood of substantial impacts will be determined; and

**WHEREAS**, the Santa Fe County Board of County Commissioners (Board) passed a resolution in 2010, Resolution No. 2010-110, in support of Wilderness designation for Inventoried Roadless Areas which are adjacent to the Pecos Wilderness that may be impacted by the Santa Fe Mountains Landscape Resiliency Project; and

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**WHEREAS**, the Forest Service is part of the Fire Research Consensus project that includes collaboration between the University of California, The Nature Conservancy, the USGS, the Forest Service and others, and in 2017 published a “Consensus Statement on the role of wildfire in forested landscapes of the western United States” that can inform the proposed Santa Fe Mountain Landscape Resiliency Project; and

**WHEREAS**, National Environment Policy Act (NEPA) is our national charter for the environment, intended to help public officials make decisions based on comprehensively understanding environmental consequences before actions are taken and mandating, to the fullest extent possible, citizen involvement in such decisions; and,

**WHEREAS**, the Project may have a significant effect on the environment and should not qualify as a categorical exclusion under NEPA; and

**WHEREAS**, under NEPA, “significance” requires consideration of both context and intensity of potential effects, 40 CFR 1508.27; and

**WHEREAS**, context refers to the geographic, biophysical, and social context in which effects would occur, and intensity refers to the severity of impact, and includes consideration of a number of variables, such as effects on public health and safety, potential for adverse effects on threatened and endangered species, the degree to which effects are uncertain, and others; and

**WHEREAS**, the NEPA analysis process must include analysis of the direct, indirect, and cumulative impacts of the Project on a variety of resources, including the impacts of the prescribed burning on air quality and public health, threatened and endangered species, inventoried roadless areas, water quality, soils, vegetation and wildlife; and

**WHEREAS**, unless the Forest Service determines at the outset that a full environmental impact statement (EIS) is necessary to analyze the Project’s impacts, the Forest Service should complete a thorough environmental assessment and, if warranted by the findings of the EA, a full EIS; and

**WHEREAS**, the Board understands that the Forest Service is committed to conducting substantially more public outreach than what is necessarily required under its NEPA regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. The Board supports and encourages the Forest Service to conduct a comprehensive and objective NEPA analysis prior to commencing the Santa Fe Mountains Landscape Resiliency Project.

2. The Forest Service should provide effective notice to the public through multiple means, conduct public outreach, and assure that the public is otherwise well-informed about the proposed Project and has multiple and convenient opportunities to fully participate in the NEPA process.

3. The Forest Service should complete the NEPA analysis, which should incorporate a broad range of forest and fire ecology research and an evaluation of all reasonable alternatives to the proposed Project, before taking any action in the Fireshed.

**PASSED, APPROVED, AND ADOPTED ON THIS 9<sup>th</sup> DAY OF APRIL, 2019**

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

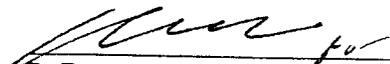
By: \_\_\_\_\_  
Anna T. Hamilton, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar  
Santa Fe County Clerk

Date: \_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_  
R. Bruce Frederick  
Santa Fe County Attorney

SFC CLERK RECORDED 05/21/2019

# 2019

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# LEGISLATIVE SESSION REPORT



SFC CLERK RECORDED 05/21/2019

April 9, 2019

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Santa Fe County  
102 Grant Avenue, Santa Fe NM  
[www.santafecountynm.gov](http://www.santafecountynm.gov)



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## 2019 REGULAR SESSION SCHEDULE (60-Day Session)

June 14

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

SFC CLERK RECORDED 05/21/2019

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## Final Actions Overview

Friday was the last day for Gov. Michelle Lujan Grisham to sign off on any legislation that passed during the session. In total, the governor signed 282 bills and vetoed a total of 28.

14 were vetoed with the governor's signature, the other 14 were pocket vetoes, which means they failed because the governor did not sign them by deadline.

A \$7 billion budget bill that will boost state spending to an all-time high was signed which included about 46 percent of the budget going to public education, with nearly \$450 million in new funding. The budget includes a 6 percent raise for teachers and school employees.

Lujan Grisham also signed a separate bill that contains more than \$900 million in public infrastructure spending

The governor used her line-item veto authority to strike dozens of projects from the bill. The total value of vetoed projects was only about 1 percent of the total bill, approximately \$9.5 million. Funds for this year's capital outlay projects comes from a \$1.2 billion budget surplus, due primarily to oil drilling in southeastern New Mexico. The state will not have to issue bonds to pay for projects this year.

## 2019 Signed and Chaptered Bills

Date Chaptered	Chapter	Bill Number	Title
01/25/2019	1	<u>House Bill 1</u>	FEED BILL
02/4/2019	2	<u>House Bill 44</u>	CAREER-TECHNICAL TEACHER DEVELOPMENT
02/4/2019	3	<u>House Bill 50</u>	AUDIT REVIEWS BY BOARD OF FINANCE
02/4/2019	4	<u>House Bill 66</u>	MAMMOGRAM INFO DISCLOSURE
02/4/2019	5	<u>House Bill 72</u>	OCCUPATIONAL THERAPY SCOPE OF PRACTICE
02/4/2019	6	<u>House Bill 74</u>	TRADITIONAL HISTORIC COMMUNITY QUALIFICATIONS
02/4/2019	7	<u>House Bill 97</u>	LOCAL GOVERNMENT INVESTMENT POOL PARTICIPANTS
02/4/2019	8	<u>House Bill 203</u>	ECONOMIC DEVELOPMENT FINANCE & AG ENTERPRISES
02/4/2019	9	<u>House Bill 216</u>	FILE COUNTY SUBDIVISION ORDINANCES WITH STATE
02/4/2019	10	<u>House Bill 217</u>	INFRASTRUCTURE DEVELOPMENT ZONE MEETINGS
02/4/2019	11	<u>House Bill 226</u>	ADD LAY MIDWIVES AS PRACTITIONERS
02/4/2019	12	<u>House Bill 227</u>	USE OF TEACHER ATTENDANCE FOR EVALUATIONS
02/4/2019	13	<u>House Bill 229</u>	REGIONAL AIR CENTER SPECIAL ECONOMIC DISTRICT
02/4/2019	14	<u>House Bill 237</u>	EXTEND UNIVERSITY POLICE OFFICER AUTHORITY
02/4/2019	15	<u>House Bill 242</u>	CONTACT LENS & GLASSES PRESCRIPTIONS
02/4/2019	16	<u>House Bill 250</u>	NATIVE AMERICAN STUDENT NEEDS ASSESSMENTS
02/4/2019	17	<u>House Bill 257</u>	ENVIRO SERVICES GROSS RECEIPTS USES
02/4/2019	18	<u>House Bill 276</u>	ESTABLISH ADVANCED MAPPING FUND
02/4/2019	19	<u>Senate Bill 9</u>	PSYCHOLOGIST PRESCRIPTION CERTIFICATES
02/4/2019	20	<u>Senate Bill 18</u>	LOCAL GOVERNMENT PLANNING FUND
02/4/2019	21	<u>Senate Bill 28</u>	PLACEMENT OF CHILDREN IN PROTECTIVE CUSTODY
02/4/2019	22	<u>Senate Bill 48</u>	STUDENT DIABETES MANAGEMENT ACT
02/4/2019	23	<u>Senate Bill 58</u>	EVIDENCE AND RESEARCH BASED FUNDING REQUESTS
02/4/2019	24	<u>Senate Bill 77</u>	LANDOWNER LIABILITY FOR CAVE EXPLORATION
02/4/2019	25	<u>Senate Bill 106</u>	SHORT-TERM OCCUPANCY RENTALS TAX
02/4/2019	26	<u>Senate Bill 117</u>	WASTEWATER SYSTEM FINANCING
02/4/2019	27	<u>Senate Bill 118</u>	PROTECT CONFIDENTIALITY OF CRIME VICTIMS
02/4/2019	28	<u>Senate Bill 145</u>	COORDINATE MEDICAL TRANSPORT
02/4/2019	29	<u>Senate Bill 149</u>	RENAME ALCOHOL & GAMING DIVISION
02/4/2019	30	<u>Senate Bill 150</u>	HOMEOWNER ASSOCIATIONS CHANGES
02/4/2019	31	<u>Senate Bill 157</u>	SICK LEAVE FOR EDUCATIONAL RETIREMENT CREDIT
02/4/2019	32	<u>Senate Bill 164</u>	PRIZES & GIFTS FOR INSURANCE CUSTOMERS
02/4/2019	33	<u>Senate Bill 179</u>	DISABILITIES STUDENTS LOTTERY SCHOLARSHIPS
02/4/2019	34	<u>Senate Bill 189</u>	MOBILITY LIMITATION TRANSPORT PLACARDS
02/4/2019	35	<u>Senate Bill 191</u>	LOBBYIST REPORTING REQUIREMENTS

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02/4/2019	36	<u>Senate Bill 193</u> BEEF COUNCIL ASSESSMENT OPT-OUT
02/4/2019	37	<u>Senate Bill 197</u> JUDGE PRO TEMPORE FUND
02/4/2019	38	<u>Senate Bill 198</u> ADMIN OFFICE OF THE COURTS DIRECTOR FUNDS
02/4/2019	39	<u>Senate Bill 199</u> ELECTRONIC COMMUNICATIONS PRIVACY ACT
02/4/2019	40	<u>Senate Bill 200</u> MASSAGE THERAPY ACT
02/4/2019	41	<u>Senate Bill 215</u> MATERNAL MORTALITY & MORBIDITY PREVENTION ACT
02/4/2019	42	<u>Senate Bill 236</u> DISABLED VETERAN LICENSE PLATE OPTIONS
02/4/2019	43	<u>Senate Bill 244</u> LEGAL SERVICES FOR LAND GRANTS & ACEQUIAS
02/28/2019	44	<u>Senate Bill 11</u> GROSS RECEIPTS FOR NONPROFIT ORGANIZATIONS
03/8/2019	45	<u>Senate Bill 8</u> FIREARM SALE BACKGROUND CHECK
03/13/2019	46	<u>Senate Bill 10</u> SEVERANCE TAX FUND SMALL BUSINESS INVESTMENT
03/13/2019	47	<u>House Bill 162</u> INSURANCE PREMIUM TAX PROVISIONS
03/14/2019	48	<u>Senate Bill 22</u> EARLY CHILDHOOD EDUCATION & CARE DEPT.
03/14/2019	49	<u>Senate Bill 16</u> MILK TESTING OR TRANSPORTING GROSS RECEIPTS
03/14/2019	50	<u>Senate Bill 42</u> MISSING PERSON NOTIFICATION REQUIREMENTS
03/14/2019	51	<u>Senate Bill 56</u> NOTICE TO REMOVE APPRAISER FROM PANEL
03/14/2019	52	<u>Senate Bill 82</u> SAFE HARBOR FOR NURSES ACT
03/14/2019	53	<u>Senate Bill 246</u> HEALTH CARE QUALITY SURCHARGE ACT
03/14/2019	54	<u>Senate Bill 407</u> LOTTERY FUNDS FOR TRIBAL COLLEGES
03/14/2019	55	<u>House Bill 124</u> FIRE PROTECTION FUND CHANGES
03/14/2019	56	<u>House Bill 127</u> COLLEGE AFFORDABILITY ACT CHANGES
03/14/2019	57	<u>House Bill 137</u> COUNTY & TRIBAL HEALTH COUNCILS ACT
03/14/2019	58	<u>House Bill 549</u> REMOVAL OF PARTIALLY CONSUMED WINE
03/15/2019	59	<u>Senate Bill 576</u> BROADEN AREA VOCATIONAL SCHOOL LOCATIONS
03/15/2019	60	<u>House Bill 7</u> HIGHER EDUCATION CENTERS OF EXCELLENCE
03/15/2019	61	<u>House Bill 91</u> CAREER TECHNICAL EDUCATION PILOT PROJECT
03/15/2019	62	<u>House Bill 266</u> FOREST & WATERSHED RESTORATION ACT
03/15/2019	63	<u>House Bill 430</u> LIBRARY PROCUREMENT CODE EXEMPTION
03/15/2019	64	<u>House Bill 526</u> LAB SMALL BUSINESS TAX CREDIT CHANGES
03/22/2019	65	<u>Senate Bill 489</u> ENERGY TRANSITION ACT
03/27/2019	66	<u>Senate Bill 143</u> PRC FIRE SAFETY STANDARDS
03/27/2019	67	<u>Senate Bill 672</u> PUBLIC PEACE, HEALTH, SAFETY & WELFARE EARLY & AUTO VOTER REGISTRATION
03/27/2019	68	<u>Senate Bill 21</u> HEALTH PROFESSIONAL LOAN REPAYMENT CHANGES
03/27/2019	69	<u>Senate Bill 37</u> EXTEND DATE ON CERTAIN STATE PROJECTS
03/27/2019	70	<u>Senate Bill 43</u> DRINKING WATER SYSTEM FINANCING
03/27/2019	71	<u>Senate Bill 124</u> CORRECTIONAL FACILITY LACTATION POLICIES
03/27/2019	72	<u>Senate Bill 165</u> MUNICIPAL REVENUE FOR BOND REPAYMENT
03/27/2019	73	<u>Senate Bill 192</u> PREGNANT AND LACTATING INMATE OPTIONS
03/27/2019	74	<u>Senate Bill 261</u> COMPILATION COMMISSION CHANGES
03/27/2019	75	<u>Senate Bill 262</u> UNIFORM MONEY SERVICES ACT CHANGES
03/27/2019	76	<u>Senate Bill 326</u> WATER PROJECT FUND PROJECTS

03/27/2019	77	<u>Senate Bill 431</u> NORTHERN NM COLLEGE BRANCH COLLEGE
03/27/2019	78	<u>Senate Bill 433</u> SPACE HISTORY COMMISSION MEMBER ELIGIBILITY
03/27/2019	79	<u>Senate Bill 517</u> DWI WITH MINOR IN THE VEHICLE
03/27/2019	80	<u>Senate Bill 593</u> SCHOOL ADMINISTRATOR RECIPROCITY
REQUIREMENTS		
03/27/2019	81	<u>House Bill 85</u> UNION SECURITY AGREEMENTS
03/27/2019	82	<u>House Bill 158</u> AFRICAN AMERICAN CENTER FUNDING IN STATE FAIR
03/27/2019	83	<u>House Bill 208</u> HAZARDOUS OFFICER STATEMENT UPON COURT
ORDER		
03/27/2019	84	<u>House Bill 311</u> HOME INSURANCE INCREASE NOTICE & APPEALS
03/27/2019	85	<u>House Bill 505</u> REGIONAL HOUSING AUTHORITY CHANGES
03/28/2019	86	<u>Senate Bill 668</u> PUBLIC PEACE, HEALTH, SAFETY & WELFARE STATE
ETHICS COMMISSION ACT		
03/28/2019	87	<u>Senate Bill 2</u> FILM TAX CREDIT CHANGES
03/28/2019	88	<u>Senate Bill 12</u> WATER RIGHTS NOTIFICATIONS ONLINE
03/28/2019	89	<u>Senate Bill 20</u> SEX DESIGNATION ON VITAL RECORDS
03/28/2019	90	<u>Senate Bill 120</u> REAL ESTATE AUCTIONEER LICENSURE & FEES
03/28/2019	91	<u>Senate Bill 131</u> INTERAGENCY PHARMACIES PURCHASING COUNCIL
03/28/2019	92	<u>Senate Bill 207</u> SUBSTANCE ABUSE ASSOCIATE REIMBURSEMENT
03/28/2019	93	<u>Senate Bill 219</u> HISTORIC PRESERVATION & STATE LAND PROJECTS
03/28/2019	94	<u>Senate Bill 221</u> REQUIRE CERTAIN OVERDOSE COUNSELINGS
03/28/2019	95	<u>Senate Bill 225</u> AIR MEDAL LICENSE PLATE
03/28/2019	96	<u>Senate Bill 227</u> ADDITIONAL UNLAWFUL DISCRIMINATION PRACTICES
03/28/2019	97	<u>Senate Bill 228</u> WILDLIFE CORRIDORS ACT
03/28/2019	98	<u>Senate Bill 271</u> PHARMACY LICENSURE & REGISTRATION
COMPLIANCE		
03/28/2019	99	<u>Senate Bill 383</u> GAME COMMISSION FAIR CHASE RULEMAKING
03/28/2019	100	<u>House Bill 48</u> AUDIOLOGIST & HEARING AID SELLER ETHICS RULES
03/28/2019	101	<u>House Bill 56</u> PROSTITUTION AS DELINQUENT ACT
03/28/2019	102	<u>House Bill 135</u> SEXUAL ASSAULT SURVIVOR'S BILL OF RIGHTS
03/28/2019	103	<u>House Bill 151</u> LIQUOR DELIVERIES BY LICENSED MINORS
03/28/2019	104	<u>House Bill 202</u> CONSERVANCY DISTRICT ROADS & TORT IMMUNITY
03/28/2019	105	<u>House Bill 205</u> BABY CHANGING FACILITIES IN RESTROOMS
03/28/2019	106	<u>House Bill 278</u> MISSING & MURDERED INDIGENOUS WOMEN
03/28/2019	107	<u>House Bill 308</u> DENTAL THERAPISTS
03/28/2019	108	<u>House Bill 379</u> ACEQUIA PROPERTY LIENS FROM COURT
JUDGEMENTS		
03/28/2019	109	<u>House Bill 388</u> GENDER-FREE RESTROOMS
03/28/2019	110	<u>House Bill 440</u> SOLAR ENERGY IMPROVEMENT ASSESSMENTS
03/28/2019	111	<u>House Bill 556</u> HUMAN SERVICES DEPT. BACKGROUND CHECKS
03/28/2019	112	<u>House Bill 638</u> BONE MARROW REGISTRY PATIENT INQUIRY
03/28/2019	113	<u>House Bill 692</u> PUBLIC PEACE, HEALTH, SAFETY & WELFARE ADD LOS
LUCEROS AS HISTORIC SITE		

04/01/2019	114	<u>Senate Bill 437</u>	RAISE MINIMUM WAGE & CREATE SEPARATE ONE
04/01/2019	115	<u>Senate Bill 458</u>	NOTICE OF MEETINGS INVOLVING STATE TRUST LAND
04/01/2019	116	<u>House Bill 581</u>	HEMP MANUFACTURING ACT
04/02/2019	117	<u>Senate Bill 462</u>	CREATE OUTDOOR RECREATION DIVISION
04/02/2019	118	<u>House Bill 324</u>	PTSD AS FIREFIGHTER EMPLOYMENT CONDITION
04/02/2019	119	<u>House Bill 322</u>	AUTISM SPECTRUM DISORDER COVERAGE
04/02/2019	120	<u>House Bill 16</u>	DEPT. OF PUBLIC SAFETY INFO SHARING
04/02/2019	121	<u>House Bill 17</u>	WATER LEASES & USE OF LEASED WATER
04/02/2019	122	<u>House Bill 49</u>	MANUFACTURED HOUSING ACT DEFINITIONS
04/02/2019	123	<u>House Bill 100</u>	REPLACE COLUMBUS DAY AS INDIGENOUS PEOPLES'
04/02/2019	124	<u>House Bill 128</u>	INCREASE ACCESS FOR SENIOR CITIZEN EDUCATION
04/02/2019	125	<u>House Bill 149</u>	JUVENILE DELINQUENCY NOTICES TO TRIBES
04/02/2019	126	<u>House Bill 204</u>	HEALTHY SOIL ACT
04/02/2019	127	<u>House Bill 241</u>	PUBLIC PROJECT REVOLVING FUND PROJECTS
04/02/2019	128	<u>House Bill 256</u>	ADD E-CIGARETTES TO CLEAN INDOOR AIR ACT
04/02/2019	129	<u>House Bill 280</u>	NURSE & MIDWIFE PRIVILEGE PARITY
04/02/2019	130	<u>House Bill 293</u>	DUPLICATES FOR INSTRUMENTS OF WRITING
04/02/2019	131	<u>House Bill 300</u>	RURAL ELECTRIC CO-OP PROXY VOTING & QUORUMS
04/02/2019	132	<u>House Bill 303</u>	FOSTER FAMILY PARK & MUSEUM FREE ADMISSION
04/02/2019	133	<u>House Bill 312</u>	SEIZURE & DISPOSITION OF FORFEITED PROPERTY
04/02/2019	134	<u>House Bill 314</u>	CHILDREN'S ADVOCACY CENTERS
04/02/2019	135	<u>House Bill 331</u>	GAMING MACHINE HOURS OF OPERATION
04/02/2019	136	<u>House Bill 371</u>	MEDICARE PART B AUTOMATIC ENROLLMENT
04/02/2019	137	<u>House Bill 376</u>	ABUSE & NEGLECT MULTILEVEL RESPONSE SYSTEM
04/02/2019	138	<u>House Bill 393</u>	INVESTMENT IN TAX STABILIZATION RESERVE FUND
04/02/2019	139	<u>House Bill 420</u>	SCHOOL ADVANCED PLACEMENT POLICY &
REPORTING			
04/02/2019	140	<u>House Bill 429</u>	PROPERTY TAX INCREASE LIMIT FOR SOME PEOPLE
04/02/2019	141	<u>House Bill 480</u>	GRADUATE MEDICAL EDUCATION EXPANSION GRANTS
04/02/2019	142	<u>House Bill 503</u>	HORSE RACING BREEDER MERIT & INCENTIVE
AWARDS			
04/02/2019	143	<u>House Bill 539</u>	SOCIAL WORK LICENSURE & PROVISION CHANGES
04/02/2019	144	<u>House Bill 584</u>	FINANCIAL LENDING USE OF NATIONAL SYSTEM
04/02/2019	145	<u>House Bill 631</u>	USE OF FLASHING LIGHTS BY RECOVERY VEHICLES
04/02/2019	146	<u>House Bill 643</u>	TRANSFER OVERSIGHT OF VETERANS' HOME
04/02/2019	147	<u>House Bill 651</u>	WATER DATA ACT
04/02/2019	148	<u>House Bill 664</u>	PUBLIC PEACE, HEALTH, SAFETY & WELFARE SCHOOL
CREDIT FOR CERTAIN COURSES			
04/02/2019	149	<u>Senate Bill 23</u>	SERVICES FOR YOUTH LEAVING FOSTER CARE
04/02/2019	150	<u>Senate Bill 44</u>	EQUIPMENT PURCHASES FOR LAND GRANTS
04/02/2019	151	<u>Senate Bill 76</u>	PROHIBIT COYOTE KILLING CONTESTS
04/02/2019	152	<u>Senate Bill 84</u>	SENIOR CENTER FOOD GARDENS
04/02/2019	153	<u>Senate Bill 88</u>	PROCUREMENT FUNCTIONS TO GSD

04/02/2019	154	<u>Senate Bill 107</u> FINANCIAL RESPONSIBILITY ELECTRONIC EVIDENCE
04/02/2019	155	<u>Senate Bill 121</u> DEPT. OF TRANSPORTATION LIVESTOCK FENCING
04/02/2019	156	<u>Senate Bill 128</u> LOCAL GOV'T BEHAVIORAL HEALTH CLINIC FUNDING
04/02/2019	157	<u>Senate Bill 129</u> TAX PROTESTS & ADMIN HEARINGS OFFICE
04/02/2019	158	<u>Senate Bill 147</u> SCHOOL SAFETY DRILL REQUIREMENTS
04/02/2019	159	<u>Senate Bill 162</u> DISSOLUTION OF BUSINESS ENTITIES
04/02/2019	160	<u>Senate Bill 167</u> SECRETARY OF STATE ELECTRONIC SIGNATURES
04/02/2019	161	<u>Senate Bill 177</u> ALLOW PULL TAB GAMES UNDER BINGO LICENSE
04/02/2019	162	<u>Senate Bill 234</u> POLLINATOR PROTECTION LICENSE PLATE
04/02/2019	163	<u>Senate Bill 251</u> TUITION & FEE WAIVERS FOR FOSTER CHILDREN
04/02/2019	164	<u>Senate Bill 263</u> FUNERAL SERVICES ACT CHANGES
04/02/2019	165	<u>Senate Bill 264</u> RURAL LIBRARY DEVELOPMENT, PROGRAM & FUND
04/02/2019	166	<u>Senate Bill 270</u> RUDOLFO ANAYA I LOVE TO READ DAY
04/02/2019	167	<u>Senate Bill 278</u> DRIVER'S LICENSE CHANGES
04/02/2019	168	<u>Senate Bill 356</u> BOARD & COMMISSION SUNSET DATES
04/02/2019	169	<u>Senate Bill 438</u> ACEQUIA & COMMUNITY DITCH INFRASTRUCTURE
FUND		
04/02/2019	170	<u>Senate Bill 473</u> ADDITIONAL INVESTMENT VEHICLES
04/02/2019	171	<u>Senate Bill 533</u> MESILLA VALLEY BOSQUE PARK LAND TRANSFER
04/02/2019	172	<u>Senate Bill 549</u> CHEMICAL & REAGENT GROSS RECEIPTS
04/02/2019	173	<u>Senate Bill 664</u> EDUCATIONAL RETIREMENT BENEFITS TO SPOUSES
04/02/2019	174	<u>Senate Bill 329</u> OPENING PUBLIC SCHOOLS ON TRIBAL LAND
04/03/2019	175	<u>Senate Bill 4</u> CAMPAIGN PUBLIC FINANCING CHANGES
04/03/2019	176	<u>Senate Bill 96</u> CONVICTION INFO ON JOB APPLICATIONS
04/03/2019	177	<u>Senate Bill 123</u> PUBLIC & PRIVATE CAREGIVER LEAVE ACTS
04/03/2019	178	<u>Senate Bill 163</u> VALENCIA COUNTY INSTRUCTIONAL CENTER
04/03/2019	179	<u>Senate Bill 230</u> PRE-K CLASSROOM FACILITIES INITIATIVE
04/03/2019	180	<u>Senate Bill 231</u> PUBLIC SCHOOL CAPITAL OUTLAY CALCULATIONS
04/03/2019	181	<u>Senate Bill 288</u> SAFE SCHOOLS FOR ALL STUDENTS ACT
04/03/2019	182	<u>Senate Bill 309</u> INSURANCE ULTRASOUND AUTHORIZATIONS
04/03/2019	183	<u>Senate Bill 313</u> TRIBAL JUDGES IN JUDICIAL EDUCATION CENTER
04/03/2019	184	<u>Senate Bill 349</u> LICENSURE FOR VISITING SPORTS PHYSICIANS
04/03/2019	185	<u>Senate Bill 391</u> HIGH SCHOOL G.E.D. EXTERNAL DIPLOMA
04/03/2019	186	<u>Senate Bill 425</u> DEPT. OF DEFENSE SATELLITE GROSS RECEIPTS
04/03/2019	187	<u>Senate Bill 188</u> HEALTH INSURANCE PRIOR AUTHORIZATION ACT
04/03/2019	188	<u>House Bill 81</u> PHYSICAL REHAB COST SHARING LIMITS
04/03/2019	189	<u>House Bill 129</u> SCHOOL SECURITY PERSONNEL & DEADLY WEAPONS
04/03/2019	190	<u>House Bill 230</u> PLAN OF SAFE CARE BILL
04/03/2019	191	<u>House Bill 240</u> ALTERNATIVE LEVEL 1 TEACHER PATH TO LEVEL 2
04/03/2019	192	<u>House Bill 267</u> CRIMINAL JUSTICE REFORMS
04/03/2019	193	<u>House Bill 275</u> COLLEGE OF EDUCATION AFFORDABILITY
04/03/2019	194	<u>House Bill 364</u> CORRECTIONS RESTRICTED HOUSING ACT
04/03/2019	195	<u>House Bill 447</u> TRACK CHILDREN BETWEEN SCHOOL & CYFD

04/03/2019	196	<u>House Bill 521</u>	PRC APPLICATION FOR VEHICLE ELECTRICITY
04/03/2019	197	<u>House Bill 546</u>	FLUID OIL & GAS WASTE ACT
04/03/2019	198	<u>House Bill 589</u>	COMMUNITY SCHOOL, EARLY CHILDHOOD & PRE-K
04/03/2019	199	<u>House Bill 55</u>	AGREEMENT TO ELECT PRESIDENT BY POPULAR VOTE
04/03/2019	200	<u>House Bill 111</u>	CULTURAL AND LINGUISTIC EDUCATION SUPPORT
04/03/2019	201	<u>House Bill 150</u>	INSTALLMENT & SMALL LOAN CHANGES
04/03/2019	202	<u>House Bill 291</u>	EFFICIENT USE OF ENERGY ACT CHANGES
04/03/2019	203	<u>House Bill 370</u>	CRIMINAL RECORD EXPUNGEMENT ACT
04/03/2019	204	<u>House Bill 558</u>	GILA CANCER CENTER REVENUE BONDS
04/03/2019	205	<u>House Bill 694</u>	LOCAL GOV'T TRANSPORTATION PROJECT FUND
04/03/2019	206	<u>Senate Bill 1</u>	PUBLIC EDUCATION CHANGES
04/03/2019	207	<u>House Bill 5</u>	PUBLIC EDUCATION CHANGES
04/03/2019	208	<u>House Bill 37</u>	NO LEDA FUNDS FOR WATER RIGHTS PURCHASES
04/03/2019	209	<u>House Bill 98</u>	FINGERPRINTS TO RENEW A BUSINESS NOT REQUIRED
04/03/2019	210	<u>House Bill 157</u>	EMERGENCY COMMUNICATION & MEDICAL TAXES
04/03/2019	211	<u>House Bill 342</u>	CRIMINAL JUSTICE REFORMS
04/03/2019	212	<u>House Bill 407</u>	ELECTION LAWS 50-YEAR TUNE-UP
04/03/2019	213	<u>Senate Bill 17</u>	LAND GRANT BOARDS COMPREHENSIVE PLANS
04/03/2019	214	<u>Senate Bill 25</u>	NO DIFFERENTIAL PRICING BASED ON GENDER
04/03/2019	215	<u>Senate Bill 41</u>	MEDICAID SERVICES, FRAUD & DUE PROCESS
04/03/2019	216	<u>Senate Bill 248</u>	STANDARDS FOR REQUIRED DEALER EDUCATION
04/03/2019	217	<u>Senate Bill 323</u>	DECREASE MARIJUANA PENALTIES
04/03/2019	218	<u>Senate Bill 341</u>	TRANSFER COMPLETED COURSE WORK
04/03/2019	219	<u>Senate Bill 378</u>	SELF-SERVICE STORAGE INSURANCE LICENSE ACT
04/03/2019	220	<u>Senate Bill 447</u>	ENGINEERING & SURVEYING SCHOLARSHIP & LICENSE
04/03/2019	221	<u>Senate Bill 503</u>	UNIFORM PROBATE CODE CHANGES
04/03/2019	222	<u>House Bill 43</u>	BEHAVIORAL HEALTH INTERVENTIONS
04/03/2019	223	<u>House Bill 236</u>	ATTENDANCE FOR SUCCESS ACT
04/03/2019	224	<u>House Bill 427</u>	MOTOR VEHICLE CODE OFFENSE PENALTIES
04/03/2019	225	<u>Senate Bill 95</u>	INDIVIDUAL DEVELOPMENT ACCOUNT ACT CHANGES
04/03/2019	226	<u>Senate Bill 190</u>	INTIMATE PARTNER VIOLENCE SURVIVOR SUFFRAGE
04/03/2019	227	<u>Senate Bill 337</u>	SURPRISE BILLING PROTECTION ACT
04/03/2019	228	<u>Senate Bill 395</u>	UNIFORM PROBATE CODE CHANGES
04/03/2019	229	<u>Senate Bill 413</u>	LIQUOR PERMIT, TAX & DEFINITION CHANGES
04/04/2019	230	<u>House Bill 20</u>	GROW YOUR OWN TEACHERS ACT
04/04/2019	231	<u>House Bill 27</u>	CHAPARRAL LIBRARY FEASIBILITY STUDY
04/04/2019	232	<u>House Bill 47</u>	SCHOOL EMPLOYEE & ASSISTANTS PROBATION TIME
04/04/2019	233	<u>House Bill 165</u>	MODIFYING HIGH WAGE JOBS TAX CREDIT
04/04/2019	234	<u>House Bill 225</u>	SEARCH & RESCUE INSURANCE CLAIMS
04/04/2019	235	<u>House Bill 285</u>	SHORT-TERM & LIMITED-BENEFIT PLAN ACT
04/04/2019	236	<u>House Bill 315</u>	NM AGRICULTURAL WORKFORCE DEVELOPMENT PGM
ACT			
04/04/2019	237	<u>House Bill 501</u>	INCREASE CERTAIN PERA & ERB CONTRIBUTIONS

04/04/2019	238	<u>House Bill 431</u>	TERMINATION OF SCHOOL EMPLOYEES
04/04/2019	239	<u>House Bill 433</u>	HOME INSPECTOR LICENSING ACT
04/04/2019	240	<u>House Bill 512</u>	FIREFIGHTER RETIREMENT SERVICE CREDIT
04/04/2019	241	<u>House Bill 592</u>	LA MERCED DEL MANZANO LAND GRANT
04/04/2019	242	<u>Senate Bill 85</u>	DOMESTIC SERVICE IN MINIMUM WAGE ACT
04/04/2019	243	<u>Senate Bill 109</u>	EXTEND CERTAIN PROFESSIONAL LICENSE DURATIONS
04/04/2019	244	<u>Senate Bill 135</u>	NATUROPATHIC DOCTORS' PRACTICE ACT
04/04/2019	245	<u>Senate Bill 142</u>	OUT OF STATE BODY ART LICENSE EQUIVALENCE
04/04/2019	246	<u>Senate Bill 173</u>	TRANSFER OF MUNI COURT JURISDICTION
04/04/2019	247	<u>Senate Bill 406</u>	MEDICAL MARIJUANA CHANGES
04/04/2019	248	<u>Senate Bill 223</u>	LAND GRANT ELECTIONS & DEFINITIONS
04/04/2019	249	<u>Senate Bill 229</u>	SCHOOL SUPPORT & ACCOUNTABILITY ACT
04/04/2019	250	<u>Senate Bill 239</u>	ALLOW IMPOSITION OF LANDING FEES
04/04/2019	251	<u>Senate Bill 307</u>	INCREASE LEGISLATIVE RETIREMENT CONTRIBUTIONS
04/04/2019	252	<u>Senate Bill 322</u>	COLLEGE DISTRICT LEASE-PURCHASE AGREEMENTS
04/04/2019	253	<u>Senate Bill 328</u>	ORDERS OF PROTECTION & FIREARM OWNERSHIP
04/04/2019	254	<u>Senate Bill 350</u>	AUTOMATIC RENEWAL OF SERVICE CONTRACTS
04/04/2019	255	<u>Senate Bill 354</u>	HEALTH COVERAGE VIA TELEMEDICINE
04/04/2019	256	<u>Senate Bill 398</u>	DYSLEXIC STUDENT EARLY INTERVENTIONS
04/04/2019	257	<u>Senate Bill 545</u>	VETERINARY CLINIC STUDENT INTERNS
04/04/2019	258	<u>House Bill 360</u>	EDUCATIONAL RETIREMENT CHANGES
04/04/2019	259	<u>House Bill 436</u>	ALIGN HEALTH INSURANCE LAW WITH FEDERAL LAW
04/04/2019	260	<u>Senate Bill 553</u>	OIL CONSERVATION COMMISSION FEES
04/04/2019	261	<u>Senate Bill 204</u>	MEDICAL MARIJUANA IN SCHOOLS
04/04/2019	262	<u>Senate Bill 3</u>	CAMPAIGN FINANCE REPORTING
04/04/2019	263	<u>House Bill 89</u>	HEALTH COVERAGE FOR CONTRACEPTION
04/04/2019	264	<u>House Bill 163</u>	TAX DEDUCTION FOR NONRESIDENT BENEFICIARY
04/04/2019	265	<u>House Bill 248</u>	BLOCKING MOBILITY LIMITED PARKING SPACES
04/04/2019	266	<u>Senate Bill 294</u>	HEALTH INSURANCE EXCHANGE BOARD REPORTING
04/04/2019	267	<u>Senate Bill 314</u>	NMSU CAMPUS IN SAN LUIS POTOSI, MEXICO
04/04/2019	268	<u>Senate Bill 394</u>	PHARMACY AUDIT CHANGES & EXCEPTIONS
04/04/2019	269	<u>Senate Bill 415</u>	PHARMACY BENEFITS MANAGER ACT CHANGES
04/04/2019	270	<u>House Bill 6</u>	TAX CHANGES
04/04/2019	271	<u>House Bill 2</u>	GENERAL APPROPRIATION ACT OF 2019
04/04/2019	272	<u>House Bill 234</u>	PUBLIC SERVICE OFFICERS & DETOX FACILITIES
04/04/2019	273	<u>Senate Bill 535</u>	CERTAIN BONDING FUND MONEY TO PERMANENT FUND
04/04/2019	274	<u>House Bill 479</u>	DE-EARMARK LOCAL OPTION GROSS RECEIPTS
04/04/2019	275	<u>Senate Bill 566</u>	LEGISLATIVE AUTHORIZATION OF TIDD BONDS
04/04/2019	276	<u>Senate Bill 126</u>	LOCAL GOV'T PRIMARY CARE CLINIC FUNDING
04/04/2019	277	<u>Senate Bill 280</u>	CAPITAL OUTLAY EXPENDITURES
04/04/2019	278	<u>Senate Bill 536</u>	APPROPRIATIONS & EXPENDITURES
04/04/2019	279	<u>House Bill 548</u>	APPROPRIATIONS & EXPENDITURES

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House Bill 568 CAPITAL OUTLAY REAUTHORIZATIONS

04/04/2019

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House Bill 279 ON-RECORD METRO COURT APPEALS

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## 2019 Pocket Vetoes

HB 94	LAND GRANT-MERCEDES PARTITIONS	Tomás E. Salazar
HB 200	WINDOW SUNSCREEN RESTRICTIONS	Jason C. Harper
HB 367	ENGINEERING & SURVEYING SCHOLARSHIP	Nathan P. Small
		Linda M. Trujillo
HB 411	LOCAL GOV'T TAX DISTRIBUTION DEFINITIONS	Jim R. Trujillo
		Susan K. Herrera
SB 5	INTERSTATE STREAM COMMISSION MEMBERSHIP	Peter Wirth
SB 148	FORMER OFFICERS AS SCHOOL SAFETY PERSONNEL	Craig Brandt
SB 154	PUBLIC PROPERTY DISPOSITION ACT	Mary Kay Papen
SB 174	JURY AFFIDAVIT EXEMPTION IF OVER AGE 75	Richard C. Martinez
SB 306	WINE & BEER SALES & PRIVATE CELEBRATIONS	John Arthur Smith
SB 386	LA MARCHA DE LOS NOVIOS AS STATE DANCE	Gerald Ortiz y Pino
SB 397	ANONYMITY OF LOTTERY WINNERS	Pat Woods
SB 404	3-YEAR MEDICAL MARIJUANA CERTIFICATION	Bill B. O'Neill
		Dayan Hochman-Vigil
SB 472	ENHANCED E911 CONSULTATION	Elizabeth "Liz" Stefanics
		Gregg Fulfer

SFC CLERK RECORDED 05/21/2019

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## 2019 Vetoed Bills

HB 58	HEALTH INSURANCE FOR ARTERY SCREENING	Christine Trujillo
HB 156	COUNTY CORRECTIONAL GROSS RECEIPTS USES	Rebecca Dow
HB 167	PERIODIC LICENSE PLATE REPLACEMENT	Patricio Ruiloba
		William "Bill" R. Rehm
HB 192	FIVE FEET FOR PASSING BICYCLES	Angelica Rubio
		Peter Wirth
HB 400	SCHOOL MEDIA LITERACY ADVISORY COMMITTEE	Antonio "Moe" Maestas
		Matthew McQueen
		Sheryl Williams Stapleton
		Joy Garratt
HB 564	PROBATION & PAROLE PROCEDURES	Antonio "Moe" Maestas
		Gail Chasey
		Sander Rue
		Richard C. Martinez
HB 610	PROGRAMS FOR WOMEN IN OIL & GAS INDUSTRY	Candy Spence Ezzell
		Rebecca Dow
		Cathrynn N. Brown
		Jane E. Powdrell-Culbert
		Rachel A. Black
SB 55	NO LIMITATION FOR CRIMES AGAINST CHILDREN	Jeff Steinborn
SB 181	INTERIOR DESIGNER LICENSURE	Mary Kay Papen
SB 241	ESTABLISH SITE OF TELEDENTISTRY	Gerald Ortiz y Pino
SB 364	INSURANCE CODE CHANGES	Gabriel Ramos
SB 385	PROFESSIONAL LICENSURE OF CERTAIN FELONS	Mark Moores
		Bill B. O'Neill
		Andrea Romero
SB 401	FED MINING REVENUE TO STATE FUND	Carlos R. Cisneros
SB 494	BEER & WINE DELIVERY LICENSES	Gerald Ortiz y Pino
SB 547	INCREASE CERTAIN ELECTED OFFICIAL SALARIES	John Arthur Smith
		Steven P. Neville

# Senate Bill 280, Capital Outlay

County: Santa Fe

7014	1ST JUD DIST ATTORNEY VEH PRCHS	\$60,000 Santa Fe GF 12
6732	1ST JUD DIST CT SANTA FE SECURITY CAMERA SYS	\$60,000 Santa Fe GF 18/ 3
7216	AAMODT INDIAN WATER RIGHTS SETTLEMENT INCREASE	\$2,000,000 GF 25
6508	ACADEMY FOR TECH & CLASSICS CH SCHL 20/244	\$100,000 Santa Fe PSD GF
6307	ACEQUIA DE LA CIENEGA IMPROVE	\$53,000 GF 33/ 48
5878	ACEQUIA DE LA COMUNIDAD IMPROVE	\$68,690 Nambe GF 33/ 60
5007	ACEQUIA DE LA OTRA BANDA IMPROVE SANTA FE CO	\$47,950 GF 33/ 54
6319	ACEQUIA DE LOS ORTIZ DE NAMBE IMPROVE	\$133,200 GF 33/ 49
6725	ACEQUIA DE LOS TRUJILLOS IMPROVE	\$27,750 GF 33/ 55
6912	ACEQUIA DE SANTA CRUZ IMPROVE	\$90,000 GF 33/ 50
4868	ACEQUIA DE SOMBRILLO IMPROVE SANTA FE CO	\$74,685 GF 33/ 51
4864	ACEQUIA DEL BARRANCO ALTO IMPROVE	\$13,135 GF 33/ 56
6758	ACEQUIA DEL MOLINO DIVERSION DESIGN	\$15,000 GF 33/ 57
6507	ACEQUIA MADRE ELEM SCHL PLAYGROUND IMPROVE 20/245	\$10,000 Santa Fe PSD GF
5476	ACEQUIAS DE CHUPADERO IMPROVE SANTA FE CO	\$35,861 GF 33/ 52
6877	AGUA FRIA CWSA OFFICE IMPROVE	\$100,000 GF 34/391
6865	AGUA FRIA CWSA WATER SYS IMPROVE	\$550,000 GF 26/114
5985	AGUA FRIA ST & S MEADOWS RD IMPROVE	\$125,000 Santa Fe GF 40/138
6928	AGUA FRIA WWATER SERVICE EXPAND	\$100,000 GF Track26/115
6182	ASPEN COMMUNITY MAGNET SCHL FENCE	\$50,000 Santa Fe GF 20/235
6506	ATALAYA ELEM SCHL PLAYGROUND 20/246	\$50,000 Santa Fe PSD GF
6860	CAD CENTER FOR CONTEMPORARY ARTS IMPROVE	\$314,000 Santa Fe GF 9/ 13
4671	CAD NM MUSEUM OF ART VLADEN CONTEMPORARY	\$4,010,000 Santa Fe GF 9/ 14
6183	CAPITAL HIGH SCHL CAFETERIA COURTYARD IMPROVE	\$40,000 Santa Fe GF 20/236
6969	CERRILLOS HILLS STATE PARK SITE IMPROVE	\$25,000 GF 21/ 2
6088	CHAPARRAL ELEM SCHL SIDEWALK SANTA FE 20/247	\$40,000 Santa Fe PSD GF
6193	CHUPADERO WATER SYSTEM IMPROVE SANTA FE CO	\$110,000 GF 26/112
6551	CHURCH ST IMPROVE EDGEWOOD 40/136	\$450,000 Edgewood GF
4688	DMA NM NAT GUARD BATAAN MILITARY MUSEUM	\$500,000 Santa Fe CBRF 63
7128	DMA NM NAT GUARD MILITARY MUSEUM ELECTRICAL SYS	\$200,000 Santa Fe GF 35/ 2
4678	DOH VITAL RECORDS & STATS BLDG CONSTRUCT - CBRF	\$400,000 Santa Fe CBRF 62/ 1

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4691	DPS EVIDENCE RECORDS & CRIME LAB PHASES 1 & 2	\$33,000,000 Santa Fe GF 7/ 12
6086	E.J. MARTINEZ ELEM SCHL PLAYGROUND 20/248	\$30,000 Santa Fe PSD GF
6855	EDGEWOOD HEALTH COMMONS PH 2 CONSTRUCT 34/396	\$568,273 Edgewood GF
6557	EDGEWOOD WWATER TREATMENT PLANT UPGRADE 26/119	\$625,728 Edgewood GF
6185	EDWARD ORTIZ MIDDLE SCHL PLAYGROUND IMPROVE	\$10,000 Santa Fe GF 20/237
6512	EL DORADO CMTY SCHL IMPROVE 20/249	\$15,000 Santa Fe PSD GF
6755	EL GUICU COMMUNITY DITCH IMPROVE	\$100,000 GF 33/ 58
6560	ELDORADO AREA WSD WATER SUPPLY SYSTEM IMPROVE	\$312,000 GF 26/116
6534	ELDORADO HIKE-BIKE NETWORK EXTEND	\$200,000 Eldorado GF 34/397
6545	ELDORADO ROADS IMPROVE	\$150,000 Eldorado GF 40/137
6770	GALISTEO CMTY PARKS IMPROVE SANTA FE CO	\$50,000 GF 34/392
7123	GALISTEO MDWCA IMPROVE	\$86,000 GF 26/117
6529	GONZALES COMMUNITY SCHL PGRND 20/250	\$15,000 Santa Fe PSD GF
6481	GREATER GLORIETA CRMDWC & SW DRINKING WATER PRJT	\$260,000 GF 26/113
5980	HARRISON RD IMPROVE SANTA FE CO	\$200,000 Santa Fe GF 40/139
4683	HSEMD GARAGE EXTENSION - CBRF	\$200,000 Santa Fe CBRF 62/ 2
4711	IAIA CAMPUS INFRASTRUCTURE UPGRADES	\$275,000 GF 41/ 16
6068	KEARNY ELEM SCHL IMPROVE SANTA FE 20/251	\$35,000 Santa Fe PSD GF
6107	LA BAJADA COMMUNITY DITCH IMPROVE SANTA FE CO	\$45,000 GF 33/ 59
6192	LA BAJADA MDWCA WATER SYS IMPROVE	\$50,000 Santa Fe GF 26/120
6762	MADRID BALLPARK UPGRADE	\$125,000 Madrid GF 34/399
6757	MADRID WATER MDWCA FIRE SUPPRESSION	\$235,000 GF 34/384
6075	MANDELA INTERNATIONAL MAGNET SCHL IMPROVE 20/252	\$10,000 Santa Fe PSD GF
4799	MARY ESTHER GONZALES SENIOR CENTER - MEALS EQUIP	\$22,650 Santa Fe GF 4/ 57
4788	MARY ESTHER GONZALES SENIOR CENTER - VEHICLES	\$110,890 Santa Fe GF 4/ 58
6076	MILAGRO MID SCHL LIBRARY RESOURCES 20/253	\$50,000 Santa Fe PSD GF
6044	MUSEUM OF INDIAN ARTS & CULTURE EXHIBIT SANTA FE	\$1,211,000 Santa Fe GF 9/ 15
6137	NAMBE PUEBLO ADMIN BLDG CONSTRUCT LV 31/122	\$1,880,000 Nambe Pueblo GF
6723	NAMBE PUEBLO HEALTH & WELLNESS CTR EXPAND 31/123	\$543,000 Nambe Pueblo GF
7165	NAMBE PUEBLO TEEN CTR FACILITY CONSTRUCT 31/124	\$1,260,000 Nambe Pueblo GF
6084	NINA OTERO CMTY SCHL OUTDOOR SEATING CONSTRUCT	\$35,000 Santa Fe GF 20/238

6906	NM SCHOOL FOR THE ARTS DORMITORY/CAFETERIA 20/239	\$4,257,500 Santa Fe GF
4723	NMSD ROOF/WINDOWS/STUCCO IMPROVE	\$875,000 Santa Fe GF 11
5712	POJOAQUE FIRE STATION 2 CONSTRUCT	\$100,000 GF 34/393
7171	POJOAQUE PUEBLO ADMIN BLDG CONSTRUCT 31/125	\$157,500 Pojoaque Pueblo GF
5865	POJOAQUE PUEBLO CHILD DEV CTR CONSTRUCT 31/126	\$99,750 Pojoaque Pueblo GF
5873	POJOAQUE PUEBLO POEH CENTER IMPROVE Track31/127	\$470,000 Pojoaque Pueblo GF
5871	POJOAQUE PUEBLO WELLNESS CTR IMPROVE 31/128	\$700,000 Pojoaque Pueblo GF
5866	POJOAQUE PUEBLO WWATER FCLTY EXPAND 31/129	\$540,850 Pojoaque Pueblo GF
4667	PUBLIC RECORDS, COMM OF CARRUTHERS BLDG REN - CBRF	\$953,000 Santa Fe CBRF 62/ 3
6087	RAMIREZ THOMAS ELEM SCHL SHADE STRUCT 20/254	\$30,000 Santa Fe PSD GF
6081	SALAZAR ELEM SCHL ART STUDIO REN 20/255	\$50,000 Santa Fe PSD GF
7177	SAN ILDEFONSO MUSEUM & CULTURAL CTR CONSTRUCT Pueblo GF 31/130	\$2,016,000 San Ildefonso
5858	SAN ILDEFONSO PUEBLO IRRIGATION SYS IMPROVE Pueblo GF 31/131	\$2,015,000 San Ildefonso
4798	SAN ILDEFONSO PUEBLO SENIOR CENTER - CODE COMPLY	\$23,000 GF 4/ 54
4790	SAN ILDEFONSO PUEBLO SENIOR CENTER - VEHICLES GF 4/ 56	\$68,000 San Ildefonso Pueblo
5863	SAN ILDEFONSO PUEBLO WWATER SYS PH 2 CONSTRUCT Pueblo GF 31/132	\$1,040,985 San Ildefonso
4978	SANTA CRUZ IRRIGATION DIST ELEC LINES IMPROVE	\$52,000 GF 23/ 6
6869	SANTA FE BOYS AND GIRLS CLUB FCLTY IMPROVE	\$191,250 GF 34/394
4869	SANTA FE BUSINESS INCUBATOR IMPROVE	\$260,000 Santa Fe GF 19/ 2
6431	SANTA FE CHILDREN'S MUS IMPROVE	\$193,777 Santa Fe GF 9/ 16
5691	SANTA FE CO AGUA FRIA WWATER & UTLTY SYS EXPAND	\$375,000 GF 26/118
5692	SANTA FE CO FCLTY PHOTOVOLTAIC UNITS INSTALL	\$505,000 GF 34/395
6066	SANTA FE CO FIRE DEPARTMENT EQUIP	\$220,000 GF 34/385
4770	SANTA FE CO NM HWY 14 SENIOR CTR - CONSTRUCT	\$800,000 GF 4/ 55
6884	SANTA FE CO RECOVERY PROGRAM BLDG IMPROVE	\$1,500,000 GF 34/386
7141	SANTA FE CO SANTA FE MOUNTAIN CTR YURT	\$95,000 GF 34/387
7142	SANTA FE CO SANTA FE MOUNTAIN URBAN ADVENTURE CTR	\$84,500 GF 34/388
6882	SANTA FE CO SHERIFF'S OFFICE BODY CAMERAS	\$80,000 GF 34/389
6565	SANTA FE CO WRONG-WAY DRIVING DETECTION TECH	\$200,000 GF 40/134
5693	SANTA FE COMUNIDAD DE LOS NINOS BLDG IMPROVE	\$50,000 Santa Fe GF 34/400
6306	SANTA FE EL MUSEO CULTURAL IMPROVE	\$160,000 Santa Fe GF 34/401

7212	SANTA FE ELECTRIC VEH CHARGING STATIONS	\$1,500,000 Santa Fe GF 7/ 13
5944	SANTA FE HORTICULTURE THERAPY GREENHOUSE	\$150,000 Santa Fe GF 34/402
5977	SANTA FE MUNI COURT BULLETPROOF WINDOW INSTALL	\$117,000 Santa Fe GF 34/403
6196	SANTA FE MUNI RECREATIONAL CMLPX SOCCER IMPROVE	\$250,000 Santa Fe GF 34/404
5911	SANTA FE MUSEUM HILL PH 1 IMPROVE	\$50,000 Santa Fe GF 9/ 17
6195	SANTA FE PSD ALTERNATIVE SITES ED SPEC PLAN	\$10,000 Santa Fe GF 20/240
5852	SANTA FE PSD DANCE BARN ADDITION	\$530,000 Santa Fe GF 20/241
6069	SANTA FE PSD EDUCATIONAL SERVICES CTR GENERATOR 20/256	\$330,800 Santa Fe PSD GF
5976	SANTA FE PUBLIC RESTROOMS CONSTRUCT	\$550,000 Santa Fe GF 34/405
5970	SANTA FE RGNL AIRPORT PASSENGER TERMINAL CONSTRUCT 34/406	\$9,000,000 Santa Fe GF
6800	SANTA FE SOLACE CRISIS TREATMENT CTR REPAIR	\$100,000 Santa Fe GF 34/407
5975	SANTA FE SOLAR FACILITIES PPP PLAN	\$925,000 Santa Fe GF 34/408
5971	SANTA FE SOUTHSIDE TEEN & RESOURCE CTR CONSTRUCT 34/409	\$1,100,000 Santa Fe GF
6967	SANTA FE ST VINCENT HOSPITAL SUBSTANCE ABUSE	\$50,000 Santa Fe GF 34/410
6387	SFCC ADULT EDUCATION INFRA IMPROVE	\$10,000 Santa Fe GF 41/ 17
6386	SFCC CONTROLLED ENVIRONMENT GREENHOUSE LAB IMPRO	\$150,000 Santa Fe GF 41/ 18
6309	SFCC EMERGENCY PREPAREDENESS	\$15,000 Santa Fe GF 41/ 19
6308	SFCC FILM AND MEDIA DEPT IMPROVE	\$25,000 Santa Fe GF 41/ 20
6310	SFCC HEALTH SCIENCES SIMULATION LAB	\$115,000 Santa Fe GF 41/ 21
4739	SFCC ROOF UPGRADES	\$1,000,000 Santa Fe GF 41/ 22
4740	SFIS ACCESS ROAD PHASE 1 31/133	\$1,095,000 Santa Fe GF
7118	SFIS LEADERSHIP INSTITUTE EQUIP	\$25,000 Santa Fe GF 31/134
7228	SLO ELECTRICAL SYSTEM REPLACE - SLMF	\$390,000 Santa Fe SLMF 56
6082	SWEENEY ELEM SCHL PLAYGROUND IMPROVE Track20/257	\$35,000 Santa Fe PSD GF
6330	TEODORO Y TEODORA DITCH IMPROVE SANTA FE CO	\$17,945 GF 33/ 53
5890	TESUQUE PUEBLO FIRE EQUIP PRCHS 31/135	\$126,020 Tesuque Pueblo GF
7182	TESUQUE PUEBLO STORM DRAIN CONSTRUCT GF 40/140	\$1,500,000 Tesuque Pueblo
6727	TIERRA ENCANTADA CH SCHL CONSTRUCT	\$10,000 Santa Fe GF 20/242
4753	TRD MAIL INSERTERS	\$275,000 Santa Fe GF 39/ 3
5875	TURQUOISE TRAIL CHARTER SCHOOL	\$50,000 Santa Fe GF 20/243
6080	WOOD GORMLEY ELEM SCHL IMPROVE 20/258	\$20,000 Santa Fe PSD GF
6864	ZAFARANO DR CONSTRUCT SANTA FE CO	\$100,000 GF 40/135
<b>Summary for Santa Fe \$89,347,689</b>		

Thank you Board of County Commissioners for opportunity to speak today.

I am the operator of the Waldo Quarry located in Santa Fe County. We are the primary supplier of sand and gravel products for Santa Fe County, the City of Santa Fe and District 5 of the New Mexico Department of Transportation. We supply most of the base course for Santa Fe County roads, and aggregates used in asphalt to help repair the City's and County's streets as well as the roads maintained by the Department of Transportation. To say we are in a partnership of sorts with Santa Fe County Public Works is not a stretch. Right now we are producing material to fulfill the numerous Pos issued by the County to conduct their maintenance. Our rock is also utilized by District 5 DOT. Most of the major roadwork done in the area over the past 20 years was produced with asphalt that included our rock.

Representatives of my company and I attended two public meetings held to go over the regulations for the Mineral Resource Extraction and Processing. Both times we were told that our attendance was not necessary as the regulations did not apply to sand and gravel like we produce at Waldo Quarry. I was not aware of any changes or amendments being made to the DCI regs, including how Section 11.6 and 11.7 would apply to sand and gravel until the planning commission meeting held two weeks ago. As an operator of one of the only gravel pits in the County, I was surprised to learn that no effort was made to contact me, as a representative of Industry, to consult on these regulations. I do understand that staff did reach out to members of the mining industry out of Montana during this process. Being that I am local, it would have been easier for me to attend.

My concerns today are not with Subchapter 14 regulations for mineral resource extraction. Although I would ask that a section be added to the Applicability section that indicates that Section 14 does not apply to Sand and Gravel Extraction subject to Section 11.13. As the regulation currently reads, any type of mineral would be subject to its regulations. Gravel and sand are made of minerals and as such I think it would be good to note that the proposed mineral extraction regulations do not apply to any sand and gravel operations subject to 11.13. This was my and my representatives only request at the two meeting we attended for Section 11.14 regs, but yet this request still did not make it into the final drafts.

My concern today is the scope and breadth of the DCI Overlay District and the DCI Conditional Use Permit applications in relation to sand and gravel extraction and processing. I can only assume that no one from industry has taken a look at these regulations in terms of what it would take to get any sand and gravel operation approved because effectively these regulations as written make it impossible to get a sand and gravel operation approved, through the sheer enormity of the undertaking, the cost and the time involved, as well as the uncertainty that remains during the approval process as well as after the permit is issued. Clearly the goal of the regulations was to protect Santa Fe County and its environment and natural resources. The regulations clearly meet that goal. However, as written

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Chapter 11 DCI regs is an effective ban on any future landfills, junkyards, sand and gravel pits, and animal feeding operations or future expansions of existing facilities.

Section 11.4 provides that sand and gravel processing is subject to the DCI Overlay District and the DCI Conditional Use Permit regulations if they are Large Scale. Large Scale is defined in 11.11.2 as any operation that produces 20,000 tons of material or affects 10 acres or more of land or utilizes blasting.

20,000 tons is not a lot of material. Just to give you an idea of what 20,000 tons of material is: 20,000 tons of material would do: 5.68 miles of base course road at 6" thick, or 6.4 miles of asphalt road 4" thick, or 47 miles of chip seal road (note: District 5 schedules 125 miles of chip seal per season). The same quantity would rebuild 2.25 miles of two lane road, base and asphalt. 20,000 tons would build about 1.5 miles of subdivision street from sub base, base course, asphalt, curb and gutter, sidewalks and landscaping.

As you can see, 20,000 tons is not a lot of material. Basically anyone in the aggregates business that is operating something bigger than a borrow pit for a construction project will be subject to these DCI regulations. This includes anyone mining for decorative landscaping rock, or producing roadway cinders. The way the regulations are written, even grading an area for a proposed roadway or overpass that is 10 acres or more could be subject to the DCI regulations if you stockpile the fill material. The definition of sand and gravel operation includes any screening, crushing, gravel recycling, washing or stockpiling of aggregate in concert with extraction. I doubt that was anyone's intention, but it is the affect. These regulations could have a lot of unintended consequences to development in Santa Fe County.

I utilize blasting at the Waldo quarry so it is clear I will be subject to these regulations. If I wanted to expand Waldo Quarry beyond what has been permitted to mine this is a preview of the new process I'd have to follow:

1. Apply for a DCI Overlay Zoning District: First step is a pre-application meeting and I have to give notice of the hearing to all residents, land owners, and "applicable Registered Organizations and Community Organizations" located within 5 miles of my district.
2. Submit the application:
  - a. I have to comply with all submittals required under Chapter 4 of the SLDC
  - b. I have to hire a consultant to perform a Noise Study
  - c. I have to hire a planner or similar consultant to prepare a map of the proposed DCI district and describe the planning objective, and the character of the gravel pit, identify various neighborhoods, describe the facilities, phasing etc...
  - d. I have to hire another consultant to perform a viewshed analysis.
  - e. Complete a traffic circulation plan
  - f. Locate a number of items such as emergency facilities, natural resources, cultural and archeological sites, slopes and wildlife
  - g. Provide a statement of how my gravel pit complies with the vision, goals, objective, policies and strategies of the County's Sustainable Growth Management Plan and how my gravel pit relates to and is compatible with adjacent areas within 5 miles, and how my gravel pit will not adversely affect any other land use in the district.
  - h. I have to consult with affected tribal governments and groups and hire a licensed professional archeologist in developing a Cultural Resources Protection plan that avoid the disturbance of an cultural or archeological resources

- i. I have to provide all the studies, reports and assessments (SRAs) required in Chapter 6 of the SLDC
    - i. This includes an Environmental Impact Report, Adequate Facilities and Services Assessment, WSAR, TIA, Fiscal Impact Report
  - j. I have to provide a WSAR
  - k. I have to provide a Traffic Impact Assessment (TIA)
  - l. I have to provide a Fiscal Impact Assessment
  - m. All of the above will go before a TAC Hearing, a Hearing Officer, the Planning Commission, and the BCC for review and approval, all subject to public hearing.
  - n. I have to pay for all these studies, and also pay for all the County's costs to review all these studies, including if the County hires consultants to review the work done by my consultants, for an undetermined amount of money.
3. Assuming my DCI Zoning District Application is approved (and there are no timelines associated with this review process – given my prior experience with SF County, this could take years). Once my zoning district is approved, I still cannot mine. Typically in other counties, once a mine has gone through a similar process the operator emerges with a permit. However, the regulations specifically state that one cannot apply for a zoning district and a condition use permit at the same time. Section 11.5.3 states the two application cannot be submitted and run concurrently.
4. I then start on Round Two which is the DCI Conditional Use Permit
- a. First I need to fill out the application, and provide all submittals required under Chapter 4 again, along with the final order approving the zoning district.
  - b. I have to prove that I am in compliance with all the terms and conditions of the overlay zoning district.
  - c. Again, I have to provide a phased plan of the development operation and reclamation along with a cost estimate stamped by a PE.
    - i. All the studies, reports and assessments that were previously done for the zoning district under Chapter 6 now need to be updated. This includes an Environmental Impact Report, Adequate Facilities and Services Assessment, WSAR, TIA, Fiscal Impact Report
  - d. The Environmental Impact Report has to address all the impacts to the environment listed on Table 11-2. Sand and Gravel has to address 21 of the "potential" impacts.
  - e. Be aware that a Professional Engineer has to prepare Sampling and Analysis plan for surface water, ground water, soils, geochemistry, vegetation, terrain, and cultural and archeological resources in conjunction and prior to the EIR. The administrator has the sole discretion to determine whether the SAP is adequate. They can send you back to do more samples until they are completely satisfied and require you to update and revise the SAP as needed. I also know no Professional Engineers that perform this type of service typically.
  - f. In addition to all the reports submitted above, there are additional reports to be submitted.
    - i. Technical and Financial Feasibility Assessment. This includes me proving that I have the financial ability to complete each phase of the development, and I have to provide a description of debt and equity at each Phase, a debt retirement schedule, sources of funding to retire the debt, estimated annual costs of operation, etc... For a mining operation that could extend 20-25 years, this is a substantial undertaking to be able to project and forecast.

- ii. Reclamation Plan: Developed by a PE. What is different than other reclamation requirements is that it is required that a PE oversee the implementation of the reclamation plan at the operators expense. Typically the operator gets the plan and implements the plan themselves. This requires the cost of oversight by a PE the entire time that reclamation is underway, which could take years.
  - iii. Emergency Response and Preparedness Plan: Most mining operations already have these plans in place with MSHA and the MMD.
  - iv. Fugitive Dust Control Plan:
  - v. Greenhouse Gas Emissions Assessment and Plan. This must be prepared by a Professional Engineer with demonstrable expertise in emissions modeling. Greenhouse gas emissions must be modeled with proposed offsets.
  - vi. Hazardous and Toxic Materials Plan: Again supposedly prepared by a PE.
  - vii. Proof of Responsible and Established Technology Practices. The applicant has to provide written documentation proving that the activity will utilize established practices and technology that have been utilized in the US for at least 10 years. In my case I have to prove that blasting works?
- g. There are additional standards to be met including proving that the proposed gravel pit will be adequately hidden from the viewshed, that any hazardous materials are properly stored, that water resources are protected. Many of these standards in 11.8 appear to be clarifying what needs to be demonstrated in the reports.
  - h. The procedural requirements of Chapter 4 must be followed. This means that this application goes before a pre-application neighborhood meeting, TAC, Administrative and Staff review, Agency Review (as needed), Hearing Officer, Planning Commission and BCC approval. In addition, any variances requested will require three hearings minimum to be approved.
  - i. Assuming you are approved for your permit. According to 11.8.11 there is an annual monitoring report the Permittee must submit. Basically everything that happened at the gravel pit during the year must be reported to the Administrator. This includes air, soil and ground or surface water monitoring, and an updated ERP (see above for the 21 impacts).
  - j. This annual report shall be presented at a public hearing in front of the BCC every year!
  - k. After reviewing the report, the Administrator has the sole discretion to determine whether the Permit should be revised, suspended or revoked. If the Administrator determines the permit should be revised, the Permittee shall cease operations and file a new application for a DCI conditional use permit (start all over again).
    - i. There appears to be no appeal process for the Administrator's decision.
    - ii. There appears to be no room for Administrative approval of the revision, the Permittees only option is to start all over again with a new application with new reports and follow the Chapter 4 procedures.
5. In addition, the regulations provide that review of these applications and reports, as well as all inspections shall be at no cost to the County. Therefore, the County may hire experts and consultants and charge back to the applicant the cost of those experts and consultants. This can cost upwards to \$10,000 per expert or consultant. There are no restrictions on who the County hires or how much they cost other than the \$10,000 limit.
  6. There are no timelines in the regulations on how long the County can take to review or make a decision.
  7. These regulations, while clearly protective of the environment, effectively serve as a ban to any further expansion of any sand and gravel operation in Santa Fe County. To put it simply, no one

could afford to expand or start up a sand and gravel operation. Just a rough estimate of the costs to take these applications through the process is generously estimated to cost \$500,000 or more. Not to mention the time it would take and the public hearing processed would effectively kill the project before it started. There's simply not enough profit in sand and gravel to be able to afford to go through this process. The annual reporting process also provides a huge level of uncertainty as to continued operations.

8. This means that SF County will have to import all its base course from surrounding counties, and this will cost a minimum of \$.30 a ton mile (assuming diesel prices remain low). This will affect how much maintenance the County will be able to afford to do every year, as well as how much it will cost NMDOT to repair its roadways.
9. Construction will also take a hit. It will cost much more for concrete and asphalt parking surfaces. This affects public institutions as well as private developers. Schools will have to pay more to pave their parking lots. Affordable housing costs will yet again increase because of the County regulations.
10. The jobs I provide and the taxes that I pay will also go away. Right now I employ about 50 people that work in the Santa Fe area. The gross receipts that I collect on the sand and gravel products I sell will also evaporate.

I recently got an expansion of 60 acres for a gravel pit in Rio Arriba County. It cost over \$100,000 and took about 6 months. That will provide enough rock for about 5 years. I am not shy about going through a process, and I spent the time and money in RA County because I could see the benefit at the end of the process. I believe SF County could achieve the same goals without tying up so much of their limited staff time and resources.

I am asking the BCC to recommend amending 11.14 to exclude Sand and Gravel for construction, and to table the adoption of the DCI zoning district and conditional use regulations. Further study as to the applicability of these regulations as they apply to sand and gravel produced for construction is needed if SF County would like to continue to utilize local resources for its continued maintenance programs. Perhaps after consultation with Industry, staff could come up procedures more affordable for sand and gravel (such as a DCI "light") that strike a better balance between the desires of the public to maintain its environment with the needs the public has for sand and gravel for construction.

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IX. B.1.

Ordinance 2019-2

Testimony by:  
(Written)

Katharine Cook Fishman  
Associated Asphalt &  
Materials, LLC