

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**July 14, 2020**

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

**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**July 14, 2020**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:14 p.m. by Chair Henry Roybal in the in the Plaza Conference Room, 100 Catron Street, Santa Fe, New Mexico.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, this meeting was conducted on a platform for video and audio meetings.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

**B. Roll Call**

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

**Members Present:**

Commissioner Henry Roybal, Chair  
Commissioner Anna Hansen, Vice Chair  
Commissioner Rudy Garcia [late arrival]  
Commissioner Anna Hamilton  
Commissioner Ed Moreno

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

The Pledge of Allegiance and the State Pledge were led by Chair Roybal, and the Moment of Reflection by Gene Varela of the RECC.

A moment of silence was observed for Shirley Heinrich, mother of Senator Heinrich, and Louis Gallegos, a member of the La Cienega community.

SFC CLERK RECORDED 08/21/2020

**1. F. Approval of Agenda**

CHAIR ROYBAL: Are there any changes to the agenda or requests from any Commissioners on the agenda?

KATHERINE MILLER (County Manager): Mr. Chair, I have the list of amendments to the agenda.

CHAIR ROYBAL: Okay. Thank you, Manager Miller.

MANAGER MILLER: The original agenda was posted a week ago on July 7<sup>th</sup> and then amended last Friday at 4:48 pm and the amendments that were made at that time are on page 2. Actually, I need to note that the amended agenda – it says on the agenda the 14<sup>th</sup>, which is today, but it was actually amended on Friday, the 10<sup>th</sup> at 4:48 pm, and the items that were amended on the agenda is under Miscellaneous Action Items, 3. C, that caption was updated. On Miscellaneous Action Items 3. E, that item was added to the agenda.

Then under item 8, Matters from the County Attorney, under executive session, A. 5, water delivery agreement was added to the agenda. And then on page 3, under Public Hearings, item 10. A, BCC Case #20-5010, that caption was updated. Those are the only changes that were made to the agenda after its original posting, Mr. Chair.

CHAIR ROYBAL: Thank you, Manager Miller. Are there any other requests on the agenda for changes? Commissioner Hamilton.

COMMISSIONER HAMILTON: I'd move to approve the agenda as amended.

CHAIR ROYBAL: Okay. Great. So we have a motion to approve the agenda as amended. Do I hear a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: So we have a second from Commissioner Moreno, and a motion from Commissioner Hamilton. I'm going to go to a roll call vote.

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

**G. Approval of June 9, 2020 Regular Meeting Minutes**

CHAIR ROYBAL: Is there any changes? Commissioner Hansen, do you have any changes? Or have you already submitted them to the stenographer?

COMMISSIONER HANSEN: I have not already submitted them but I will and I do have changes, and I will move to approve the minutes with the changes.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. Was there any other changes from other Commissioners, or if not, I'll entertain a second.

COMMISSIONER HAMILTON: Second.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen and a second from Commissioner Hamilton and Commissioner Moreno. I'm going to go to a roll call vote.

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

**1. G. Approval of June 12, 2020 Canvassing Board Minutes**

CHAIR ROYBAL: Do we have any changes to this item as well?  
Commissioner Hansen, did you have any changes on this special meeting minutes?  
COMMISSIONER HANSEN: I do not, but I will move to approve.  
CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hansen. Do I hear a second?  
COMMISSIONER HAMILTON: Second.  
CHAIR ROYBAL: So we have a second from Commissioner Hamilton. I'm going to go to a roll call vote.

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

**2. CONSENT AGENDA**

- A. Resolution No. 2020-52, a Resolution to Adopt the Santa Fe County Transit Service Plan for FY2021 and to Direct Staff to Submit that Transit Service Plan to the North Central Regional Transit District (Growth Management Department/Gary Clavio)**
- B. Request (1) Approval of Amendment No. 3 to Price Agreement No. 2017-0240-FD/IC Between Santa Fe County and L.N. Curtis & Sons for an Indefinite Quantity Purchase of Bunker Gear for Santa Fe County Fire Department and (2) Authorization for the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Fire Department/Chief Erik Litzenberg)**

CHAIR ROYBAL: Is there anything on this Consent Agenda that any Commissioners would like some extra explanation or have any questions and we need to pull the item from the Consent Agenda? If not, what's the pleasure of the Board?

COMMISSIONER HANSEN: Mr. Chair, I have a question on A.

CHAIR ROYBAL: Commissioner Hansen, do you want to see if we can have staff answer this right away, or do you want to pull it for the time being?

COMMISSIONER HANSEN: It's a simple question.

CHAIR ROYBAL: Okay. Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: So on the resolution, on the second whereas, I am wondering if in 2004 when the NCRTD was created, where was Taos County and the Town of Taos, because they're not listed as members. So maybe they joined later?

CHAIR ROYBAL: Do we have anybody from staff that can answer this question for Commissioner Hansen?

COMMISSIONER HANSEN: Brett Clavio? It's not a big deal. I was just reading it and I just wondered when they might have joined?

BRETT CLAVIO (Planning Division): At the time of 2004 Taos County was not yet a member and they subsequently joined. Many other entities have joined as well.

COMMISSIONER HANSEN: Okay. I was just curious. It was just a curiosity question so I really appreciate your answer, Brett. Thank you very much.

MR. CLAVIO: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Did you want to make a motion? I know Commissioner Moreno sits on this. I'll go ahead and let Commissioner Moreno make a motion for approval.

COMMISSIONER MORENO: Yes. So moved.

CHAIR ROYBAL: So we have a motion from Commissioner Moreno and would you like to second that, Commissioner Hansen?

COMMISSIONER HANSEN: Yes.

CHAIR ROYBAL: So we have a second from Commissioner Hansen. I'm going to go to a roll call vote.

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

CHAIR ROYBAL: I do want to see if there's any other comments from Commissioners?

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I wanted to clarify if we were voting on just A or the entire Consent Agenda.

CHAIR ROYBAL: We were voting on the entire Consent Agenda. Did you –

COMMISSIONER HAMILTON: That's what I thought.

CHAIR ROYBAL: Okay. I wanted to make sure you didn't have any questions on item B.

COMMISSIONER HAMILTON: No. I was just confirming. Thank you.

CHAIR ROYBAL: Just as a comment from myself. I think the transit service – NCRTD has done a great job. I was out driving to Peñasco today and I saw one of the blue buses stopped in one of the rural communities there, and I think it's really amazing that we reach out so far. I think it's a great public service and I think it's done really well and expanded over the years. And I do want to recognize Commissioner Moreno for sitting on this board since he's been a Commissioner. So thank you for that Commissioner Moreno.

3. MISCELLANEOUS

- A. **Request (1) Approval of Amendment No. 4 to Agreement No. 2016-0183-CORR/IC Between Santa Fe County and Securus Technologies for the Jail Management System at the Adult Detention Facility, Increasing the Compensation by \$78,530, for a Total Contract Amount of \$580,751.13, Exclusive of NM Gross Receipts Tax, and Extending the Term to June 30, 2021, and (2) Authorization for the County Manager to Sign the Purchase Order(s)**

CHAIR ROYBAL: Just to start off, I want to see if we can get an explanation as to why it's so much larger than it was before. It's almost \$500,000. And maybe that's only a portion, but if we could definitely clarify that.

BILL TAYLOR (Purchasing Division): Thank you, Mr. Chair. Good afternoon, Commissioners. To address your first question, Mr. Chair, this is an increase of \$78,000. This amendment increases the total contract amount to \$580,000, and that was the agreement that was approved in February 2017 for the installation of the jail management system out at the adult detention facility.

CHAIR ROYBAL: Okay. So it's an increase of \$78,000, and as described, that was a result of additional services that we're receiving. Thank you, Mr. Taylor.

MR. TAYLOR: Thank you. As I mentioned, Mr. Chair and Commissioners, this was approved in 2017 and this jail management system assists the department with all of their multiple jail operations including the booking, releasing, medical and classification information, jail billing, incident reports, inmate property, information bar-coding for tracking inmate identification. This amendment will include additional equipment, hardware, and the associated licensure related to the jail management system. So amendment 2 – well, that was amendment 1. Amendment 2 extended the term. Amendment 3 modified the scope and extended the term to February 2020.

The amount of the increase is more than ten percent and requires BCC approval. With that, Mr. Chair, I'll stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Taylor. Do we have questions from the Board? Okay, hearing no questions –

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner.

COMMISSIONER HANSEN: I would like to move to approve the request for amendment number 4 to the agreement number 2016-0183-CORR/IC between Santa Fe County and Securus Technology.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Do we hear a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: Second from Commissioner Moreno. Thank you, sir. Under discussion, is there anything else under discussion? Okay, hearing none I'm going to go to a roll call vote.

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

was not present for this action.]

**3. B. Request (1) Approval of Amendment No. 1 to Four Price Agreements, 2016-0199-A, B, C, D-PW/RM, Between Santa Fe County and Heavy Equipment Dealers for Lease and Short-Term Rental of Heavy Equipment, Extending the Term of the Agreements for One Additional Year, and (2) Authorization for the County Manager to Sign the Purchase Order(s)**

MR. TAYLOR: Thank you, Mr. Chair. We entered into this contract with multiple dealers for heavy equipment in 2016. It was a multiple source award that was the result of a competitive sealed proposal solicitation. We entered into agreements with Easton Sales and Rental, Four Rivers Equipment, United Rentals and Wagner Equipment to rent or lease heavy equipment for the Public Works Department for road maintenance and repairs and improvements, and also to help with other departments such as the Fire Department, for fire management and protection, and open space management and maintenance

And so the agreement that we entered into in 2016 was a straight four-year contract and we are requesting that we be allowed to extend that term for an additional year while we look at the feasibility and continued use of these to help with the maintenance of our roads with good equipment, and it helps out the department with keeping equipment on the road for repairs and other needs within the County.

It is an indefinite quantity contract and our expenditures annually are in excess of about \$500,000 a year on leases and rentals. And with that, Mr. Chair, we're requesting approval of the Board and I'll answer any questions that you may have.

CHAIR ROYBAL: Okay. Do we have any questions relevant to this item from Mr. Taylor, Commissioners? If not, I'll entertain a motion.

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

CHAIR ROYBAL: So we have a motion from Commissioner Hamilton. Do I hear a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: And a second from Commissioner Moreno. Is there anything from Commissioners under discussion? Okay, so I'm going to go to a roll call vote.

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

**3. C. Resolution No. 2020-53, a Resolution Adopting the Final Budget for Fiscal Year 2020-2021 (FY 2021)**

JOEY ROWE (Budget Administrator): I will be presenting this item. It is my pleasure to present to you the fiscal year 2021 budget. The final budget that was presented to you on June 30<sup>th</sup> has been amended. We made a few changes which resulted in a decrease to the fiscal year 21 budget in the amount of \$2,748,000. And we do have a

presentation attached to this item on BoardDocs. If you would like I can go through the first few pages of that presentation, outline in detail those changes by department, as well as by fund, and then the remainder of the presentation is the same presentation that you saw on June 30<sup>th</sup> but with those changes and updates.

COMMISSIONER HAMILTON: Mr. Chair, I suspect it would be valuable to quickly go through the very beginning as Joey suggested, if the information is available to the public.

CHAIR ROYBAL: I agree 100 percent. If we could get just a summary as Ms. Rowe indicated. So, yes, I think that's a good idea. Thank you.

MS. ROWE: Okay, Chair Roybal. We do have construction going on downstairs so I apologize if you hear jackhammering through this presentation.

CHAIR ROYBAL: We should have given them rubber jackhammers.

MS. ROWE: Okay, so this is the presentation and request for approval of the resolution of final budget for fiscal year 2021. And here are the changes that were made. When you saw the presentation on June 30<sup>th</sup> it totaled \$333,770,899, and as I mentioned, we did have a reduction of \$2,748,000.

In the general fund we reduced the budget by \$1,450,000, and a corresponding reduction, which I will explain, in the corrections fund was also \$1,450,000, and then we also had an increase to the Assessor's fund in the amount of \$152,000.

The capital reduction, the reductions to Corrections, the general fund, and the Assessor's budget are all in the capital area. Fixed assets, we had the \$340,000 in Corrections that was for the radio project that was approved as part of the fixed assets that was presented to you, was actually already included in the projects budget in fund 313, so as well as a few lines down on this slide you'll see the recreation yard at Corrections for a million dollars was also already budgeted in the projects budget. So the Corrections budget, which is fund 247 did not need to budget for those.

There was also interior remodels at the adult facility in Corrections that totaled \$110,000. Those also were included in the project's budget. So we made the determination through County management that we would reduce those amounts. We also at that time, since we were doing that, we also increased – there were two areas in operating that inadvertently were left out of the budget and so while we were amending it for those fixed asset and capital projects, we went ahead and added \$177,368 to Human Resources, as well as \$255,000 to CSD for their Teen Court program.

Part of those operating costs I was able to use some of our contingency budget that we already had in the amount of \$106,097. So overall, we had reductions in the Corrections budget which allowed our general fund transfer in, which is also listed as an expenditure. That also was reduced by the corresponding amount of \$1,045,000.

The Assessor's budget – if you recall we had the GIS flyover was in the general fund budget and it was determined that the Assessor and the County Management would have a conversation to see how we could possibly fund that differently for the upcoming year, and it was actually reduced, the overall amount of the GIS flyover was reduced, and then it was split between the Assessor's fund and the general fund.

So the amount that was reduced in the general fund was over \$100,000 in the general fund for the Assessor's budget. And then it was split \$152,000 for each, the general fund and the Assessor's budget.

So with those changes that were made in the amount of \$2,748,000, we have reduced the fiscal year 2021 budget down to \$331,022,899, which is an overall decrease from the fiscal year 2020 adopted budget by nine percent. And then all of the following slides in this presentation, as I had mentioned, have been updated. As you see the big blue bold updated from the June 30<sup>th</sup> presentation that outlines all of those changes. So with that I will stand for questions or can continue with the presentation if you desire.

COMMISSIONER HAMILTON: Mr. Chair, that covers what I was –

COMMISSIONER HANSEN: So Mr. Chair, I have a question.

CHAIR ROYBAL: Yes, I think I heard Commissioner Hamilton earlier.

COMMISSIONER HANSEN: I said I had a question.

CHAIR ROYBAL: Did I hear Commissioner Hamilton right before my internet started giving me problems? Let's go to Commissioner Hamilton, and then I did hear Commissioner Moreno, and then we'll go to Commissioner Hansen. Go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: I think that covered what I was interested in hearing and getting on the record, the overarching explanation of where the funds were able to come from. Very good catch and thank you for the information.

CHAIR ROYBAL: Perfect. Thank you, Commissioner Hamilton.

Commissioner Moreno.

COMMISSIONER MORENO: No, no questions.

CHAIR ROYBAL: Okay, Commissioner Hansen, you're up.

COMMISSIONER HANSEN: Okay. Thank you. Joey, I'm wondering if the Community Service Department has adequate funds for the COVID-19 issue that we're facing. As things are getting worse, I am concerned about my district and the increase in numbers. And so I'm just wanting to make sure that Community Service will have enough in their budget if we need to do some outreach. I would really prefer the money to come from the state, but if things get worse is there a possibility to do like a BAR or something like that in Community Service?

MS. ROWE: Chair Roybal, Commissioner Hansen, as a matter of fact Rachel had a web call with Yvonne and I last week to discuss this exact topic. Because we don't have budget for COVID-19 for fiscal year 21, specific to that, we had a conversation as to how we can track those expenses using the current budget that they have, and then once we are able to have the adopted budget from the state, if in fact they do need further funding for those specific – for COVID-19 expenditures, we would absolutely come and have a conversation about where we could transfer those monies into their budget.

So as far as the conversation went with Rachel and Yvonne last week, if there are needs to the community, to the citizens, we will continue providing those with our current budget that we have, and then, as I mentioned, if it does seem as though that's going to start depleting their other resources that they have at CSD we can have a conversation as to where we can find funding for that. I do believe we are supposed to be receiving some funding reimbursements for fiscal year 20 that will fall to the bottom as revenue that we could budget in the current fiscal year 21 as unanticipated revenue to be able to cover some of those costs.

COMMISSIONER HANSEN: That would be great. Thank you. I just

wanted to ask that question because I am concerned about what is happening with the community spread and public awareness. Thank you.

CHAIR ROYBAL: You're absolutely right, Commissioner Hansen. It's something that I think that the County has looked at as a moving target and in preparation I think that we need to maybe be pro-active and make sure that we're covering all those grounds. Manager Miller.

MANAGER MILLER: I wanted to give the Board, and I was going to do it later under legislative updates, but I think it might be relevant right now, and that is that the state allocated I think about \$150 million for local governments out of the CARES Act funds. And they haven't told us how they're going to distribute it. yet, but my understand is they're going to make a distribution rather than us having to submit to the state a bunch of expenses, but we've been tracking all of our expenses related to COVID-19 because the CARES Act money is very specific what it can be used for, but like Joey said, that's money that we've spent and already – while we've tracked it, it's not money that we would get assured we would get reimbursed. So it would be great if we do get something that covers the funds we've already spent. We've spent close to a million dollars and maybe even over that by now, in COVID-related expenditures and that we do believe were to be eligible for the CARE's funding to replace those funds. And if public information is not one of the allowable expenditures it would still give us some money back in the bank that we did not know for sure that we would receive.

So we're hopeful that we will get that and soon, and we're also hopeful that it could be used for public information, and particularly in Spanish. I think there's a severe lack of information about COVID-19 and what's actually occurring in Spanish. And so we're hopeful that we can get some funds to do that and put together a good public information campaign.

CHAIR ROYBAL: Thank you, Manager Miller. That's great information. Commissioner Hansen, do you have another comment?

COMMISSIONER HANSEN: Yes. Thank you, Mr. Chair. Thank you, Katherine, for that update. I feel like it is important for the constituents to know that we are out in the community working. I know we are feeding people, we are getting information out, but you are absolutely correct in the fact that there is very little information in Spanish and Commissioner Garcia and my district, 87507, one of the largest zip codes plus one of the largest areas that have the most Spanish-speaking residents – community spread is happening. So thank you very much for that information. I appreciate it.

CHAIR ROYBAL: Thank you, Commissioner Hansen. So I appreciate all the feedback. Do we have any other comments from any other Commissioners? If not I'll entertain a motion on this items.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I move to approve the budget as recommended.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. We have a second from Commissioner Moreno, I believe. I'm going to go to a roll call vote.

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

**3. D. Resolution No. 2020-54, a Resolution Approving the Fiscal Year 2020 Fourth Quarter Financial Report to be Submitted to the New Mexico Department of Finance and Administration, Local Government Division as a Component of the Fiscal Year 2021 Final Budget Submission**

MS. ROWE: Chair Roybal, Commissioners, I'll be presenting this item. The Santa Fe County Finance Division is tasked with regular reporting to the DFA Local Government Division. Among the reports that DFA/LGD requires is a quarterly financial report which is due within 35 days at the end of each quarter. This report, to be submitted in a prescribed format, contains information on the unaudited revenues, expenditures, and cash balances, including detailed investment information of Santa Fe County.

Beginning fiscal year 2011 the DFA/LGD required that this report, which is certified by the Finance Director, be formally approved by the BCC for the fourth quarter of each fiscal year and submitted as a component of each new fiscal year budget submission. With that, I will stand for questions.

CHAIR ROYBAL: Okay. Thank you, Joey. That was pretty fast.

COMMISSIONER HANSEN: Are you going to present?

CHAIR ROYBAL: Do we have any questions from the Commission?

Commissioner Hansen, I believe that was you.

COMMISSIONER HANSEN: Yes. Are we going to get a presentation?

MS. ROWE: Chair Roybal, Commissioner Hansen, there is a two-page report that is attached to the item, so the fourth quarter expenditure and revenues are detailed in that. There isn't a power point presentation but there is this fourth quarter report for fiscal year 2020. And it is in a different format than the County uses. This is the state, DFA Local Government Division format, so that the prescribed format that is mentioned in the memorandum.

Revenues for the fourth quarter – these are cumulative numbers, so at the time, it was \$149,383,311, and the expenditures are \$145,664,437.

CHAIR ROYBAL: Okay. Does that answer your question, Commissioner?

COMMISSIONER HANSEN: Yes. Thank you.

CHAIR ROYBAL: Okay, any other questions from Commissioners? I think I might have heard Commissioner Moreno.

COMMISSIONER HANSEN: Mr. Chair, I'll make a motion to approve.

CHAIR ROYBAL: Commissioner Hansen, making the motion. We have a motion from Commissioner Hansen for approval. Do I hear a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: And a second from Commissioner Moreno. Thank you, sir. I'm going to go to a roll call vote.

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

CHAIR ROYBAL: Under discussion, I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Joey, I appreciate – more specifically, I was just going to ask if you had a summary, just a generalized idea of GRTs from the fourth quarter, to the extent that you know what the reporting is and we could look at the numbers compared to what our projections have been.

MS. ROWE: Chair Roybal, Commissioner Hamilton, I do not have that information in front of me but I will be happy to get that and I can come back later on in the agenda if you wish with that information. I do know that our revenues throughout the first, I believe 11 months of the fiscal year were coming in higher than what was budgeted, and then they started to go down. They went down about two percent, then seven percent, and I believe the most recent month was they had gone down 17 percent in one month from the previous year. So I will be more than happy to pull up that information and provide that.

COMMISSIONER HAMILTON: I appreciate it, Joey, and frankly, I'm not sure we need it today. That is the kind of information that I find very useful. I think everybody would find useful, but I know we were really planning to revisit this briefly on a month to month basis. So perhaps – I don't know if we're planning to do that toward the end of each month when you might have – when it would be best from your point of view in terms of when the information is available on a rolling basis. So if we're doing that at the end of the month: great. If not, we can wait till the beginning of August but I think it would be useful to see that kind of update and summary.

MANAGER MILLER: Mr. Chair.

CHAIR ROYBAL: Yes, Manager Miller.

MANAGER MILLER: So to Commissioner Hamilton's point, we do a financial report at the end of the month every month anyway, and what our plan is instead of just including it in the packet, we'd actually go over it under Matters from the Manager and we'd look at what we had estimated for the month's revenues versus what we received. And just remember, we're always two months behind for gross receipts tax for actual collection because the businesses have a month to pay and then the state has a month to distribute. So what we saw through June 30 still doesn't reflect the May and June actual GRTs, and May is likely to be one of the worst months because we were still under the stay at home order.

And as Joey said, what we noticed for March's revenue when we first started to close things down, GRTs were down four percent. Then when we received April's revenue, which was a full month of being closed down for GRT, they were down 17 percent. So she was correct on that amount, and like I said, we haven't – now we probably do have May's. I think it was four, six, and then 17 percent.

And then property tax was actually up for the year over what we had received last year and what we had budgeted. But we don't anticipate seeing much of a shift in property tax revenue till we get further into the year, because the main collection date was May – the due date was May 10<sup>th</sup>. So most people pay all along with their mortgages or they had already set aside their property taxes. We anticipate seeing a bigger impact of

the COVID-19 on property taxes in December, in the next half.

And like I said, in GRT, the way we estimated GRTs we also took it month by month. It came out to something like a drop of 30 percent for the whole year, but we didn't say, oh, immediately it will be 30 percent down. And, because they rolled back some of the openings of things, we may have to look at what we estimated for July and August because we had anticipated we would start to come back up by now.

COMMISSIONER HAMILTON: Thank you. So it will be the end of the month?

MANAGER MILLER: Yes, it will be the end of the month. Sorry.

COMMISSIONER HAMILTON: That works perfectly, and I thought I remembered that and that is quite adequate, more than adequate. Right on point. Thank you.

CHAIR ROYBAL: Thank you for the question, Commissioner Hamilton. Any other questions.

[Commissioner Garcia joined the meeting and voted in the affirmative on this item.]

COMMISSIONER GARCIA: I'll be connected live here in about seven or ten minutes. But I expect to thank Katherine and her staff as into Santa Fe County has done an excellent job as into our budget. She knows that; I talk to them about that all the time. Thank you for staff and you, Katherine and for being very conservative. I think it's great. We're one of the top counties, like our school district. We're good. I just wanted to say that for the record.

CHAIR ROYBAL: It's great to put on the record and it's always good to recognize staff for their hard work and effort, so I appreciate that.

**3. E. Request (1) Authorization for the County Manager to Negotiate and Execute a Guaranteed Bed Days Contract with San Juan County for the Housing of Juvenile Detainees and (2) Authorization for the County Manager to Sign the Purchase Order(s)**

CHAIR ROYBAL: From our Public Safety Department we have Mr. Pablo Sedillo.

GREG SHAFFER (County Attorney): Actually, Mr. Chair, forgive the typo. That's the Public Safety Department and I'll be presenting this item if that's okay with you, Mr. Chair.

CHAIR ROYBAL: That is perfectly fine, sir. Thank you.

MR. SHAFFER: So Mr. Chair, what we're asking from the Board today is to authorize the County Manager to negotiate a guaranteed bed-day contract with San Juan County. This is an outgrowth of previous action by the Board of County Commissioners. As you undoubtedly recall, in late March of 2020 the Board of County Commissioners approved an existing contract, which is #2020-0154-0-CORR/TVR between San Juan County and Santa Fe County to house Santa Fe County juvenile detainees in San Juan County.

And in addition, the BCC on that same date – So the contract that had been

approve by the Board of County Commissioners is not a guaranteed bed-day contract. So in other words, beds are not guaranteed to Santa Fe County and revenue is not guaranteed to San Juan County. Instead, Santa Fe County only pays for the bed-days that we utilize, which are not guaranteed to us but rather are subject to availability. For purposes of this conversation and as contemplated in the agreement, a bed-day is any day when a Santa Fe County youth detainee is housed at the San Juan facility.

So at that time that that contract was approved on March 31, 2020, the thought was to postpone consideration of a guaranteed bed-day contract for a while so that Santa Fe County as well as San Juan County could assess what our actual bed-days look like during the current COVID-19 pandemic, as well as to assess the overall relationship between the parties and how things were working.

So at this point in time, staff for the counties feel that the time is right to consider a guaranteed bed-day contract with Santa Fe County having the option of housing more juveniles than the guaranteed number if necessary and if space is available. So not only do we have some data upon which to make a business decision in the COVID-19 world, but in addition the existence of such a guaranteed contract with Santa Fe County is, as I understand it, material to San Juan County as it considers whether to reserve beds in its facility for CYFD for adjudicated youth during the current fiscal year.

So we're requesting this express delegation of authority because the final guarantee contracts as well as any additional bed-days that we pay for may exceed the County Manager's signature authority of \$250,000, and in addition, an indefinite quantity agreement such as this must be authorized by the Board of County Commissioners.

So to give the Board a little bit of further background in terms of what staff is exploring with San Juan County, we set forth in the packet material for this item what our actual bed-days have been at the San Juan County facility in April, May and June. You'll note that there is variability over those three months, and in addition, the general trend line was up but we don't think that three months worth of data will necessarily give us a firm prediction of where the future is going to lie.

Looking forward and updating that information – excuse, not looking forward but updating that information to where we are today, I believe that the number of bed-days that we have used, at least through yesterday were 37, so extrapolating from there, you're certainly going to be above an average month, and that again depends on how future events unfold this month. But within that, the thing that I would highlight is our actual daily counts have some variability to them, and so over the course of those three months our daily counts have ranged from one up to a high of five and one way to think about it is that a guaranteed bed-day contract, you're thinking about a number that is somewhere in the middle of your range of possibilities so that you're comfortable that you're not going to often be without guaranteed capacity, but you're also recognizing that there's some variability in your numbers, so there's an appropriate peak or surge factor that you want to build into those numbers.

So the things that staff are exploring with San Juan County is where should that guaranteed bed-day number be. Is it three, is it four, what have you, with the idea of we want a fair amount of guaranteed revenue going to San Juan County and in exchange for the County having what we think is a generally adequate number of guaranteed beds while potentially working out arrangements that would allow us to get credit for bed-days

that we pay for but don't immediately utilize.

So again, in any event, that's the background to the request that's before the Board. We're requesting this delegation of authority to the County Manager so that we can expeditiously finalize negotiations in time for San Juan County to factor the existence of such a guaranteed bed-day contract into its decision-making calculus relative to the Children, Youth and Families Department request. So with that I would stand for any additional questions and I know that Public Safety Department Director Pablo Sedillo is on the line and can speak to his overall satisfaction with the relationship with San Juan County and the County Manager may have additional insights relative to her discussions with San Juan County and the contract decision it has to make with CYFD.

CHAIR ROYBAL: Thank you, Mr. Shaffer. I'm going to go ahead and allot some time to Mr. Sedillo and also Manager Miller, if you guys had some input.

PABLO SEDILLO (Public Safety Director): Good afternoon, Chair. Good afternoon, Commission. I think in the last three months we've had a pretty good relationship with San Juan County. They've been very amenable to our needs with our kids, and just to piggyback off a little bit of what the County Attorney Shaffer indicated, we did have a couple of times that we've had up to five kids. However, they only stayed three days. So that kind of gives you an indication. They get picked up either on a Thursday or Friday and go to court on Monday.

I think the administrator, Tracy Neff at San Juan County, is a good partner that we've established for quite some time now. The benefit at San Juan County is they have a very unique situation over there in terms of a one-stop shop at which they have some behavioral health programs over there as well as their juvenile detention center. And it has been kind of not enough time from the data that we wanted to collect to give us a good foundation of how many kids. You can kind of see that we have, as of today, 37 man-days on that.

So I'd like to continue that relationship with San Juan County at this time. They've been very amenable to Santa Fe County as well. And I know that the County Manager has spoken to the official over at San Juan County, so I'll turn it over to the County Manager if she has any more input on that.

MANAGER MILLER: Mr. Chair Commissioners, one other piece of information to note is we did try as well to get a guaranteed bed contract with Bernalillo County as it's closer and they have – I recall from our discussion when we did close the juvenile facility in Santa Fe one of the desires was to try to locate our youth at Bernalillo County. Bernalillo was unable to give us a contract through June 30 and then just recently told us they could do a contract with us but not on a guaranteed bed. So we'd also like to enter into a contract with Bernalillo so that option is available, but that would not be at a guaranteed bed rate. They can't do that yet. They have not finished their renovations, and so they can't promise that they would have room for Santa Fe County youth.

But we have not dropped pursuing that. What we want to do though is make sure that we do have a place to take our youth and we're not closed out from both Bernalillo and San Juan. So this request is to enter into the guaranteed bed contract with San Juan. This is something they requested as well. Greg alluded to this. For their planning purposes they need to know that we intend to continue to bring our juveniles there and we aren't going to just stop because the way they have to allocate their bed space is

predominantly for pre-adjudicated juveniles. If we don't guarantee beds with them they would enter into a contract with CYFD which would then be for adjudicated juveniles, and the two populations can't be mixed.

So there is a mutual desire on San Juan County's part to know that we would be bringing our youth there for some amount of time so that they don't have to head in a direction of a different type of population and could continue to serve the counties in the northern part of the state by keeping all of their bed space available for pre-adjudicated juveniles such as we have.

So with that I think all three of us would stand for questions.

CHAIR ROYBAL: Thank you, Manager Miller. I had a couple of questions really quickly on that. As far as our juvenile detainees, it seems like we're averaging maybe three or four, more or less, but since we've had the contract, how many more or less. Because I know I heard 37 man-days, so I'm assuming that's 37 days that we've had juveniles in the detention center in San Juan, but I also wanted to ask about, given our circumstances as far as the COVID issues that are going on at this time. I know that San Juan did have some – a little bit higher numbers in that area but is there any in the detention center? Given the circumstances in the future can they choose not to take any of our juvenile detainees in the future, maybe if somebody could answer those couple of questions.

MR. SEDILLO: I can answer the operation part of it, Mr. Chair. The operation part of it, I am not aware of any positive COVID-19 in the juvenile detention center at all. There is a protocol prior for the kids when they are taken to Santa Fe to get booked, to San Juan County, we do our medical assessments on them as well. And then when they get to San Juan County, they do a complete makeup on the kids as well there too. So it's kind of a double hit with the COVID-19 assessments.

CHAIR ROYBAL: Okay.

MANAGER MILLER: Mr. Chair, so the average number of days that we've had for the last three months, as Greg had in the memo, is about 62. So it could be two juveniles that stay for 30 days and then some days we might have another two juveniles that are only there for four days. So the way we're structuring the contract is number of bed-days – we call them man-days, bed-days. It's the number of nights that there is a juvenile with their head in a bed. So the average right now is 63 bed-days per month. But it's been going up. We think that the numbers were lower in March, April, because of COVID-19, but we've noticed now there are more juveniles being detained than there were three months ago.

Our average before COVID-19 was around six juveniles per day or 180 bed-days per month, and right now we think we're at about 90 to 120 bed-days per month. So we would only negotiate a contract and they're willing to do this for something in that range 90 to 120 days per month. And San Juan County is willing to do that. What that does for us is makes sure that we have that many days per month that we can bring juveniles there, at least the first three to four juveniles that we have every day, we have a guaranteed place. If we don't have that kind of contract they could say, sorry, we can't take them. And so that's why we want to enter in to this particular contract to make sure that we are a priority customer of their facility and that we have a guaranteed place to take the youth.

CHAIR ROYBAL: Okay. Thank you for that explanation. I appreciate it.

Do we have any other questions from Commissioners?

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: So with respect to that, Manager Miller, Mr. Shaffer had mentioned something about what do to with getting credit for unused days. So normally I had made the assumption that you're giving them a guarantee and you're paying for them to hold those open for you. So could somebody say a few more words about that, how if there is some concession if there are periods of time when we're not using that much for what the liability is or what we would then have to do if we're starting to go over consistently and we want to maybe up that guarantee reflecting that need?

MANAGER MILLER: Mr. Chair, Commissioner Hamilton, I did talk to San Juan County about that. I said, you know, we might start out with a contract that guarantees three or four beds a day, and assess it each month and if it continues to climb, maybe in September we would revise that and they were completely open to that.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Do we have any other questions from Commissioners?

COMMISSIONER GARCIA: Mr. Chair, a couple questions, comments.

CHAIR ROYBAL: Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: Commissioner Hamilton, very good question, if we're paying for beds that we don't know if we're going to have. It's almost like paying for these flights that come into the airport. I have a question here, not today, but I'll talk with Manager Miller about it as into how many flights a day do we have coming to the airport and are we guaranteed those flights. If we're not guaranteed those flights I get the whole situation as into wanting tourism to come to Santa Fe. However, during the situation that we're dealing with nationwide. [inaudible] I see your point, Commissioner Hamilton. Great.

So a couple of things. So the \$250,000, Manager Miller, does that include transportation? Or is our Sheriff's Department going to absorb the cost of transporting hopefully, a juvenile all the way to Farmington?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, the Sheriff doesn't transport them. We use Corrections staff to do that. And that was factored into the budget when we proposed closing the juvenile facility. We said we would have transport officers, and those officers are at the adult and if there's a need to transport somebody then they move from their post at the adult and transport the juvenile to Farmington.

COMMISSIONER GARCIA: Thank you. And then another thing about the facility in San Juan, I'm kind of a little disappointed, and not with you, Manager Miller, or your staff, but as into why Bernalillo County – about six months ago we were told they had an excellent facility, brand new facility and this and this and that, so now we're having to take our three to five kids a month – hopefully not a day – to San Juan. So I'm just a little disappointed in Bernalillo County.

What about the culture of the facility in San Juan and the culture of the kids here in New Mexico? Are they just going to put them in the facility, in a pod and say, here you

go; work it out? Or have we looked into whether education, how's the education aspect?

MR. SEDILLO: Mr. Chair, Commissioner Garcia, San Juan County, as I indicated, are very unique. They have several different programs within their facility as well as a mental health program, that's all in one area. So it's a one-stop shop, as I indicated, and that's what makes it very unique in San Juan County. Now, any correctional facility, run by anybody with experience, they know they don't just throw people in to different pods. They classify them. They assess them, and they place them in the best opportunity for those kids. Thus far, the last since April when we started taking kids, we haven't had any problems whatsoever with any of our juveniles, with any other juveniles in San Juan County.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I guess I just have a problem with the one-stop shop for kids. I don't agree with a one-stop shop for kids. I know it has to do with the whole community as into how to reach [inaudible] the facility, first of all. And the one-stop shop, they get toothpaste, they get all this other stuff. [inaudible] say to Director Sedillo [inaudible] it's hard for me. I just have a passion for the kids. And so in regards to the \$250,000 a year, right? So how much, if we have three or four or five juveniles a month, how much are we paying for each juvenile to be in that facility out there? If you divide the math. I don't have a computer in front of me, but can somebody tell me that?

MANAGER MILLER: Mr. Chair, \$225 a day per juvenile bed-night. That's what the contract currently is and that's what the guaranteed rate would be as well.

COMMISSIONER GARCIA: Thank you. Mr. Chair, just for the record, what is that juvenile getting that \$110 a day for the adult there on State Road 14, what is he getting more than the adult's not getting at \$250 a day. I guess what I'm interested in is whatever that kid [poor connection] That's what I want to focus on. I just want to know what the County is getting for \$250 a day for a juvenile, when it's \$120 a day for an adult, we do we pay more for the juvenile? So what are we getting for a juvenile that we're not for an adult? I just want to know what we're getting for a juvenile, for \$250 a day and not \$110 a day.

MR. SEDILLO: Mr. Chair, Commissioner Garcia, every institution – I shouldn't say every institution, but the institution that San Juan County has, it has programs, education, behavioral health, medical – they have everything for these kids. I think that's one of the things that we looked at, as well as Bernalillo has the same thing. Santa Fe County had the same in terms of those kids. So they're not losing any type of services to those juveniles whatsoever over at San Juan County.

COMMISSIONER GARCIA: You know, I just – the other day I was [inaudible] New Mexico Focus and they talked about mentally challenged individuals which is under Governor Martinez' administration and now, later, we're feeling the effect. I'm going a little off tangent. It's just sad to think that individuals in the community, juveniles or mentally challenged individuals – Like I say, I have a little passion for that. [poor connection] Hopefully the juveniles that are detained and incarcerated, the same thing, but how can we help these kids out? That's what I'm about.

Another thing is is – so the size of the facility, is the size of the facility actually adequate? Do they have enough room for three or five individuals? Are they going to be held together?

MR. SEDILLO: Mr. Chair Commissioner Garcia, absolutely. I think their bed space on that end – County Manager Miller, you might correct me, I think it's 48 beds over at San Juan County, if I'm not mistaken.

COMMISSIONER GARCIA: So as a policymaker, we all know this, so we have to go visit our adult facility. So do we have to go visit this juvenile facility? And are we [inaudible] kids, children, in a facility that the County Commission has not went and actually analyzed yet or looked at it? Manager Miller, Director Sedillo, have you guys gone and made sure -- I'm just asking the question. Sorry. I'm not sorry, but I need to ask some questions.

MR. SEDILLO: That's quite all right. Chair Roybal and Commissioner Garcia, it's been very difficult during this time of COVID-19 to go down there and actually visit that place. There's a lot of restrictions in most of the facilities at this point. I have no problem whatsoever going up there, sending some staff up there, to visit that place. I know the administrator personally. She's been doing it for quite some time now and if you are asking for us to go, we can make those arrangements.

MANAGER MILLER: Mr. Chair, Commissioner Garcia, it's not a statutory requirement that you go see where they are housed. It's a statutory requirement, the county Commissions that operate their own facilities have to do an annual inspection of those facilities. So we don't have a statutory obligation to go a place that you contract where they're housed. That said, it doesn't mean you can't go and view the facility but as Director Sedillo said, right now, that's just a little bit difficult because of the COVID-19.

When we entered into the contract with San Juan to begin with they were totally open for the County Commissioners or anyone from the County to come visit their facilities.

COMMISSIONER GARCIA: So I'm actually – there are kids. They live in our community. We live in the state. So I would like our director or yourself, Manager Miller, or myself, I want to go see this facility, because let's create a contract with San Juan, so if anybody's gone down there, so I would appreciate it if we could talk about it, Manager Miller, as into how we can – I want our staff to go down there and make sure it's safe for our kids.

Really quick, so once again, so our property, Airport Road, is going to be shut down, right? So we have no more kids there. It's shut down. So I should see no more cars there during the day?

MANAGER MILLER: Mr. Chair, people are training out of there. So we're not using it as a detention facility but we do have staff that are over there.

MR. SEDILLO: We have our Finance Department over there as well.

COMMISSIONER GARCIA: Okay. All right. So thank you very much for – Thank you, Mr. Chair, Manager Miller and Director Sedillo. Just take care of our youth. That's our responsible. Thank you. No more questions, Mr. Chair. Thank you.

CHAIR ROYBAL: Commissioner Moreno, did I hear you make a comment earlier?

COMMISSIONER MORENO: Yes, I wanted to. Yes.

CHAIR ROYBAL: Okay. Go ahead, sir.

COMMISSIONER MORENO: I see this as a learning experience. There are going to be a lot of variables. We don't know how many inmates will be San Juan at

MR. SEDILLO: Mr. Chair Commissioner Garcia, absolutely. I think their bed space on that end – County Manager Miller, you might correct me, I think it's 48 beds over at San Juan County, if I'm not mistaken.

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CHAIR ROYBAL: Commissioner Moreno, did I hear you make a comment earlier?

COMMISSIONER MORENO: Yes, I wanted to. Yes.

CHAIR ROYBAL: Okay. Go ahead, sir.

COMMISSIONER MORENO: I see this as a learning experience. There are going to be a lot of variables. We don't know how many inmates will be San Juan at

any time. So I think there are a lot of variables and the learning experience, we will learn as we go and learn how to manage in the most efficient way. I have confidence with the staff that you can do it. So good plan.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Okay, do we have any other comments from Commissioners? Okay I think that Commissioner Garcia brought up some valid points and we do go and do an inspection of the jail and so I would be curious as to how that would be – how we would do that just to make sure that we are making sure that our juvenile detainees are safe. So I can understand Commissioner Garcia's concerns, so I think that is a valid point and I would also like to see the facility as well if we go figure out a way that we can actually visit this facility. Okay. Thank you for all those comments.

MANAGER MILLER: Mr. Chair, we're not not taking you only because of COVID-19.

CHAIR ROYBAL: Oh, no. Not at this point, Manager Miller. We understand that.

MANAGER MILLER: They're not letting anybody in, even our staff goes to one backdoor to take the youth. So it's not a matter of us not wanting – Pablo's been to the facility before. We just haven't been in there in the last three months while we've had our juveniles there because of COVID-19. But that's the only reason we haven't. They are limiting – just like we're limiting access into our facility because they don't want to introduce any COVID-19 into their facility any more than we do in ours. So I just want to make that point, that it's not a matter, by any means I think we shouldn't go look at the facility. I just think they're not doing tours right now.

COMMISSIONER GARCIA: Really quick, now. Katherine, Manager Miller, I agree with you. But you know what? If you're going to send my kid to a facility, I want to make sure that it's clean and it's responsible. And I understand your point about the whole virus; it's happening. However, you can go to an outdoor patio and put a mask on. I just wanted to make sure that my kids that live here and are going to the facility – just because of COVID, the world doesn't have to stop. So I just want to make sure that somebody's going there and making sure that we're good. They're clean. How do we know they're not clean? Our facility is clean. I just want to throw that out there. I'll go there with a whole mask and I'll walk in the facility and hopefully they can make sure to me as a County Commissioner that it's clean for my kid to go in there, or any kid in there. I'm just asking. I understand, Manager Miller. Thank you.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: I'm willing to bet that, first of all, I think the COVID restrictions need to be taken really seriously and they are of tremendous value to us. So thinking about alternatives, it's probably very rational. And I would suggest that we could probably invite some virtual participation, maybe in a future BCC meeting, to have the director of the facility, or some appropriate senior staff member in that kind of position, to maybe make a presentation. Maybe with a walk-through video of the facility for us. A recent one, not a – what everybody can do on their cell phones. Make it reasonably brief but that could give us some background information that then when there's possibilities for individual tours there would have at least been some

satisfaction of knowing what the facility contains, what it looks like and what the programs are.

So maybe doing it virtually would be an idea at a future BCC meeting.

CHAIR ROYBAL: I would agree that that would be an alternative. Given the circumstances everything has kind of changed. I do feel that – and I would caution the statement made that we are not taking it. It's something that I think that we have to work on together and I totally respect the other facility that has their boundaries set up as far as their COVID-19 circumstances and what they approve and don't approve. That's the only thing, and I'm totally agreeable to what they accept and what they don't accept. I just want to say that. And I think that we do have an obligation to these kids to make sure they're safe, and like Manager Miller had indicated, that Pablo has visited this facility so I'm confident that Pablo has all the experience in the world to make sure that looking at the facility that our youth are safe, but it is something that is an obligation as elected official that we have been tasked with.

So I think there's valid points all the way around and I think that a virtual tour would be acceptable, given the circumstances at this point, but we do want to just look at the future and make sure that we – and I don't think at this point, I know that Commissioner Garcia would like to see the facility but I think he realizes the circumstances in that we're not in control of this facility and we have to abide by what the boundaries of that facility, how it's established.

I think there's been a lot of good feedback back and forth and I think we've brought up some really great talking points and different ideas. So I appreciate the Commission bringing these all forward.

So we still have this agenda that we're talking about. Are there any other comments from Commissioners on this item? Okay, hearing none, I'll entertain a motion on this item.

COMMISSIONER GARCIA: Mr. Chair, I'd like to make a motion out of ultimate most respect for our director, our Manager, to take care of our community and our kids, so I'd like to make a motion for approval because I have the trust, like I said. Motion for approval, sir.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Thank you, Commissioner Garcia, and I believe the second was from Commissioner Hamilton. Is that correct?

COMMISSIONER HAMILTON: Yes.

CHAIR ROYBAL: Okay, so we're going to move on to a roll call vote on this item.

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

#### **4. MATTERS OF PUBLIC CONCERN**

CHAIR ROYBAL: It's approximately 3:45. If we are at a good stopping point at 5:00 I'm going to bring this item back up just to make sure there isn't anybody from the public that has chimed in at that point. But item number 4, Matters of Public Concern. Tessa, do we have anybody that's signed up from the public that would like to

address the Board?

TESSA JO MASCARENAS (Operations Manager): We have a number of people who've signed up to speak regarding the cases this evening, but no other public comment other than that.

CHAIR ROYBAL: Okay, so if we can unmute just for a moment. I want to ask the public to please keep the noise level down to a low roar if we can. If we can unmute and ask if there's anybody that would like to address the Board, other than the items that will be coming up later for public comment and it will be actually later on in the agenda. If there's something that isn't relative to the public hearings that are later on this evening, if I can hear if there's anybody that would like to address the Board this evening. If you can unmute just for a moment, Tessa.

So is there anybody from the public that would like to address the Board in any other matters beside what's on public hearing tonight? Okay, hearing none, I'm going to go ahead and close Matters of Public Concern.

## **6. MATTERS FROM THE COUNTY MANAGER**

### **A. 2020 ICIP Update and Community Outreach Process**

PAUL OLAFSON (Planning): Hello, Commissioners. I'll be very brief. Basically we have, due to the COVID-19 situation, we've had to rethink how we do some public outreach with different elements of our planning processes, and the ICIP, which is the Infrastructure Capital Improvement Planning process is one of those examples. So based on the need of keeping safe separations and public health and safety we are proposing to have virtual public meetings this year for the ICIP. And we also anticipate that there will not be a large capital outlay from the state this year anyway for capital projects, so we're kind of trying to turn the focus of these public events into more of a resource sharing, obviously for the County to share resources to community members that we can help them with.

There are aspects of dealing with the COVID situation as well as other community activities, along with the ICIP, realizing that the ICIP is probably not going to be the primary focus of these meetings.

Some of the items we want to focus on are services and resources for community support, including food assistance, agricultural resources and food production, economic development, public participation through community organizations, and then finally community infrastructure development.

So as you see, the schedule is we have met briefly with the potential ICIP projects, and this is something we'll always be bringing back to you. We are noticing the procedure as of today, of the process, and we're also giving the presentation today, July 14<sup>th</sup>. And we have two scheduled webinars that we would invite the public to participate in and ask questions and get resources, and that's on July 21<sup>st</sup> and 29<sup>th</sup>. And then we would ask the Capital Planning Committee that's internal to the County to review the proposals we've received on August 7<sup>th</sup>, and then August 11<sup>th</sup> we would notice BCC hearings. August 25<sup>th</sup> we would have the first of two public hearings with the BCC and then on September 8<sup>th</sup> we'd have the second of the public hearings with the BCC.

And then ICIP is due to DFA by September 18<sup>th</sup>. And this year, as we did last

year, we were more focused on a more streamlined and targeted ICIP list that has projects that are ready to be implemented within a reasonable funding range for the state to fund, and also possibly backstopping current projects or filling in gaps on current projects.

So that's a very quick outline of what we're proposing. This is just an informational item and I would stand for any questions.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hansen. Go ahead.

COMMISSIONER HANSEN: Thank you, Paul and Jacob. Nice to see both of you, even if it is virtually. How are we advertising this to the community? How are we going to get this out to them?

MR. OLAFSON: Mr. Chair, Commissioner Hansen, we are going to have a lot of our web-based platform, our email list internally to the County, as well as putting it on the webpage, sharing it with other partner organizations that can help put it out there virtually, and we're also running ads in the newspapers. And we'll also be doing further outreach to our known community organizations that we've worked with in the past, whether that's a community group or a non-profit group, etc.

COMMISSIONER HANSEN: How about radio?

MR. OLAFSON: That's right. I'm sorry. So there is a plan to present on KSWV as well.

COMMISSIONER HANSEN: Okay. That's good. And then I think this is something all the Commissioners could send out via their lists, but if you did a short press release I'm sure I could send it out to my list and I'm sure the other Commissioners would like to send it out to their lists also.

MR. OLAFSON: Okay. We will definitely get it to you all.

COMMISSIONER HANSEN: Thank you. Did you have something you wanted to say?

CHAIR ROYBAL: Did we have any other questions?

COMMISSIONER GARCIA: I did, Mr. Chair.

CHAIR ROYBAL: Okay. Commissioner Garcia.

COMMISSIONER GARCIA: Very good points from Commissioner Hansen. Paul, you've done it many, many years, as you and I have done this for many, many years. Now it's all Zoom. It's all about the phone, right But just always keep in mind that my grandma doesn't have a cell phone and my grandma doesn't have a computer. So always keep in mind how we reach out to the individuals in Cerrillos or Madrid, don't have really good phone service out there. So Paul, you've done this for many years. You know. So just don't forget, you know, Paul. So let's just put it in the paper. Let's get the organizations and actually let's communicate other than this stuff these days. But you get it Paul. So just keep in mind the individuals out there that don't have these. Thank you.

MR. OLAFSON: Thank you, Commissioner Garcia. We definitely do.

COMMISSIONER GARCIA: And if we could actually have some guidelines on our webpage as into what not, as into if you have a submittal that you want to put on the ICIP plan, here's how you do it. Project name, what you want, how you want it down, and so on and so forth. You get it, Paul. You understand. But just don't forget my grandma. You got it. Thank you.

MR. OLAFSON: Mr. Chair, Commissioner, we actually use that example in our planning for this though. We're thinking about it. Thank you.

CHAIR ROYBAL: Thank you, Mr. Olafson. Do we have any other questions from the Commissioners? Commissioner Hamilton.

COMMISSIONER HAMILTON: So my question is do we have some assurance that there's a connection at this point between the list that you're floating and going to develop and that we will eventually approve and turn in, and what is appearing on our capital plan for the next couple of GO bonds?

MR. OLAFSON: Mr. Chair, Commissioner Hamilton, we have used both the planning processes that evaluated all of our capital project this year, the new projects, we have been using. And so we are using those lists as well as any requests we will receive from the public to put that list together and we'll bring that all to you for review. So there is definitely some overlap on some of them, do-able, I guess, in dollar signs. So yes, we're looking at all the lists and trying to make it as practical and functional as possible.

MANAGER MILLER: Mr. Chair and Commissioner Hamilton, remember, we have our CIP, which is the bigger capital improvement plan and it's more than what is on the ICIP. The ICIP is a component of the larger CIP. And the ICIP is what the state requires us to do that typically is within our five-year window of spending money, but what also happens is this is where outside entities that use us as a fiscal agent also try to get onto our ICIP where it's not necessarily County funds that would be expended through these projects, but it's their attempt to get onto our ICIP to have us ask as fiscal agent for their projects.

So in this process, what we're hoping we'll do is that we'll also contact all of those non-profits that typically come to us in the middle of the session, not in advance, but like the Recovery Center, the Mountain Center, St Elizabeth Shelter – all these non-profits that go to the legislature and ask for money, we want them to get into this process now so that we know what the project is, and that we can scope it, and we actually have an understanding of what they expect from the County as far as potentially owning the facility, if it's a facility, or managing the construction of something, and that we get enough information through the public hearing to know one, that they have something, and then two, to get them to fill out, like we've done with all the departments, a scoping sheet that says what is this project. Because we're trying not to get the surprise at the end of the session or the middle of the session that says, by the way, you're our fiscal agent and you're going to manage this project for us, and it's going to go in front of all the stuff you've had on your CIP and your ICIP.

So this process, and it relates to bond questions because right now what you're going to do for 2020 bond projects, unless you change it, those are already on our CIP and ICIP, but there could be some that come up through this process that are higher priority or higher need than something we might be looking at for 2022.

Also, some things that would come up through this process would be projects that maybe a non-profit would go directly to the legislature for funding and it wouldn't be part of our County funds. So we're trying to – so we are going to do outreach to all of those non-profits that we typically have heard from after the fact and make sure they know that we want them to get into the queue now, not in January.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Does that answer your question, Commissioner?

COMMISSIONER HAMILTON: It pretty much does. I think there are still some disconnects, but I think that's for a future discussion.

MANAGER MILLER: Mr. Chair, Commissioner Hamilton, I think there will always be disconnects, because this process is a state-mandated process and it doesn't really fit our 20-year plan and our code and our CIP. It inserts itself into our process because we have to do it in order to get state funding for some of our things, but that cycle happens irrelevant of our process. And it's very hard to make our process match the legislative process and the state's process. Because our budget cycle, while it's the same fiscal year, putting our budget together has already happened for 2021. And so this is kind of future years, not 2021.

COMMISSIONER HAMILTON: Oh, yes. And for the ICIP I recognize that and I don't have a problem with that.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hamilton. Was there any other Commissioners that had comments or questions?

COMMISSIONER GARCIA: Mr. Chair, a question for Paul. So, Paul, are we going to have like a – if you want to submit stuff, you're just going to submit it through virtual Zoom or are you going to have like community meetings in the north and the south and the east? Or how are you going to do that? Just really quick.

MR. OLAFSON: Mr. Chair, Commissioner Garcia, so again, because of the pandemic we are not scheduling any in-person meetings. So we will have on the website, as well as we can just mail it out in a hard copy of that if that's the desire of the community member. They can call us. We'll have contact information on all our materials and share it with our different community groups. And then we can help citizens if they have a request to kind of navigate the process and figure it out. But the goal is to get as many people aware of it as possible. And also, the real focus of these meeting is not only the capital request, which is important, but we're trying to present other resources to the community that can help them in this time of the pandemic and helping them navigate other systems and other resource providers as they may need.

And also, we've advertised these on the so-called Ready News meeting and we will record the meetings. And so if someone is not able to attend this day or that way they can play it back at a different time at their convenience.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Paul.

CHAIR ROYBAL: Thank you, Mr. Olafson. Do we have any other questions from Commissioners on this item? Mr. Olafson, thank you for the presentation. Great job.

**5. B. 54<sup>th</sup> Legislature - First Special Session, 2020, Update and 55<sup>th</sup> Legislature, First Session, 2021, Preview**

HVTCE MILLER (County Manager's Office): Good afternoon, Mr. Chair, Commissioners. So I'm giving you an update on what has occurred since the last Commission meeting. The signing deadline for the special session was July 12<sup>th</sup>, so there was still time after the last Commission meeting for the governor to take action on

legislation that was provide to her for her final authorization. I had emailed the report out earlier today so I think everybody should have that and can follow along. It has 7/14/202 Legislative Report – Special Session 2020 at the very top on the left-hand corner.

So what ended up having was that there were seven bills in total that the governor provided final authorization on, and on the first page there, they're listed there by their Chapter Number and then to the left it has when they were signed into action. And so since the last meeting there was three different bills which were finally authorized by the governor and I had briefly spoken about what had been presented to the governor for authorization at the last meeting on June 30<sup>th</sup>. That was House Bill 1, and most everything I presented stayed in the bill, and the one main item that had changed was her vetoing a cut that was made to education.

But I will go over the key points of the budget. The fiscal year 2021 state budget was \$7.22 billion. The recurring general fund appropriations were reduced by roughly \$415 million. The non-recurring general fund appropriations were reduced by roughly \$184 million in fiscal year 2021. And the state reserves in the new budget will be 11.3 percent.

The next point that I'm making here, this is partially the reason that the cuts and overall measures needed to be taken by the legislature were not as severe as originally thought, and that's because there was \$750 million from the federal CARES Act which was infused into the state budget. And so that did take a lot of stress off legislators for getting programs versus state agency budgets. And so included in that \$750 million is \$150 million for city and county grants, which the County Manager had mentioned earlier in the meeting today, and there's also \$28 million for tribal government grants.

In the bill, the Department of Finance and Administration also is authorized to additionally reduce state agency budgets by two percent if it is needed, so that's kind of a fail-safe for the legislature not to have to come back later in the year if at all possible. The Department of Finance and Administration can go ahead and review and monitor how the revenue stream is and how budgets are going through the end of the year to make any adjustments if needed. So that's what that two percent adjustment given to the Department of Finance.

Speaking about the changes that the governor made, which was the holdup of the signing of the bill itself were that there was \$30 million in education cuts that were provided in the version of the bill that the legislature sent to the governor and she vetoed that out, \$30 million. And that restored funding for culturally and linguistically relevant instructional materials, and it also put back in the opportunity scholarship, which was her tuition program for all New Mexico residents to attend higher education facilities within the state. So those got put back in.

Those are the overall points of the state budget and going now onto page 2 of the report is Senate Bill 8, and this is the bill that was requiring police officers to wear body cameras. What the bill entails is that city police, county sheriffs, state police would all have to wear body cameras, and they must maintain the body camera footage for at least 120 days, and any police officer interfering with the device could face penalties for withholding the evidence. This was a controversial item at the legislature at the special session, one, because it was a short session, and two, because of the pandemic restrictions on social distancing, people weren't allowed into the capitol to testify or provide their

case regarding certain legislation.

So a lot of the law enforcement agencies already have body cameras in place but they don't have these specific requirements, and this bill was unfunded as well so putting this in place kind of put an unexpected burden on law enforcement agencies as well, if they weren't ready to take on these new requirements. One of the main items is the holding of the video for 120 days. I don't believe that everybody was ready to take on that storage. Depending on your department size that could be hours and hours and hours of video for your police officers. So that is a major cost to law enforcement agencies. After the signing of the bill, law enforcement agencies now have 90 days to put these requirements in place. So that's still an issue for some police departments within the state and could be an issue into the next session as well, that this piece of legislation could be revisited.

Lastly, I have Senate Bill 3, and this was a bill that provided low interest loans to small New Mexico businesses recovering financially from COVID-19, and how this affects localities is that it allocates \$400 million from the state's \$5 billion severance tax permanent fund, and of that \$400 million, \$50 million for loans to local governments. To be eligible for those loans as a local government ten percent of your operating revenue has to have declined in fiscal year 2020 due to coronavirus disease impacts.

Lastly, on page 3 of the items I had discussed at the June 30<sup>th</sup> meeting, those are listed here; no other changes have been made since I last spoke about that. There was information that was requested from the Commission at the June 30<sup>th</sup> meeting regarding Senate Bill 5 and those were the projects that were being pulled back from the state and the funds for those put back into the general fund for operations of the state.

I had sent out information regarding that previously, because the Commission had requested that, and in the additional attachment there is a spreadsheet showing all the projects statewide that were pulled back and upon first review, I had mentioned at the June 30<sup>th</sup> meeting that there weren't any County-managed projects, and upon further review there was not any pull-back of Santa Fe County-managed projects, but as you can see in the spreadsheet there, there are several projects within the county, although not managed by Santa Fe County government they were pulled back into the general fund and for instance, on line 9, there is the Zafarano construction for \$100,000. Another notable one was the money for the Mountain Center for the yurt. It's on page 4 of 4 and that's line 58.

COMMISSIONER GARCIA: Mr. Chair, I have a question for Mr. Miller, Hvtce, whenever you're ready.

CHAIR ROYBAL: Commissioner Garcia, Hvtce, do you want us to have questions right away, and we can wait till the end as well, but I think it might be better to get the questions now while it's still fresh in our mind.

MR. MILLER: That's the end of the presentation.

CHAIR ROYBAL: Oh, it's the end. Okay. Commissioner Garcia, go ahead, sir.

COMMISSIONER GARCIA: So really quick, Hvtce. Thank you for your presentation. I saw – line 50, domestic water systems. So that got cut? That \$50,000 got cut?

MR. MILLER: That's correct. That money did get pulled back [inaudible]

COMMISSIONER GARCIA: Thank you. And then also in regards to the Boys & Girls Club up north, I guess that got cut as well.

MR. MILLER: Yes.

COMMISSIONER GARCIA: So basically everything that you're showing got cut.

MR. MILLER: Yes. These were the list of statewide projects.

COMMISSIONER GARCIA: Thank you. I appreciate that. I saw Zafarano unfortunately got cut as well.

MANAGER MILLER: Mr. Chair, Commissioner Garcia. Something funny about Zafarano is this bill came memo'ed and it showed that that was cut, yet we got a notice from DOT, I think, that we had 90 days to try to encumber it. So we're going to try, but it's weird, because this is the analysis that Linda Keyhoe did of the bill and sent it to the Association of Counties, and we were told these are gone, but then we had an email from DOT that Zafarano may not be cut. So we're still trying to figure that out. We're getting conflicting information from the state, but this is what was in the bill.

COMMISSIONER GARCIA: Thank you, Mr. Chair, Manager Miller. So for staff, does La Bajada actually have 90 days to go encumber their money, because they're actually a quasi-conditional government entity? So can they encumber their monies?

MANAGER MILLER: I would recommend they contact – that grant's probably through the Environment Department, or the State Engineer, one of the two, and I'd highly recommend they contact the agency. That was not one that was coming through us. So the Environment Department, I would recommend they contact [inaudible] to find out if there's an opportunity for them to still utilize those funds.

COMMISSIONER GARCIA: Thank you, Mr. Chair. No more questions. Thank you to Katherine.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. So Hvtce, or Manager Miller, depending on who may know, the money from Bill 1, there's \$150 million in there potentially for counties. I assume they have to apply for that money. Previous CARES Act money, like from the feds directly, had constraints on how big you had to be or whatever to qualify and apply and we didn't fall into those categories so we could never apply. Are there similar or some other constraints on who can apply for that money?

MANAGER MILLER: Mr. Chair, Commissioner, this is what I was talking about earlier, when Commissioner Hansen was asking about funding for a public information campaign. It's what I was referring to when they said there was \$150 million in the bill out of the CARES Act money that went into the state. And yes, it's restricted. It can only be used by what the Treasury Department says it can be used on, but my understanding is that they're going to make a distribution, possibly based on population, so we've been keeping track of our expenditures just in case it has to be done on a reimbursement basis, but also if they do a distribution, it can only be spent on those items

that were authorized in the CARES Act.

COMMISSIONER HAMILTON: Thank you.

COMMISSIONER GARCIA: Mr. Chair, just on that note as well, if I may?

CHAIR ROYBAL: Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: So that \$50 million that was given to local governments, so for small business loans. So who determines who gets that loan? Does the state require the County to administer that?

MANAGER MILLER: So Mr. Chair, Commissioner Garcia, it was on the call on last Friday with the New Mexico Counties and I – staff volunteered myself to help figure out how this money can be accessed. We think the New Mexico Finance Authority – as you know, I’m the chair of that as well – and that \$350 million is going to be administered by them, and we’re having conversations about whether or not we could do the \$50 million through counties for businesses within counties. The other \$350 million would go through banks. As a business you’ll go to a bank and meet the criteria that was put in the legislation. That’s going to be a first-come first-served, but that \$50 million hasn’t been really outlined yet, and so that’s the thing I raised my hand and said, sure, I’ll participate in figuring out how that can be accessed, and we hope to do something in the next week or two to have more information how that works.

COMMISSIONER GARCIA: Thank you for volunteering your time and effort as we all do because it’s a whole different story out there. So thank you. One of the other things is, I expect to give our Sheriff’s Department, as into our body cameras. We’ve been doing that and he’s totally for body cameras and he has been doing that, to authorize his budget for that. Just so that’s nothing new to Santa Fe County, so we have been doing that. Just wanted to get a little plug out for the Sheriff. But Katherine, thank you for volunteering your work again to help out as into how we have to spend this money because it’s a time where we need some institutional knowledge. But I appreciate that, Katherine. Thank you.

COMMISSIONER GARCIA: Thank you, Commissioner Garcia. Do we have any other questions from Commissioners on the legislative update? It is concerning that we’re losing some of the funding for our Boys & Girls Clubs and that is concerning, but given the circumstances I hope that decisions from the legislature were the best ones to make at this point. So thank you for those comments, Commissioner Garcia. Any other comments from Commissioners? Commissioner Hansen.

COMMISSIONER HANSEN: Hvtce, I want to thank you for putting that list together and for your update. I appreciate it. And it’s good to see even though it’s always sad to have money taken away. It’s good to know what it was that was taken. So thank you for a comprehensive list. I appreciate that.

MR. MILLER: Mr. Chair, Commissioner Hansen, you’re welcome. If there’s any other questions after this presentation go ahead and contact me and let me know.

COMMISSIONER HANSEN: Thank you.

CHAIR ROYBAL: Thank you, Hvtce, for your presentation.

**5. C. Miscellaneous and COVID-19 Emergency Updates**

MANAGER MILLER: Mr. Chair, I've got a few things to update the Board on. I've got emails as well as I've printed some of them out. So first of all, the Fair Board met on Monday, July 6<sup>th</sup> and they had a special meeting to approve a proposed 2020 schedule for what they're going to call the Youth Achievement Show that will take place instead of the Santa Fe County Fair, the weeks of August 2<sup>nd</sup> to August 18<sup>th</sup>. And it's not a public event, and it's only open to the 4-H youth, immediate family, Extension staff and Fair Board members, but they have a tentative schedule of activities, and they're going to be in line with the governor's orders of no masked gatherings and the CDC guidelines.

They're going to be subject to change depending on any interim action the governor might take to reduce the spread of COVID-19, but the proposed schedule includes a horse show that will be held at the Rodeo de Santa Fe grounds, a lamb and goat show, pig show and cattle show. These animals will be shown by each species, and there'll be no more than five animals in a class or five people showing. There'll be a junior livestock virtual auction. There'll be 4-H indoor exhibits with time slots for each family, and the exhibits will be dropped off one person at a time. And then they'll do poultry and rabbit shows, which will all be done virtually with the exception of the poultry showmanship.

So I want to hand it to our Fair Board for being creative in coming up with something for the youth so they didn't completely miss out on the season of preparing their animals for the fair and showing them and the projects that they do and that they work on all year. So I think that the Fair Board did a really commendable job coming up with an alternative plan.

CHAIR ROYBAL: Great. I think that's good to hear. I think we're doing everything that we can given the circumstances we're in. So I'm really happy to hear that. Any other comments from Commissioners? Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, Katherine, and my colleagues on the dais here, thank you for allowing the Fair Board to be very creative as into how we form these projects. With no schools going on, it's hard. Kids want to go back to school. You saw the paper today, because kids today interact and thank you for the Fair Board and for my colleagues as well as Manager Miller and your team to think outside the box. But I appreciate that and thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Do we have any other comments from Commissioners? Okay. Go ahead, Manager Miller.

MANAGER MILLER: Okay, I have a few things to give you updates on. Another one is from our Community Services and things that we're working on there, we are sending out emails so that you know and information relative to Santa Fe County COVID cases by zip code, and as Commissioner Hansen mentioned, there is a significant disparity, especially in the 87507 area code. Nearly one half of all of the Santa Fe County positive cases are in that zip code, and Community Services is brainstorming about ways that we can provide outreach to this area and education to those constituents and residents, hopefully to reduce the spread.

Also, we have a contract in place with the New Mexico Coalition for the Homeless. They're going to be providing case management, navigation and other Medicaid enrollment services to the Midtown Center. That is where the City has set up a homeless shelter for individuals needing isolation for COVID-19 prevention and recovery. Some of them may be there just to be isolated and out of community settings. The contract with the New Mexico Coalition for the Homeless is a partnership with the City.

Also, the Pathways in Española, the Pathways program is now part of the Santa Fe CONNECT and is utilizing our platform and we'll be working on a contract with them for navigation for this fiscal year. We did some work with them last fiscal year and we're looking at another contract with them for navigation services for this fiscal year. And also just to point out that just since we started our portal the CONNECT data shows that we have served 488 unique clients for all types of different services – transportation, substance abuse, money management, legal assistance, income support, mental and behavioral health services – just to name a few of them. Probably the greatest area is in housing and shelter and food assistance and income support. So I just wanted to note those items.

So I don't know if you have any questions on those. Then I have another item –

CHAIR ROYBAL: Manager Miller, I think Commissioner Hansen has a question. It would probably be better to take care of it right away. Commissioner Hansen, go ahead.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Manager Miller, thank you for that update. I wanted to let the Board know that I did write a letter to the governor requesting funds to help with a public awareness campaign. I don't know what will come of it since I'm sure they have their own way of distributing it, but I did talk to and reach out to the councilors in districts 3 and 4 who also represent that district, 87507, and I also reached out to Commissioner Garcia. I mentioned them all in the letter, that we were talking. I've also on the whole COVID issue, I spoke with Miguel Angel Acosta, and he is very concerned about the fact that there is no hot spot or wifi in the area from Airport Road to Agua Fria. We don't have a community center there. We don't have a school there. Ramirez Thomas is the closest school to that kind of area and there's a tremendous amount of trailer parks.

Also in the letter I talked about doing some kind of public awareness campaign in Spanish, because that is where a large immigrant and Spanish-speaking population lives, and I am very concerned. I don't know how we can get more hot spots or wifi spots into that location because it seems we need to have a County or a City or a school or something like that, but according to Miguel Acosta, those children are not getting access to that. So I also wanted to mention that for Commissioner Garcia because I know that he cares about those issues also. That's really it on the COVID-19. I have other things to talk about but I wanted, since we were talking about the COVID-19 I wanted to share that with everybody.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. Manager Miller.

MANAGER MILLER: Mr. Chair, so another item for an update: As you know another –

COMMISSIONER GARCIA: Katherine, I'm sorry to interrupt you. Mr. Chair, if I may. Just on Commissioner Hansen's, if I may?

CHAIR ROYBAL: Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: Just in regard to the hot spots. The school board is actually – we actually bought many, many hot spots from T-Mobile, because Verizon, like I said last meeting, was two or three months out for hot spots. So 97 percent of our kids, thanks to the electorate voters, they have about 97 percent of our kids, the 12,000 kids. So I would like Miguel Acosta to give me a call, because if there's kids in Cesar Chavez, Ramirez Thomas, that don't have access to an internet, actually they do, and so I just want to put that out on the record because kids have access to that internet. So I just want to put that out there on the record.

COMMISSIONER HANSEN: So I'm happy to share his number with you and I will share his number with you so that we can find places to put those hot spots.

COMMISSIONER GARCIA: Thank you. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I think if there's not any other questions, Manager Miller, if you'd like to continue.

MANAGER MILLER: Okay. And then another item, back in March, I believe the end of March or the beginning of April, the Board gave the authority to change some of our programs, particularly those to do them in an emergency ordinance, and one of the things that we did make a change to for an interim period was the solid waste permits. So on April 20<sup>th</sup> I'd authorized county residents to dispose of solid waste at our transfer stations, one time per day, without having to have their permits punched, and with all things that are COVID-19-related, it wasn't anticipated that we would still be in this stage of lockdown, I guess you'd say, or lack of reopening.

So we'd expected to do that for two to three months. We're still doing it, but it is at a significant cost to the County. Just to give you an idea, for May/June of 2019 we had \$125,000 worth of punches that we had done last year. That same time period for two months, the number of trips that people who came in that would have been punched, were \$186,000. So it's cost us about \$61,000, just over two months for May and June. So I do anticipate stopping that at the end of July, giving people plenty of notice that we will start on August 1<sup>st</sup> punching passes again, but I think that the county residents have been able to take advantage of the free access to the facilities for the last pretty much three months, and that has been beneficial. They've taken advantage of that to make sure that they have taken quite a bit more trash. I think a lot of people did spring cleaning when they couldn't go anywhere.

But I just wanted to let you know that it was well utilized by the residents. We went – just a comparison of the amount of tons: we did about 400 to 500 more tons. We did 1,774 tons last May and June, and we did 2,150 tons this May and June. And as I said, that was about at a cost of \$61,000 worth of revenue that the County did not receive in allowing people to go in for free.

So I just want to put that out there and that we will be going back to punching the cards starting August 1<sup>st</sup> as we did not budget for that level of increase this year in tonnage and we also budgeted that we would receive revenue. So the budget that we submitted does have us having revenue and not as high of an expenditure as we're having.

CHAIR ROYBAL: Okay. I'm going to go to Commissioner Hansen first.

COMMISSIONER HANSEN: Thank you very much. I think that it's fine to go back to punching the cards. I just want to make sure that people have equipment or have shields and gloves and masks to make sure that they can punch safely. And that's really all. I think if we do that then we're protecting us, because that's what we're doing at SWMA. We're punching cards now also and so people have gloves and masks and all the things they need to protect themselves. As long as we have that we need to go back to punching. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick. I'd just like to thank my colleagues on the dais again, and Manager Miller and her staff, especially the individuals that actually work at the transfer station, because whenever the City of Santa Fe closed BuRRT, guess where they all went to go throw the trash at. Guess where they all went – not throw the trash, but guess where they went to put the trash, in La Cienega. I got calls many weekends in a row where there's like a 2 ½ hour wait in the line, people trying to distribute their trash in La Cienega because the City of Santa Fe's BuRRT was closed. So I'd just I'd just like to thank my colleagues on the bench. Or not on the bench, actually on the dais, and also the staff that works for the Solid Waste. You guys know. Because that's where everybody was at. They couldn't go throw the trash at BuRRT and the County Commission allowed city residents to go distribute their waste in La Cienega, because that's one of the only places that was open. But I just want to thank everybody out there because the County – we're being pro-active, so I just wanted to put that on the record. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Hansen, you have something additional?

COMMISSIONER HANSEN: Yes. So BuRRT was never completed closed. Okay? They only limited their hours. And according to what I understand from Manager Miller is that people could only get into the transfer stations if they had a punch card. City residents could not just go dump their trash in any of our transfer stations. Maybe they did, but BuRRT didn't close. We limited the hours. We closed the first Saturday, but it was never completely closed. Okay? So I just want to make sure you understand that.

CHAIR ROYBAL: Okay. Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick. I understand that. I get it. It's just us as Commissioners, Manager, we actually allowed individuals to borrow so-and-so's card to go get stamped and [inaudible] waste. I understand. But I'm just saying thank you for my colleagues on the dais as into Manager Miller saying we never budgeted for this, and we got a lot more tonnage, and we were doing this. So thank you.

CHAIR ROYBAL: Thank you, Commissioners, and I do want to express my gratitude. I think there was a lot of constituents that benefited from this time that we were able to allow them to throw their trash. I know that we probably still have a lot of constituents that aren't working right now and so we need to think about that in the future. So I think that it's been great that we were able to do it to this point but it's something that we don't know in the future what's going to happen with this pandemic so

hopefully it does get better and we're okay.

I don't know if there's any other programs out there that could help some people that can't afford to pay for some of these trash permits. That would be great if we could look into that. But thank you, and thank you, staff for at least affording the time that our constituents have been able to take advantage of this time for as far as using our transfer stations to throw their trash for free. So it's been something that's really been beneficial to our districts. So thank you very much.

GARY. GIRON (Public Works Director): Mr. Chair, members of the Commission, Manager Miller, I just wanted to say that the Solid Waste staff have done a really good job during this time of managing the flow and providing good customer service, and I think that deserves recognition.

CHAIR ROYBAL: I couldn't agree with you more. I think that all of the feedback that I got from my constituents was very positive and I think that we did an awesome job, so kudos to our staff at the transfer stations. I know Commissioner Hansen had asked that we make sure that they're safe in the way that they punch cards in the future and I think they've already implemented that and we can probably talk to that as well. So I think that our staff is already working within those parameters of safety.

Do we have any other comments from Commissioners? Okay, Gary, please convey our appreciation to your staff at the Solid Waste Division.

COMMISSIONER GARCIA: Yes. Thank you Mr. Chair. As you mentioned, Gary, please tell you staff, thank you for what they do, because we appreciate them. I do. We all do. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia.

MANAGER MILLER: I still have two things. A lot happened in the last two weeks. So as you know, Representative Linda Trujillo resigned from her position, and her district is within the boundaries of Santa Fe County, completely within the boundaries of Santa Fe County, so the County Commission is responsible for appointing somebody to finish out her term, through December 31<sup>st</sup>. And we advertised that we would be taking applications for qualified individuals to apply between the date we heard of resignation and July 20<sup>th</sup>.

So we will be accepting applications for the Board's consideration until Monday, July 20<sup>th</sup>, at 5:00 pm. Then we will vet those applications and make sure that they meet the statutory requirements in the laws. We have polled the Board relative to a date and time that you are all available for a special meeting to listen to a presentation from each of the applicants, and then make a recommendation and vote on a person to be appointed to fill out that seat. And the date and time for that meeting would be July 23<sup>rd</sup> a Thursday, at 3:00 pm. So we'll be sending you a calendar invite to do that, and that will be noticed as a special meeting of the Board of County Commissioners. Do you have any questions or comments on that item? Because I still one more update.

CHAIR ROYBAL: Thank you, Manager Miller. I'd like to know, do we have a count of how many individuals have already sent their letter of interest and résumés?

MANAGER MILLER: Mr. Chair, I think we've had two, but Tessa Jo, could you confirm how many we've received. I've gotten one.

MS. MASCARENAS: I've gotten three inquiries but no completed

applications yet.

MANAGER MILLER: Okay, and I did receive a letter, an application, I'll give this to you because I don't know if they've provided everything that they needed but they did send a letter.

COMMISSIONER GARCIA: So, Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia. Go Mr. Chair, Katherine, once again, on our webpage, it's all there, what they need to do, how they need to do it, and so on and so forth, right?

MANAGER MILLER: Tessa Jo is nodding her head and so is Daniel. I count on you to get everything on the web.

COMMISSIONER GARCIA: So really quick, whenever we do interview five or seven or two people, so is it live, or do we have to ask them the same exact questions? Or how does that work? How are we going to do that?

MANAGER MILLER: We'll do it just like – we'll do a web meeting, just like this, and what we've done in the past is they present their own presentation. We usually give them about five minutes, for them to say why they think they would make a good representative or senator, or whatever the elected office is, and then the Board usually asks questions. It's not a formal as an employee interview is where you have to do everything identical. It's entirely up to the Board to make this decision. As I said, this one is all within Santa Fe County the Board's selection will be the person who fills the term through the end of this year. The Central Committee of the Democratic Party is the one who will actually make the selection of the person who would go on the ballot for the next two-year term.

COMMISSIONER GARCIA: Thank you, Mr. Chair, Katherine. Also, so when does the Central Committee need to make that recommendation? Like in August? Or before obviously November.

MANAGER MILLER: Mr. Chair, Commissioner Garcia, it's my understanding in talking to the County Clerk it's within 63 days of the election, so it's likely sometime in August or September.

COMMISSIONER GARCIA: So just for the record, so if we choose Susan, and the Central Committee does not agree with it, they have the ability to say we want to put some other individual on the ballot. Is that correct?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, this isn't my area of expertise, but that is what I understand. In talking to the Clerk it is their decision as to who goes on the ballot. It's my understanding though that often who the County Commission selects does have a lot of weight because you are the elected officials in the county, but that doesn't mean that that's definitive, but it's my understanding that that does weigh with the party because you are elected officials.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I'd just like to caution my colleagues as into we've just got to be careful as into now committing to any individual because I think we're doing an excellent job as into this is a democracy process and this is out there, and anyone who wants to apply for it, and let's interview everybody, and then we can all make a decision and move forward. But thank you for what staff is done because I know sometimes we're getting pressured as into how we do it, why we need to and why, so I think we're doing an excellent job as Santa Fe County

Commissioners, and I appreciate Katherine and your staff's great, and everybody else that's looking into it, because Katherine called me one morning at 6:30, 7:00? But anyhow, just as into it's a democracy process. So I appreciate my colleagues saying let's move forward. Let's just interview everybody and may the best individual get the appointment. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Hansen.

COMMISSIONER HANSEN: Just to clarify a few points. I do believe that the County Central Committee from District 48 will be the people who decide who goes on the ballot. It is not the entire Central Committee. It's the County Central Committee. I've heard that it will happen sometime in August, which would be good, because that gives enough time for them to comply with the Clerk's Office. I am especially going to miss Representative Linda Trujillo. I had a really good working relationship with her. She knew and understood the issues in my district. She was aware of how important the village is and we had a really great working relationship and I want to thank her for all of her service and recognize her for the great job that she has done for the community, and I think RLD is incredibly lucky to have her working there with them, and I know that she will be able to be a benefit in many other ways besides being a representative, but I am truly going to miss her. She lived in my district. I was not a voting member in her district but she was my constituent and she still is and I'm just sad to lose her as a representative. And thank you, Linda for all your great work you have done for us. So thank you.

COMMISSIONER GARCIA: Mr. Chair, if I may.

CHAIR ROYBAL: Commissioner.

COMMISSIONER GARCIA: As a school board member, representative for a lady that actually – she's one the school board. I get chills. Whenever you sit on the school board it's a whole different ball game than people out there realize as into how it works, federal funding, schools. But she sat on the school board for several years and she actually did an excellent job. And as state representative, excellent job. Just a real great job. And for a lady that actually lives in Las Acequias, South Side area, great job. And for a lady that actually – she was the County Attorney. She actually was one of our County Attorneys that I worked with for the Nambe project and a lot of other projects and she actually worked for Santa Fe County as an attorney. State representative, school board member, great job, and thank you for what you've done for the community.

A lot of people don't realize when we sit up here on the dais or an elected official, people can sit there and snap chat all they want, do whatever they want, but Representative Trujillo, thank you for your services, for the state of New Mexico, for the Santa Fe School Board, and actually being an assistant County Attorney. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. As our County Clerk, do you want to chime in on some of the matters that went back and forth as far as the Central Committee? Was there anything you wanted to add to that?

GERALDINE SALAZAR (County Clerk): So you wanted feedback regarding the Board of County Commissioners process and also the party? Is that what you were requesting?

CHAIR ROYBAL: Yes, Madam Clerk. That's what I was asking for.

CLERK SALAZAR: Okay. What it is is that the process in place already, that County Manager Miller has put into place of an advertisement announcing a vacancy to replace Representative Linda Trujillo has been done by the County, and now you will await the applications, and then I believe on July 23<sup>rd</sup> you will be set up to listen to the applicants, and then from that process then you will vote as a Board as to who you will select.

After that process, whereas the Board of County Commissioners – I understand there's no cutoff date to do this, but I think that in order to continue with the processes you've done in the past, to be consistent in this type of a process, and I understand also that in the past the governor has been involved in this process. But since former Representative Linda Trujillo's position is solely in Santa Fe County it is up to the Santa Fe County Board of County Commissioners to vote on this without the process going to the governor.

After your process and after you select who you want to be in this position, then it would be the Santa Fe County Democratic Party who would then select who would replace Linda Trujillo. And as Manager Miller stated earlier it is customary and I guess historically, whomever the Santa Fe County Board of County Commissioners has selected, that the Democratic Party has also appointed. So Chair Roybal, that is the understanding of the process from my point. Are there any other specific questions?

CHAIR ROYBAL: No, Madam Clerk. That covers it completely so thank you for that update. Is there any other questions from the Commission?

MS. MASCARENAS: Mr. Chair, I just wanted to mention I received an additional application. I just actually received it my email, so just a heads-up.

CLERK SALAZAR: Chair Roybal, I'd like to just make a – today is July 14<sup>th</sup>, and I believe your cutoff date, Manager Miller, is July 20<sup>th</sup>. Is that correct?

MANAGER MILLER: Yes, that's correct.

CLERK SALAZAR: So there's an opportunity for citizens who are registered to vote within Santa Fe County – I didn't see the advertisement, Manager Miller. Did you state in there about voter registration and registry?

MANAGER MILLER: Tessa Jo – I believe we did.

MS. MASCARENAS: Yes, we did.

CLERK SALAZAR: So then the public who qualify can look at what the County has provided and then submit their applications, and they have till the 20<sup>th</sup>. Thank you.

CHAIR ROYBAL: Thank you, Madam Clerk. Okay, Manager Miller, your next item.

MANAGER MILLER: Yes, Mr. Chair. If I could, because Director Sedillo has a person on the line that could provide the best information. What I'd like to do is if we could move item 11, Information Reports, Quarterly Report on Restricted Housing, up to right now, and then do the GO bond 2020 stuff, and then we could move the executive session to the end of the meeting, so that you could do your public hearings as soon as you finish the other items, the Matters from the Commission and Matters from Other Elected Officials. So would that be okay with you if I have Director Sedillo do the quarterly report on restricted housing?

CHAIR ROYBAL: Sure. I'll accept that amendment. So we'll go ahead

and do that. So for our next item we're going to go to item 11. A.

MANAGER MILLER: Yes, 11. A, and then if we could come back after that to 5. D.

CHAIR ROYBAL: Yes.

## 11. INFORMATION ITEMS/MONTHLY REPORTS

### A. Quarterly Report on Restricted Housing at the Santa Fe County Adult Detention Facility

MR. SEDILLO: Mr. Chair, as you're aware, as the Commission is aware, the compliance – Santa Fe County Adult Detention Center stays in compliance with House Bill 364 that went into effect July 1, 2019 for restricted housing. We have to prepare a report quarterly. The report was prepared. It is in your packet –

COMMISSIONER GARCIA: Mr. Chair, sorry, Director Sedillo. Restricted housing, can you once again mention what restricted housing is? Actually, because it's been called differently. What is restricted housing, please?

MR. SEDILLO: Thank you, Mr. Chair and Commissioner Garcia. As you're aware restricted housing is individuals who are placed – it used to be called segregation. It used to be called special housing. Now with House Bill 364 they're calling it restricted housing. So those are individuals who are placed in restricted housing for various reasons.

MANAGER MILLER: I think, Commissioner Garcia, they're not in the general population.

MR. SEDILLO: Right.

MANAGER MILLER: They could be in medical or they could be in just an area that is –

MR. SEDILLO: Not in the general population. Right.

COMMISSIONER GARCIA: Mr. Chair, if I may, I understand, Manager Miller. This is just for the general public. It's kind of segregation but now it's –

MR. SHAFFER: Just to be clear, Commissioner, if I could. The Restricted Housing Act defined restricted housing generally as confinement of an inmate locked in a cell or similar living quarters in a correctional facility for 22 or more hours each day without daily meaningful and sustained human interactions. That's the technical definition of restricted housing as provided.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Greg.

CHAIR ROYBAL: Thank you. If you could please continue, Mr. Sedillo.

MR. SEDILLO: Yes. At this point, Mr. Chair, Commission, I will stand for any questions. I do have Captain Rios on the phone here. She is our subject matter expert. She oversees the restricted housing department and she's available for any questions that the Commission may have.

CHAIR ROYBAL: Okay. That will be fine. I don't know, was there an actual report as far as the – that you wanted to summarize for the quarterly report on restricted housing in Santa Fe County? Or will she speak to that as well?

MR. SEDILLO: She'll speak to that, but there was an informational report that was in your packet. Captain Rios, would you like to respond to that? Give a summary

of your report?

CAPTAIN RIOS (Corrections): Sure. So for the second quarter report for April, May, June, there was a total of 26 inmates housed in restricted housing here at the adult detention facility. Daniel's pulling up that report now. Does anybody have any questions?

CHAIR ROYBAL: I think at this point we'll wait till the end of the presentation or the summarization for any questions. Thank you.

MANAGER MILLER: Mr. Chair, I think that is the report. It's the number of inmates. And you can see that the longest stay, I believe was one individual, 13 days. Otherwise, most of them are one day, two days. At the far right side you can see the number of days they were in restricted housing and in the center is the reason why.

CHAIR ROYBAL: Okay. So we've already scrolled through all of it, it looks like.

COMMISSIONER GARCIA: Mr. Chair, I have a question, or a comment.

CHAIR ROYBAL: Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: Just for the general public out there, as into I appreciate Sedillo, your staff and Attorney Shaffer as what it means for restricted housing. When you're incarcerated, that's 23 hours a day in a cell, and you're going to get out one day to do recreation and whatever for one hour of the day. And I just want to put it forward for the general public to realize that I believe, and I think that Santa Fe County is on top of our game as into doing the right thing for individuals that are incarcerated. So I just wanted to make sure for the general public out there that our staff, Director Sedillo, that we're doing a good job at it, because 23 hours a day in one area, you couldn't even imagine that. But I just wanted to put that on the record, Mr. Chair, as into our staff is following the state law, and we're doing a good job and we're actually moving forward, and actually helping out those individuals that – I get chills once again, but I just want to put it on record that we're following the state law and we're doing what we need to do. And thank you, Director Sedillo, Greg, for your definition, because you're actually right, being an ex-judge, and for the staffers, thank you for what you guys do because there's individuals out there that are human beings that are actually needing help, right? So I just want to put that on the record. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other comments from the Commission? Okay, so thank you for the presentation, Mr. Sedillo and staff.

**5. D. Presentation and Request for Preliminary Direction Concerning Potential CY2020 General Obligation Bond Questions and Projects**

MANAGER MILLER: Yes, Mr. Chair. So the first item is a quick refresher. Jacob Stock is going to go through a presentation that was given to you previously and just remind you of what we've been doing to get to the point where we brought you all the projects that we've been trying to shore up the budget for. So Jacob's going to do that, and then I'll go into the – then he's going to show you the total list of projects and how we've scored them and which ones are funded and with what money, and then I'll go into the 2020 recommendation.

We did put together a potential 2022. We're not asking for that to be what is in 2022, it's just that the last time we presented the potential projects for the 2020, several of the Commissioners wanted to know, well, what about certain other projects. So we'll go over that. This is a non-action item. It's once again just for information and discussion, but we will need to make a decision by the end of the month for our bond questions. Go ahead, Jacob.

JACOB STOCK (Planning): Thanks, Manager Miller. Mr. Chair, Commissioners, so as Manager Miller said, I'm going to give a brief presentation refreshing you on our process for determining need and evaluating project proposals as part of our larger capital planning process, and I'll briefly share the full list of projects that we evaluated during our process this year. And then of course I'll answer questions if you have any.

So the Board passed Resolution 2019-103 last year. This resolution established a new capital planning policy and process for the County. The goals of that resolution were to consolidate all of the different capital plans that we have at the County, to integrate some new planning tools that we developed for capital planning, and to establish a regular process of capital planning. The policy of course went into some detail about the process, but these are the main goals that we set out to achieve.

But I'd like to focus on these new planning tools in particular. So these tools include a capital planning committee, which we've talked about a lot at the BCC. This committee is made up of staff experts who convene to oversee the capital planning process. The tools also include a new process for scoping proposed projects early on in their development, and it includes a tool for evaluating, prioritizing and scheduling projects based on budget, need, and a method to evaluate projects based on their ability to meet the County's strategic planning goals.

I want to show you how all of this fits into the process for managing the flow of project proposals and developing a capital improvement plan every year. So first, a project is proposed, either through our internal system or through a constituent or a Commissioner submitting a form for proposing a capital project. Those forms or proposals are reviewed by the Capital Planning Committee and they're reviewed basically for completeness and for feasibility. Once it's reviewed then the person proposing the project is asked to work with staff to scope that project out into more detail. Once there's a project scope the committee determines the need for the project and evaluates the project based on the strategic planning goals. They also look at staff capacity and bandwidth to complete a project. And so based on all of this information that we've collected, then the Capital Improvement Committee can look at this whole list of projects and make a recommendation to the Board about which projects should be funded in a given year. And so that then becomes our CIP update and hopefully eventually our budget as well.

So as promised, I'm going to go a little deeper into this point of need determination and evaluation. So first the committee convenes and determines through discussion whether a project is a basic need. So what is a basic need? A basic need is defined as basically, anything that is addressing an immediate health, safety or welfare concern for county citizens, or projects that must be funded in a timely manner to ensure the basic functioning of the County.

So projects identified as basic needs are immediately prioritized for funding. Next the committee will evaluate a project. So we use an evaluation tool that was designed by our staff in collaboration with consultants from Bohannon Huston. We use 20 questions that correspond to the four strategic planning goals of the County. Those are to provide a safe community, sustainable community, healthy community, and a proficient and accessible government.

So these are meant to evaluate the degree to which a project addresses these important goals.

So I hoped to give a little demonstration of the evaluation tool but there's some technological constraints. So instead I have this snapshot of the tool. This is actually the tool that the Capital Planning Committee works from during our evaluation meetings. So as you can see we have a big list of projects. This is only a small portion of the projects we evaluated this year with some basic information for each project – cost, funding gap, and so forth. We have a column there indicating whether we've determined a project is a basic need, a yes or no question.

We also have a list of questions, as you go farther to the right. We have a list of questions corresponding to a strategic planning goal. So what the committee will do is we'll go through all of these questions for every project and give each question a yes or no answer. The tool then calculates, based on our answers, will calculate points according to whether – how we've answered for each question.

So the evaluation tool results in a total score for each project. That score is used along with a number of other factors to compare projects to one another and making those comparisons allows staff to make more robust funding recommendations to the Board when it comes time to propose capital improvements.

So just a reminder, I'm available to answer any questions on this process, but I also wanted to share – as Manager Miller said – I wanted to share the list if all evaluated projects for your reference. So Daniel, I don't know if you have that available to pull up. Thank you. So I'm not going to go over this project by project, but I just wanted to give you a look at everything that we've evaluated this year. I know it's over 60 projects in total. But what you have laid out here is all the projects we've evaluated as a committee, whether we've determined a basic need. If it's a basic need it goes to the top of the list automatically, and we also have the evaluation score.

The colors are also important here. The colors indicate where the Capital Planning Committee has recommended funding. So you'll see project highlighted in blue that we've recommended for the 2020 bond. Projects highlighted in green we've recommended for the fiscal year 2021 budget from a number of sources. Yellow we've recommended for the 2022 bond, and the red projects are part of our preliminary recommendation for ICIP.

So I don't know how Manager Miller would like to do this. I can stand for questions now or I could wait until she's given her portion of the presentation to stand for questions.

MANAGER MILLER: So Mr. Chair, there's two spreadsheets in your packets like this and basically what Jacob did – so we have a committee that goes through all of these projects, and they're scored based upon our strategic plan on a safer community, a sustainable community, a healthy community and transparent and

accountable. And so each one of those goal areas in our strategic plan has questions that go along with evaluating each project. So we evaluated each project as a team as to whether it was going to remove a public safety hazard or a potential public safety hazard, whether it was going to clean up the environment, whether it was shovel-ready – all of these things.

So when you see those scores in the center that's how the project scored. So what Jacob did is put the database together showing you what the project is, when we believe we will start on the project, whether it's a basic need or not, what the score is, and then this one is anything that's a basic need is at the top and then the rank.

The other one actually does it by type of project and the rank, and it's just a way for you to see all the projects that we have, and then he also color-coded them as to whether or not they're funded, whether they're on our ICIP, whether they're – remember, this is our CIP. And I think there's actually about 80 projects that we scored, if I recall, Jacob.

So what we did is then from list we went to the next one which Daniel, if you could bring up the 2020 bond recommendation. So this was the overall process that we used to try to make our recommendations to the Board about what should be funded in our 2020 bond or our 2022 bond, whether it was capital outlay or something like that.

So that's the process that we went through that we established on the basis of the Board voting for it and directing us to do that. And then that's how we then came up with these lists of projects, and you can see what we did for the 2020 is we showed you – these are broken down by road, by question – by what the bond question would be, which is roads, water/wastewater, and open space, trails and parks. So we have those three questions, and then this is the list of roads.

And if you saw basic need those were one of the highest. Next also the evaluation score proves out that it's a basic need probably because it fixed some kind of public safety issue or some environmental issue, and it's something that we need to do. So you can see, like one of the top ones is Avenida del Sur design and easement acquisition, because that's one of our main feeder roads and once we finish the northeast-southeast connector this is probably – it's in our growth area and probably the highest need road. But then it goes down the list with the score based upon those questions. And that's how we came about to make the recommendations.

Now, even if some were not a basic need, we still scored everything, and some of them, you can see they don't score as high but they're ones that have been brought forward by community members to you as elected officials of needing those projects done. And you can see that projects 19, 20, 21, 22, or 24, are not necessarily the highest score but those are ones that, as elected officials, you have indicated that the community has a strong desire for those.

So you can see how this process has worked out as it brings forward those that are highest need because of population or because of a public safety or health issue, and then also those from a community perspective and a community request make it on to the funding recommendations as well.

So in total, we have about \$11.5 million of road projects. Then the second pages shows you the water projects, and those are put in there by basic need and then by score, and that amounts to about \$4.8 million. I'm sorry. Those are the open space projects. And

you can see most of those don't come in as a basic need. These are community-drive. The Santa Fe Rail Trail crossing at Rabbit Road, though, that's a safety issue and so you can see it scores as a basic need and ranks as the highest project. It's only \$20,000 but the point of it was that one does need to be done because it's a safety issue for the Rabbit Road and Avenida Vista Grande crossing.

And then we had the Santa Fe Rail Trail and the River Trail, Pojoaque Valley recreation area and Ripley property, and you can see that those all, while not a basic need, are our top-ranked projects for parks and open space. Most of those are considered countywide projects because so many people come from all over the county and they cross districts – the Rail Trail and the River Trail cross districts.

And then water and wastewater, those are all basic needs and in most cases we're trying to alleviate an issue where we don't have enough water via wells and we're building our water and wastewater infrastructure. And that's \$3.750 million for a total recommended of 2020 bond projects of \$20 million.

Then the next sheet, as we discussed at the last Board meeting, you just wanted to see what the potential 2022 bond projects are. I wouldn't in any way ask the Board to vote on this now, but the reason we put it together was so you could see the comprehensive list of all the projects that we have scoped, and then what we funded with other funds, what we're recommending for 2020 bond money, and then what would be some logical ones for 2022 based upon the way they scored for road projects, whether they were a basic need or not a basic need, whether they were – these, we didn't worry as much about putting them in any particular order. This was just to give you an idea of those potential projects, things that are on the list that need to be funded sometime in the near future and would be ready to go by the time we get to 2022.

You can see these would be continuations of some of the projects that we would do design for in the first bond and then we'd look to do construction, so you can see the construction of Lopez Lane, sidewalks, Avenida del Sur construction, potential project County Road 51 road improvements. And then we even had the possibility of more than one bond questions. This would be if we do acquire the land for the land grant, we could get the northern county transfer station and fire station done. We have funded the acquisition of the property and the construction of the transfer station but we still would need to fund the fire station, so that could be a question.

And then also a potential affordable housing question. It doesn't necessarily have to be the same three that we always do. We've done as many as five or six questions and they've passed the voters.

So as I said, Commissioners, this is not an action item, and I stand for questions, and Jacob and any of the people who were on the team, but I did want to put it in front of you again for discussion and any questions because the next BCC meeting I will be asking for your approval of the 2020 bond questions in a resolution so that we could get that on the ballot.

CHAIR ROYBAL: Okay, thank you, Manager Miller, and that will be of course our next regular BCC meeting and not the special one that's coming up.

MANAGER MILLER: Yes.

CHAIR ROYBAL: Okay. Is there any other questions from Commissioners? Okay, thank you very much, Manager Miller. We appreciate it. I know

we've talked about this item quite a bit so thank you for the presentation and I think that we're ready to make a decision in our next meeting. So thank you.

**6. MATTERS FROM COUNTY COMMISSIONERS**

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

CHAIR ROYBAL: Are there any Commissioners that have announcements, recognitions, that they would like to share with the Board and their constituents today? I'll go individually. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair and Commissioners. I just wanted to share with you that I have been talking to the Coalition of Sustainable Communities about the Green Building Code, and I shared with Commissioner Hamilton a letter that was written by Beth Beloff. She is the alternate for the Coalition of Sustainable Communities, and I wanted her to know that I'm working to either bring forward a letter to support that at our next BCC meeting. A lot of it has to do with energy efficiency and the building codes were brought forward in 2009, I believe, and the Martinez administration but the kibosh on them and so we have not really updated the Green Building Code statewide for quite some time, and I think energy efficiency is one of the more important aspects of the green building code. So I just wanted to share that with you and give you a heads up on it. I am working on that.

And I have a couple other – I have a proclamation coming up for Women's Suffrage that's very important to me and the women's vote, and a civil rights resolution also. So I won't take any more time because I have a proclamation that I'm looking really forward to sharing with everyone also but I'll do that as soon as the other Commissioners finish.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I don't really have too much new to share. One comment I would ask, I would suggest this is important. I know the Sustainable Communities Coalition is doing some very important work on the Green Building Code, and as part of that work I believe they are doing some economic analysis. There's certainly a thing in the environmental community that if you're going to do – and actually, it's way beyond that. It's a factor in NEPA but it's a factor in federal agencies to do the economic impact analysis that goes with anything that you're suggesting. And I think there are many really critical reasons for that but for something like this, there are groups impacted in different ways by these kinds of initiatives.

While it's critically important to do it has to take into consideration the economic impacts, especially to low and middle income people, individuals as opposed to developers, and so in addition, there are potentially programs that can help implementation of this sort of thing. So to make it practical, I'd very much like to maybe see a presentation by the Sustainable Communities group to the Board if we're going to support what they're doing so that we can get some inputs on what the economic impacts are going to be and how they're being evaluated, what programs we might be able to help

with or sponsor or investigate in order to support the initiative.

COMMISSIONER HANSEN: So Mr. Chair, if I may just respond. So part of the reason this is being brought forward is the governor is supporting these green building codes and that there is a hearing on July 29<sup>th</sup> at CID to implement the codes, and it's most likely that they will be passed but it is also important, I believe, as Commissioners to support the governor on these initiatives, and I feel like this is an important initiative that she is supporting and bringing forward. And so I just wanted to also share that, and that is why – and I'm more than happy to ask the Coalition of Sustainable Communities to give a brief presentation when we bring forward the letter or resolution at the next meeting. So thank you.

CHAIR ROYBAL: Okay. Commissioner Hamilton, did that answer your question or did you have more clarification that we needed?

COMMISSIONER HAMILTON: No, my statement stands and it's important we get that. But I didn't have anything else. Thank you.

CHAIR ROYBAL: Okay. Thank you for your statement, Commissioner Hamilton. Is there any other comments or anything else that any other Commissioners wanted to bring up? Commissioner Garcia. Commissioner Moreno. Okay, we can come back to them. I did want to talk a little bit about our Sustainable Land Development Code. I know that when we passed this code years ago there's been some questions and concerns and comments from our developers and contractors and even just constituents in general. And I know that it's supposed to be a living document that we were supposed to visit and refine as time went on to make sure we had the best development code that we could to best serve Santa Fe County. And I do want to put out there and ask that we look at making a task force that can review the land development code and take maybe some comments and recommendations so that the Commission can take into consideration to look at changes to our land development code if we deem it's necessary.

But I do want to put together a task force and get not only the people that maybe as a subcommittee that sat on the overlay committees but also involve developers and different entities, realtors, so that we can work with them to see what they're concerns are and see if there's any refining that we need to do on the development code. We passed this sometime back and we've made some changes but I think I do want to revisit the SLDC before the end of the year, but I did want to get some comments and feedback from the Commission as far as putting a task force together or constituents and developers and realtors within our respective districts so that we can revisit and find if we need to make some additional changes to our land development code or look at the possibility of refining it a little bit. So I'd entertain any comments from Commissioners as far as that idea. It would be something that would be our due diligence to make sure that we looked at.

So we do have any comments or questions relative to that? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Yes, I think that we have passed resolutions, specifically lately. The last one was the pollinator resolution that we passed that talks about the SLDC and I think there's many things that could be looked at and once this green building code through the hearing at CID it would be another thing to work on. So I would support something like that. I know we're in very difficult times

and I know we're short of money, but I think that we still need – one of the things about the SLDC was that we were supposed to, on a regular basis do a review and look at the changes that might be needed to it. So it might not be a task force; it might be a committee. There's many different avenues to do that. Thank you.

CHAIR ROYBAL: I would agree. I think we just need to work together as a Board to determine what is the best path forward but I think we definitely need to have voices and input from the different areas, from developers to realtors to just constituents in general and get input from them to make sure we do this refining on this land development code. Commissioner Hamilton, did you have any comments relative to that?

COMMISSIONER HAMILTON: I'm wondering what particular parts of the code you want to look at. To think about wholesale review of the code without being focused on a piece at a time, especially without being focused on something that comes up under review based on – would come under review because of complaints or problems that have arisen or recognized by staff or by constituents.

So if we have some pieces – if you have an aspect of the code in mind that might be a do-able task. Otherwise it's an impending free-for-all. And I agree completely that part of the idea is that it is a living document, but there's a rational way to go about it and part of that is because we have reviewed parts of the code and even in the past couple years have had specific problems that have been identified, like I said, by some combination of staff and constituents, it was a six-month to one-year process to get those fixed, and we have fixed some parts of the code.

So I would say we need to identify what we're looking at first.

CHAIR ROYBAL: Commissioner Hamilton, that of course is the beginning process of any idea that starts. You always need to get input and of course there will be data that we can get compiled from staff and also from some of the general users of the land development code. And I think it would be up to that task force to kind of identify what they feel would be the best avenue to pursue and would be realistic.

Basically, I think we would have three to four months to allow them to go through the code so that we can bring something to the Board closer to the end of the year, one of our final meetings of the year. I think that would be something that we can look at, almost on a yearly basis. We can establish somebody that would bring to this Board that would actually bring this situation forward and in the future we can identify what other aspects of the code that we would identify.

There's not any way that we can identify everything at one time but we have to start somewhere, just like when you're trying to clean up a room that's messy you start at one corner and work your way to the side. So we do have to start somewhere and I would think that this board or task force or committee that we do assign or that we work with on this venture would probably be able to identify what the best plan of attack would be as far as looking at the land development code and seeing what changes we could possibly make. But thank you for your comments. Commissioner Garcia.

COMMISSIONER HAMILTON: Wait, Mr. Chair. I would like to continue this. I kind of disagree with some of the things that are being implied. If you're suggesting that the SLDC is in wholesale disarray, I can't really agree with that. I think the idea –

CHAIR ROYBAL: I wouldn't agree with that either, Commissioner

Hamilton.

COMMISSIONER HAMILTON: Okay. so my point is that right now, there is a process in place that has been utilized and has worked, and that has involved staff in Land Use that field a lot of these – they're the ones that observe a lot of the problems and they get input from Commissioners, because we get a lot of – if there are going to be complaints, we get complaints. The things that get through on the ability to develop properties and driveways and the various – that we were getting a lot of variances on them. If you can tell me that that process is completely dysfunctional, then I might support a task force. Otherwise, I think we actually have a functional process for revising the SLDC and to establish a task force is to completely sideline that process and ask to fund some FTEs for fairly unsupported reasons.

CHAIR ROYBAL: I'm not asking for any FTEs, and the thing is we do need input from the community as well. And I think that we can compile a great list showing what issues and what areas we need to look at to possibly make some additional changes or modifications or whatever it would be, but I think we would need – we should have input from developers and things of that nature. We should get input and see what areas they feel that we might be able to improve in. You're always saying that we need additional housing – Manager Miller.

MANAGER MILLER: I hate to interrupt but this is a really broad conversation about something that isn't even noticed. I think in addition there's already a work plan of all the things that Penny and her staff were supposed to continue with the code. I would like to put an agenda item on the next BCC meeting where Penny presents all the things that we're already supposed to be completing with the code. You remember we've been working on the short-term rental component of it but there was quite a bit that was already outlined for staff to do.

And then maybe we could – you all could kind of get a sense of where it is you'd like us to focus. If putting together a task force is something that you want to see I think that's okay, but I think the code is huge and a wholesale review of everything that people might want to change in it would be very difficult. We have to do it kind of by subject or it will be like rewriting the whole thing.

So for instance you had us do hard rock mining and had us working on the short-term rental section, and so usually we do it by area, and we already have a work plan of several of those areas. So I would just suggest that we actually caption this and put a discussion together about what's there, and then kind of what everybody would like us to do, because I can see Commissioner Moreno wants to talk and we're going to be in a very long conversation about this and it's not something we noticed at all.

CHAIR ROYBAL: Okay. I think in this agenda item we can bring up any issues that we think that we're getting concerns with, and I don't know how long ago that these were brought forward and how long it's been that we've asked for the change on some of these items but I think it's something that we really do need to work on. I think it's been some time already. And I know that basically you're asking me to cut off the rest of the Commissioners and not getting any comment but I'm still going to allow them to make a comment.

MANAGER MILLER: That's not what I was asking, Mr. Chair. I was just saying I don't know what to do with what you are asking for. What you guys are asking

is very vague and I'm having a very hard time knowing how I would actually put something together based upon this conversation. That's all I'm saying.

CHAIR ROYBAL: Okay, and I think the ask was somewhat – I mean it went into a lot of different areas, but it wasn't the intent. It was blown out of proportion in other areas. But Commissioner Moreno, you had a quick comment?

COMMISSIONER MORENO: Yes. I'm really happy that this topic came up because I was going to bring it up anyway. There's always things in a complex system that the County has with land use issues. And it can't be static. There are new methods of doing things in modern times and we need a facelift – not a facelift but we can use our efforts to improve all the systems that we have in terms of land use. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Commissioner Garcia. And I'm just looking for a brief comment, just saying I think that we can look at, or no, our SLDC is fine the way it is, and really, I'm just looking for something like that. Do we have any Commissioners with any issues or updates that they want to bring forward today? We're still under Commissioners' issues and comments. Commissioner Moreno, did you have anything else that you wanted to add, Commissioner Moreno?

COMMISSIONER MORENO: No, I'm good. Thank you.

CHAIR ROYBAL: Thank you, sir. And I'll check one last time.  
Commissioner Garcia.

**6. B. Request Approval of a Proclamation Proclaiming July 26, 2020 as 'ADA Awareness Day' in Celebration, Recognition and Honor of the 30<sup>th</sup> Anniversary of the Americans with Disabilities Act**

COMMISSIONER HANSEN: I think one of the things that we have been dealing with in this community has been civil rights and people's civil rights and this proclamation is a proclamation proclaiming July 26, 2020 as the ADA Awareness Day in celebration and recognition in honor of the 30<sup>th</sup> anniversary of the Americans with Disability. So I am going to read the proclamation first into the record and then I will make some comments.

Whereas, the American Disability Act, ADA, was passed 30 years ago on July 26, 1990 to ensure the civil rights for citizens with disabilities; and

Whereas, the ADA established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities, and

Whereas, the ADA, with roots in the 504 Sit-In of April 1977 and the 1964 Civil Rights Act is a product of years of effort, struggle and sacrifice, and its passage is a monumental victory won by Americans, who in the words of President Obama refused to accept the world as it was and against greater odds organized a grassroots movement to enshrine the principles of equality into law; and

Whereas, ADA is not only a comprehensive civil rights law but one of human rights mandating fairness, opportunity, and inclusion of all Americans; and

Whereas, the ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perception and increasing full participation in community life; and

Whereas, Santa Fe County affirms the principles of equality and inclusion for

persons with disability as embodied in the ADA, the laws of the State of New Mexico and local government policies, ordinances and resolution; and

Whereas, the Santa Fe County Board of County Commissioners, with the passage of Resolution 2017-139 instructs the following policy statement: It is the policy of Santa Fe County not to discriminate against qualified individuals with disabilities on the basis of disability in its service programs or activities; and

Whereas, in 2018 Santa Fe County developed an ADA transition plan, which includes an ADA assessment of all County facilities and a plan for ADA improvements over a 20-year planning period, including improvement to roads, parks and open space and buildings and facilities; and

Whereas, Santa Fe County received \$2 million in revenue bonds to implement its ADA transition plan; and

Whereas, numerous organizations in Santa Fe County and the State of New Mexico work with constituents and communities, including the New Mexico Center for Therapeutic Riding to bring forth the promise of hope and freedom that is envisioned by the passage of the ADA; and

Whereas, disability touches us all and living up to the principles of the ADA is an obligation we all share, as every person deserves equal access, equal opportunity, and equal respect; and

Whereas, the Board encourages all citizens to celebrate the 30<sup>th</sup> anniversary of this civil rights law, and that many contributions of individuals with disability; and

Whereas, on the 30<sup>th</sup> anniversary of the ADA we collectively celebrate and recognize the progress that has been made and acknowledge there is even more work to be done to make our county and country still stronger and more inclusive for everyone.

Now, therefore, be it resolved, that we, the Board of County Commissioners of Santa Fe County do hereby proclaim the 26<sup>th</sup> of July, 2020 in celebration, recognition and honor of the 30<sup>th</sup> anniversary of the Americans with Disability Act, as ADA Awareness Day.

So this was – I am honored to bring this forward. This was shared or brought forward by a constituent who is actually disabled and wrote a really kind of moving letter. We asked her to speak today if she wanted to and she said it meant so much to her to be able to have access to the County building, to have that elevator, to come up to a meeting, and to be accessible and to be able to go to events and not feel like she was excluded. I think that it is so important that we continue to recognize people with disabilities and all the contributions that they give to our community, and that they not be discriminated against for whatever reason, that they might have a disability.

I myself have dyslexia and I have worked very hard throughout my entire life to overcome that and I know that that is a slight disability; it's not a major one, but I have been treated unfairly because of that and I recognize how much people can be hurt by these small things that we need to lift them up and lift all of us up. And by recognizing them and by making this proclamation I feel that we are lifting all of our constituents and all of our friends and family, and we're lifting them up. And so with that I would like to move that we approve this proclamation.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Excellent presentation, Commissioner. Very well done. The community there that needs help in our area. These are individuals that actually speak up and they have to have guardians that need to speak up for them, and I'm totally with you, 100 percent. Actually 99.9 because –

COMMISSIONER HANSEN: So would you like to second my motion?

COMMISSIONER GARCIA: Yes. Second, Mr. Chair.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen and a second from Commissioner Garcia. Is there any other discussion or comments from other Commissioners? Commissioner Hamilton.

COMMISSIONER HAMILTON: No. All of our activates that move toward greater justice and greater equity are some of the most important things we can do in our community.

CHAIR ROYBAL: Yes. Thank you so much, Commissioner Hamilton. Commissioner Moreno, did you have any comments?

COMMISSIONER MORENO: I want to thank my colleague on this proclamation.

CHAIR ROYBAL: Thank you, Commissioner Moreno. And also I'd like to thank Commissioner Hansen for bringing this proclamation forward. I think it is a great recognition, and absolutely we need to support this proclamation as much as we can, so-I really appreciate that. So I'm going to go to a roll call vote.

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

COMMISSIONER HANSEN: I want to thank Sara, by constituent liaison for all the work. She helped me also.

**7. MATTERS FROM OTHER ELECTED OFFICIALS.**

CHAIR ROYBAL: I do want to ask if in the future we can make item number 7 6. B, right under the Commissioners' issues so that we afford our fellow elected officials at the County the opportunity to speak right after the Commissioners and I think it's something that's important so I think that we need to recognize them right after if we can, and then we can move on to the other items that we would have under Matters from – if we could change that to Matters from the County Commissioners and Elected Officials. I don't know if there's anything that would preclude us from doing that, Manager Miller. Maybe you could chime in.

COMMISSIONER GARCIA: Mr. Chair. Sorry, Manager Miller. You as the Chairman, you wrote the agenda, if you want to move that around, I'm okay with it.

CHAIR ROYBAL: Okay. Thank you for your comment, Commissioner Garcia. Manager Miller, I know that we've always done it that way but is it okay to change it slightly?

MANAGER MILLER: Sure. That's no problem. We can change that order.

CHAIR ROYBAL: Okay. Thank you so much. I appreciate it, Manager Miller. So I'm going to go to – Madam Clerk, I believe you're still with us. Do you have

any comments or questions or any information?

CLERK SALAZAR: Chair Roybal, thank you. I'd just like to remind everyone. I'm sure many citizens in Santa Fe County are aware and throughout the State of New Mexico that we will be having a 2020 general election. Election day is November 3<sup>rd</sup>, on a Tuesday, so we have a few months before that election will occur on that election day. But before that, I and my staff and the Secretary of State and all other 32 county clerks are working very hard to discuss and plan for the upcoming election. We anticipate as much as several of you that we will still be affected by COVID-19. So we are looking at what we will be doing and lessons learned from the 2020 primary. The 2020 primary was an experience unheard of. No one has ever experienced – contemporary individuals I mean, and who knows if someone will experience this again in another hundred years or another year or five years. We don't know. This may be the new normal.

And elections are important in our country. They are the foundation of our country. We have liberties. We have the right to live the lives that we want but within the law. Part of that process is to elect people who will make an impact in our communities, and that's at the federal level, the state level, the city level and the county level. So it's important for our citizens to participate. And at this moment, what they could do is update their voter registration file. That would help tremendously. Not waiting till the last minute. Look at their registration file, see if anything needs to be updated or changes in preparation rather than waiting for the last minute.

It affects us tremendously when people wait till the last minute. We have to prepare for our voters overseas. We have to prepare for our voters who will be voting for federal positions and onward. So please participate. Await our advertisements we'll have in the newspaper, but in the meantime what citizens can do who are eligible to vote is register to vote or update their voter registration file. And understand that we may be under the same type of circumstance, but we are gearing up for it and we're using what we experienced in the 2020 primary to prepare us and help us perfect the next election.

Oh, in addition to that, we are having a special election for Edgewood, so in August we will be having an election and we're also simultaneously preparing for that one. So that's another election we're working on right now. Thank you so much.

CHAIR ROYBAL: Thank you for that update, Madam Clerk. I do want to ask if there's any other elected officials, and Tessa Jo, you can probably tell me if there's any other ones that possibly called in or if there's any other elected officials that are a part of this meeting right now.

MS. MASCARENAS: No, it doesn't appear that there are.

CHAIR ROYBAL: Okay. And I'd also like to notice Mr. Hank Hughes who will be part of the Commission here in the future. Welcome to the meeting, sir. I can see you are in attendance. Okay, so we're going to go ahead and move on to our next item. We're going to go ahead and bring forward our ordinance. Is that correct, Katherine? I think that we wanted to move our public hearing on the proposed ordinance forward and do our Matters from the County Attorney afterwards. Is that correct?

MANAGER MILLER: Mr. Chair, yes. We have two public hearings, and then we could do the executive session after that.

CHAIR ROYBAL: Thank you, Manager Miller.

9. **PUBLIC HEARINGS**

- A. **Ordinance No. 2020-5, an Ordinance Authorizing the Execution and Delivery of a Lease-Purchase Agreement Concerning One (1) 900 KW Cummins Generator 60Hz, One (1) Level 2 Sound Enclosure, and One (1) 2,000-Gallon Fuel Tank (the "Equipment") for the Santa Fe County Water Reclamation Facility, Evidencing a Special, Limited Obligation of the County Payable from the Net Revenue of the County Water and Wastewater Utility; Delegating Authority to the County Manager to Execute the Lease-Purchase Agreement and Associated Purchase Order(s) Within the Parameters Set Forth in this Authorizing Ordinance; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Authorizing Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Lease-Purchase Agreement**

MR. SHAFFER: Thank you, Mr. Chair. So the ordinance in front of you grew out of approval of the Board of County Commissioners back in June to approve a change order to an agreement between the County and Integrated Water Services Inc. related to the Santa Fe County water reclamation facility. As everyone's aware, this is a new wastewater treatment facility that is being constructed on property at the state penitentiary that the County leases from the State of New Mexico. And that change order that the Board approved back in June contemplated that a lease-purchase agreement would be subsequently entered into between the County and Integrated Water Services, Inc., the contractor, concerning emergency backup supply of energy for the facility. So it's a backup generator is what we're talking about.

The lease-purchase agreement is considered a revenue bond under state law and revenue bonds must be approved by ordinance. So at its June 30 regular meeting the BCC authorized publication of title and general summary of the proposed ordinance and notice of that public hearing was published in a newspaper of general circulation in the county on June 30<sup>th</sup> and July 7<sup>th</sup>.

So by way of high level summary, under the lease-purchase agreement the County would be obligated to pay \$8,793.58 per month up to 36 months, after which you would have the option to purchase the equipment for one dollar. The total purchase price for the equipment would thus be approximately \$316,000 and change, plus any applicable gross receipts tax and other governmental fees if any. The County would also have the option to purchase the equipment earlier at prorated purchase prices.

So the ordinance would generally authorize the execution and delivery of the lease-purchase agreement and pledge the net revenues of the County Water and Wastewater Utility for payment of the County's obligations under the lease-purchase agreement. Currently this revenue source is not pledged to pay any other debt, and finally, the subject ordinance would authorize the BCC Chair and County Manager to approve changes, either acting independently to approve changes to the lease-purchase agreement, subject to the general parameters set forth in the ordinance that is in front of you.

And then finally we have an obligation to account for funds associated both with our net revenues as well as rental payments. There were a few minor differences between the version of the ordinance that the BCC had in front of it on June 30<sup>th</sup> and the attached version in BoardDocs and that's before you this evening. Those were non-substantive in staff's view, correcting some typographical errors and filling in a few blanks.

I would stand for any questions but I did want to provide publically some information that Commissioner Garcia had requested when the ordinance was in front of the Board on June 30<sup>th</sup> and that was related to warranty as well as estimated life of the generator. So my understanding is that the standard warranty for this type of generator is two years or 400 hours of use, whichever occurs first. With regard to the estimated life of the properly maintained generator, I think the estimate from staff was that a properly maintained backup generator, you would estimate that it would last approximately 22 years. And then finally, with regard to the plans for maintenance, the County staff's plan would be to conduct and regularly perform all manufacturer specified routine maintenance on the generator.

So I'd stand for any additional questions and I know the Public Works Director, Gary Giron is also on the line, but that is the ordinance in a nutshell and to start perhaps at the beginning, again, this provides an emergency source of backup energy in the event that the main power to the wastewater treatment plant goes down. Obviously, the wastewater doesn't stop flowing and so you need an emergency source of backup in order to properly deal with that waste in that situation. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Attorney Shaffer. So do we have any questions from Commissioners?

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you for the basic, to the point presentation and thank you for following up on the questions I had regarding the warranty and the life of the generator. Appreciate that. To the point. Thank you. And just really quick, does this type of generator actually have the ability – we have one at our property there [inaudible] that turns on quarterly. It turns on once a week. You can program it to do that, just to get the oil and the gas moving and flowing through. Thank you, Greg, if you could answer that or Gary.

MR. GIRON: Mr. Chair, if I could answer that. Yes, we are contemplating that we will have someone to come out and do monthly maintenance on the generator to make sure it is run for a period of time and that all of the fluids are changed regularly so we can get the longest service out of the generator possible.

COMMISSIONER GARCIA: Thank you, Mr. Giron. That's what I anticipated. Let's make sure we have someone out there so the diesel doesn't freeze or it doesn't sit there and get gelled up and all that stuff. But I appreciate the answer. Thank you, sir. Thank you, Greg. Thank you, Gary.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other questions or comments? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Mr. Chair, I would like to make a motion to approve an ordinance authorizing the execution and delivery of a lease-purchase agreement concerning one 900 KW Cummins Generator 60Hz, one

Level 2 sound enclosure, and one 2,000-gallon fuel tank for the Santa Fe County Water Reclamation Facility.

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: Thank you, Commissioner Hansen, I do believe this is a public hearing.

COMMISSIONER HANSEN: Oh, I'm sorry.

CHAIR ROYBAL: That's all right. I was going to address that. We're going to go to – this is a public hearing and so I appreciate the understanding that we are going to go to the public. I do want to check with Tessa Jo to see if anybody is signed up to make comments relative to this issue.

MS. MASCARENAS: No, I don't have anybody signed up for this ordinance.

CHAIR ROYBAL: Thank you, Tessa Jo. So if you can unmute just a moment, I want to see if there's anybody from the public that would like to address the ordinance that we just talked about and that our County Attorney just summarized what it was for. Is there anybody from the public that would like to address the Commission? Okay, hearing none, I'm going to go ahead and close public comment. I believe in this instance, we'll only have one public comment. Is that correct, Attorney Shaffer?

MR. SHAFFER: Yes, Mr. Chair, Commissioners. Only one public hearing is required for this ordinance so the Board may take action this evening in accordance with the pending motion.

CHAIR ROYBAL: Okay, so I'm going to go to Commissioner Hansen. If you want, I think that we already had a motion from you. We can move forward with that motion and second. Is that correct, Attorney Shaffer?

MR. SHAFFER: Yes, Mr. Chair.

COMMISSIONER HANSEN: I agree, to please move forward with the motion.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Garcia I'm assuming that you second still stands as well?

COMMISSIONER GARCIA: Yes, sir.

CHAIR ROYBAL: Okay, we have a motion and a second. Can we get a roll call vote, Madam Clerk?

**The motion to approve Ordinance No. 2020-5 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 recessed from 6:25 to 6:41.]

CHAIR ROYBAL: I want to move on to our next item which is a public hearing and adjudicatory proceeding.

[The case caption was read into the record as shown below]

9. **PUBLIC HEARINGS: Administrative Adjudicatory Proceedings**  
A. **BCC Case #20-5010 Spirit Wind West Subdivision Master Plan Extension. Joseph F. Miller & Kathy A. Miller, Applicants, and Land Development Planning, Agent, Request a Time Extension of the Previously Approved Spirit Wind West Master Plan, Which Consists of 39 Lots to be Developed in 4 Phases, on 133 (±) Acres. The Property is Located Off of Cerro Alto Road, Via US Highway 285, Within Section 5, Township 14 North, Range 10 East, and Section 32, Township 15 North, Range 10 East, Within the Bishop John Lamy Grant (Commission District 5)**

CHAIR ROYBAL: Tonight we have a public hearing on these two separate land use cases. The rules for both of the hearings are the same but I will go over them twice. The order of presentation for each of the cases is as follows: first, we will hear from staff and hear their presentation; second, will be the applicants' presentation and, third, we will have the members of the public will be allowed to testify for or against the application. Just to make sure that we are being as efficient as we can and I don't know how many people have signed up but if we have in excess of 13 speakers that would like to speak either for or against this BCC case, if we have more than 13 I will allot two minutes and if we have less than 13 I will allot three minutes.

Those will be the rules. Commissioners may ask questions at each stages of the case. As far as cross examination, the County's rules of order allow a party to cross examine or question a witness if the applicant wishes to cross examine or ask questions of the County staff or any member of the public. The applicant must notify the chair before the staff member or member of the public is excused. Failure to do so means that the right to cross examine with regards to staff on a particular member of the public is waived. Limits for public testimony I already went over. Members of the public will generally be allowed the three minutes but as I said earlier if we have more than 13 speakers, I am going to cut that down to two minutes.

I will be endorsing the prohibition of redundant or irrelevant or harassing testimony or comments so you may not get to speak for the allotted time. This means that if someone else has already testified to something I am not going to allow someone else to it as well. What I would like to ask is, if somebody else has already talked about the points that you are going to bring up, you can say, I agree with these comments and I'm for or against. But I don't want to have repetitive comments made. Please, if we can do that for the interest of time and being as efficient as we can. We definitely want to make sure that each member of the public identifies themselves before they get started. I'd like to have an address and of course for you to testify or make comments, your name, and then Tessa Jo if you could please keep track of the time for me. I would like for you to let me know there's a 10 second warning, you can text me or whatever, or you can just let

the speaker know that they have 10 seconds. I will allow closing comments but I won't let it continue for more than another 10 or 15 seconds.

MS. MANZANARES: Mr. Chair, we will be putting a timer up on the screen if that is helpful.

CHAIR ROYBAL: Perfect. Once you see the time has expired please make your closing comments. I'll ask our case manager, Mr. Nathan C. Manzanares to start his presented.

NATHAN MANZANARES (Case Manager): Thank you, Mr. Chair. The history of the Sprit West master plan is on April 9, 2013, the BCC approved a Master Plan for a 39-lot residential subdivision on 133 acres. They also approved Preliminary Plat, Final Plat and Development Plan approval for Phase 1, which consisted of 16 lots. This is shown in Exhibit 3. The Final Order for the approved Master Plan and Preliminary Plat, Final Plat and Development Plan approval for Phase 1, was recorded on May 1, 2013, and this is shown as Exhibit 2.

On January 20, 2016 an Administrative Time Extension was granted, per Resolution No. 2014-129), to extend the Final Plat approval for Phase I until December 31, 2016. This is shown as Exhibit 8. On December 19, 2016 Final Plat for Phase I of Spirit Wind West was recorded.

The Master Plan was approved originally on May 1, 2013, by the BCC and was set to expire on May 1, 2018. However, it was approved under Ordinance 1996-10, Article V, Section 5.2.7, which stated that progress of the development, i.e. Preliminary or Final Plat approval, constituted an automatic two-year extension. Therefore, the Master Plan was extended and has an expiration date of May 1, 2020.

On February 22, 2020, the Applicant submitted for a Time Extension for the previously approved Spirit Wind West Master Plan. On April 14, 2020 the proposed Master Plan Extension was scheduled to be heard by the Board; however the Applicant's Agent Danny Martinez requested that the case be tabled and not heard until further community outreach could be conducted. The request to table was due to a number of opposition letters received from neighbors within the surrounding areas of the development. This is shown in Exhibit 11. The neighbors' concerns with the development included the number of modular homes built, amending the existing private restrictive covenants and wanting more information from the Applicant regarding how the remainder of the development is going to be built out. The Board agreed to table the case until community outreach could be done by the Applicant.

On May 12, 2020 prior to the BCC meeting the Applicant's Agent requested that this case be tabled. He still needed more time for further community outreach and wanted it to be conducted in accordance with the social distancing regulations caused by the COVID-19 Pandemic.

On May 19, 2020 the Applicants Agent Danny Martinez conducted a meeting with member of the Eldorado Community, the US-285 South Corridor Coalition to discuss the Miller family's projects within the Eldorado and US-285 Community Overlay District. A summary of what was discussed as well as a list of individuals that participated in the May 19, 2020 meeting can be found in Exhibit 9. A total of four members of the public that represent the registered organizations and community organizations for the area partook in the meeting. The meeting addressed four of Mr.

Miller's current developments in the area. Discussion points for Spirit Wind West included working with the surrounding neighbors and HOAs in order to modify the existing private covenants to eliminate any more modular homes for the remaining 23 lots in for phase two through four. And also finishing the proposed amended affordable housing agreement/affordable housing plan with the Santa Fe County.

The SLDC does not prohibit modular or manufactured homes within subdivisions or in specific areas of the County. Such restrictions have always been imposed through private restrictive covenants that are enforced privately. Therefore, staff does not recommend conditioning an extension upon the applicant's agreement to prohibit the construction of manufactured homes or modular homes within the remaining phases of the subdivision. The SLDC likewise does not impose architectural standards/design standards for residential development in this area. Therefore, staff does not recommend conditioning the extension upon the applicant's adherence to architectural design standards.

On May 26, 2020 the Applicants Agent requested one last tabling of the case until July 14<sup>th</sup> before the Board. On June 29, 2020 the Applicant posted legal notice for the July 14, 2020 meeting. This was done in accordance with the regulations of the SLDC and the notice was posted in the newspaper, as well as notified all neighbors within 500 feet of the proposed development.

The Applicant states that the extension requested is based on their continued efforts to complete the Affordable Housing Agreement and Affordable Housing Plan. As the expiration date approaches this could jeopardize the developments Master Plan Approval. The Applicant also states, that they are committed to modify their existing home owner association covenants to eliminate modular homes from the remaining 23 lots under the remaining four phases.

Staff recommends and has reviewed this project for compliance with applicable requirements of the SLDC and conclude that the facts presented support a two-year time extension of the previously approved Master Plan. In conclusion, Staff recommends approval of the Applicant's request for an additional two-year extension in accordance with Chapter 1, Section 1.11.4 and Chapter 4, Section 4.9.9.10 subject to the conditions as stated in the staff report.

Mr. Chair, may I enter the conditions as stated in the staff report?

CHAIR ROYBAL: You may.

Conditions:

1. Compliance with conditions of the Original Master Plan as referenced in Final Order dated May 1, 2013 recorded in the office of the Santa Fe County Clerk's under instrument # 1704253.
2. Master Plan/Conceptual Plan extension will expire on May 1, 2022.

MR. MANZANARES: Thank you, Mr. Chair. I now stand for questions at this time.

CHAIR ROYBAL: Thank you for your report. We're going to go to our applicant's presentation but first I'll go to Commissioners for questions. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. This might be

more appropriate for the applicant but who controls the HOA at this point?

MR. MANZANARES: Mr. Chair, Commissioner Hansen, the HOA is controlled upon the property owners within the development. At the moment, a majority of the HOA votes are the developers because not all of the lots have been sold. So they do have a majority of the votes at this time. But each member of the community who owns a lot within that community would have a vote.

COMMISSIONER HANSEN: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. [There were no other questions from Commissioners]

COMMISSIONER GARCIA: Just really quick, I would like to thank Nathan for doing an excellent job. I got several calls from individuals in the Galisteo area and thanking you for doing an excellent job with a to-the-point presentation and I just want to tell you, Nathan, you are an up and coming star in the zoning department and I just want to tell you thank you because you do an excellent job.

MR. MANZANARES: Mr. Chair, Commissioner Garcia, thank you for your kind words, thank you.

[The Chair along with Commissioners recognized staff for his professional report.]

DANNY MARTINEZ: Yes, Mr. Chair Roybal, Commissioners, my name is Danny Martinez. I reside at 7009 Marilyn Avenue., Albuquerque, New Mexico and I represent the Miller family which I have done for over 28 years in my efforts through Santa Fe County. I feel very proud that I have had the opportunity to work for such a fine gentleman as Mr. Miller and it is sad to note that Mr. Miller's health has been diminished very very much so he is actively no longer involved in his developments and it is being handled through his daughter, Kathy Miller, and our attorney Ron Van Amberg who is also available for questioning. Again, I would like to present this in a single format hoping that this will save you time so that I can just go over the history that basically affects Spirit Wind, Tierra Bello and I will say Cimarron Village but we're not talking about Cimarron Village now we are just basically talking about Spirit Wind right now.

MR. SHAFFER: This is Greg Shaffer and I am sorry to interject but the applicant and any witnesses are supposed to be sworn before they testify other than the attorney. So if we could just backtrack for a second, Mr. Chair, and have Mr. Martinez sworn in. Thank you and I apologize for the interruption.

[Duly sworn, Danny Martinez testified as follows:]

MR. MARTINEZ: Again, I do also thank Nathan. Nathan has been a wonderful working partner in the Land Use Department. He's very open. He's very efficient, and, again, like I said, I think he's doing a great job for the County.

My issues over here is, again, like I tell you, is Tierra Bello and Spirit Wind are under the same guidance and I'm not going to push Tierra Bello so much but I want to just kind of push the history because the history basically has a lot to do with affordable housing. Affordable housing in Eldorado is a first. We've got what I can tell you is the only single affordable house in Spirit Wind. It has been vacant for nine months. We are working very close with the Santa Fe County Housing Authority in trying to find qualified renters. The big issue that we're running into is that there aren't qualified renters in the upper income range of three and four. They all seem to be in the one and two area. We are also working in coordination with the Santa Fe Community Housing

Trust, and, again, the same scenario: they just don't have the qualified renters that we need out in a rural character like Eldorado. The issue for me, is that it is hard to do affordable housing on 2.5 plus acre lots and try to make it work. So this house that has been sitting out there for nine months vacant has been a real financial burden on the Miller family. And, again, the reality is if there's qualified individuals out there, they don't want to be out in Lamy. They don't want to be out in Eldorado. They want to be in Santa Fe where it's convenient and it's more appropriate for people who are under the affordable housing. So it's been a real challenge for us and the issues that we're having is that back when the original affordable housing plan was approved this was based in 2003, if I'm correct, and my numbers are right with me but I just don't want to spend a whole lot of time looking down at a book. What happened there was the affordable housing was initiated and approved by the Board of County Commission, it allowed us to move forth with phases 1 of Spirit Wind, Tierra Bello and Cimarron Village, once we got this done then by the time we go through the development process of permitting, construction, just the whole process, years just flew by us and again like I tell, it's been a real challenge because development in Santa Fe County is really tough. I'll be the first to say that. Sometimes you just want to give up because it seems like it's never going to happen. In our particular case, we had an affordable housing plan and we had an agreement. At the discretion of the County land use administrator, she opted that we needed a new affordable housing plan even though we had one that was already implemented and working – while the option of going the opposite direction and bringing in income range housing into the affordable housing threw a wrench into it because, again, you just can't put affordable housing out onto 2.5 acres of land in the Eldorado area.

Commissioner Roybal, I totally agree with you that a review of the SLDC, affordable housing should definitely be a part of that review because, again, if it works where it should be which is in higher density developments not in lower density – I mean, larger lot developments like we're proposing.

So what happened is that we started this process before July 2018. We actually made a submittal on July 2018 where development reports, plans, development fees, everything were submitted and accepted by the County and we just assumed that we were going to be able to move forth with this project. Well, what happened was because of the rewrite of our affordable housing, we lost two years. Our submittal is still sitting on somebody's desk and I find it really unfortunate that it has taken two years and yet we still don't have this so-called revised affordable housing plan and agreement. So what's happening is, again, as time flies we find ourselves in the quandary where we have no other choice but to come back and ask for this extension. If I have to start over with a new development plan for Spirit Wind it would take us seven years again to go through the SLDC and make that happen. Again, this master plan has been in effect for quite some time. We would want that we could continue with this master plan. Our ultimate goal is to move forth, and again, like I say, with the submittal that is already in place. We would like that submittal to be pushed forth. The issue for us is we don't have a revised affordable agreement. The delay, I really do relate it to the effort on the Land Use Department to rewrite our agreement and make the changes that were made, that it brought in a lot of rental versus sale of lots which we agreed to. We agree that if we can do affordable housing and rent it, we would take that option.

The reality is going back again to modular homes. In our meeting with the community organizers on the 285 corridor, the issue came up that modular homes were mobile home parks. Modular homes were trailers. Modular homes were unsightly. Modular homes do not belong in Eldorado. What that did was, it pushed us up against the wall once again, because we felt by allowing modular homes it would bring in the homes for the people that so desire living out there that came only afford a modular home versus a stick-built home. And we could get into the cost differential between a stick-built home and a modular home. The reality is that the people we have out there in Spirit Wind is we have three nurses, families, I've got two member families of armed services. We got retired people so the people that are coming in there, they love their homes. They love their ability to be out there but they feel what we call real estate discrimination. This discrimination is no different than all the other discriminations that is going around our country right now and we don't want to get into that because it's very concerning to me. But this is definitely a case of real estate discrimination because your home, if it's not equal to ours, then it is not wanted. Well, again, when we were given the opportunity to develop these first phases, we worked with the community. We worked with the neighborhood associations and they agreed that modular homes to make a fit in there. But what has happened here is we have this rush from people, and I named who they are, that wanted to live out there. They wanted a modular home. I've got a list of nine people just waiting for this opportunity to buy their own modular home and do what everybody else has done so far out there in this particular development out there. Well, we made the decision and we forwarded the information to staff. We will in the next phases of 2, 3, and 4 and phase 1A which is the northern part of the development where we have five existing approved lots, we will cut out modular homes. We will not do anymore modular homes. Again, it's a concern because we don't want to fight with the community. But when you find a community like Eldorado, and I really do believe that they're picking on these particular projects because they don't want them in their community. That goes back to the issue of housing costs. Santa Fe County, City of Santa Fe is in a crisis for housing. And we feel that we were providing a housing product that was appropriate. These homes are beautiful. They're set in a way that allows the homeowner to enjoy the vistas and the mountains behind them. And they're happy. These are very happy people that they are living where they never thought that they would be able to find a place like this.

Again, the concession that we made, and I tell you, we had to make two concessions. Part of the other concession is we were being held hostage because of the Dollar General Store and what happened with that one is it brought dissension because a lot of people in the Eldorado area don't want the Dollar General. Well, guess what? This was actually brought against us also, so we had strike two against us. First the modulars and then the Dollar General. Again, in the letter that was issued by our attorney Ron Van Amberg, we basically stated that the Dollar General will be expiring on their purchase option and we will not renew it. That is a decision that we had to make. It was for the vital interest of the developments for no other reason than to protect what we've put the investment in – that Mr. Miller has put into this.

Commissioner Roybal, I would plead with you to not let the opposition speak of their hate or their dissension against Joe Miller because he is no longer able to protect

himself. He's no longer in the capacity to back himself up. It's all on me right now and Mr. Miller's daughter and what we offered to the committee that we met with is we would like to have a reasonable relationship with this community because we feel that we are a part of this community.

Our affordable housing is tied into three ways. It is tied into where Tierra Bello has affordable housing. Spirit Wind has affordable housing and the potential development of Cimarron Village would have affordable housing. What we're working with with the Land Use Department is we would be able to transfer this affordable housing to the Cimarron Village development where higher density development is taking place. We're not developing on 2.5 acre parcels. We're dealing with a lot smaller parcels of land because we're working to develop a wastewater treatment system for that project. So, again, the important part for us is that I think we're doing everything that we can to try make everybody happy and we hope that this is somewhat of a resolution by eliminating modular homes. And, again, I speak for Tierra Bello and I speak for Spirit Wind because we're doing this to both developments is what we're doing.

In my Spirit Wind property and I don't know that you can see this map, what happened here is in the orange is what we call Phase 1B which is 11 lots. This is off of the Lamy highway. There are eight modular homes out there right now. The people, again, who have moved in there are very happy. And, yes, covenants are very enforceable but when you have to do certain things to make it work for potential homebuyers – we had to work with these homebuyers. We had to give them the option of not going into debt that they can't afford but to allow them to develop the property and utilize it to their qualifications. So we've got the Lamy highway and then on the north side below the railroad tracks, we've five more lots that are approved under this Phase IA approval. What we're doing there and I have talked to the neighborhood association and we will do nothing but stick-built homes in there. We would try to do custom homes. You know, the interesting part of all of this is that through all of this we have had more people interested in the modular homes because that's the demand. We haven't had a single person interested in going out and building stick-built homes. So what we're doing by eliminating the modular is we're basically eliminating the potential for other people to live in the area. But, again, this is the decision that we've made. And I will have Ron Van Amberg speak of it in a while. That's our issue. We need to get past this affordable housing. It further delays and hinders our ability. Before you know it, if I can't get the Land Use Administrator to finalize this amendment to the affordable housing which really do change it a lot because it really integrates rental versus home sales yet we're not disallowed home sales but it's really towards a rental mentality. Again, I don't like to talk discrimination because it's totally unfair. I think what it does is it puts a scar on the community when people come back and say, Wow, these people just really don't like us and that's the mentality that I'm getting from the people that are living within Spirit Wind right now is, you know, they didn't do anything wrong. They took the opportunity to invest in something that they felt that they liked and that they qualified for. Again, it's hard. It's hurting and I think it is just totally unfair that the mentality is, Not in my backyard. It's got to be a non-discriminating attitude and I call it real estate discrimination is what I call it.

So, again, concession, no more modular homes. What we're hoping to do is once

we move forth and once we have a final affordable housing plan in place, we're hoping that we can push Cimarron Village so we can put the affordable housing where it belongs not out there in Lamy or out in the Tierra Bello subdivisions. And, again, the reason why I'm going to ask that I don't present this twice, I'd like to speak through this one for both Tierra Bello and Spirit Wind.

I am open for questions. I think Nathan did a great job of presenting the history of the development and again, we are prepared to answer any questions and I also do have Ron Van Amberg, he's available if there's anything that needs to be discussed, he's on line also.

CHAIR ROYBAL: Okay, thank you, Mr. Martinez.

MR. MARTINEZ: Again, there's Ron Van Amberg and he's available also.

CHAIR ROYBAL: Okay.

MR. MARTINEZ: Are you on line, Ron?

RON VAN AMBERG: Danny, yes I am.

MR. MARTINEZ: Again, if you could go ahead and speak on your concern about what you're doing and the decision to eliminate modular homes.

MR. VAN AMBERG: Yes, if I could, Mr. Chair and Commissioners. This is Ron Van Amberg, I'm counsel for the Miller family. And I think Danny has more or less said it all. We are committed at this point to eliminate modular homes as being permitted under the covenants of both Tierra Bello and Spirit Wind. We are willing to consent to no further extensions of the purchase agreement with Dollar General. And what I would like to address a little more than Danny has is the affordable housing aspect and the reason for the extension. We have been working for years on an affordable housing agreement that is practical and can work in a large rural subdivision such as Tierra Bello and Spirit Wind. We've come up with different options relating to transfer of affordable housing units to different subdivision options so that we can try and make this work and if we can have the two year extension, hopefully, the County and the Millers can work through and find a formula for an affordable housing model which can work in this area. It's going to have to involve considerable work and study but I think with the two year extension we should be able to accomplish something that maybe can be used as a template. So, again, on behalf of the Miller family, we request this two-year extension.

CHAIR ROYBAL: Okay, thank you very much. I just want to remind everybody that we will be enforcing the prohibition on redundant or harassing testimony. I know Mr. Martinez did ask that we be respect to one another and also I will not allow testimony if the testimony consists of personal or other improper attacks that are otherwise out of order. Tessa, if you could help me with that as well. It's a little easier for you to mute that situation.

MS. MANZANARES: Yes, sir.

CHAIR ROYBAL: Moving on to number three, and this is members of the public. Tessa, how many individuals have signed up today to speak to this item?

MS. MANZANARES: On the first case we have four people who have signed up thus far.

CHAIR ROYBAL: Okay, we'll go ahead and go to public comments and we will allot three minutes.

MS. MANZANARES: I'm going to call members of the public to testify one at a time. When you hear your name, please unmute yourself, state your name and address for the record and once the court reporter administers the oath, please provide your testimony. Testimony will be limited to three minutes per person and you will be muted after three minutes. So please time and plan your testimony accordingly. The first person, David Hollenback.

DAVID HOLLENBACK: My name is David Hollenback, 15 Cerro Blanco Avenue, Spirit Wind Ranch Subdivision

[Duly sworn, David Hollenback testified as follows]

MR. HOLLENBACK: My name is David Hollenback and I'm the secretary of the Spirit Wind Ranch Homeowners Association and I speak on behalf of most of the folks who live here at the Spirit Wind Ranch subdivision and who have tried since 2003 and the master plan to negotiate with the developers. They have sort of elected me to talk although one person, Jenny Vellinga, is going to talk after me was the former homeowners association president.

For your information, we were not contacted by the developers concerning this extension even through the Spirit Wind Ranch directly borders and looks over it through the Galisteo Basin. But in the past, through negotiations with us and with other neighbors, the developers promised us and the Commissioners, and I am quoting, "to keep said subdivision suitable in architectural design." They talked about onsite constructed homes based upon Santa Fe style, pueblo style, northern New Mexico style. They promised single-story homes with earth toned colored stucco finish. They said single-wide, double-wide and triple-wide manufactured homes are prohibited. So imagine our shock with what appeared to be, and I've sent you pictures of this so you can judge for yourself, but what they look like are double-wide manufactured homes that were suddenly installed in 2018 and 2019. And the same thing seems to have occurred in Tierra Bello. Now within their arguments they fall back on affordable housing, and Jenny Vellinga will address that, so I will not be redundant so I will skip that.

And, although their recent promise to not build modular homes sounds good, we've heard this before and we ask that a more positive condition be made on the extension. That is, to build – like they said before – one-story, stucco, stick-built, Santa Fe style homes. And I see in Mr. Manzanares' presentation that he feels like this can't be done. You can't put a binding condition. And if it can't be done, they we'd ask you something that can be done which is to reject the extension and let us together make a new master plan for these 110 sites including Tierra Bello.

The material conditions have changed since 2013. Even then the Commissioners were misled in granting the master plan but since then Eldorado and other subdivisions have developed in harmony with the land and the communities. Galisteo Basin Preserve has flourished. There are plans for the Lamy train station and surrounding areas as tourist attractions. Santa Fe and New Mexico are more dependent on tourism and so we ask that you take a visionary stance to ensure that developments in our area maintain development we can be proud of here in Santa Fe County.

We thank you for your service, Commissioners. We really appreciate the fact that you are trying to maintain and improve Santa Fe County.

CHAIR ROYBAL: Thank you, Mr. Hollenbeck. We appreciate your

comments.

MS. MANZANARES: Our next speakers are Tim and Jenny Vellinga.

JENNY VELLINGA: I'm Jenny Vellinga. I live at 43 Cerro Blanco Road in Lamy and I am of the Spirit Wind Ranch subdivision. I was HOA president up until –  
[Duly sworn, Jenny Vellinga testified as follows]

MR. VELLINGA: I was on the HOA board until June 1<sup>st</sup> of this year. We did have a discussion with Mr. Martinez two years and it was about the five lots on Cerro Alto. It's news to me today that those were going to be modular homes. That those were scheduled to be modular homes. He did not mention that at all. He told us that those were stick-built and he told us that he had a builder that was going to start in 2018 on two of the lots. That has not happened. We have never ever said that we were against modular homes. What we asked was that they have a stucco finish and we also asked that the metal roofs have a darker color because the lighter roofs were highly reflective.

Previous to living here and I've only lived here for five years, previous to living here I lived in Milwaukee, Wisconsin I volunteered for 10 years with Milwaukee Habitat and I was on the board of directors there for five years. I know how affordable housing works. I happen to agree with Mr. Martinez that it is very difficult to do affordable housing. Really the only way to be able to do affordable housing is with subsidies and grants otherwise you're not going to get developers doing affordable housing. Also, people who want affordable housing need to be close to transportation. They need to be close to grocery stores. They need to be close to all shopping areas. Not everyone who needs affordable housing has a car. Living way out here in Lamy, we're not close to anything. We're barely close to a gas station. So I do agree with Mr. Martinez on that. But we have not – he has not contacted me over the last three months about this development. We have never ever said we don't want these houses. The times that we have had discussions with Mr. Martinez, we have asked him what his plans are.

So I would just like to say I am against – my husband and I are against this extension because nothing has been done in the last seven years and in this kind of economy I don't see anything being done in the next two years. Thank you.

MS. MANZANARES: Our next speakers are Melissa and Frederick Bronnell. [Called three times.] Our last speaker on this issue that signed up is Roger Taylor.

ROGER TAYLOR: Commissioners, this is Roger Taylor. I live at 54 Camino los Angelitos in Galisteo.

[Duly sworn, Roger Taylor testified as follows]

MR. TAYLOR: I am here speaker as co-chair of the 285 South Highway Alliance. I basically want to verify the testimony that you've heard from these other people is quite accurate. I have been at these meetings over the years. I think the issue here – there is obviously an issue between the County and the developer regarding what happens with affordable housing and what that is. I think it is unfair to have the current residents be caught in the middle of that issue. It's obviously a code issue with an affordability issue with the developer. If you look at what the City has done they have basically actually take cash distributions from developers rather than do affordable housing because it is so difficult and that is in the City. And I agree with the last speaker. There are reasons why people who need affordable housing live in more dense areas

where there are more services et cetera. I think another issue is that there have been a lot of promises in these public meetings which the code does require and then the reality of what happens isn't quite the same. So if it is accurate that these conditions that people are asking for – adobe look or stucco look or western look, et cetera – which has been brought out by Mr. Martinez and Mr. Miller over the years, over and over, if those cannot be put on as conditions of approval for the extension, the question is then can you put in that if you approve the extension that within a certain amount of time the amended covenants, which Mr. Martinez has agreed to, to represent those terms be produced as proof. If not, maybe you need to postpone this until he is able to produce those amended covenants. That would be one way to do it if you cannot enforce conditions on covenants for approval. I am not trying to delay this. I am trying to figure out a way to resolve the issue for all parties.

And that's basically what I have to say. If we can't do it, then the 285 South Highway Alliance must go on record as opposing this extension. Thank you.

CHAIR ROYBAL: Thank you, Mr. Taylor. Let's see if the others that were on are here.

MS. MANZANARES: Melissa or Frederick Bronnell?

CHAIR ROYBAL: Is there anyone else in the public that would like to address this item?

MR. HOLLENBACK: Would it be fair for me to make a few more comments since we don't have the Bronnells?

CHAIR ROYBAL: Yes, we can go ahead and allot a few more minutes for you, sir. And then I will go ahead and close public comment on this issue after that.

MR. HOLLENBACK: I'll be very short. I've already been sworn in. I am Dave Hollenback and I would just say that one of the things that we sent to the Commissioners, it's funny because you talk about people making accusations and this and that, I mean, in Mr. Martinez' presentation he called us discriminatory, he called us nimbies – I mean talk about insulting. As Jenny Vellinga said she was very involved in affordable housing and there's a big complicated question about whether these \$420,000 houses, which is what they're asking for these double-wides, are affordable or not. It's slightly below market. One of them was on the market for I think it was 500 days, so they're not being snapped up exactly. And I would also just like to say that we sent to the commissioners pictures from an Albuquerque outfit and actually they were manufactured houses but they were more in the style of what would fit into the landscape and so forth here and they were inexpensive. They were \$130,000 and we sent a picture. Now this picture did not come over well in the packet.

COMMISSIONER GARCIA: Wait, wait, Mr. Chair. I am sorry to interrupt the speaker. This is Rudy. I don't know and I don't really want to get into what a double-wide looks like or a manufactured housing looks like. That's just my opinion, Mr. Chair, it's your call. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. So head ahead.

MR. HOLLENBACK: Anyway, I was just saying that we sent pictures of what is being constructed and you can judge for yourself. But we also sent this picture of a Santa Fe style stucco house that was a manufactured house that actually quite attractive. And was inexpensive. So my point is just that there was a big plea that we need to we're

discriminating against people with lesser incomes: we are not. We would be happy with something that fit into the landscaping and fit into the environment. We think it can be done affordably. That was all I wanted to say.

CHAIR ROYBAL: Thank you, Mr. Hollenback. That was the conclusion as far as –

MR. MARTINEZ: Commissioner Roybal.

CHAIR ROYBAL: Yes, Mr. Martinez.

MR. MARTINEZ: Will I have a chance to rebut this all?

CHAIR ROYBAL: You can cross examine the last speaker if it's a cross examination.

MR. MARTINEZ: And that's fine, that would work for me, if I could just do some cross examination.

CHAIR ROYBAL: That's fine. Go ahead and proceed.

MR. MARTINEZ: Again, Commissioner Roybal and members of the Commission. I would really like to just point out that when we got these developments approved the community was involved and we explained what modular homes were. Manufactured, trailers, mobile home parks, there's a total difference between what we put out there which is a modular home that is not on a trailer hitch, it's actually set on a permanent foundation. So the homes are actual homes and if you actually go into a real estate appraiser they will tell you that they appraise them as homes and not as trailers and not as manufactured homes. There's a distinction between a modular home and a manufactured home and these modular homes, again, there's one house out there that is 2,500 square feet I think is what it is. And they just recently got an offer at about \$390,000. These houses that we've put in there they've sold for as low as \$300,000. And, again, who are the people who are buying these? Nurses, three of them, army people, people that are part of the services and all. These are people that are just given that opportunity because they couldn't afford to buy something.

COMMISSIONER HAMILTON: Mr. Chair, I don't think that this is cross examination.

MR. MARTINEZ: Well it is. I am just trying to point out the difference between a manufactured house and a modular home. I'm trying to point that out. I'll conclude with that.

CHAIR ROYBAL: Thank you, Mr. Martinez. I'll open it up to Commissioners. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I think there are a lot of things that are being thrown around that cloud the issue. What has come out for me is that there is no problem on anybody's part with affordable housing. There is actually not a problem with modular homes, whatsoever. I think that has been essentially a red herring. The issue has to do with compliance with design specifications, a homeowners agreement and promises that were made and agreements that came out of public meetings that were subsequently changed and weren't adhered to. So I don't think a verbal commitment to cease and desist on doing modular homes addresses the issue at all. Frankly, I think it is a much simpler thing and I recognize that the County does not have this as part of the SLDC but it seems to me that the developer is offering to make certain concessions to make the community happy which as some community members

have pointed out is what happened seven years ago in 2013. So I wonder if the much simpler concession to design standards as has been pointed out, it really is not relevant that it is a modular homes, it's relevant that it is in the Santa Fe style and stuccoed. If those are the kinds of things that the developer is actually willing to voluntarily agree to. And that is my first question.

MR. MARTINEZ: Do I need to respond to this, Commissioner Roybal?

COMMISSIONER HAMILTON: I would appreciate it. You or Mr. –

MR. MARTINEZ: Martinez.

COMMISSIONER HAMILTON: No, no, no. You or the attorney.

MR. MARTINEZ: I'll go ahead and open that up to you Ron.

COMMISSIONER HAMILTON: I'm sorry, Mr. Van Amberg.

MR. VAN AMBERG: That's all right. The main thing that I would like to address is the idea that there was not a strong community opposition to these modular houses. The reason that there's nobody showing up who were involved in that opposition is simply because Mr. Martinez and the Miller family agreed to drop modular houses as being permitted under the covenants. That's why there aren't as many speaking in opposition that showed up. It's not a straw man that we made up and then decided to knock over and I would like to emphasize that all things being equal we would like to have modular houses –

COMMISSIONER HAMILTON: Interestingly, I read the covenants and they spoke to not having manufactured homes and explicitly said modular homes were not excluded. So I read the covenants as well so I believe that it's perfectly reasonable for me to have made the statement I made based on those covenants from 2013 and what was presented tonight. Can you speak to what you would be willing to do with respect to what is being requested which is a consistency of style and not expense of the home.

MR. VAN AMBERG: Okay. And the covenants have retained a number of explicit restrictions and requirements relating to building style. And I would defer to Mr. Martinez and I am certain that we could meet with representatives and see if we could fine tune those. But I'll defer to Mr. Martinez.

MR. MARTINEZ: Commissioner Roybal and Commissioner Hamilton, I'm sorry, Commissioner Hansen, yes, I am very –

COMMISSIONER HAMILTON: No, I am Commissioner Hamilton, thank you.

MR. MARTINEZ: Oh, I do apologize. It's just really hard when we're doing it on the screen. Yes, I have met with the 285 people and we do want to change this. We tried the modulars and we realized it created a community outcry. Now what we'd like to do it to see what we can do. Our standards and I'll give you an example in my previous meetings with past HOA members. We committed that we would make these new homes comparable to what they are, maybe not as big because some of those homes in there are very sizable homes. What we're trying to do is to stay within the market range that is affordable not something that is just specific to somebody that comes in and wants to build their own mansions of higher quality. Our goal is, yes, we will do – we are committing to, we will change our styles, we will eliminate pitched roofs, we will do everything that we can to make these covenants appropriate and acceptable to our neighbors.

COMMISSIONER HAMILTON: Thank you. I appreciate hearing that because as Nathan Manzanares said, it is not something that the County regulates so it is not something that they would put in. It is not something that they are going to ask for. However, we have a whole history here and we are trying to address. I would like to know if, the County won't do it but would you be willing to voluntarily add as a condition of the approval of the extension that houses not be [inaudible] but based on small and affordable whatever it is that you're producing for each of these different lots, but that they are consistent with the Santa Fe style of the community? And you just tell me if you would be willing to change color and stucco and roof line, whatever it is that would make it a consistent style; would you voluntarily put those in as a condition of approval?

MR. MARTINEZ: Commissioner Roybal, Commissioner Hansen [sic], again, yes we are willing to do this all. We were even asked by the HOA above us if we would run things through their HOA. The problem is the HOA for the Spirit Wind Ranch subdivision are very in tune for higher priced home and we don't think we can put higher priced homes out here. We would like to put homes that are at a level that people can afford. And, yeah, we would change the conditions and we would comply with a lot of the requirements that we're asking for. I even offered a while back to one of the gentlemen there in the HOA that we would allow them to entertain our architectural plans so that they can see that we're trying to make this happen. I actually did present the plans at one particular meeting to John Reebocker, I think is his name, and told him that this is the kind of home that we're building and they're comparable to what they have but they're not to the size that a lot of those people have is it what it comes to.

COMMISSIONER HAMILTON: Well, I think that that would be wonderful because while there's nothing in the SLDC that explicitly that allows the land use group to feel that they can put this in as a condition. Your acceptance of putting it in as a voluntary condition would, I think, satisfy the concerns that have been expressed here tonight and I think this is true to both, since Mr. Martinez you said you wanted to speak to both Spirit Wind and Tierra Bello, I think that makes sense because there are some issues in common and I think if you were willing that this would be a path to allowing approval of the time extension but with assurance to the communities because it would be in the approval conditioned on being consistent with a community style.

MR. MARTINEZ: And that's fine. Like I say, we're willing to commit to this all in writing and it would come through our attorney, Mr. Van Amberg.

COMMISSIONER HAMILTON: Thank you. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I wanted to just follow up on what Commissioner Hamilton stated. Mr. Martinez, it would not only be coming through your attorney, it would be coming through our order and our attorney.

MR. MARTINEZ: Commissioner Hamilton [sic] that's correct. We're in acceptance of that.

COMMISSIONER HANSEN: I'm Commissioner Hansen.

MR. MARTINEZ: I do apologize.

COMMISSIONER HANSEN: I know it's challenging. Just remember I

have pink on and she has red.

MR. MARTINEZ: I will remember that. If we were in an open meeting and I could see your name tags, I would have it correct.

COMMISSIONER HAMILTON: I need name tags too, don't worry.

COMMISSIONER HANSEN: I worked on the development of Oshara Village so I am very familiar with modular homes and we actually put in a number of modular homes that were built by Lorn Tryk's company up in Pueblo, Colorado. You could never ever ever tell that they were not adobe stick-built houses. They looked beautiful and some of them were even two story which I know is not allowed in yours. So modular homes can be made to look just like a beautiful adobe stick-built house. So far the pictures that I have seen that have been submitted on this application they are trailers and they are not even sitting on a permanent foundation. I can look at the pictures and see they don't even have a real foundation. So you are willing to agree that these homes look like the other homes. So I am fine with that.

Then I am confused because you have – you are renting affordable houses or you're selling affordable houses?

MR. MARTINEZ: In this particular case, the one house that is sitting out there we're trying to rent it because that's what the County Land Use Administrator is asking us to do as part of our revised affordable housing plan and agreement. We would prefer to sell it. The ultimate goal is to transfer all of the other ones up to Cimarron Village – but the goal is if we have to come in here and we have to stick build an affordable home it would have to be in the upper categories of income ranges 3 and 4 because income range 1 and 2 it just doesn't make it. It is overwhelmingly a burden financially on the developers to put in a studio or one bedroom or two bedroom home. So that's all we ask for: we would like to do more of the income range 4 homes, but again there is just no qualified buyers that have been presented to us by the County Housing Authority, Santa Fe Community Housing Trust – we even went through Homewise which didn't want us to be their competition. So we're just not finding these affordable or qualified affordable housing candidates or in these income range 3,4 homes.

COMMISSIONER HANSEN: First you said it was renters and now you're saying it's buyers.

MR. MARTINEZ: I said renters because the Land Use Administrator has given us the option of renting the house until we actually get our Cimarron Village development going and at that point the rental would become a market rate home and the affordable would be built in Cimarron Village.

COMMISSIONER HANSEN: Are you planning to do TDRs, transferrable development rights?

MR. MARTINEZ: Yes, we are because as a matter of fact that is part of the agreement that we would do transfer of development rights to Cimarron Village.

COMMISSIONER HANSEN: Okay. When does your Dollar General purchase agreement expire?

MR. MARTINEZ: If I'm correct, I thought it was August 2<sup>nd</sup>. I thought it was now in July but it's actually August 2<sup>nd</sup>. Mr. Van Amberg has actually talked with their attorney and has put them on notice that we will terminate the purchase agreement after August 2<sup>nd</sup>.

COMMISSIONER HANSEN: So are you willing to put that in writing also?

MR. MARTINEZ: I think Mr. Van Amberg has already put it in writing to the County. It was forwarded to Penny and Vicki. So they do have a copy of the letter. I thought they were going to give it you and share it with you guys.

COMMISSIONER HANSEN: Vicki, I believe you're on the line.

VICKI LUCERO (Development Review Manager): Yes, Commissioner Hansen. That is uploaded onto BoardDocs as one of the supplemental exhibits and it is on line.

COMMISSIONER HANSEN: You put it up this morning?

MS. LUCERO: Yes.

COMMISSIONER HANSEN: I saw that you had –

MS. LUCERO: I see that they have put it on the screen.

COMMISSIONER HANSEN: I knew that you had sent something but I hadn't had time to get to everything.

MR. MANZANARES: Mr. Chair, Commissioner Hansen, I'm trying to share with this everybody but I'm having difficulties scrolling down. Dan, I don't know if you can help me out here.

COMMISSIONER HANSEN: Okay, where is it on BoardDocs? I can find it on BoardDocs if you tell me where it is.

MS. LUCERO: Mr. Chair, Commissioner Hansen, it's one of the attached documents. If you click on the Spirit Wind case on the agenda I believe it's the first one, it's called supplemental letter from the applicant's representative.

[A discussion on displaying the letter on the screen occurred.]

COMMISSIONER GARCIA: The developer has agreed to it, Mr. Chair, Commissioner Hansen, so let's –

COMMISSIONER HANSEN: I feel that it is important to see what is written in writing.

COMMISSIONER GARCIA: Okay, then do you want brown stucco? Do you want tan stucco? Do you want light brown stucco? What color stucco do you want? Are you going to get into details of it or what are we doing? As long as he has agreed to stucco the trailers, the homes, the manufactured homes and as long as he's agreeing to do the roofs. Look, we as policy makers, what color stucco do you want; tan, light tan, dark tan? I don't know –

CHAIR ROYBAL: Commissioner Garcia, Commissioner Hansen, if you'd like to look for that document and review it –

COMMISSIONER HANSEN: I have it, thank you. I have it up and I will read it and then you can come back to me.

CHAIR ROYBAL: We'll go to Commissioner Garcia in the time being and then we'll come back to you.

COMMISSIONER HANSEN: Please don't interrupt me, Commissioner Garcia, it is rude.

COMMISSIONER GARCIA: I apologize for that. But where do I start. As an individual that grew up in a single-wide off of Airport Road and my grandma still lives in the single-wide, the one I grew up in 50 years ago. And I understand what a

single-wide is, what a modular is and what a manufactured housing is. And besides, Roger, thank you for getting involved, Mr. Taylor, I appreciate that. Where do I start? A manufactured home; my aunt and uncle live in a manufactured home and that home, if you go to the address, it's probably one of the fifth most beautiful pieces of property in the La Cienega valley. And a manufactured home is a 2 x 6 walls. It's not 2 x 4 like everybody's house is built. It's a 2 x 6, insulated on a permanent foundation. Beautiful home and like I said 2 x 6 walls, beautiful home, manufactured home. And as another individual who actually worked on the 285 corridor 28 years ago when I worked for the County, 27 years, 25 years ago when 285 was two-lanes before the Agora Center was there. Before Joe Miller came into town. And what individuals need to realize is that the Eldorado subdivision, Eldorado de Santa Fe, not just a subdivision of units 1, 2 and 3, the entire Bishop Lamy Grant. The reason why the State Subdivision Act was actually adopted is because AMREP came in and said we're going to cut this place up and the State of New Mexico created the Subdivision Act because of Eldorado de Santa Fe not just units 1, 2 and 3. We actually, I worked, staff worked with the Highway Department and we created T-intersections because 285 was all over the place. I actually reviewed La Paz subdivision off Spirit Wind Ranch. I reviewed all of that stuff. Beautiful pieces of property. Beautiful homes and so as into requiring the developer to – and I appreciate Mr. Danny and Ron Van Amberg – to stucco the places and let's actually get the roofs you want. Thank you for agreeing because that's what the Commissioners would like. And you have agreed to that and I appreciate that.

So I just – I feel what's happening with and I just want to put that on the record as into – go look at my aunt and uncle's house, that's a modular home. It has totally brick around it – it's probably the fifth most beautiful place in La Cienega next to the Simon's ranch. I understand what we're trying to get at and the developer has already agreed to actually stucco it and let's put them on permanent foundation, I agree, and let's also put in certain types of roofs.

So for now, Mr. Chair, those are just the minimal comments that I have as into regarding modularity and single-wide, manufactured, I get it.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I notice Commissioner Moreno's hand is up.

COMMISSIONER MORENO: Thank you very much. I am very highly encouraged with this meeting this day. I think in order to solidify the deal I would like to have the parties have some meetings to finalize agreements if possible and mostly reach out to all the residents that are in that area because it's been a struggle and I am really encouraged that the parties have met and keep it going. Don't let things go by the wayside. So that's my suggestion for the future. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno. I'm going to go back to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So Commissioner Moreno, are you suggesting that possibly we postpone this agreement until we have things in writing? What are you exactly suggesting?

COMMISSIONER MORENO: I'm suggesting to extend.

COMMISSIONER HANSEN: So to postpone until the first meeting in August? I'm just trying to get an idea of what you want to do – do you want to table it

till then?

COMMISSIONER HAMILTON: We can't table any further.

COMMISSIONER HANSEN: Okay, thank you, Commissioner Hamilton.

So we cannot table.

COMMISSIONER MORENO: That's right.

COMMISSIONER HANSEN: So can we postpone?

COMMISSIONER HAMILTON: Mr. Chair, can I offer an opinion?

CHAIR ROYBAL: Go ahead.

COMMISSIONER HANSEN: Yes, I'm deferring to you. Go ahead,

Commissioner Hamilton.

COMMISSIONER HAMILTON: I'm not sure I see a value of postponing if the agreement is acceptable to what everybody has asked for.

COMMISSIONER HANSEN: Okay.

COMMISSIONER MORENO: Yes, I agree.

CHAIR ROYBAL: I would agree with that.

COMMISSIONER HANSEN: I just want to be clear about what we're going to get. I see and have read letter, it says, If Dollar General does not exercise its right to purchase the Miller Trust parcel under its current purchase agreement then when the purchase agreement with Dollar General expires by its own term, the Miller Trust will not grant any extension. And that is what you're agreeing to, Mr. Martinez?

COMMISSIONER GARCIA: What does the Dollar Store have to do with it, Commissioner?

COMMISSIONER HANSEN: It's in here and it's related to these two covenants because it's in this letter so I'm just repeating what it says.

MR. MARTINEZ: Yes, Commissioner Hansen, Commissioner Roybal, Commissioner Garcia, again, the only reason the Dollar General came into this thing is because at a previous meeting we were asked if we would have – create a concession that would eliminate the dollar store. We know that this is an item that is just out of control in Eldorado because they just don't want a dollar store. What does it have to do with us, it's just a fact that the property belongs to the Miller family and it was being sold to a developer that wants to come in and do a Dollar General Store. Again, the termination of the agreement is August 2<sup>nd</sup> and we have already put them on notice that it will not be extended at this point.

COMMISSIONER MORENO: Okay.

COMMISSIONER HANSEN: And you are agreeing to, in writing, to agree to make sure that these houses have the architectural and design style of Santa Fe style, pueblo, territorial houses.

MR. MARTINEZ: Commissioner Roybal, Commissioner Hansen, yes, again, what's been done under phases 1B, we can't change that but what we have left is 1A, Phase 2, 3 and 4 and we will make those changes appropriate so that we will satisfy the adjoining neighbors.

COMMISSIONER HANSEN: Nathan, can you add that into the agreement?

MS. LUCERO: Chairman Roybal, Commissioner Hansen, are you referring to the final order? It may be best to include that if you're going to make a

motion to include that as part of the motion so that it gets captured in the final order.

COMMISSIONER HANSEN: Okay.

COMMISSIONER GARCIA: Mr. Chair, Commissioner Hansen, if I may. I don't agree with Mr. Van Amberg or the letter putting in the dollar store. It's a separate case of what happens with Joe Miller and who he sells whatever piece of property to and whatever – in my opinion and Greg please chime in here, in my opinion that doesn't have anything to do with –

COMMISSIONER HANSEN: I am only responding to that because it is in this letter that is part of this case. If it wasn't in this letter I would not be bringing it up but it is in this case and it has been brought up. I have cleared that out of the question and that's done. What I am trying to get now is the conditions that Commissioner Hamilton asked for about architectural design style and I'm going to go and give some of my time to Commissioner Hamilton so she can define what she meant by that condition.

COMMISSIONER HAMILTON: It was perfectly clear before. The Chair has been trying to take control back of this portion because we actually got the agreements and the key part of it was that the agreement to have things in the same style, not based on size, but based on style gives appropriate flexibility to the developer but assurances to the community that it will be adhered to because it is a voluntary condition agreed to by the developer of approving the extension. And, as far as I am concerns, that is as far as it needs to go. And I think any further qualification we might best get from Attorney Shaffer.

CHAIR ROYBAL: Commissioner Hamilton, would you like to make a motion or do we want guidance from our County Attorney?

COMMISSIONER HAMILTON: I would be happy to get guidance if necessary and then I'd like to make a motion.

CHAIR ROYBAL: Attorney Shaffer, if you could chime in please.

MR. SHAFFER: Mr. Chair, Commissioners, thank you. I think that it probably we would all do well to perhaps state what it is that you believe the developer has voluntarily agreed to so that there aren't misunderstandings down the road as to what the surrounding area is, what the architectural styles are, how far are you looking and I think a little bit more precision would serve everyone well with respect so that you don't find yourself with disputes over architectural styles in the future. I would suggest for consideration purposes that if it is a question of stucco, and I think that is what has been referenced multiple times, whether or not the applicant would agree to the condition in the earlier version of the covenants, as I understand them, which was that modular homes – that the homes in the development, modular or otherwise, will have exterior earth tone color stuccoed finishes. That was seemingly in the covenants as I understand them originally and perhaps that would provide a level of specificity that meets the primary objection. But, again, a general reference to surrounding areas given all of the testimony and comments that have come forward with respect I think might be a little bit challenging to implement and police.

That might be one suggestion which is to require, if acceptable to the developer, that the homes have exterior earth tone color stucco finishes. Just a suggestion for what it is worth. And, again, I would suggest that you confirm that that would be acceptable to the applicant.

CHAIR ROYBAL: Commissioner Hamilton, you still have the floor.

COMMISSIONER HANSEN: And no pitched roof was another comment that I heard. Thank you, Attorney Shaffer for your clarification but we might need to define it as a Santa Fe style, adobe, Santa Fe style looking environment or with flat roof and stucco, Santa Fe style. When I worked at Oshara we had a whole entire design book of the type of houses you could build and what they could look like and they were all laid out in pueblo, territorial and adobe style looking homes.

CHAIR ROYBAL: I was going to Commissioner Hamilton. But Mr. Martinez.

MR. MARTINEZ: Yes, Commissioner Roybal, Commissioner Hamilton, again, I think that where we're at now is that we're conceding to do everything in our power to make these homes comparable to our neighborhood and I think that is a commitment that if you want to make it part of the final order, I don't have a problem with it. As far as earth tone colors and all the fancies of it, again, it's part of the commitment is what it is. We're not going to alter the commitment. We are going to try and follow through with this commitment and again we are open to the door of Spirit Wind Ranch subdivision HOA so that they can see that we're serious to do this. We would allow them to look at our architectural plans; however, we don't ask them to look at theirs so we would hope that they would be open to what we're doing which is trying to be comparable to what they're doing. Thank you.

CHAIR ROYBAL: Thank you, Mr. Martinez. I'm going to go to Commissioner Moreno. I believe this is your district; is that correct, Commissioner Moreno?

COMMISSIONER MORENO: Yes, it is. Thank you.

COMMISSIONER HANSEN: How could that be?

CHAIR ROYBAL: I'm sorry, Commissioner Hansen.

COMMISSIONER HANSEN: From the way that it looks on the plat, it looks like it's in Commissioner Hamilton's district but it says – okay, I don't know the district lines there. I thought that 285 was a dividing line.

COMMISSIONER HAMILTON: It is.

CHAIR ROYBAL: We'll go back to Commissioner Moreno.

COMMISSIONER MORENO: I think I've said enough.

CHAIR ROYBAL: Would you like to make a motion relative to conditions that were accepted by Mr. Martinez who is speaking on behalf of the developer or representing them?

COMMISSIONER MORENO: I so move.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: Attorney Shaffer, will that suffice. We have a motion and a second.

MR. SHAFFER: I'm sorry, sir, what was the question?

CHAIR ROYBAL: Is that acceptable to make a motion in that regard as Commissioner Moreno did or do we need to go into more of summary of what the motion is?

MR. SHAFFER: I would just confirm for the record that the motion is to grant the requested extension subject to the applicant's voluntary agreement to meet the

design standards that were discussed on the record. That's what I understood the motion to be, but perhaps if Commissioner Moreno would like to confirm that that is what is motion is and then the seconder can confirm that that is what was seconded.

COMMISSIONER MORENO: That is my motion.

CHAIR ROYBAL: Thank you, Commissioner Moreno. And for the seconder, is that your – and I will go to staff afterwards – Commissioner Hamilton?

MR. SHAFFER: And I think that staff would like to say that they would like to include staff conditions as well in the motion.

COMMISSIONER HAMILTON: Of course.

COMMISSIONER MORENO: Absolutely.

COMMISSIONER HAMILTON: And my second would include that.

CHAIR ROYBAL: Is that it from both you Nathan and Vicki; is that what you were going to add?

MS. LUCERO: Yes, Mr. Chair.

MR. MANZANARES: Mr. Chair, with all due respect, since we're putting ourselves in the position of the County to enforce these new design standards it is going to be very tricky to define these design standards. One motion was made that no pitched roofs; is that going to be part of the design standards? One was earth tone stucco, permanent foundations – I feel like it needs to be better designed. It is too vague right now for someone to come in and submit a permit with our permit desk and our permit desk to say, You meet these requirements or you do not.

It is not in our SLDC as a design standard so they're kind of flying blind on enforcing this. With all due respect, I think we need to better define what we're approving as a condition. Are we approving Danny's agreement with the community? What are we approving right now? Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you for that input, Nathan. I think we need to identify how we need to proceed with that. You are right, we can't really figure out what we are going to enforce so we need to be pretty descriptive of what we're saying here.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: I'm going to move for something slightly more specific and I'm only the seconder and if Commissioner Moreno agreed with it and that would be, that the general description of earth tone stucco as described in the original covenants, dark colored roofs, and permanent foundations.

CHAIR ROYBAL: Are you okay with that, Commissioner Moreno?

COMMISSIONER MORENO: Yes.

COMMISSIONER HAMILTON: And you'll need to ask Mr. Martinez if he's okay with that as well.

MR. MARTINEZ: Yes, Commissioner Roybal, Commissioner Hamilton, I've got to remind you that these homes are on permanent foundations. These are going to be standard stick-built homes. There's no question about it. They're going to meet the HERS rating and they're going to meet all the requirements that are set forth in the SLDC.

COMMISSIONER HAMILTON: We're not speaking to that – we're only speaking to the design standards. So whether they're modular homes as long as they

meet the design standards that would be acceptable in these situations.

COMMISSIONER MORENO: Yes.

CHAIR ROYBAL: Mr. Manzanares, are you okay with that?

MR. MANZANARES: Mr. Chair, Commissioners, thank you so much for the clarification. I believe that should be sufficient and we will better define the approval condition in our final order. Thank you.

CHAIR ROYBAL: Thank you for speaking up, sir. We appreciate that.

We have a motion and a second. I'm going to go to a roll call vote.

COMMISSIONER GARCIA: Mr. Chair, I appreciate Nathan as in me working in the zoning department for many many years, as you know, whenever they go in for a permit, two or three or five years from now, do you want 2-inch stucco, do you want 5-inch stucco and what's a dark roof, red, brown, what's a dark roof? I understand, Nathan, very good comments and I appreciate you coming forward because when you issue a permit at that desk, what does it mean, stucco, brown stucco, what's brown, what's a dark roof? Thank you, Nathan for speaking up. I appreciate that and your courtesy and I vote yes, Mr. Chair.

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

CHAIR ROYBAL: We're going to move on to the next case. But in case there was anybody that has joined the meeting that wasn't here earlier, I still want to go through the rules once again.

The first order of the presentation is the case is as follows: first, we will have staff presentation. Secondly, we have the applicant's presentation. Third, members of the public will be allowed to testify for or against the application. Commissioners may ask questions at each stages of this case. So for the first, second and third we can ask right away or we can wait until the end of everybody's comments. Cross examination, as I explained before, the County's rules of order allows a party to cross examine or question a witness if the applicant wishes to cross examine or ask questions of the County staff or any member of the public. The applicant must notify the chair before the staff member or member of the public is excused. Failure to do so, means that the right to cross examine with regards to staff on a particular member of the public is waived. The limits for public testimony – Tessa Jo, can you tell me how many people signed up for testimony on this case.

MS. MANZANARES: Mr. Chair, we have 13.

CHAIR ROYBAL: Okay, the time allotted for 13 as I addressed earlier, 13 or above is actually two minutes. But you know since it is right on the cuff, I'm going to allow three minutes. I want to remind everybody to be concise in their presentation. Basically, members of the public will be allowed to speak no more than three minutes. Please focus on your time and presentation accordingly. You will be muted after three minutes. I will be endorsing the prohibition of redundant or irrelevant or harassing testimony as I stated earlier or comments so you may not get to speak the entire three minutes. We will be monitoring that and we ask for everybody to be respectful of one another. This means that if someone else has already testified to something, also when we're talking about not being redundant, we are not going to allow someone else to

testify to it. If testimony is not relevant to the issues raised by the applicant, I will not allow the testimony. If the testimony consists of personal or other improper attacks or is otherwise out of order, I will stop it and you will be muted.

Identifications by the public, before we get started with the case 20-5020, Tessa Joe will be asking members of the public who are interested in testifying for or against the application to identify themselves either via Chat or Webex or Oracle and at that time for public input. You'll need to be sworn in, one at a time, and once you're called you'll need to be sworn but also state your name and address for the record. Tessa Jo will put a timer on the screen so you will be able to see when your time is running out. We will allow for closing comments but not more than 10 to 15 seconds. So we ask you to wrap it up as soon as you seen your time is up. [Connectivity issues]

**B. BCC Case #20-5020 Tierra Bello Subdivision Master Plan**

**Extension.**  
**and Land**

**Time Extension of the  
Master Plan, Which Consists of 73  
Phases, on 263 (±) Acres. The Property is  
Avenida de Compadres, Via Avenida Eldorado, within  
Sections 24 & 25, Township 17 North, Range 9 East, Within the  
Canada de Los Alamos Grant (Commission District 5)**

**Joseph F. Miller & Kathy A. Miller, Applicants,  
Development Planning, Agent, Request a  
Previously Approved Tierra Bello  
Lots to be Developed in 8  
Located off of**

MR. MANZANARES: Mr. Chair, the case that is coming forward right now shares similar if not identical parallels to the previous case. With respect to time and people that want to speak I am not going to do as in-depth of a history as I did for the Spirit Wind submission, if that is okay with you, Mr. Chair.

CHAIR ROYBAL: That's perfectly fine, Mr. Manzanares.

MR. MANZANARES: Thank you, Mr. Chair.

The site for the proposed time extension for the previously approved Master Plan for Tierra Bello is located within SDA 2 and is outside of the US 285 Highway Corridor and the underlying zoning in that area is residential estate.

The applicant requests a master plan extension for the project which was set to June 12, 2020. The requested time extension is to allow the applicant to continue developing the remaining seven phases of the previously approved master plan. This request is in accordance with Chapter 1, Section 1.11.4 and Chapter 4, Section 4.9.9.10 of the SLDC.

The Applicant states, the extension request is based on our continued efforts to complete their Affordable Housing Agreement and Affordable Housing Plan for the development. As the expiration date approaches and could jeopardize the developments Master Plan approval history.

The Applicant also states, that they are committed to modifying their existing homeowner association restrictive covenants to eliminate modular homes from the remaining 64 lots to be developed in the remaining phases of the master plan. The SLDC, as I mentioned before, does not regulate such requirements.

Building and Development Services staff have reviewed this project for

compliance with applicable requirements of the SLDC standards and conclude that the facts presented support a two-year time extension of the previously approved Master Plan. In conclusion, Staff recommends approval of Applicants' request for a two-year extension as approval conditions are stated in the record. And staff would also like to include the self-imposed approval condition that was discussed during the last case as part of the record as well. Mr. Chair, may I include the staff imposed conditions into the staff report and in accordance with the self-imposed condition with the Spirit Wind master plan extension?

CHAIR ROYBAL: Yes, sir, you can.

Previously Approved Conditions for Project:

1. Compliance with conditions of the Original Master Plan as referenced in Final Order dated June 12, 2013 recorded in the office of the Santa Fe County Clerk's under instrument # 1708599.
2. The Master Plan/Conceptual Plan extension shall expire on June 12, 2022.
3. Self-imposed approval condition(s) with Spirit Wind master plan extension

MR. MANZANARES: Thank you, Mr. Chair. I now stand for questions at this time.

CHAIR ROYBAL: Do we have questions of the Commissioners or are we waiting until the end? I'll look for a show of hands. Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Nathan, once again a very good job. Just keep in mind that when the code was adopted in 1981 to present day, the code does not discriminate against a single-wide, modular home, a mansion – wherever you have sleeping, eating and sanitary fixtures in a structure that's the dwelling unit and the code says that's a dwelling unit. So let's just keep that in mind, Commissioners. Thank you, Nathan and thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Hamilton, did you have comments or questions as well?

COMMISSIONER HAMILTON: I'll wait until later.

CHAIR ROYBAL: We'll go on to the next presentation, Mr. Martinez.

MR. MARTINEZ: Yes, Commissioner Roybal, thank you very much and, again, I do thank Nathan again. He's a wonderful man and I think he's a big asset to this County.

Our ultimate goal here is to comply with Tierra Bello as we did with Spirit Wind. We are not going to do anymore modular homes. We're talking stick-built homes that will be built comparable to the homes throughout the neighborhoods that we're in. We would emphasize more participation from the existing homeowners association because I have discussed this with them and put them on notice that we had two choices. We could separate their covenants and create a whole new set of covenants and they prefer that they be a part of any future covenants as far as the rest of the development. So I don't want to create an animosity against the existing homeowners. And, again, I've got to tell you, the people that are living out there are retirees, they're hardworking local people who were able to move out into this area – it's a positive reach that we've got out there and I really don't want to create any animosity against them because of what they have that is not

comparable to the rest of the community.

I do want to say and I should have caught this on Spirit Wind, the Santa Fe County Growth Management Plan earmarks Eldorado as one of the hotspots for future development and growth. In today's world and today's market we are not going to see a quick turnaround on this. But what we have out here is we have – and again I've got a list of six people that are just waiting for lots. I have expressed to them that modular homes will not be allowed on anything else that we have out there. Out there all infrastructure is in place. When this development was built out, water was put out there. We got telephone. We got electric. We got natural gas. The interesting part of this is that as Mr. Miller developed this property he actually extended these utilities to the boundary lines of the adjoining subdivision. They had the opportunity to take advantage of getting natural gas in an area where there doesn't exist. So there has been a lot of benefit that was provided by this development. Again, all we're trying to do is bring this back in tune. I don't want the opposition to torment us and destroy us because they don't trust us. We gave our word. We got every effort and plan that we are going to eliminate modulars and we will move forward with comparable housing in the rest of the development.

And if I may, I'd like to also show the map of Tierra Bello. What's happened with Tierra Bello is, it was originally a 73-lot subdivision – or it is a 73-lot subdivision. The area in orange, the nine lots that are right here, that's the limit of the development at this point. There's been nothing else built out on this area other than the infrastructure that's in place. So you can see the first nine lots that are modulars, there is one stick-built home in here, but the others that are modulars, we have to treat them as equals to, like I say, we're not going to turn around and create this as a game of animosity because now you guys can't compete with what we're trying to do with the rest of the development.

Our commitment to modify our covenants and, again, satisfy the community, if this is what works. A lot of the problems that I had was a lot of the comments that were received from neighbors were very harsh. They were very intimidating to the point that some of the people that responded to you, and you should have letters in your packets in there, they expressed their concerns about being put in a whole different category because they're not comparable with the surrounding areas. That's what I'm trying to avoid. We don't want this conflict. We don't want this animosity because there's modular homes that are out there. And, again, these modular homes are on permanent foundations. These are people that are proud of their homes. They love the vicinity. They love being a part of the community and I just really believe them happy just like I want to make the rest of the development happy. Thank you.

CHAIR ROYBAL: Thank you, Mr. Martinez. Do we have any comments or questions from the Commission? Okay, so we'll keep comments till the end. Okay, the third item, members of the public will be allowed to testify either for or against this application. Tessa Jo, if you can start with our first speaker.

MS. MANZANARES: Our first speaker is Jan Stephens.

JAN STEPHENS: Commissioners, my name is Jan Stephens. I live at 106 Avenida de la Paz in Tierra Colinas in Lamy.

[Duly sworn, Jan Stephens testified as follows:]

MS. STEPHENS: Although I appreciate the concessions made by the Miller Trust to eliminate any manufactured or modular homes in the future phases of

Tierra Bello and the concessions made tonight, I have concerns about the method or documenting needed to ensure compliance with this promise. The letter states that the promise of no modular homes will be written into the Tierra Bello restrictive covenants but as Santa Fe County has no oversight over restricted covenants, the developer will have the ability to potentially change any covenant with their majority voting block on the Tierra Bello architectural committee or HOA for many phases to come. So this promise and other covenants should be addressed specially with some other remedy that can ensure compliance.

The Tierra Bello covenants include stucco, what you all have talked about before, New Mexico earth tone colors, garages and other covenants worked on and agreed to through diligent work and perseverance by the concerned residents of the neighboring community. Currently, there are no homes in Tierra Bello with stucco as stipulated in the restricted covenants showing the developer's disregard for one of these very important covenants.

So I ask that you either deny this extension or find some way to require compliance by the developers to their no modular home promise and the other hard won covenants. Thank you for your time and consideration in allowing me to speak.

CHAIR ROYBAL: Thank you, Ms. Stephens.

MS. MANZANARES: Jeremy Paul.

[Duly sworn, Jeremy Paul testified as follows:]

JEREMY PAUL: I am Jeremy Paul. I own 135 Mejor Lado. Thank you for the time in letting me speak. I don't want to rehash a lot of the points that have been raised or ones that concern us as well. The main issue here and this is not to tag Mr. Martinez in any way is that the original design criteria here and development plan was approved and was supposed to adhere to Ordinance 2005-08 which specifically in point 4.A requires that the overall planning goals provides that there is visual continuity from one subdivision to another using the elements of open space, landscaping and that. And the problem that we're having here and Ms. Stephens just enunciated as well, I believe Mr. Martinez did it as well and Commissioner Garcia is absolutely correct: the idea of modular homes, manufactured homes, that's a red herring here. That's not the issue that is concerning all of us here. The issue is that the homes that have been put in here are completely opposite and violate the intent of the granting documents in the development plan. They're basically eyesores. Now there's plenty of modular homes that you can just have in the Santa Fe style. In fact, if you just google Santa Fe modular homes you get millions of pictures that comply with the surrounding neighborhoods of Eldorado, Tierra Bello, and Sun Ranch home division where we live. And, in fact, there's this company Home Direct that has three different locations in Santa Fe and they all sell these pueblo style, Santa Fe, historic that have gone back 400 years to the creation of Santa Fe style homes. And, yet, Mr. Martinez elected, for whatever reason, to purchase modular homes that didn't comply with the original granting documents and put them in that are these wooden sides, pitched roof homes that are totally opposite to the surrounding developments and, therefore, violated the ordinance.

All we want here and we're not opposed to the extension per se, what we want to make sure is as Ms. Stephens said and as the Commissioners have enunciated and Mr. Martinez has enunciated is that we want some ability to enforce beyond just the CC&Rs

which are not enforceable by the County or the surrounding homeowners association that there is compliance regardless if whether they're manufactured, modular, stick-built or not, that there is compliance with the design criteria that has been established and that they match with the surrounding neighborhoods. All the other neighborhoods – Eldorado, Tierra Bello, Tres Cientos, Sun Ranch – all look the same even Spirit Ranch also look the same. We just want similarity so that we don't have these eyesores that exist on these nine existing lots.

We would also like to have some of the roads completed and various other things but we really want to have compliance and enforceability.

CHAIR ROYBAL: Thank you, Mr. Chair.

MS. MANZANARES: Mr. Chair, our next speaker is Karen Rago.

[Duly sworn, Karen Rago, testified as follows:]

KAREN RAGO: I am Karen Rago. I am the president of Sun Ranch homeowners association and I live at 106 Mejor Lado. Good evening, Mr. Chair and Commissioners. Thanks for the opportunity to speak this evening.

I want to first make it very clear that our homeowners association both Sun Ranch and Tres Cientos we're both adjacent to Tierra Bello subdivision, have no issues with the owners who have purchased the homes on Tierra Bello.

We have issue with the developer who did not follow the declaration of restricted covenants. And there is no one who could prevent them from violating the declaration of restricted covenants. I also want to go on record to state that Mr. Martinez has not reached out to me or to anyone in Sun Ranch or Tres Cientos to discuss the development or future plans for the development. We have had no opportunity to meet with him. We've had no opportunity to discuss anything regarding our opposition.

I won't restate what Jan has stated or what David Hollenback stated about Spirit Wind or what Jeremy Paul has stated. I believe that the declaration restrictive covenants as they are written need to be upheld by Mr. Martinez, the Santa Fe style northern New Mexico stucco, earth tone colors, garages and no sheds. There also have been some lighting violations which I think are in the middle of being addressed and I have seen that one two-car garage is currently being built.

The other issue that I wanted to make sure that was brought up at previous meetings was the paving of Las Compadres and I would like to see that as a condition of approving Phase 2 and 3 that those conditions would be met and that the road will be paved. And I want to understand fully who is going to uphold any decisions made tonight with the developer of these properties.

Thank you for this opportunity.

CHAIR ROYBAL: Thank you, Ms. Rago. Next speaker.

[Duly sworn, Lucinda Marker, testified as follows:]

LUCINDA MARKER: Good evening. This is Lucinda Marker. I live at 9 Cayuse Place. Thank you very much for the opportunity to speak. I want to reiterate everything that has previously been said. I live in the Las Nubes subdivision.

I would like to mention that in the May 14, 2013 meeting minutes, Chair Holian at that time said, "I would like to see that the developer has followed through on the conditions on developing this first phase before future developments are approved." I know you're not approving future developments but I think that that's important that she

expressed that concern at that time.

I am just going to reiterate what we're talking about that through many numerous meetings with residents in this area, hard work, cooperation, communication, collaboration, size was agreed upon for these houses, style was agreed upon, modular was agreed upon, garages were agreed upon, the road improvement was agreed upon. All of that is in the covenants and the covenants were part of the conditions of approval of the master plan that was approved and apparently they are not enforceable. I don't understand that. And my concern is that what is discussed tonight is enforceable and that is all that we are asking. What has happened is that the covenants have not been complied with. Those covenants that the community worked in collaboration with Mr. Miller and Mr. Martinez on. That's what we want and that's what we're asking for. Thank you very much.

CHAIR ROYBAL: Thank you, Ms. Marker.

MS. MANZANARES: Olivia Carril.

[Duly sworn, Olivia Carril, testified as follows;]

OLIVIA CARRIL: My name is Olivia Carril and I live at 19 Avenida de la Paz. I am the president of the Tierra Colinas homeowners association and also to Mr. Martinez' point earlier when talking about the other subdivision, I want to point out that affordable housing which brings in nurses and military workers, I'd like to point out that in my neighborhood, in Tierra Colinas, there are fire fighters, mechanics and therapists and I am a middle-school teacher. And there are enough of us out here that aren't retirees that there's actually a public school for our kids.

I want to thank the Commissioners and others for letting me take a few minutes of your time to talk about some of the important issues for the home and landowners in the Tierra Colinas association and I'd like to make it clear that I am speaking on behalf of many in my community who reached out to me about this and were unable to speak to you today.

I ask you to deny Joe's request for an extension on Phase 1 of Tierra Bello until there's a binding legal document holding him to what he has agreed to do already. I am, until this is addressed, against his application. While we in Tierra Colinas recognize the need for and importance of affordable housing in Santa Fe County, we also picked this area and the homes that we did because of their architecture, that of the neighboring homes and how it fit into the landscape. It was made clear to the residents at the time that the Tierra Bello homes would be built and styled to match the surrounding homes and the aesthetic of the region. And to my understanding, the whole point of the developers meeting our communities was to come to some sort of compromise so that the values of the existing homes were not affected by the presence of the affordable housing and so that the affordable housing and its nurses and military workers could be incorporated into this area.

Our issue is not with affordable housing or with the character of Joe Miller. The homes constructed during the first part of Joe Miller's development failed to meet the standards put in place by his very own covenants agreed on with us. And if Mr. Miller is the majority vote in that place it rests on him to see that those covenants are enforced. For these reasons we have a hard time trusting Mr. Miller and his associate. We ask that the County Commissioners seriously consider whether what's happening in Tierra Bello

is the right thing to do and we ask Mr. Miller and associates to be asked to put in a legal document their intent to not further put in more modular homes, that the earth tone color, the size of the home, the presence of additional structures and all other restrictions that we in our homeowners association and they in their homeowners association should be abiding by. We ask that he and his associates talk with the surrounding communities if they choose to veer away from these covenants that we all agreed upon. We ask that he be held accountable for the negotiations, compromises, and agreements he made prior to being allowed to build in this area. We urge you to deny any further extensions until he had legally promise to abide by what he has already promised to do.

CHAIR ROYBAL: Thank you, Ms. Carril. Can we have our next speaker please.

MS. MANZANARES: Ernest Gruler. [Called three times.] Harvey Daniels. [Called three times.] Patti Ward. [Called three times.] KC Tvaronas. [Called three times.] Blair Vaughn-Gruler. [Called three times.] Jane Carson. [Called three times.] Roger Taylor.

[Previously sworn, Roger Taylor, testified as follows:]

MR. TAYLOR: Roger Taylor, 54 Camino Los Angelitos in Galisteo. I affirm that I am sworn in and still attesting to the truth.

I think this has been and although I realize it has been a bit contentious, I think this has been a good learning lesson. The issue here has not been about modular or manufactured homes although it is something that people have focused on because that's what they're seeing on their properties. The issue here is going through a master plan approval process where the public gets involved, has meetings with developers and certain expectations are put out to the public and master plans are approved based on those understandings. And then they don't happen as the people in those communities expected them to and there's a reaction and people begin to focus on things to try to deal with it and sometimes in desperation they say, no modular homes, no manufactured homes when they're really trying to say, We are trying to enforce that we get what we expected when these master plans were approved.

So to go back to an earlier discussion before this came up, Chair Roybal, you mentioned that there are some reviews in the SLDC. I brought this up on the Dollar General issue that when there are public meetings and the developers meet with the public and they bring out an expectation and description of what their master plan is going to do in order to get us, the citizens' approval, and then it doesn't happen that way, where is the enforcement process? I think that is something that should go on the list of going back and looking at the SLDC and saying, How do we keep developers accountable to what they have laid out as expectations and promises to the residents in those areas?

I think you've done a great job tonight of trying to resolve this particular issue with descriptions and earth tones and et cetera, but the question is, how do you get to that next step? I think that's the real issue that you've been hearing tonight from all of these people. They are not against incomes. They're not against certain types of housing. They are looking for the affirmation that what they were told was going to happen will actually happen and that's all I have to say.

CHAIR ROYBAL: Thank you for your comments, Mr. Taylor. Next

speaker, Tessa.

MS. MANZANARES: Hank Hughes.

[Duly sworn, Hank Hughes, testified as follows:]

HANK HUGHES: Yes, I'm Hank Hughes. I live at 25 Abanico Road. I live in Eldorado and as many of you know I am commissioner-elect for this district and I've been happy to see that so many of my neighbors came out and expressed their concerns and seem to have gotten some movement on this. I do think that the concerns are valid. I've lived in Eldorado since 1989, most of the time that I've been in Santa Fe, and I just want to say a couple of things. One is when I used to Eldorado, it was extremely affordable and that's why I moved here. And we were able to take the equity out of our first house after we had kids and build and buy a second house that was larger et cetera. So I think when we think about affordable housing and when we think about the sustainability code or advice to the developer here, but I do develop affordable housing as part of my work at the New Mexico Coalition to End Homelessness and it's important that the housing be affordable, maintained and heat and cool as well as to buy. So I think that it's important that these houses be built so that they are energy efficient for the people who are going to live there so they don't end up spending more money on their heating than they do on their mortgage payment or on their rent. Also, I think it is very important not just for the benefit of the neighbors but for the benefit of the people who are going to live there that these homes fit in with the surroundings, be it the same style, and not stand out like a sore thumb in some way. When you're driving home from work to your nice affordable house to Eldorado you don't want to drive by a whole bunch of houses that look a whole lot better than yours and then feel like you don't fit in. It's psychological but it is important.

Finally, I think it is important that the houses be constructed in such a way that they gain in value so that the people who live there actually benefit from that. And I think you heard from other people having a way to verify that the promises are kept and I think that that is perfectly reasonable. So thank you very much.

CHAIR ROYBAL: Thank you for your comments, Mr. Hughes, commissioner-elect. Can we have our next speaker please.

MS. MANZANARES: Commissioner-elect Hughes was our last speaker that signed on. So I will go ahead and ask if there is anybody else who would like to testify in this case? [Asked three times.] Mr. Chair, that concludes public testimony.

CHAIR ROYBAL: Thank you, Tessa Jo. I will go ahead and close public testimony. I'm going to go to Commissioners and start with Commissioner Moreno.

COMMISSIONER MORENO: I'm not sure how to get a handle on this. I'd like to hear from others about that. The issues are different but we all have a sense of what they like. I think I'll pass for the moment.

CHAIR ROYBAL: Okay, I'll come back to you sir. I'll go to Commissioner Hamilton next.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. To the extent there are similarities between these cases we have covered some of the ground. However, there is a point that has come up repeatedly and it is quite valid and I feel like this may be a question for our County Attorney as well as Land Use as much as it is a question for Mr. Martinez. The intent, my intent, was to ask given the fact that the

applicant in this case – the applicant’s lawyer put a letter and had made a statement indicating willingness to agree to these conditions that are in this case, the design standards and the homeowners agreement and the covenants for Tierra Bello, it was my intent that if that was voluntarily agreed to it would become, as I believe the way we voted on it in the previous case, a condition of our approval of the time extension. And, therefore, as a voluntary agreement to this condition would be enforceable. I want to assure that that’s the case. That we are doing this to indicate that we can actually have this as an enforceable condition assuming it is agreed on voluntarily.

MR. MARTINEZ: Mr. Chair, can I respond?

CHAIR ROYBAL: Is this Mr. Martinez, go ahead. I think we may need staff but if you have a comment I’ll go ahead and allow it but then I think we’ll need input from staff.

COMMISSIONER HAMILTON: Yes, thank you, Mr. Chair.

MR. MARTINEZ: Again, my comment is strictly related to the fact that once we go into a subdivision submittal that requires neighborhood meetings, that requires direct interaction with the overall community that we’re affecting all. So under an extension of time we realize that as we move forth into the next phase of the subdivision to get it approved we will be having a public meeting because that is what is required by the SLDC. Thank you.

COMMISSIONER HAMILTON: I understand that but frankly, I’m not willing to vote for the extension without having an agreement that is actually documented in this approval of the extension because that has been the problem that there are agreements made in public meetings and then they change. And so what I am looking for is to be able to memorialize this in our approval of the extension so that the County has some mechanism for assuring that what is agreed to will be accomplished.

CHAIR ROYBAL: Can we have somebody from staff that can address this question? Yes, Vicki.

COMMISSIONER GARCIA: Mr. Chairman, on that note I agree 99.9 percent what Commissioner Hamilton – oh, sorry to interrupt you, Vicki, Mr. Chairman – so Danny, do you agree with these conditions? Are we going to have some sort of leverage when you – we need to have some sort of leverage and I agree with Commissioner Hamilton. Sorry to interrupt, Mr. Chair.

CHAIR ROYBAL: Okay. Can we go to Ms. Lucero.

MS. LUCERO: Mr. Chair, Commissioner Hamilton, we will include that condition of approval on the final order when it comes back to the County Commission. So that will get carried over when they make an application and come before you for the final preliminary and final plat approval. That’s something that we can recondition at that point and the way we can deal with it to enforce is to have them put a note on the actual final plat that states exactly what your condition was. That they would have to comply with this as each individual lot comes in for a building permit. We’d put that under the County notes and conditions and then we could enforce it at the permit desk.

COMMISSIONER HAMILTON: Excellent. Thank you very much for that confirmation. That’s exactly what I was asking and I really appreciate the clarity.

CHAIR ROYBAL: Thank you, Miss Lucero and thank you, Commissioner Hamilton. Commissioner Hamilton you still have the floor; any additional

questions?

COMMISSIONER HAMILTON: Not at this time, thank you.

CHAIR ROYBAL: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: I don't really have any questions on this. I support Commissioner Hamilton and what she is asking for. What I hear from the constituents repeatedly is that Mr. Miller and Mr. Martinez do not follow and comply with their covenants and so that concerns me especially since I worked really hard on the Oshara Village covenants and we made sure that every builder followed them. So I want assurance that you're going to follow your own covenants and what you have told people that you're going to do.

MR. MARTINEZ: Yes, Commissioner Roybal and Commissioner Hansen, I am willing to have Ron Van Amberg, our attorney, write up a letter expressing our desires to comply with the conditions. And then when we do come back for subdivision plat approval we will have gone through the communities and we will have done everything that we can to satisfy them. The issue for me is nothing more than I just have to get past this extension. To lose this development would be very financially harmful to the family. As far as road maintenance and all of that stuff, it's been a part of the plan that we're going to pave this road. We just have to get past the next phases that we're at though and we are willing to comply with the conditions as noted.

CHAIR ROYBAL: Thank you. Go ahead Commissioner Hansen.

COMMISSIONER HANSEN: The covenants might say one thing at one time and then since you own most of the share/the lots and then you come in and change the covenants and that seems to be one of the complaints that I have heard and that makes me uncomfortable. But since we will also have this other agreement that will be written in the plat that you will abide by your covenants and your design standards I will support Commissioner Hamilton and hopefully Commissioner Moreno.

CHAIR ROYBAL: Thank you, Commissioner Hansen and thank you Mr. Martinez as well for the clarification. Great questions. Next to Commissioner Garcia and then back to Commissioner Moreno.

COMMISSIONER GARCIA: I have no questions. Great response to the questions.

CHAIR ROYBAL: Thank you. Commissioner Moreno.

COMMISSIONER MORENO: This piece of information has settled in my mind that – I'm comfortable with the information from Vicki and others. So I'll be in support of that. Thank you.

CHAIR ROYBAL: Thank you. Any other closing comments from Commissioners? I think that I want to commend Mr. Martinez for working with the community and agreeing to some of these conditions that are not enforced by the County. I think that he's really taken a great step and I want to commend Mr. Martinez for that and the developer as well that he represents. I think the Miller family are coming forward with resolutions and I think this is a great path forward.

If we don't have any other comments from Commissioners, I do want to make sure that we go back with staff and see what the recommendation for the motion is so we have some clear guidance.

COMMISSIONER GARCIA: Mr. Chair, if I may please. If I may.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, Mr. Chair. I would just like to – I understand the challenges that we've had in the past 30 years with different developers off of the 285 corridor. I would just like to wish Mr. Miller very well because Mr. Miller came into the community 35 years ago and I just want to wish him well. I just want to wish him well from the bottom of my heart wish him well and that's all I want to say for the record. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Mr. Manzanares, do you have anything that you want to add so we can be descriptive enough in our guidance?

MR. MANZANARES: Thank you, Mr. Chair. I just want to for procedure wise that a pretty big precedent was set tonight in that the County is going to enforce these covenants and I just want it to be known that it is because Mr. Martinez and his willingness and Mr. Joe Miller's willingness to self-impose such conditions because normally we would not do that. But you know there has been a history of commitments not being fulfilled and I just want to thank Mr. Martinez for doing that and agreeing to those self imposed conditions because that's not a normal thing for the County to enforce such regulations that are not within our zoning code or within our regulations so I just want to let that be known. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Mr. Manzanares. I'll go back to Commissioner Moreno and see if you like to make the motion.

COMMISSIONER MORENO: I would be happy to do so. I so move.

CHAIR ROYBAL: Can we get a clarification. I know that this is on the boundary of Commissioner Hamilton's district as well; is that correct for this one as well?

COMMISSIONER HAMILTON: Yes, sir.

COMMISSIONER MORENO: Yes.

CHAIR ROYBAL: And I don't know if you'd like to summarize on your second what exactly you want to put in place.

COMMISSIONER HAMILTON: Sure. I would second Commissioner Moreno's motion that would include our discussion of approving the two-year extension including the voluntary agreement on the part of the developer to include the constraints of the current covenants that speak to design aspect, such as the presence of stucco and earth tone colors and if I'm not mistaken Tierra Bello includes and even speaks design and garages so I don't know if that was in the original agreement. I have to admit that's all I recall from the covenants. So I would second the motion as including the design constraints as written in the current version of the covenants. And in this case those current covenants include the improvement to Las Compadres Road – and if I got the name of the road wrong somebody could pipe up and tell me, but I know that is close.

CHAIR ROYBAL: I do want to circle back around to our County Attorney and also back to staff and see if that direction is adequate from what you understand. County Attorney Shaffer.

MR. SHAFFER: If what I understood is that we're going beyond what was specified in the previous case which were specific design standards that were enumerated. And now the ask is that we're incorporating into the order all of the

covenants as they exist now and just to clarify is that your intent, Commissioner Hamilton, to go beyond the somewhat focused standards that were discussed in the previous case, number one. And, then secondly, I think it would be worthwhile for Land Use staff to address the timing of the improvement of the roadway because I think that was a separate issue that you were trying to touch upon and I believe that was dictated by previous approvals by the Board but I could be mistaken. So perhaps Ms. Lucero could address that once you've clarified Commissioner Hamilton exactly what it is you're wanting to include in the order.

COMMISSIONER HAMILTON: Thank you, Attorney Shaffer. You hit everything accurately and my reasoning unless, and I guess we'll find out, is based on the discussions, the discussion with the developer and the agreement is that within this location those covenants still exist and it was in the original agreement in the original approval and so it seems reasonable to just put it as a condition of this if it is acceptable to the developer and they have been indicating that they are amenable to this, to agree to assure that the community is happy with what they get. I was not trying to extend anything or make it more broad but to just reiterate what had been agreed to previously and that's what they wanted to see implemented.

So you hit it correctly, and I'll happily consider any, if there's any further clarification that staff thinks is necessary.

MS. LUCERO: Mr. Chair, Commissioner Hamilton, if I could go back and address the road issue as Attorney Shaffer pointed out. There was when the applicant came in with the plat, preliminary and final plat approval for Phases 2 and 3, there was a condition imposed that they pave Avenida de Compadres with Phase 2. Those approvals have since expired so they will have to come back again and request preliminary and final plat approval for those phases again at which time, we'll analyze it and make recommendations as far as the road improvements.

COMMISSIONER HAMILTON: That makes sense to me. So you're suggesting that that is left in that context and can be readdressed when those have to be reapplied for?

MS. LUCERO: That's correct.

COMMISSIONER HAMILTON: I think that's acceptable.

CHAIR ROYBAL: I do want to circle back around to Mr. Martinez and make sure that this is correct to our understanding with him. I don't want to impose something that he didn't agree or voluntarily accept. Mr. Martinez.

MR. MARTINEZ: Yes, Commissioner Roybal. Again, we have known all along that paving of the road is a priority. We have spent on an average of \$10,000 to \$15,000 in road maintenance a year going in there and grading the road and keeping it up to a good standard. We know that as we move forward with the development that paving is incorporated in our overall plan. It is nothing that we are going to run away from. We are planning that we are going to pave the road.

CHAIR ROYBAL: Thank you, Mr. Martinez. Commissioner Moreno and Commissioner Hamilton, we have a motion and a second from you. I'll go to a roll call vote. Oh, Commissioner Garcia, did you have an additional comment?

COMMISSIONER GARCIA: Yes, I agree with Compadres getting paid. So the developer has already agreed to pave that portion of the road, so Vicki does he

have to come back for an additional approval to pave or an extension to pave the road or can we if the developer has agreed to pave the road, I just don't want him to have to come in another two or three months just to get approval to pave the road. Can we make that a condition, if he's agreed to it, can we do that?

MS. LUCERO: Mr. Chair, Commissioner Garcia, the only thing that they have got approval for thus far is Phase 1, that's currently being built out. They did come in and receive preliminary and final plat approval for Phases 2 and 3 and that's the time that that condition for paving Avenida de Compadres was imposed when they develop Phase 2. They have since lost those approval. They have expired. So he's going to need to come in with preliminary and final plat application for Phase 2 again. I think at that point when he's actually doing development when we would look at the requirement for paving the road.

COMMISSIONER GARCIA: Thank you, Ms. Lucero. So we're just approving the extension of the approval so he has to still come back for all the plat approvals, preliminary and final and at that time we'll look at that; right?

MS. LUCERO: Mr. Chair, Commissioner Garcia, that's correct.

COMMISSIONER GARCIA: Thank you, Ms. Lucero.

CHAIR ROYBAL: Go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: So for clarity, what's included in the motion is extension of the time with the design considerations that are in homeowners covenants as currently written.

CHAIR ROYBAL: I believe that is accurate. The motion from Commissioner Moreno and second from Commissioner Hamilton. I'll go to a roll call vote but one last time do any of the Commissioners have comments?

COMMISSIONER HANSEN: Reluctantly, yes.

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

MS. LUCERO: Does that include all staff conditions?

COMMISSIONER HANSEN: Yes, it includes all staff conditions.

CHAIR ROYBAL: Commissioner Moreno and Commissioner Hamilton, does this include staff conditions?

COMMISSIONER MORENO: Yes.

COMMISSIONER HAMILTON: Yes.

CHAIR ROYBAL: We have already voted on this but does any Commissioner have a change of their vote because of the staff conditions? Is there anybody in opposition? I want to ask Greg, do I need to go back for a roll call vote or is it adequate for me to make that statement.

MR. SHAFFER: Mr. Chair, since it's not burdensome, I would go back through the roll call vote just to make sure everybody does concur. I think that's the best way to handle it.

CHAIR ROYBAL: Thank you, Attorney Shaffer. I'm going back to the roll call vote adding staff conditions as well to the previous motion. Commissioner Hansen.

COMMISSIONER HANSEN: Reluctantly, yes.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Moreno.

COMMISSIONER MORENO: Yes.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Yes.

CHAIR ROYBAL: And a yes from Commissioner Roybal, this item passes unanimously. Thank you very much and thank you to everybody that was here tonight. We are going on to our next item. And I do not want to thank staff for all of their reports and I don't think we need them after executive session.

**8. 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. Disposition of Open Space Property**
  - 2. Disputes Arising Under Joint Powers Agreements**
  - 3. Rights-of-Way for County-Maintained Roads within Exterior Boundaries of Pueblos**
  - 4. BCC Case #19-5241 Dollar General Store BCC Appeal**
  - 5. Water Delivery Agreement**

MR. SHAFFER: Mr. Chair, we're looking for a motion to go into executive session to have Board deliberations and administrative adjudicatory proceedings as allowed by Section 10-15-1(H)(3) NMSA 1978, pending and/or threatened 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 the disposition of open space property, disputes arising under joint powers agreements, right-of-ways for County maintained roads with exterior boundaries of pueblos and BCC Case #19-5241 Dollar General Store BCC Appeal and water delivery agreements. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: I move that we go into an executive session to attend to the items as delineated by Attorney Shaffer.

CHAIR ROYBAL: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: I second that.

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2, 3, 5, 6, 7, and 8) to discuss the matters delineated above passed by unanimous roll call vote, taken by Clerk Salazar as follows:**

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

[The Commission met in executive session from 8:27 p.m. to 10:33 p.m.]

Commissioner Hamilton moved to return to open session noting that the only items discussed were said items within the motion and that Commissioner Garcia recused himself for the first item. Commissioner Hansen seconded. The motion passed by unanimous [5-0] roll call vote.

- B. Resolution No. 2020-55, A Resolution Delegating to the County Manager the Authority to Dispose of Real Property Located at 3600 and 3740 South Meadows Road Through Negotiated Sale in Accordance with NMSA 1978, Sections 13-6-2 and 13-6-2.1, Including the Authority to Negotiate and Execute the Purchase and Sales Agreement, Closing Documents, and Any Other Documents Necessary or Proper for the Sale of the Real Property, and the Authority to Do All Things Necessary or Proper to Obtain Board of Finance Approval of the Sale**

Commissioner Hansen moved to approve resolution 2020-55 delegating to the County Manager the authority to dispose of real property located at 3600 and 3740 South Meadows Road through a negotiated sale in accordance with NMSA 1978, Section 13-6-2 and 13-6-2.1, including agreement closing documents and any other documents necessary or proper for the sale of the real property, and the authority to do all things necessary or proper to obtain Board of Finance's approval of the sale. Commissioner Hamilton seconded.

Commissioner Garcia concurred that he had recused himself from the executive session on this item but wanted it known that he was not for it. Mr. Shaffer said he understood the commissioner had recused himself from participation on this item and

would not vote.

**The motion passed by unanimous [4-0] roll call vote. [Commissioner Garcia recused himself from this item.]**

**CONCLUDING BUSINESS**

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

Having completed the agenda and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 10:40 p.m.



Approved by:

*[Signature]*  
 Board of County Commissioners  
 Henry Roybal, Chair

ATTEST TO:

*[Signature: Geraldine Salazar]*  
 GERALDINE SALAZAR  
 SANTA FE COUNTY CLERK

Respectfully submitted:

*[Signature: Karen Farrell]*  
 Karen Farrell, Wordswork  
 453 Cerrillos Road  
 Santa Fe, NM 87501

COUNTY OF SANTA FE )  
 STATE OF NEW MEXICO ) ss

BCC MINUTES  
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I Hereby Certify That This Instrument Was Filed for  
 Record On The 21ST Day Of August, 2020 at 03:22:55 PM  
 And Was Duly Recorded as Instrument # **1925719**  
 Of The Records Of Santa Fe County



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

SFC CLERK RECORDED 08/21/2020