

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**August 11, 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

SFC CLERK RECORDED 09/21/2020

**SANTA FE COUNTY**  
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**August 11, 2020**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Henry Roybal.

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 County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Henry Roybal, Chair  
Commissioner Anna Hansen, Vice Chair  
Commissioner Rudy Garcia  
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 preceded and the Moment of Reflection by Tessa Jo Mascareñas from the County Manager's Office.

A moment of silence was held for JB White, former City Councilor Molly Harris-Whitted, Tommy Montoya, Christine Michelle Varela, Martha Trujillo, Tommy M. Martinez, and Javier Lorenzo Blea.

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**1. F. Approval of Agenda**  
**1. Amendments**  
**2. Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Mr. Chair, I wanted to let you know that we posted the agenda last Tuesday at 2 o'clock but we amended the agenda on Friday, August 7<sup>th</sup> at 4:48 p.m. There are just a couple of items that we added at that time. Under items item 7.A, Matters from the County Attorney, items 2 and 4 were added and we also will not be discussing item 3 today under that same item. So we will just have items 1, 2 and 4 but items 2 and 4 were added when we amended the agenda on Friday. That is 7.A. Matters from the County Attorney.

CHAIR ROYBAL: Thank you, Manager Miller. Any other changes or suggestions for the agenda? If there isn't, then I'll entertain a motion.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: Move to approve as amended.

COMMISSIONER MORENO: Second.

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

**1. G. Approval of Minutes: July 14, 2020**

CHAIR ROYBAL: Commissioner Hansen, do you have any changes?

COMMISSIONER HANSEN: I do. Thank you, Mr. Chair. I have changes and I would like to move to approve with the changes and I will get them to Karen, the stenographer, after the meeting.

COMMISSIONER HAMILTON: Second.

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

**1. G. Approval of Minutes: July 23, 2020**

CHAIR ROYBAL: Do we have any changes?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Yes, I have one change and with that I would like to motion to approve with the changes. I will provide them to the stenographer after the meeting.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Any other changes? Do I hear a second?

COMMISSIONER MORENO: Second.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have multiple seconds.

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

**2. APPOINTMENTS/REAPPOINTMENTS**

**A. Appointment of Tavery Moorhead as Trustee for Edgewood Equestrian Arena**

CHAIR ROYBAL: Ms. Anna War.

ANNA WAR (Community Services Department): Good afternoon, Mr. Chair and Commissioners. A little background to this is that Santa Fe County owns an outdoor arena in Edgewood that also has a walking trail that constituents use, not just to walk, they actually take their horses on the trail and it has some public restrooms there. It used to be managed by the Town of Edgewood until earlier this year and so we are looking to have a trustee, similar to what we do with the community centers, who could open and close the facility. The arena itself can be used for events which right now due to COVID-19 are closed to the public. But the trails, the walking trails and trails used for constituents to ride their horses we have opened. We will still be working on sort of a policy and procedures to move forward with this facility but the first step was getting a trustee out there. Ms. Moorhead actually lives right across from the arena and is very interested and eager to volunteer.

With your approval, we would like to approve Ms. Moorhead as the trustee for the Edgewood equestrian arena. With that, I stand for any questions.

CHAIR ROYBAL: Great. I think sometimes the public doesn't realize all the benefits there are that Santa Fe County offers. Thank you for presenting that. Any questions from the Commission? Yes, Commissioner Garcia, go ahead, sir.

COMMISSIONER GARCIA: Mr. Chair, I would just like to first of all start with ex-Commissioners Anayas who actually were very instrumental in actually moving forward as well as the general public in obtaining this property. The Town of Edgewood actually maintained this property for many, many years and with the last six, eight months they actually said, we're not going to maintain it anymore and what are you guys going to do with it? So what we did, staff, Katherine Miller your staff and in no particular order, PJ, we went out there to meetings, probably about four, six weeks ago and there were about 60 people there. Anna, Ambra for following through with stuff and these people are eager – they want to maintain this property and it's a beautiful piece of property. I just wanted to say, thank you once again for staff, Katherine, for moving forward with this and directing your staff to help me out, help us out and it is a community open space and with that I would just like to make a motion for approval.

CHAIR ROYBAL: We have a motion from Commissioner Garcia and I believe I see Commissioner Hansen waving, go ahead, Commissioner.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I would be more than happy to second this.

CHAIR ROYBAL: Thank you for your second. I think that this is a great opportunity to provide some extra services and work with our community. I appreciate that. I would just like to open it up to any other questions or comments from other Commissioners. Commissioner Garcia, did I see you wave?

COMMISSIONER GARCIA: Just one last thing, I would just really like

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to commend the community. Like I said, there was about 50 to 60 people out there on a Saturday morning, PJ knows. It's just very awesome to see individuals from the community that say, We'll bring in our tractors, We'll pave, We'll do the fences. And so it was just really great as PJ knows. He was out there and Anna, I think she was out. But anyhow it was just great to see that. Whenever you have community members of the community that are eager to take care of our open space and volunteer. So I just want to appreciate all the individuals that were there. I hope they're watching but once again thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. And it's another show of how powerful community is when they come together. There have been times in the past where I have seen flood events in my own community and people just come out and they're willing to bring their tractors and willing to work together hand in hand and that's the kind of fellowship that you want to see in our communities. So I appreciate just even hearing that story. I wish I could have been there. It's always awesome to see that.

Once again I'd like to commend Anna for her presentation and thank her again. I know that she works hard in her position. We have a motion and a second; any other comments from Commissioners?

COMMISSIONER GARCIA: Just really quick, Mr. Chair, if I may.

CHAIR ROYBAL: Of course, this is your district.

COMMISSIONER GARCIA: What's really cool is we can see in the background of where they cut the alfalfa today and the awesome beautiful scenery in my neighborhood – he's handing me a skunk trap or a trap that we actually caught a couple of skunks and I'm saying I'm sorry I'm in a County Commission meeting but he's like all I'm sorry but it's kind of cool whenever you have community involvement. Thank you.

CHAIR ROYBAL: Absolutely, sir. We appreciate that you're sharing that with us. Okay, any other – I know that Commissioner Hamilton is smiling really big.

COMMISSIONER HAMILTON: I just wanted to know if the skunk was still in the trap?

COMMISSIONER GARCIA: You know what, actually reality there has been three that have been caught and so what I do is you put a blanket over it really quiet and then you pick it up and then you take to – forest and nothing bad happens and you just let it go.

COMMISSIONER HAMILTON: Good job. I've actually done that as well.

COMMISSIONER HANSEN: And thank you to all the community members throughout the entire County who volunteer their time. Thank you, Ms. Anna War for all the work you do. I appreciate it.

MS. WAR: Thank you.

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

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3. ACTION ITEMS

- A. **Request (1) Approval of Construction Agreement No. 2020-0209-PW/MM Between Santa Fe County and Sparling Construction in the Amount of \$1,180,967.05, Exclusive of NM GRT, for Surface and Drainage Improvements for the Sunlit Hills Subdivision, and (2) Authorization for the County Manager to Sign the Purchase Order**

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair. It's a pleasure to be here. Thank you, Commissioners.

The Purchasing Division issued an IFB, invitation for bid, for surface and drainage improvements in Sunlit Hills, the subdivision located near Eldorado consisting of 2.39 miles of road improvements involving culvert replacements, four-inch base course, hot mix, multiple things on four roads: Camino Pacifico, Paseo del Piñon, Camino Tetzco, and Toltec Road.

We received two bids on the invitation for bid. They were both very close within each other and Sparling Construction was the lowest most responsive bid. With that, Mr. Chair, I'll stand for questions.

CHAIR ROYBAL: Any questions from the Board. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much. I'm just curious to know how many miles of road this is. I know it says length in feet but I'm just wondering how many miles it is?

MR. TAYLOR: The Public Works Road Division indicated that it covers approximately 2.39 miles, Mr. Chair and Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much.

CHAIR ROYBAL: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chairman. Just really quick, this was another one of our projects that was actually on the bond awhile back and I'm glad to see that staff is moving forward because this is in Commissioner Hamilton's district and this is – if you drive out there to the Sunlit Hills area back in the beautiful subdivision back there, those roads are very challenging when it comes to the width, the drainage and everything about these road actually that we adopted many, many years ago. Once again it is on our bond and just to let the taxpayer we are getting it completed and just great project and it took a little while to get it done. But anyone that has driven out there, it's very complicated, challenging design for our Public Works Department, engineering department, but I'm glad that we're moving forward. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Moreno, any comments?

COMMISSIONER MORENO: No, I don't have any comments.

CHAIR ROYBAL: Thank you, Commissioner Moreno. Commissioner Hamilton, did you have any comments? This is your district and your comments are important.

COMMISSIONER HAMILTON: Yes, thank you. Everybody's comments are important and I want to thank Commissioner Garcia's clear knowing of so

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much about the whole county after all those years of work. Sunlit Hills and that area is certainly a challenge and these roads have some of the funds in the 2012 GO Bond and the 2016 GO Bond and so these projects they've been fraught with a lot of difficulties. There was controversy about what and how they should be done and there was a need for a huge amount of community interactions and based on that I want to give a special thanks to Public Works Department and the Roads Department because they have just stuck with this, and worked with me and frankly past Commissioner Holian before me, working through the details of these projects and really working incredibly well with me and community members to resolve all kinds of conflicts and issues and things that came up along the way including a lot of safety things that raised the prices/costs of some of the projects and working with the community to bring that back under control and make decisions. I really want to give a big shout-out to Public Works, and Gary Giron and Diego Gomez who I think are both on.

With that, if there's not much discussion, I'd like to move to approve this.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: Okay, we have a motion and a second. Under discussion, I would ditto those sentiments. Our team at Public Works with Gary Giron and Diego Gomez and Richard Chang, they are awesome and great to work with. I know a year ago we had a lot of things that needed to get fixed and I think that we have come such a long ways. All I can do is commend the efforts of our Public Works Department. I'm just really proud of the way you guys have moved forward.

I want to go on to any other Commissioners. I'll look for hands.

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

CHAIR ROYBAL: Thank you, Mr. Taylor for this presentation.

3.     **B.     Request (1) Approval of Amendment No. 5 to Agreement No. 2018-0077-IT/IC Between Santa Fe County and Superion, LLC, Extending the Term an Additional Year and Increasing the Compensation by \$162,345.96, for a Total Contract Sum of \$663,145.59, Exclusive of NM GRT, and (2) Authorization for the County Manager to Sign the Purchase Order**

MR. TAYLOR: Thank you, Mr. Chair, Commissioners. Amendment number five will extend the term of the contract as stated from September 30, 2020 through September 30, 2021 and increase the compensation an additional \$162,345 which requires Board of County Commissioners approval by the increase to the contract. And this is a for software applications that is utilized throughout the County through our IT Department or by functions within Human Resources, Finance Division, Payroll, the Treasurer's Office, tax billing, the Sheriff's Office, field reporting are a few the items. So these are applications, licensing to continue those services and applications at the County throughout the County.

With that, Mr. Chair, I will stand for any questions.

CHAIR ROYBAL: Thank you. Are there any questions from the Board?

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Commissioner Hansen, do you have any questions?

COMMISSIONER HANSEN: No questions, thank you, Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton, do you have any questions?

COMMISSIONER HAMILTON: Yeah, I have. It obviously makes sense the continuity with respect to all the software development. This has been going on for awhile and it represents further development of systems we already have in place. But I wondered if someone could make comments about whether we're still pretty satisfied with the structure of the software we have that do all of these management applications or whether anybody perceives some problems even with just the fact that some of it is getting to be whatever, five years older, so for future maintenance or upgrades or whether we're going to be looking at a complete overall of some of these systems.

MR. TAYLOR: Mr. Chair, Commissioner Hamilton, if Daniel present, and he is, I'd just like to speak to that and then defer to Daniel Sanchez. There are certain upgrades that are going on throughout the County particularly at the Sheriff's Office with the ONESolution that is provided by Superion. There is going to be an upgrade once we convert those cases over. But this amendment continues the support and maintenance of the platform and will allow for upgrades and continuity throughout the County. But if Daniel because he speaks the language much better than I do on this topic, so I would defer to Daniel Sanchez to give you more substantial response.

DANIEL SANCHEZ (IT Supervisor): Thank you, Bill. Mr. Chair, Commissioners, this is Daniel Sanchez. Yes, this system is current with all its activities. We do continually do upgrades to it. It is relevant and caught up to date. We do upgrades on the hardware and software periodically as either legislation or laws pass or there's new requirements for the system. We do upgrades throughout the year.

COMMISSIONER HAMILTON: And that process has been quite satisfactory to you?

MR. SANCHEZ: Yes, ma'am. We continually look for feedback from the users and they haven't brought any information otherwise that it's not meeting their needs.

COMMISSIONER HAMILTON: Sounds good. Thank you very much. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Moreno, did you have any additional questions, sir?

COMMISSIONER MORENO: No, I don't think so.

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

COMMISSIONER GARCIA: Thank you, Mr. Chair. Mr. Taylor, Daniel, is this part of the upgrades for whenever you go pay your utility bill or you pay your taxes on line or through a debit card; is this the same type of thing?

MR. TAYLOR: Mr. Chair and Commissioner Garcia, I don't believe this is the same application. That's a different platform with the debit card and bill paying and the purchase of tickets. That's on a different agreement. Daniel, do you want to comment on that at all?

MR. SANCHEZ: Yes, thanks, Bill. Mr. Chair, Commissioner Garcia, this is the backend of that process so it will have all the payments at the back end of it. As



Mr. Taylor mentioned, the bill pay for Treasurer's tax bill, that'll be through payments in a third-party. Utility billing, we're in the process actually of getting that process as well through actual Central Square which is Superion. We will be working with the Utilities Department to take online payments for that as well and implementing a system there with Central Square.

COMMISSIONER GARCIA: All right, Mr. Chair, if I may really quick. So this is the same company that actual is working with the AS 400 as well as working with – let me be honest, I get hassled from my cousin all the time; how come I can't pay bill online, how come I can't pay my water bill on time? So as long as we're moving forward and making sure that this same company so we can just run our debit card and pay our water bill or get a ticket to the landfill or to the transfer station – so we're working forward? And this is the same company; correct?

MR. SANCHEZ: Mr. Chair, Commissioner Garcia, again, this is the back end of that. This is where we'll be processing the payments in the backend. We're working with a frontend system – just take a payment for credit card for your taxes for example and where we've implemented some of the process of utility billing to be able to do everything on line. But, yes sir, everything is moving towards online.

COMMISSIONER GARCIA: And just really, really quick, Mr. Chair and Daniel. What is actually the length of time when we can pay our water bill or get a landfill/transfer station on line? Is there an estimated time for that?

MR. SANCHEZ: Mr. Chair, Commissioner Garcia, we're in the final stages of working through getting online payments for taxes. So that would be relatively quickly. We're just in the initial stages of working with Mr. Dupuis in the Utility Department for and online payments and implementing the system with Central Square so I would say six months or a little bit longer.

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

CHAIR ROYBAL: Thank you, Commissioner Garcia. Those are great questions. Just 10 short years ago people still wanted to mail their checks and there still are people who want to do that but anymore it has become such a convenience to have automatic withdrawals and also making payments from your debit card on the internet, it's just so much more convenient. It's just crazy in the last decade how things have changed and I just appreciated the fact that the County has stayed right on the cutting edge. So thank you, Mr. Sanchez and Mr. Taylor.

Any other questions from the Commissioners? Commissioner Moreno, would you like to comment?

COMMISSIONER MORENO: No, I was just saying no.

CHAIR ROYBAL: Good, thank you, sir. On this item, I don't believe we have a motion yet.

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

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: Motion from Commissioner Hamilton and second from Commissioner Hansen.

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

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CHAIR ROYBAL: This item requests approval of Amendment No. 5 to Agreement No. 2018-0077-IT/IC has passed unanimously. Thank you, Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Chair and Commissioners and Commissioner Garcia we'll get you that information on a timeline for credit card acceptance. Thank you.

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

CHAIR ROYBAL: Is there anybody from the public that is signed up, Ms. Mascareñas

TESSA JO MASCAREÑAS (County Manager's Office): No, Mr. Chair. I forwarded an email previously today, that was sent as a public comment by someone who wasn't available to be here. So I will forward that for the record. It is from Ms. Joni Arends, she is the executive director of Concerned Citizens for Nuclear Safety.

CHAIR ROYBAL: Thank you, Ms Mascareñas. Can you unmute everybody just for a moment and see if there's anybody from the public that would like to address the Board. Is there anybody from the public that would like to address the Board of County Commissioners? With that I will go ahead and close the matters of public concerns.

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

- A. Miscellaneous and COVID-19 Updates**
- B. Coronavirus Relief Fund: Overview of Santa Fe County Grant Application to New Mexico Department of Finance and Administration**

MANAGER MILLER: Mr. Chair, Commissioners, I don't have a lot of updates except that we have seen both in the State as well as Santa Fe County a significant decline in the number of people testing positive for COVID-19 from our high point which I would say was really a result of the 4<sup>th</sup> of July weekend. Over the past week the average number in Santa Fe County was seven individuals per day and we're still seeing that the majority of those cases do reside in a zip code 87507. Also, overall the State's positivity rate is about 3 percent and that is significantly lower than the surrounding states.

On Friday, last Friday August 7<sup>th</sup>, the County hosted a COVID-19 testing site for Santa Fe County employees. Eighty-eight employees were tested. This was all voluntary and most of those that were tested – we did it for Santa Fe County employees and City employees – and most of those tested were from the County. And we just want to thank the Department of Health for being such a good partner on this. They came out, set up the testing site which was pretty impressive in how quickly they put it up and started the testing. Also, Santa Fe County Teen Court is gearing up for the start of the school year and although we won't be conducting court activities, we're going to be accepting participants who are struggling with the COVID-19 crisis and assessing those youth and referring them to different services that we have available. We're going to be working cooperatively with Teen Builders who is now funded by the County to provide intensive

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services to youth with significant behavioral health issues.

Just another update: We launched our CONNECT program and our portal during the crisis/pandemic. And although we had launched CONNECT beforehand, just since the pandemic started we have assisted 654 individuals with either rental assistance, permanent housing assistance, homelessness prevention, food security and many other services.

The update on our application to the State for the Coronavirus Relief Fund is that we provided an application to the State for about \$14 million; \$7.5 million of that was for the business opportunity grants and we put in an application to cover City of Santa Fe and Santa Fe County as well as the Town of Edgewood. We did look to Española if they wanted to participate in ours but because Española straddles two counties I think they wanted a program for all of their businesses. But we put in for the entire rest of the county with the support from the Town of Edgewood and the City of Santa Fe so that we would have one consistent application process for all Santa Fe County businesses. We're going to partner with both the Town of Edgewood and the City of Santa Fe and other business entities to identify those entities that would be needing grant assistance from the business opportunity fund.

We also put in for housing assistance as we discussed at our last BCC meeting and Housing meeting. There was an opportunity to apply for rental assistance for those people who still have a loss of income and need rental assistance to keep paying their rent as well as mortgage assistance and other housing-related services and assistance. We also put in for close to \$1 million of reimbursement of expenditures, COVID-related expenditures that we've had year to date and probably around \$2 million more of just direct expenditures for protecting our facilities, our staff, providing PPE, cleaning facilities. And then we're put in for additional funding to CONNECT to provide for social services throughout the County.

The State I think they initially had to cut off for the applications last Friday. I think they were allowing for some addendums to those applications to make sure they really understood all the different programs that we were requesting funding for. I think that's cut off tomorrow. Rachel and her staff, Penny's staff, Joseph Montoya, Chris Hyer, Alex, Patricia Boies and Yvonne Herrera and her staff, really jumped into action. We have a very short time to put our application in. I think they did an excellent job. We were a little frustrated that you can only put 2,000 characters per question which when they are asking for detailed answers didn't let us give much detail but hopefully the way that Rachel and the staff put together our application hopefully they could see all the things that we've been doing in our community and doing throughout our offices. That we've been doing in Public Safety and Corrections, and Fire, Sheriff's Office, RECC, all the things that Emergency Management – everything that staff has been doing on the public safety side as well as the community service side – delivering meals and providing behavioral health assistance to the homeless and to anybody in need. We have really gone above and beyond to reach out to those members in our community from the north to the south, east to west – you name it, every same part of the County, every small community in the County to really see how we can help and how we can provide services to those people who maybe have not been able to access services or who have lost their jobs or whose businesses have closed – we put in for everything that we could to see if

we can get additional funds from the State CARES Act money and get that out into the community.

I just want to commend all of the staff on how quickly they responded, how hard they worked and how much coordination they did with our partners in the private sector as well as the government sector to try and put something forward that hopefully will bring some additional funding to the County.

That's the extent of my update and I'll stand for questions.

CHAIR ROYBAL: Thank you very much for that update, Manager Miller. Do we have any other questions from the Commissioners? I'll go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I really want to thank Katherine and the entire staff for all of the work that they have done to get this grant going and moving forward. I know that this was a heavy lift to do it such a short time. I just to acknowledge and appreciate how important it is because I know so many of our constituents are suffering out there. So thank you very, very much. I am really, really grateful.

MANAGER MILLER: Mr. Chair and Commissioner Hansen, I just add because you reminded me, we also requested funding for a public awareness campaign specifically. And we are ready to go if we get funding for that. My understanding is that the State is going to take about two weeks to evaluate them. I am sure that they received more requests for funding than they have but hopefully they can see that we're prepared to move money throughout the community in a variety of ways to provide assistance and public awareness. Hopefully, we'll get a significant amount to do that. I still don't know the criteria so we'll see.

COMMISSIONER HANSEN: Thank you for that. And I also just wanted to mention at this point that I did speak to Rich Brown at the City and he said that they had done some flyers in Spanish especially for the 87507, 87505 district where we have more Spanish speakers. So they were doing some flyers to get information out about COVID. And I'm grateful and I hope we get some money to do public awareness. I think it's really important for us to do that to keep our numbers down. Thank you so much. Thank you for mentioning that, I am grateful once again. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Manager Miller and Commissioner Hansen. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. As a policymaker these days it's hard to be a policymaker and we're getting through it and we're doing an excellent job. It's just really sad to me that the congress, they can't come up with a deal which is out of our realm of control but it just is frustrating. As Manager Miller says, it's just hard. There's no deal made yet and it just – sometimes I don't like to watch news at 6 in the morning. But the homeless individuals, thank you for working with Española as well Edgewood and it's kind of sad you see and they're not even tent sites anymore. I mean on Zafarano there's four cardboard sites there the other day and it just broke my heart and it was really sad to see that. I'm glad to see that Commissioner-elect or appoint, Mr. Hank Hughes has actually been involved in that for many, many years and he knows the inside and out on that stuff and like I said it is just sad when you go down Zafarano a main road in the southern part of our district, and it's just like, Whoa, what is

this about. The new Starbucks down there – there's a gentleman I know. He was a Golden Gloves Boxer and went to the Boys Club many, many, many years ago – he's there's all the time. I won't mention his name but I always helped him out and it's just kind of sad to see individuals like that. And one of the things that I just want to – so these individuals that don't have a computer, they don't have a cell phone and I know we put it on our website all the time, but is there a way that we can go hand them a flyer that says look individuals, you need some help, call this or do this. It's just food for thought if we can think about that. Because like I said, my friend – it's just food for thought. But thank you staff for working with our adjoining communities of Española, Edgewood, I really appreciate that. Thank you, Katherine and your staff.

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

COMMISSIONER HAMILTON: Thank you. I guess I just wanted to add my voice to my colleagues and based on what Commissioner Garcia said, it's very true that in the end things come down to the local level. It's kind of the last line of defense for people so both Commissioner Garcia and Commissioner Hansen I just want to join them and really thank Manager Miller and the entire senior staff and also comment on what an incredibly thoughtful job you guys did in the topics that you thought to put out requests for and the way they put out. I think it really covers the bases as well as I can certainly imagine especially given basically a week to pull all of that information together. Although, clearly you and the entire staff have been thinking about this the entire time we have been responding to COVID and you guys have been collecting information and saving it in preparation in the hope that something like this came through and you deserve a lot of credit for this action and what you've done up till now and what this represents for our constituents.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Moreno, did you have additional comments?

COMMISSIONER MORENO: I'm happy that Hank will be a good person to bring his expertise in the matters of homelessness. I think it is a scourge, there are so many people out on the streets, downtown and in the boonies. It is a sad situation that people can't have an opportunity to just have good safe place to live. I'm happy that we'll be better in this.

CHAIR ROYBAL: Thank you, Commissioner Moreno, for your comments. I think we have the homeless shelter that was established in Española in my district recently and we've been working hard. We worked with this shelter in Española and I want to see it being able to provide additional services but it's needed throughout all of our county and it is a sad situation and I just appreciate the support from the rest of my Commission and on the different items that we do face here. It's something that with homelessness comes behavioral health and opioid addiction and all the rest of it and it's something that we really need to try and focus on in the future to try and help these individuals. So I do really appreciate the effort that is being brought forward. As my other Commissioners mentioned, Mr. Hank Hughes joining the Commission to give us insight in that realm and that's where a lot of his work has been over the years and I think it's going to be a huge asset to this Commission and a lot of us already have the heart to work with our communities and make sure that we provide the service necessary for these

individuals.

It's really great to hear a lot of these comments from our Commission so I do appreciate that and I to thank Manager Miller for her presentation. With that, is there any other comments from the Commission? Seeing none, we'll move on.

**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: I'm going to go to Commissioner Garcia first.

COMMISSIONER GARCIA: Mr. Chair, at the top of my head I can think of many things so I'll get with Manager Miller on them. But one of the things, I don't know if Anna War or PJ is still on the line there. What are we finally going to do with the County Fair? We were going to do virtual because I heard that on the State Fair this morning on the radio. If they can give an update, that's great. If not, it can wait until the next meeting. But that was on the top of my head for the general public and I'd just like to ask that.

MANAGER MILLER: Mr. Chair, I think Anna is still on the line and we did start the virtual fair. So, Anna, do you have the most recent update? Well, I have that information so if you want to go on to something else and come back to it I'll pull it up on my computer.

CHAIR ROYBAL: Okay, we'll come back to it then. Commissioner Hansen

COMMISSIONER HANSEN: Thank you, Mr. Chair. I want to thank everybody for all of their updates, always. But I want to mention that the Neighbor to Neighbor Food Drive has started this year and it is a fund drive as opposed to a food drive. You can go to the Fooddepot.org and sign up to donate. As you are well aware, many people are out of work and working with less and so food is really important. I was listening today to Senator Tom Udall when he was talking about other people around the state and how difficult it is that people are struggling with food insecurity. So anybody who can donate to the Neighbor to Neighbor Fund Drive this year please do so. I know that the County has continued to support this and I am grateful for our involvement in that.

Then I want to mention that I am very honored that once again I have been appointed by NACo president as the vice chair of the Environment Energy And Land Use Steering Committee. I am the sub vice chair for Energy Committee. I'm on the Arts and Culture Commission, the Healthy County, the Initiative Advisory Board, RAC which is the Rural Action Committee which works really hard to encourage PILT and secure rural school funding, and the Resiliency County Advisory Board. I find these meetings throughout the year very, very helpful to know what other people are doing nationally and what we can also do to help one another.

Thank you very much for sharing my letter. I did share that with Greg this morning and I just want to let everyone know that I also attended the NACo National Business Conference and Townhall via internet, of course, this year and I'm honored to

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have been a voting member for the third time in a row. I am an active participant in NACo and I think that it is important for us as a County to have that connection to be able to lobby on a national level for the things that we need locally. So thank you for that and thank you to all of my Commissioners for your support on my activities with the National Association of Counties.

That's all I have to share at the moment. Thank you, Chair.

CHAIR ROYBAL: Thank you. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I actually just wanted to mention that last Saturday, the first Saturday of the month, we did Coffee with the Commish. It was quite an active meeting as – I'm getting some smiles from people who were helping me. There were many, many people who are concerned about the ongoing Dollar General Store business and wanted a lot of clarifications. And based on – well, it was challenging but in the end very, very fruitful meeting and that was largely because of the help I got. So I want to specifically thank Tessa Jo and Daniel Fresquez as well as Tina Salazar. And actually Ambra Baca who all joined and helped me out and I am just hugely grateful for that. And they did a fabulous job providing information.

CHAIR ROYBAL: Thank you, Commissioner Hamilton, and I know that they are very instrumental in helping with bringing clarity to our constituents and just helping the Commissioners with that type of activity. I know it is not always easy and there's decisions that we make as a Board that aren't always easy but our staff always helps us with working through those issues. And the individuals that you mentioned in particular have always been generous with their time and very helpful. So I appreciate that as well. Thank you for recognizing those, Commissioner Hamilton. Commissioner Moreno.

COMMISSIONER MORENO: I don't have anything else to say.

CHAIR ROYBAL: Thank you.

COMMISSIONER GARCIA: Mr. Chair. I'm sorry, this is Rudy. If I may, one more time, sorry.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, I guess I'll just say it the way it is, you know, one of the things in our community and throughout the nation and obvious to the world is communication. This thing right here, cell phone, this is actually a great device and can be a bad device. You can read a plat with this device or you can and I don't even know what Snapchat is or whatever else is that stuff going around. But I think that us as policymakers in this community and we need to start in talking to our Dr. Veronica Garcia who does an excellent job for our school system as well as our County.

I think communication is very important whether it's a relationship or whether it's policymakers or the whole community as a whole. And I would like to see if our PIO person put out some sort of a survey as into – and unfortunately in the last four weeks two individuals kids have died and so sometimes you have a lot of individuals in the community chatting, chatting, chatting and as in too much. It's all in here. Do what we've got to do to help out our community as a whole because communication is key and I'd like to see if our PIO – I don't know, I'm just throwing it out – to put out a survey as into what kind of volunteer items would you as a community be willing to do? I got a lot

of questions – I don't know. I'm on the School Board how come these things are doing this? A good friend of mine, he's a golfer, why not play golf with some kids, five kids on a Saturday morning. Go show them how to hit a golf ball. Get involved. People tell me you guys should be doing this well, volunteer. Let's do it. And just communicate "volunteerism" and I'd like to see if our PIO person can actually put out a survey as to what type of volunteer services would you like to do if you could do it. Because as policymakers we're first to finger point that and I understand, I get it, so maybe, I don't know, Katherine if you could have Ms. Hart to do that or if it's a good idea if you all think that or not and it just food for thought.

And another thing. I know we're going to do this on the next agenda but I just want to make sure that we have something up there for Commissioner Moreno because you know what, stepping up to the plate and playing baseball and hit that ball: it's a challenge. And so just if we can make sure that we put something on the agenda for Commissioner Moreno I would really appreciate that. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. So we're going to move on.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I know that this is your area and you have been working on this but we just received an email from Patricia Boies on the census. Our future is at stake and so I just want to remind everyone out there to please, please fill out your census form as soon as possible. Every single person makes a tremendous amount of difference. So please, it just takes five minutes and you can go to [www.wecountnewmexico](http://www.wecountnewmexico) or [wecountnm.org](http://wecountnm.org) and fill out the census form. Just a reminder to stay on that.

CHAIR ROYBAL: Thank you.

MANAGER MILLER: Mr. Chairman. Mr. Chair, I do have something on the census. I did want to add to the census item. Santa Fe County is doing better but there are pockets in the County that really need shoring up. They're not getting counted as much as our goal. Patricia is working on that. As you know, the Federal government moved up the length. At first it was moved back to October 31<sup>st</sup> now it has been moved up to September 30<sup>th</sup>. The pressure to get everything completed, get everyone counted increased significantly. To emphasize what Commissioner Hansen said and to expand on the work that you've been doing, Chair Roybal, yes, everybody please do what you can to get counted and encourage people that you know if they haven't completed their census form that it is really quick and it is not complicated. So please do so and encourage everyone you know that hasn't done it to do so.

The other thing is that Commissioner Garcia asked for what we were doing for the County Fair. As you know, we can't have any public events or any events that have a gathering of multiple people. So we changed the fair with the Fair Board's recommendation into a youth achievement event. It was scheduled to start last week August 2<sup>nd</sup> and go through August 18<sup>th</sup>. It is not public. It's open to 4H youth, media, family, Extension staff and our staff and Fair Board members. It's aligned with the no mass gatherings and CDC guidelines and other public health orders that have been put out by the Governor. The schedule included a horse show that would be held at the rodeo



grounds, a lamb and goat show, a pig show and a cattle show. These animals would be shown by species and there would be no more than five animals in a class. There's a junior livestock virtual auction, 4H indoor exhibits with time slots for each family, exhibits can be dropped off by one person at a time. And a poultry and rabbit show will be done virtually with the exception of the poultry showmanship. And Anna is back and I don't know if you have anything to add for the Commissioners.

MS. WAR: Yes, hi, sorry. I'm sorry, I had to step away for a second. So I did go down to the fairgrounds last week and I was very impressed with the way the Fair Board handled it. A different animal is done every day. I was there for pig check-in. Everybody was masked. We did have one gentleman who specifically did not want to wear a mask and the Fair Board chair was really good about saying, this is a public health order, and got it taken care of. I also was on the live webcast of the virtual auction on Friday. Last year in our real fair, we actually had 65 animals and they \$158,000. This year through the virtual auction they actually had less animals because some of the kids had pulled their animals. There was 59 animals that were auctioned off and they made \$155,000. This is a considerable amount that was done. They were actually just hoping to make half of last year's sale and compared to what other counties have done, this was really successful. I talked to Christina yesterday and the families were very excited. I got a beautiful little thank you note from one of the 4H kids thanking Santa Fe County for all we did to put on what we did and allow them to finish their projects. So it was really nice.

This weekend the kids had time slots, those that were participating in their arts and crafts indoor stuff and then this week there has been judging happening so if it's a specific thing like drawings, they have the judge only come in for drawing. So it is all still maintaining the social distancing and masks. So I think even though it wasn't the fair that we normally had, it was something that made the families and the kids really happy and they were able to successfully finish their projects and they were very appreciative of the Fair Board, of the County Extension Office and Santa Fe County for letting them do that. Thank you.

CHAIR ROYBAL: Yes, go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, did any of the animals wear masks?

MS. WAR: No, not that I saw. [laughter]

COMMISSIONER GARCIA: Thank you for the update.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Anna War, thank you, again, for the update on the fair. I'm really happy to hear that they made so much money. That is really rewarding for the kids and they must have been really, really happy. Thank you and thank you for sharing all that good news.

I also wanted to share some other good news. Last meeting we approved a letter to approve the 2018 Residential and Commercial International Energy Conservation Code at CID. I wanted to share with everyone that they were passed by the board unanimously. So we now are going to be under the 2020-5-14 2018 Residential and Commercial International Energy Conservation Code and we have six months to put them into application or adoption. So I just wanted to share that with everybody. So

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thank you.

COMMISSIONER GARCIA: Mr. Chairman, I have a question on that, if I may?

CHAIR ROYBAL: Go ahead, Rudy.

COMMISSIONER GARCIA: So that was just a letter of support for that code. That doesn't mean that the County actually adopted that code; am I correct, somebody out there, Greg, Katherine? We just did a letter of support not to actually adopt that code for Santa Fe County; am I correct or not correct, somebody tell me.

COMMISSIONER HANSEN: Commissioner, if I could respond. It was a letter of support for the adoption of the code. And now that the code has been adopted by the State it is now the law of CID for the construction industry and those codes are, so to speak, the law of the land. If somebody else wants to correct me, maybe Penny is on the line and could give you more information.

MANAGER MILLER: Mr. Chair, this is the Manager.

CHAIR ROYBAL: Yes, please.

MANAGER MILLER: If CID adopted it ultimately we will have to review our code and see if our – and if you recall we use a slightly different way of evaluating energy efficiency with the HERS rating – so we will have to evaluate our code and see whether ours is more stringent than the State's and we will have to evaluate what changes may need to be done to our code to come in compliance or conformity with the State code.

COMMISSIONER GARCIA: Understood. Chair, if I may, Rudy. Mr. Chair. I see Mr. Shaffer on the line there and this really brings a lot of concern to me and I understand what Manager Miller whenever the State adopts a septic tank regulation or a .75 acre minimum for a septic tank or solar or whatnot or the type of fire rating on a porch or whatnot, I understand that. So if we have to follow the State's regulations I totally understand that. But I'm a little perplexed as into so whenever we give a letter of support to somebody does that mean we automatically do that or not? I thought it was a letter of support saying yes we agree for the State to adopt this and the Governor signed the bill, which she did, and move forward. But that a letter of support. I didn't realize that because whenever we pass an ordinance we have to do title and general summary, we have to offer two different public hearings and then people can come speak against it. So I get it, I understand it, but I'm just a little just wondering about that. That's why I was asking about it, Mr. Chair.

GREG SHAFFER (County Attorney): Mr. Chair, Commissioner Garcia, what the Board authorized the Chair to sign and submit was a letter of support in favor of CID adopting the new codes. So conceptually it would be no different than the Board passing a resolution or otherwise taking action in favor of proposed legislation. That what in effect I understand the Board to have done relative to the letter of support. And now that CID has acted to adopt the code statewide, and, yes, they would apply where applicable to County development. I'll leave it at that unless you have any other questions for me. But as the County Manager alluded, County staff will be looking to see how the new codes will interface with the Sustainable Land Development Code in applications that are submitted to the County and we'll bring back any items that are necessary for the Board to consider on that score. But relative to the action taken by the

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State, my understanding is that it is a final action.

COMMISSIONER GARCIA: Thank you, Greg.

CHAIR ROYBAL: Thank you. Was there any other comments or questions from Commissioners? Seeing none, I'll go on to the next item.

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

CHAIR ROYBAL: I'm going to go to our County Clerk.

GERALDINE SALAZAR: Thank you, Chair Roybal. The announcement I'd like to make and share with the voting public and our constituents and our citizens of Santa Fe County is that the County Clerk and her staff are working simultaneously planning and preparing for two elections. The Town of Edgewood's special election and the 2020 General Election which is very overwhelming but challenging but still in many ways rewarding. So I just want to let everyone know that we are working very hard to prepare for the elections that are coming up. Thank you so much.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Thank you, Madam Clerk. Go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: I just wondered if I might ask the Clerk, given this is her little time slot and she made a very good point – and thank you, Mr. Chair – about how challenging the November election is expected to be. And I bet the primaries were also challenging and, Madam Clerk, your office did a fabulous job but there were many, many stresses and many concerns that are assumed to be increasing now not decreasing including the use of mail-in ballots and whatnot. I just wondered if there are particular actions that you're contemplating in that regard and if there's anything you can think of now or as time goes on that the Board might consider or need to provide some help with?

CLERK SALAZAR: Thank you for the acknowledgment, Commissioner Hamilton, and also for the suggestion of obtaining help from the Board. What I will do, as I have been doing through the tens and tens of customers that I work with, emails with, phone call with regarding the upcoming election is I send them a whole list of information regarding the absentee voting process and I also have a poster. I'm going to send all of you what I send to our voting public and anyone requesting that information so that you are aware of what's going on at that moment and what are some critical deadlines and dates regarding the absentee process and what we're doing. I think that would be a tremendous help. All of the voters that are asking for absentee ballot information early on, I feel are the ones that are on top of it and they want to be informed immediately rather than the last minute. So I send them lots of information because I believe this type of voter shares the information.

So with your comments, your support, your acknowledgement I'm going to do the same thing in a few minutes to all of you because that's one way that you the Board can help. We are very overwhelmed. It is very stressful. I still haven't covered 100 percent from the primary election. But we are going forward. And so thank you for the

acknowledgement and I will share that information.

COMMISSIONER HAMILTON: Thank you. That actually sounds like a great idea because there's any way we can help including spreading information for you with constituents who are also very concerned but you hear a very different aspect of what the particular concerns are than we do, so we could help share information. I don't think there's any more critical time or what will be a more pressured time than between now and this general election. Thanks for that and thanks for your efforts.

CLERK SALAZAR: You're welcome. It is very trying at this moment especially with the COVID pandemic. I did make a policy decision a couple of weeks that I won't be issuing marriage licenses to out-of-state residents because I have concerns from staff that feel that it is a health issue for them. The community that has contacted me and media outputs that I have read regarding out-of-state residents who are not abiding by the protocols the Governor regarding mask and protocol for the pandemic. So I think I had to make that decision. I did make that decision earlier on and that seemed to help but now I think I needed to put that policy again in place.

I think also not just my staff or customers or residents in Santa Fe County who are concerned but I believe also other County staff who inhabit work at this building also have concerns. So that's another announcement I want to make to all of you. So whatever assistance you can provide us, we appreciate it. We may need other County staff as we had before from Rachel O'Connor's staff to assist us with our absentee ballots. We are overloaded with data input, mail – the other sad thing is that there is a third-party out there that on a regular basis sends out absentee ballot applications and that interferes – and it is not illegal – but it is very concerning. They send out in advance of our absentee ballot applications, our process at the State level and the county level all of these applications to registered voters and sometimes their list isn't as accurate and they send it out to them and it's confusing but we also get their mail return from those applications and in addition to that we will be sending applications to everyone in Santa Fe County starting September 14<sup>th</sup>. So we have these layers of mail that we have to deal with but in addition to that a third-party.

I was informed and alerted by one of my staff that she received a call regarding that one of those third party and I don't know how many are out there now, one of those third parties that are sending out absentee applications as I mentioned again, it's not illegal but it is concerning, that on the application she received it stated, send a check. So part of the information that I have and I will send you, I'm telling voters if you receive a third party absentee ballot application that states send a check: do not send a check or cash contact our office immediately.

With elections a lot of things pop up. We are busy with customer service and all of these intricacies of running an election – two elections. Thank you, again.

CHAIR ROYBAL: Thank you, Madam Clerk, and thank you for all the information. The only other elected official that I do see online right now is Mr. Hank Hughes. I'd like to go ahead and open the floor up to Mr. Hughes if you'd like to address any of your future constituents that will be here in the next two or three weeks. Mr. Hughes, did you have anything you wanted to share with your constituents?

HANK HUGHES (Commissioner-elect): Nothing in particular. I'm excited to get started in September and I look forward to that and I wish my current

commissioner, Ed Moreno happiness in his retirement and all the best. I'm just going to join this meeting and the next one to absorb all the information that I can so I can hit the ground running on September 1<sup>st</sup>. Thank you very much, Mr. Chair.

CHAIR ROYBAL: Thank you, Mr. Hughes. I couldn't agree with you more Commissioner Moreno has done a great job representing his constituents and I know that we're going to recognize him at our next meet and that you will be here as well. I just wanted to afford you the opportunity to say some words. I appreciate you being involved as soon as you decided you wanted to run we would see you on the meetings. We appreciate that and I think it shows a great effort. Not only did you step up to represent your community but you also put in the time even prior, it's really commendable and I do appreciate that as I'm sure the rest of the Commission does as well. Congratulations once again on your appointment and we look forward to working with you. It'll be bitter sweet sadness as we bid Ed farewell, Commissioner Moreno, it's been a great adventure during those four years/three and a half years. Thank you, Mr. Hughes for being here with us today, sir.

Okay, unless there is anything else from Commissioners –

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen, go ahead.

COMMISSIONER HANSEN: I just want to also thank Clerk Salazar for all of her hard work and I know that it is really hard work in your dedication to making elections in Santa Fe County go as smoothly as possible. Thank you very, very much and it's very nice to see your picture on the screen so thank you for that also. Good luck and we look forward to working with you through this challenging election season.

CLERK SALAZAR: You're welcome and thank you, Commissioner Hansen, and the photo helps me as I am working away doing my clerk duties for the Board. Thank you.

CHAIR ROYBAL: I agree with the sentiment from Commissioner Hansen as well. We know that you have a huge task ahead of you with the presidential elections that are always a lot of work and just know that the Commission is here to help you with whatever you need, Madam Clerk. We appreciate you.

CLERK SALAZAR: Thank you, Chair Roybal. It means a lot from my colleagues who are elected officials to reach out and acknowledge. It truly does. Thank you so much.

CHAIR ROYBAL: Thank you, again.

7. **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**

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**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. Protest of US Department of Energy and Los Alamos County Application under OSE File No. RG-00485, et al.**
- 2. Potential Acquisition of Open Space Property**
- 3. Removed at approval of Agenda**
- 4. Potential Ordinance Enforcement and Trespass Action**

CHAIR ROYBAL: Can we get a summary

MR. SHAFFER: Thank you, Mr. Chair, Commissioners. I respectfully request a motion to go into executive session to discussion 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 as well as the discussion of the purchase, acquisition or disposal of real property as allowed by Section 10/15/1(H)(8) NMSA 1978, including three items: 1. Protest of US Department of Energy and Los Alamos County Application under OSE File No.RG-00485, et al.; 2. Potential Acquisition of Open Space Property and then 4 on your agenda, 3. Potential Ordinance Enforcement and Trespass Action.

Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you Attorney Shaffer. Will we possibly have an action item when we get out of executive session?

MR. SHAFFER: Yes, thank you, Mr. Chair. We will need to come back to this meeting to take care of that action item. And you should have all received a separate Webex meeting invitation by Tessa Jo Mascareñas for the executive session. So if a motion is made, seconded and passed we will need to exit this meeting and join that separate Webex meeting for executive session. When that is over, we'll come back to this meeting in order to take care of that action item and concluding business. Thank you.

CHAIR ROYBAL: Thank you, Attorney Shaffer. Do I have a motion?

COMMISSIONER HANSEN: Mr. Chair, I move that we go into executive session for all of the items the County Attorney mentioned.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Thank you.

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

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

[The Commission met in executive session from 3:37 to 5:10 p.m.]

CHAIR ROYBAL: All right. I'd like to entertain a motion to come out of executive session.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I would like to move that we come out of executive session and the only things that were discussed in executive session were those as listed by Attorney Shaffer with respect to the motion to go into session.

COMMISSIONER HANSEN: I'll second it.

CHAIR ROYBAL: Motion from Commissioner Hamilton and second from Commissioner Hansen.

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

**7. B. Request Ratification of Protest of U.S. Department of Energy and Los Alamos County Application Under OSE File No. RG-00485, et al. and Authorization to Prosecute Protest**

COMMISSIONER HANSEN: I am making a motion that request ratification of protest of U.S. Department of Energy and Los Alamos County: I move that we ratify Santa Fe County's protest of the U.S. Department of Energy and Los Alamos County under OSE File Number RG-00485, et al. and authorize the County Attorney to prosecute the protest.

COMMISSIONER HAMILTON: I second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen and a second from Commissioner Hamilton. Anything under discussion? Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: Just really quick. Prosecute, I don't know that the agenda says prosecute but we can clarify that. But anyhow, this weekend I went for a ride to the Rio Grande and the Rio Grande, as we all know, is a very important waterway to the entire State of New Mexico. It was interesting. I went for a ride down the Diablo Canyon and just saw the Rio Grande. I saw a lot of people that were having a great time and enjoying themselves and I think sometimes a lot of people from the State of New Mexico or constituents don't realize the importance of that river and when you become a policymaker, obviously we're voting on this, and we do. The SEO, the State Engineer's Office, has a – water rights of New Mexico, as we all know is very, very, very, very complicated and I think bringing this forward is great and I'm for it. And one of the things that I have a question about is in regards to protest the U.S. Department of Energy and Los Alamos County's application under the OSE trial and so on and so forth, so who is – what legal staff or our legal staff is going to participate in the protest or just Santa Fe County is going to protest this or is every county down the Rio Grande? Is it Los Alamos County? Is Rio Arriba County? Who else is involved in this protest because is Mr. Shaffer's office going to be the only attorneys moving against this application?

COMMISSIONER HANSEN: Commissioner Garcia, the Buckman Direct Diversion Board also protested this application.

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COMMISSIONER GARCIA: So are we – so I guess I missed. This seems like a type of a team effort and have we or do we need to or are we going to reach out to, let's just say, several individuals throughout the Rio Grande River because it affects the entire state. So what I don't want to see Santa Fe County or the Buckman Diversion have our legal staff as the only individuals protesting this because – so that's just the concerns I have about this. It seems like the same thing and I have to bring it up, whenever we had the Yazzie/Martinez lawsuit with the schools against the State of New Mexico, so there was so many school districts in the state and there was six districts that paid for that lawsuit. So if somebody can just help me out with it.

MR. SHAFFER: Mr. Chair, Commissioner Garcia, I don't have a list of others who may have filed a protest. I can get you that information offline. As Commissioner Hansen alluded, the Buckman Direct Diversion Board has through its counsel also submitted a protest. So we believe that there will at least be efforts and opportunities for collaboration there but I will get that information for you. And ultimately in terms of the level of that effort, I think that will be based upon the speed with which information that's missing from the application is provided so that we can truly assess the potential impacts to the County and the Rio Grande and we can reassess at that time again the level of effort involved in the protest and whether ultimately the County is satisfied that the application doesn't impact the County in a negative way.

To sum up, we'll evaluate that as we go forward both in terms of the information that we're getting as well as what effort might be involved in pursuing the protest. But as an immediate matter, I'll get you a listing of entities and individuals who have protested.

COMMISSIONER GARCIA: Thank you, Mr. Chair and Attorney Shaffer. So once again, ratification level, protest that means that we're going to move forward on this protest then. So would you please give me the information because are we actually going to lead the protest because remember we're dealing with the Aamodt water system and a lot of individuals are going to utilize that system. It's just a little bit of a complicated thing. If you can please get me a list of that, I'd appreciate that, because once again are we going to be the lead or not. But I appreciate that. So I'm going to put that for the record, thank you.

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

COMMISSIONER HANSEN: Part of the reason that we are protesting this application was because it was completely inadequate and they did not fill out the application properly. So if they withdraw their application and file it properly so we have the correct information, then we can move forward and that is what we are requesting by this protest. They give us very little time to make comment and get information and they provided very little information in their application.

CHAIR ROYBAL: Thank you, Commissioner Hansen.

COMMISSIONER GARCIA: Mr. Chair, I appreciate that.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, I get it. I understand it totally. I understand that. It just seems that – I just hope that we have some other communities that actually would participate with us. I just want to see. If we're going to take the lead on this and Mr. Shaffer's office is already overwhelmed with work.



Commissioner Hansen, I understand this. I get it. I'm trying to get more people involved and communication ought to do it. And that's why I brought it up. Mr. Chair, thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I do understand the concerns and the points that Commissioner Garcia brought up. I realize that there were some answers that weren't answered in this permit and I understand that especially Santa Fe County and the Buckman Direct Diversion have a direct interest in how that application is filled out and making sure that it is filled out adequately so that the County can make an assessment on what is happening. There are some points that are just not clear and that's basically what the County is asking for and I think there's nothing wrong with asking for that information. One question I do have is if the Lab has to resubmit for this permit, is it going to stop any of the remediation that is currently happening at the Lab or will that all continue? Do we have answers for that?

COMMISSIONER HANSEN: Mr. Chair, nowhere in the application did we request that they stop cleaning up. We are requesting that they provide more information.

CHAIR ROYBAL: Okay. That's just one clarifying point I wanted to make that this would not stop the operations of remediation in Los Alamos. It was just additional information that the County is asking for; is that correct?

COMMISSIONER HANSEN: That is my understanding.

CHAIR ROYBAL: Okay. Attorney Shaffer, is that correct?

MR. SHAFFER: Yes, Mr. Chair. As noted in our protest letter itself we don't object to remediation of the chromium plume. The basis of the protest is that the information presented is inadequate for the County to determine whether or not there will be material adverse impacts on the County and the public welfare since details of the additional pumping as well as the remediation plan and the reinjection of water are not specified in the application. That protest is necessary to ensure that the missing information is supplied through some appropriate mechanism so that the County can assure itself that its interest are not being harmed.

CHAIR ROYBAL: Thank you, Attorney Shaffer, I appreciate the clarification.

We do have a motion and a second. Are there any other comments at this point? Commissioner Moreno, do you have any other comments?

COMMISSIONER MORENO: I'm good.

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

## **8. CONCLUDING BUSINESS**

### **A. Announcements**

CHAIR ROYBAL: Are there any announcements. Commissioner Hansen.

COMMISSIONER HANSEN: Just do your census form and join the Neighbor to Neighbor Fund Drive at the Fooddepot.org.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I would ditto those remarks. There's still a huge amount of constituents in the northern part of Santa

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Fe County who have not filled out their census. I drive through some of the areas in the neighborhood and I'll see census packets hanging from individual's fences and I have actually stopped at a few places when I see them outside and asked them if they'll fill out the packets. It's something that's important and I think a lot of people still don't understand the impact it can have for us not filling these out. I mean \$40,000 – just about \$40,000 per individual, a household that has three people, that's \$120,000, that's a huge amount of money. It's just something that we need to keep reiterating and work with our communities. I know that we're doing everything that we can. I want to commend Patricia Boies for her hard work and everybody else from the census. As a matter of fact, there was somebody from the census that came to my house and asked me if I filled out my census and I was glad to say, Yes, I have. I think it is just something that we have to keep reminding folks and time is of the essence and I know that a lot of times people will want to wait until the last minutes and think that they still have time. But let's not wait. Let's try and get this filled out as soon as possible.

Also, the drive that Commissioner Hansen talked about and also I think the County is working on a drive for school supplies now that our kids are going back to school. I think if we can help with that it will be a very positive impact on our constituents and our community so I appreciate that announcement, Commissioner Hansen. Commissioner Garcia.

COMMISSIONER GARCIA: No, thank you, sir.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: No, but thank you both for mentioning that because it's critically important. Thank you.

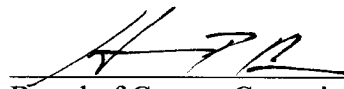
CHAIR ROYBAL: Thank you. Commissioner Moreno.

COMMISSIONER MORENO: Everybody have a good night.

**B. Adjournment**

Upon motion by Commissioner Hansen and second by Commissioner Moreno, Chair Roybal declared this meeting adjourned at 5:25 p.m.

Approved by:

  
Board of County Commissioners  
Henry Roybal, Chair



ATTEST TO:

  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

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Respectfully submitted:

*K. Farrell*  
Karen Farrell, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501

COUNTY OF SANTA FE           )  
STATE OF NEW MEXICO         ) ss

BCC MINUTES  
PAGES: 27

I Hereby Certify That This Instrument Was Filed for  
Record On The 21ST Day Of September, 2020 at 12:24:18 PM  
And Was Duly Recorded as Instrument # **1928479**  
Of The Records Of Santa Fe County

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



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