

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING

August 23, 2022

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

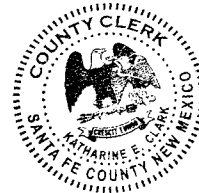
SEC. CLERK RECORDED 09/14/2022

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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SANTA FE COUNTY

SPECIAL MEETING

BOARD OF COUNTY COMMISSIONERS

August 23, 2022

1. A. This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:12 p.m. by Chair Anna Hamilton in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

Commissioner Anna Hamilton, Chair
Commissioner Rudy Garcia, Vice Chair [via Webex]
Commissioner Anna Hansen
Commissioner Hank Hughes [via Webex]
Commissioner Henry Roybal

Members Excused:

None

C. Approval of Agenda

CHAIR HAMILTON: Are there any changes, or what's the pleasure of the Board?

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I'd like to move to approve the agenda.

COMMISSIONER HANSEN: Second.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. So I have a motion and multiple seconds.

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

2. **MISCELLANEOUS ACTION ITEMS CONCERNING FLOODING WITHIN SANTA FE COUNTY**

A. **Resolution No. 2022-064, a Resolution Declaring an Emergency Due to Flooding**

GREG SHAFFER (County Manager via Webex): Thank you, Madam

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Chair. Before we go through the individual action items I just wanted to set the stage for this special meeting and the items to come. Obviously, the ongoing monsoon rains, while a relief in many respects, have raised the specter of flooding throughout Santa Fe County and throughout the state, in particular in the area of Rio en Medio. I believe that these rains are exposing the remnants of non-County, mostly private infrastructure in terms of the capacity to deal with the level of precipitation that we're receiving, especially along the burn scar in the Rio en Medio area.

Some of the damage that has been occurring, whether it's County open space or non-County-maintained private roads will take some time and not insignificant amounts of resources, as well as coordination amongst various entities to remediate in a way that's built to last, so to speak.

The items that you're going to hear are useful things for the County to do but I want to also be clear on the front end in terms of the road ahead and managing expectations in terms of the fact that these aren't silver bullets. It will not suddenly materialize millions of dollars for repair of private infrastructure or private property. But they are, as the individual presenters will put forward things that we can do to help assist in some areas, albeit limited areas, that are within our control.

So with that by way of a very high level overview I will turn over item 2. A to Assistant Chief Vigil and also in attendance is Assistant County Attorney Cristella Valdez who worked with him on this resolution. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you, Manager Shaffer. Welcome, Chief Vigil.

MARTIN VIGIL (Asst. Chief via Webex): Good afternoon, Madam Chair and Commissioners. We've been engaged in the community of Rio en Medio since the first significant burn scar flooding on July 26th in the evening. Since then to date we've noticed seven floods that are related to storms either above Rio en Medio or even higher up in the watershed. The community has already experienced significant debris flows, pretty large debris from the burn scar but also a lot of trees and culverts have been directly damaged downstream. We've engaged, I believe, about 22 members of families along the river and we have been working right from the beginning with the state, Department of Homeland Security, Emergency Management and their processes to sign a few state and federal declarations regarding flooding throughout New Mexico and we've also seen some of the images from all the regions of New Mexico.

One thing that seems to be a common theme is at all levels of government we've encountered really limited resources to deploy, particularly with regards to private property. There just seems to be a lack of deployable things with some of the skill sets we need up there in that canyon. So the resolution we're bringing forward is to help solidify that process that we've already started with the state and get Santa Fe County entered as a jurisdiction with an official declaration so we can get included in a much larger state capture of damages. Are there any questions?

CHAIR HAMILTON: That's excellent. Thank you very much, Chief Vigil. So, Commissioners, are there any questions? And just as a note, for anybody online, if you could just unmute yourself and let me know because I can't actually see you to call on you. So I know Commissioner Hansen had her hand up.

COMMISSIONER GARCIA: I have my hand up also, Madam Chair.

CHAIR HAMILTON: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, thank you. County Manager, thank you, Chief Vigil. So once again, this resolution is going to be sent to the Governor's office and if she approves it, when we can actually proceed forward with the resolution, correct?

ASST. CHIEF VIGIL: So my understanding is this will be moved towards the New Mexico Department of Homeland Security, Emergency Management to be included in a bunch of broader capture of other counties and then I believe they're prepare an actual state declaration that then, I would hope, moves in the direction of a federal declaration.

COMMISSIONER GARCIA: Thank you, Madam Chair. So if the Governor doesn't approve any resolution or anything to the state then we actually cannot act on this?

ASST. CHIEF VIGIL: That I'm not sure of the answer. We already have a placeholder, Commissioner Garcia, in the process, and I think this if approved it will help solidify our position as a county in the bigger process.

COMMISSIONER GARCIA: Thank you, Chief Vigil. Manager Shaffer, can you answer the question? If the Governor does not approve Santa Fe County for whatever reason, do we still proceed forward or do we not?

MANAGER SHAFFER: Madam Chair, Commissioner Garcia, I think there are certain things that passing the resolution authorizes to happen at the local level but they're limited in scope. It does provide some authority for me to help deploy resources in the event that they're needed to respond to County infrastructure and the like or otherwise render emergency aid, and then finally a declaration of this emergency would potentially allow us, under certain circumstances to assist with maintenance of non-County-maintained roads. So there are certain aspects that would go forward based upon the passage of the resolution.

In terms of larger dollar amounts and those that could potentially be utilized to improve private infrastructure and property as well as potentially make available other resources from the National Guard, what have you, those aspects would be dependent upon action by the Governor and/or the federal government. So I hope that answered your question, but the short answer is parts we can do on our own, but the bigger parts and the parts that will be of more significant consequence to private property owners are dependent upon the actions of others. I hope that answers your question.

COMMISSIONER GARCIA: Madam Chair, yes, Manager Shaffer. The other question that I have is, so if we actually have some additional flooding in the, let's just say La Cienega, does this resolution allow us to go assist those property owners as well?

ASST. CHIEF VIGIL: Commissioner Garcia, I believe the language in the resolution was to include the entire county.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Chief. Also, how long is this resolution in effect for?

MANAGER SHAFFER: Madam Chair, Commissioner Garcia, it doesn't have an end date. It's declaring the existence of an emergency, so it does not have a specific end date.

CHAIR HAMILTON: Commissioner Garcia, I know Attorney Valdez has just come to the microphone so she might have information to add to your question. Go ahead.

CRISTELLA VALDEZ (Asst. County Attorney): Thank you, Madam Chair. Commissioner Garcia, to further answer your question regarding if the resolution is not passed today, whether the Governor would be able to take any additional action without the County's action, it's a prerequisite of state statute in the All Hazard Emergency Management Act for the governing body by majority to make a request to the Governor for a declaration of at the state level of an emergency.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you. One of the questions that I have is I think this is definitely needed for the individuals that are getting flooded out on their private properties and one of the reasons I've asked for how long is the resolution is because how is our maintenance crew – how it is going to affect other parts of the county, because we're already short-staffed on that maintenance crew. There's a lot of maintenance weeds that need to be cut in certain areas. They're already growing over the County roads. People are having to swerve into each other. So our maintenance department is going to me up there – what? a month? Two months? Three months? Or how does it affect the other parts of the county?

MANAGER SHAFFER: Madam Chair, Commissioner Garcia, Public Works Department Director Giron can provide some additional detail relative to the strain that the flooding is putting on to our own crews as it relates to the continued maintenance and operation of County roads. As a practical matter, you've put a finger on a limitation on the County's ability to assist relative to non-County-maintained roads, even if the other criteria were met, the reality is we are short-staffed and have limited ability to do so, even if they other conditions were met. So our focus is on County-maintained roads and ensuring their continued maintenance and usability, but I'll let Public Works Department Director Giron speak to that as well.

GARY GIRON (Public Works Director): Madam Chair, Commissioners, Commissioner Garcia, our present responsibilities are that we are responding to the needs of the citizens as they're reported with work orders and we have seen a serious uptick in the number of work orders related to weather events, to flooding, to clogged culverts, and our crews are out there remembering that we are at about 50 percent staffed in our roads crew. So as we move forward, if the situation worsens we would have a conversation with the County Manager Shaffer about maybe contracting to help us with some of the work, if there is additional flooding. But up until now, we are managing that effectively and I will tell you, kudos to the road crews. They're out there paving roads too. They're on their third road in the past week. So work continues and we're just managing all of the work orders as best as we can, knowing that that's our responsibility.

COMMISSIONER GARCIA: Madam Chair, I understand where we're at. One of the things I see the City of Santa Fe doing and we need help, some I'm sure money in the maintenance department, why can't we not contract out for weed cutting in different areas of the county. Definitely we can contract that but [inaudible]. And those are the only questions that I have, Madam Chair. Thank you.

CHAIR HAMILTON: Thank you very much, Commissioner. Commissioner Hansen and then Commissioner Roybal.

COMMISSIONER HANSEN: Thank you, Madam Chair. So I see in this resolution it says private property throughout the county, including La Cienega, Eldorado, Pojoaque, Edgewood and El Rancho. Is that meaning that it's limited to that area? I heard earlier that it was countywide because I do have a lot of neighborhoods north of 599 that have gotten flooded in the past, so I wanted to make sure that this is countywide.

MS. VALDEZ: Madam Chair, Commissioner Hansen, the impact of the resolution is to declare an emergency countywide.

COMMISSIONER HANSEN: Okay. Thank you. That's really all I was concerned about. Otherwise, thank you.

CHAIR HAMILTON: Thank you very much. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just wanted to thank staff for bringing this forward and working with myself and constituents throughout the county in regards to this issue that we're having right now with these rain events. And I just want to express my appreciation for bringing this forward so we can see as a County how we can help our constituents with the issues that are coming from the results of the rainstorms that we're having this year and also even the fire. So I just want to thank them for bringing this forward and thinking outside the box. I think that it's something that will be really appreciated by our constituents. That was it, Madam Chair. Thank you.

CHAIR HAMILTON: Thank you. And I see Commissioner Hughes just came on. Did you have some questions, Commissioner Hughes?

COMMISSIONER HUGHES: No. I was just clearing my throat. I think this is a great idea. I'm all for it. Thank you.

CHAIR HAMILTON: Thank you very much.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: If there's not any other questions I'd like to make a motion to approve.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Excellent. I have a motion and a second.

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

2. B. Resolution No. 2022-065, a Resolution Authorizing the Disposal of Specified Solid Waste Without Paying Service Fees to Assist with Flooding Related Cleanup

CHAIR HAMILTON: And we have Director Giron for this one.

MR. GIRON: Madam Chair, Commissioners, we bring this issue before you. It's approval of the free disposal of solid waste for county residents with permits at all Santa Fe County convenience centers on August 26th, 27th, September 2nd and 3rd, 2022, and at a temporary collection site located at Rio en Medio Community Center on August 29th and September 7th. And I will say that I am talking about this issue but

Estevan Sanchez from the County Attorney's Office is here to answer any questions regarding the resolution or anything else.

In an effort to provide assistance to Santa Fe County residents as they attempt to clean debris and trash from the recent countywide flooding, Public Works proposes to allow for the free dumping of solid waste at all Santa Fe County convenience centers. This resolution seeks approval for the free disposal of solid waste for county residents with unused punches on permits at all Santa Fe County convenience centers. Bag tags are not allowed as a way to get free trash dropped off – and at a temporary, emergency collection site as specified below. Two additional free disposal days may be authorized on September 9th and 10th should the County Manager determine that additional flooding occurred on or after September 3, 2022. Free disposal of solid waste days is authorized by Ordinance 2022-04 amending the solid waste and recycling management ordinance to clarify when service fees are required and authorizing free solid waste disposal days by resolution.

So, to be clear, for the months of August and September, the free solid waste days at all of the collection centers in the county will be August 26th, 27th, and September 2nd and 3rd. And then in an effort to assist with cleanup in the northern part of the county, especially in Rio en Medio, related to flood debris, that can only be disposed of at the Rio en Medio Community Center on the following dates: August 29th and September 7th. We will set up two roll-off bins in the parking lot there. We will have a front-end loader and two staff there and we will assist folks in loading their trash in to the roll-offs.

And as part of the resolution that we brought to you, because it is flood-related debris, I also included in the memo and we included in the resolution, the items that are prohibited to be dropped off, because with flooding you get a lot of miscellaneous items. So I'm going to go through the list just to be clear so that the community understands.

Prohibited materials include: ammunition, animal wastes, asbestos wastes, automobiles and large automobile parts, lead-acid batteries, automobile parts containing or that contained fluids or liquids, gasoline tanks – does not include tire rims that have been removed from tires – tires with tire rims will not be accepted – clean fill, construction and demolition debris, dead animals, explosives, hazardous waste, hot waste and ashes, industrial wastes, infectious waste, intact bulk containers, lead acid batteries, liquids, including sewage, septage, and large quantities of frying fats, petroleum or chemically contaminated soils, pressurized cylinders, radioactive waste, sewage, septage and holding tank pumpings, sludge, any other item as specified by federal, state or local law or regulation or as determined by the County Manager.

So with this resolution we are asking consideration and approval for allowing the free disposal of solid waste for county residents at convenience centers as specified, and then at the temporary site at Rio en Medio Community Center. With that I'll stand for any questions.

CHAIR HAMILTON: Thank you. So I actually have an immediate question. What kind of waste are you expecting as a result of flooding? If people's houses were flooded and for instance they had to take down drywall, how will you differentiate between that and construction waste?

MR. GIRON: Madam Chair, they will have to have the conversation with the convenience center folks about what can be accepted and not, because some of the

stuff is not acceptable for us to dump. So the prohibitions will remain in place and they will have to – we will help them to locate a place to be able to dump those materials.

CHAIR HAMILTON: So what kinds of materials do you expect to see?

MR. GIRON: Regular trash, debris, trees – all of that stuff. Plastics, containers, the stuff that comes down with floods. But at the free solid waste days for the convenience centers it really is going to be any waste that people bring to those convenience centers as they typically would.

CHAIR HAMILTON: Okay. It's not truly what I expected. I understand many of the things – ammunition, hot materials, asbestos, hazardous waste. It's actually the construction debris and I think there was one other thing related to that that really surprised me because it just seem like much of that stuff might be part of cleanup from a flood.

MR. GIRON: Madam Chair, I will tell you that if we have a lot of occasions with that that we will help those community members to problem solve and find solutions for them.

CHAIR HAMILTON: Okay. I appreciate it. So are there other questions? Commissioners?

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I didn't think about that, but that's very true, because if there's some flooding damage they would need to remove sheetrock in order to keep mold from happening. I appreciate the fact too that as Director Giron mentioned that he'll work with our constituents to find a resolution for that. So I appreciate that.

I just want to thank our staff for being out there and working with our constituents and addressing their needs. Now is the time where our constituents don't really know where they can turn, so I really appreciate all the hard work from our staff. Thank you for working with them.

If there's not any other questions I'd like to make a motion to approve.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: I have a motion and a second. Under discussion, are there any questions from other Commissioners? Hearing none, I have a motion and a second.

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

CHAIR HAMILTON: And I really do want to second the thanks for going through the efforts of doing this for the constituents. I think this is a very valuable thing to have done.

MR. GIRON: Thank you, Madam Chair. Thank you, Commissioners.

3. CONCLUDING BUSINESS

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

Upon motion by Commissioner Hansen and second by Commissioner Roybal, and with no further business to come before this body, Chair Hamilton declared this meeting closed at 2:40 p.m.



Approved by:

Anna Hamilton, Chair
Board of County Commissioners

ATTEST TO:

KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork
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