

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**August 9, 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

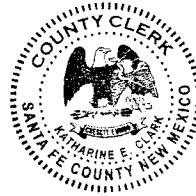
COUNTY OF SANTA FE            )  
STATE OF NEW MEXICO        ) ss

BCC MINUTES  
PAGES: 63

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

Deputy *Destiny Romero*



SFC CLERK RECORDED 09/14/2022

**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**August 9, 2022**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:07 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  
Commissioner Anna Hansen  
Commissioner Hank Hughes  
Commissioner Henry Roybal [2:20 arrival]

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

The Pledge of Allegiance and the State Pledge were led by Chair Hamilton and the Moment of Reflection by Carlos Markman-Lopez of the Public Safety Department.

Commissioner Hansen requested a moment of silence for New Mexico's Muslim community. Commissioner Garcia noted the observance of San Lorenzo Day.

**F. Approval of Agenda**

CHAIR HAMILTON: Manager Shaffer, do you have things to tell us?

GREG SHAFFER (County Manager): Thank you, Madam Chair and Commissioners. The original agenda was posted on Tuesday, August 2<sup>nd</sup> at about 5:55 pm, and an amended agenda was posted in Friday, August 5<sup>th</sup> at about 5:50 pm. The only addition to the agenda made in the amended agenda was Miscellaneous Action item 6. C, and this was a placeholder to request approval of amendment #2 to a collective bargaining agreement between Santa Fe County and the Santa Fe County Firefighters Association. That was added on the expectation that management and the Firefighters

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Union would be able to reach an agreement in time to present an amendment to the Board. Unfortunately, that did not come to pass so we are asking that that item be tabled or withdrawn, more accurately, until a future date. I would assure the Board that we are working in good faith with the union to see if we can't reach agreement on a mutually beneficial amendment #2.

Other than that we did add or update packet material for a variety of items including Consent Agendas 4. A and 4. B, Miscellaneous Action item 6. A and 6. B, and finally, Public Hearings, 12. A, 12. B, and 12. C. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you, Manager Shaffer. So what's the pleasure of the Board with respect to the agenda?

COMMISSIONER GARCIA: Madam Chair, move for agenda approval.

COMMISSIONER HANSEN: Second.

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

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

**2. APPROVAL OF MEETING MINUTES: July 12, 2022**

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner.

COMMISSIONER HANSEN: I move to approve the July 12, 2022 Board of County Commissioners meeting minutes.

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

COMMISSIONER HUGHES: Second.

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

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

**3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS**

**A. A Proclamation Proclaiming 2022 as "The Year of the Santa Fe County Fire Department," in Celebration, Recognition, and Honor of the 25<sup>th</sup> Anniversary of the Santa Fe County Fire Department**

CHAIR HAMILTON: I brought that forward along with our Fire Chief, Chief Jackie Lindsey. Chief Lindsey, are you on Webex? Daniel, do you know if you see the Chief on WebEx?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, I do not see the Chief's name on Webex.

CHAIR HAMILTON: Okay. This is something that's obviously near and dear to my heart. I've been a volunteer for many years and it is clear that the Fire Department and all the emergency services that it provides, both fire and accident and

medical services and emergency management is something that the county totally depends on. And I don't know how many people know the history but the fire districts were started out as volunteer districts and then at some point they were unified under Santa Fe County with a Fire Chief and it grew eventually into the current structure.

So we now have a mixed service, which provides incredible services to the county. So it's fitting that their 25<sup>th</sup> anniversary should have the Year of the Fire Department and I feel certain that Chief Lindsey and the district chiefs and many of the other Fire Department members will contribute to making it a memorable year. So if there's no objection I'll actually just read the proclamation into the minutes.

Whereas, the Board of Santa Fe County Commissioners wishes to acknowledge the dedication, commitment, and service to the community by the Santa Fe County Fire Department on its 25th Anniversary; and

Whereas, in 1997, 15 Santa Fe County volunteer fire districts and the Office of the Santa Fe County Fire Marshall were combined to form the Santa Fe County Fire Department; and

Whereas, in February of 1997, the Santa Fe County Fire Department was officially organized under the administration of a single fire chief with service areas further defined by region and district; and

Whereas, there are now 14 regionally distributed fire districts throughout Santa Fe County with 153 district volunteer members, as well as approximately 100 regional paid firefighters who together respond to more than 10,000 911 calls a year; and

Whereas, today the Santa Fe County Fire Department, with headquarters located at 35 Camino Justicia, Santa Fe, New Mexico, and has a fleet of 36 engines, 33 tenders, 13 surgical or medical units, four ladders – that is a vehicle, not an actual just ladder – and 32 fire stations, with six of the stations staffed with approximately 100 regional paid members 24 hours a day 365 days a year, and the remainder of the stations staffed and maintained by volunteer fire fighters; and

Whereas, together, the volunteer and paid firefighters form a mixed service that provides the County with both fire protection and emergency medical services in conjunction with the Santa Fe County's Emergency Management division; and

Whereas, the Santa Fe County Fire Department, as a mixed volunteer and paid department, serves more than 155,000 residents and provides emergency response and community risk reduction to several million square feet of commercial development; and

Whereas, the Santa Fe County Fire Department has maintained an Insurance Service Office, ISO, rating between 3 and 5 for the various districts as follows: Whereas, the Board of Santa Fe County Commissioners wishes to acknowledge the dedication, commitment, and service to the community by the Santa Fe County Fire Department on its 25th Anniversary; and

Whereas, the Santa Fe County Fire Department has maintained an Insurance Service Office (ISO) rating between 3 and 5 for the various districts as follows: Agua Fria is rated 5, Chimayo 4, Edgewood 5, Eldorado 3 – that's really good – Galisteo 5, Glorieta Pass 4, Hondo 4, La Cienega 5, La Puebla 4, Madrid 5, Pojoaque 4, Stanley 5, Tesuque 5, Turquoise Trail 5, and

Whereas, Santa Fe County Fire Department protects roughly 1,900 square miles of unincorporated area as well as the incorporated Town of Edgewood; and

Whereas, Santa Fe County Fire Department provides emergency services to the surrounding pueblos of Nambe, Pojoaque, Tesuque, and San Ildefonso; and

Whereas, Santa Fe County Fire Department is committed to ensuring the safety, protection and quality of life for residents, businesses and all who visit our county; and

Whereas, this proclamation recognizes the Santa Fe County Fire Department for their outstanding contributions to Santa Fe County, and acknowledges and honors our volunteer and paid firefighters, who are devoted public servants, for their commitment and service to the community.

Therefore, be it further resolved that we, the Board of County Commission of Santa Fe County do hereby proclaim 2022, as: "The year of the Santa Fe County Fire Department"

In celebration, recognition, and honor of the 25th Anniversary of the Santa Fe County Fire Department.

MANAGER SHAFFER: Madam Chair, if I could, I apologize. We did have some technical issues. Chief Lindsey, who very much supports the proclamation and your bringing this forward, is on Webex and if you like to give her the opportunity to say a few remarks before the Board takes action I would defer to you, but I did want you to know she's available.

CHAIR HAMILTON: Absolutely. I assumed that maybe she called to service and would have loved for her to have read this as well. Chief Lindsey, welcome, and thank you for being here. And please take the floor.

JACKIE LINDSEY (Fire Chief via Webex): Madam Chair and Commissioners, thank you so much for honoring our Fire Department. It is an incredibly complex department as you know here from the proclamation with so much area to cover and a mix of volunteer and paid staff. But I can tell you we have one of the absolute best fire departments in the State of New Mexico. I've been a part of – this is my third fire department. It's an incredible honor to be in charge of this department and getting to work with the men and women every single day who do an incredible service for the citizens of our county.

We have a new motto this year that, "we are one," that we are working hard to pull together and ensure that every one of our members is recognized as Santa Fe County Fire Department but not to forget our heritage and not to forget where we've come from in our 15 different districts. Again, it is a unique place. We are having a big celebration on the 20<sup>th</sup> of August for our graduation 25<sup>th</sup> anniversary, as well as a promotional and awards ceremony. We hope that each of the Commissioners can be there with other elected officials that are being invited, and we'd love for you all to come celebrate with us and honor the men and women who have come before us and who are also here holding that line for our community every single day.

So thank you, Commissioner, for bringing this forward. It is an incredible honor and I thank Manager Shaffer as well.

CHAIR HAMILTON: Excellent. Thank you so much. I just want to point out how proud Santa Fe County is to have a tough women as our Chief. And Chief, would you mind repeating the date you mentioned for the graduation and celebration?

CHIEF LINDSEY: Absolutely. Madam Chair, it's August 20<sup>th</sup>. It's going to be at 2:00 pm, and it will be at the State Police Academy gymnasium off of Cerrillos.

Everybody knows where the new place is. It's right there. So it will be August 20<sup>th</sup>, 2:00 pm. Please, if you are able to join we'd love to have again, all of the Commissioners of course and any of our citizens that are interested in joining us for that celebration.

CHAIR HAMILTON: Excellent. Thank you so much. Are there any thoughts from the Commissioners? Commissioner Hansen. I'll just go down the line.

COMMISSIONER HANSEN: Congratulations. Thank you, Commissioner Hamilton, for bringing this forward. It's a very important resolution and it's hard to believe it's been 25 years.

CHAIR HAMILTON: Absolutely.

COMMISSIONER HANSEN: So yay.

CHAIR HAMILTON: Thank you, Commissioner. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and thanks also for bringing this forward. I just wanted to mention that the Fire Chief and I had the distinct pleasure of helping to push in a new engine at the Eldorado Fire Department which I did not think we were going to be able to do, but fortunately, lots of people showed up because that thing was big and heavy. But, yes, really appreciate all the hard work of our Fire Department and every since I've been a Commissioner I've been amazed at how many calls they go out on, both medical and fire-related every month for us. Thank you.

CHAIR HAMILTON: Yes, it's really amazing, and Chief Lindsey, I think you had, in the announcement for that push-in ceremony had given a little history of that, which was really interesting.

CHIEF LINDSEY: Madam Chair, yes. So it dates back to – so a push-in ceremony for those who have no idea what we're talking about, is when we have a new apparatus that is coming into service, and in each community that's an incredibly big deal. It helps us know that we are here and that we are protecting the community but we have excellent equipment that's going to help us during people's time of need. And in Eldorado most recently we pushed in a new engine. And that dates back to the 1800s when these were – actually our engines were pulled by horses. And so when they would get a new apparatus the horses would pull it back to the station, they'd disconnect the horses and then the men and women would have to push the apparatus into the barn, is what it used to be. Now it's the bay. And so that's where that comes from. It would also be blessed by clergy to ward off the evil spirits or demons and to hopefully bring good luck to the fire department in that community.

So we got to that the other week. It is also important to have new apparatus and replacing apparatus that goes along with our ISO ratings, which has a direct impact to the pocketbook of all of our citizens and that's where our homeowners insurance comes from. So we appreciate all of the support of the Commission and of our community for all of the funding that comes to us through taxpayer dollars to be able to purchase that equipment and maintain and to improve the safety within each of these different districts and in our county overall. So thank you, Madam Chair.

CHAIR HAMILTON: Thank you, Chief. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you for bringing this forward. Very important proclamation. Thank you, Chief Lindsey. All the previous chiefs that have worked at that Fire Department as well as the line staff,

firefighters, ambulance, administrative assistants, everybody that works in that department. As somebody mentioned, Santa Fe County has a great Fire Department. One of the things I'd like to bring forward or not bring forward is back in 1995 we had one Fire Marshal. They actually had a Dodge, it looks like a Bronco, but that thing's still around. I still see it going around once in a while. And in 1997, the Commission, former Mayor Javier Gonzales, Commissioner Marcos Trujillo, Commissioner Richard Anaya and now Senator Nancy Rodriguez, they actually brought this forward to the voters to approve this GRT tax for Santa Fe County, the voters actually receive a tax, and that's how we buy a lot of our apparatus, our equipment, and thanks to the voters who voted for that back then. It was a public safety bond.

Also in 1997, Chief Stan Holden had a vision to actually create that GRT tax which the County Commission approved and it went out to the voters and the voters actually approved it. But Chief Stan Holden actually did a lot for Santa Fe County to create where we are now, 25 years later. And his vision and the Commission's vision then got us to where we're at. One thing we all talk about, the ISO ratings. For the general public out there, what ISO rating means is Insurance Services Office. That means whenever you get a fire station within so many miles of your home, you get a hydrant in front of your home, any fire protection that enhances the more chances of putting out a fire you get a discount on your home insurance. And so the ISO ratings, we talk a lot in ISO. We talk about APD. So that's what ISO rating is.

And then also we had a push-in a while back for the ladder truck in the Edgewood volunteer fire department but there's no way that 70 people were going to push that truck in, so they actually started it for us and we were kind of pushing it.

CHAIR HAMILTON: With a mechanical assist.

COMMISSIONER GARCIA: And nonetheless, Commissioner, thank you for bringing this forward and thank you to all the volunteer, definitely volunteers and all the Fire Department for doing what you do and one last thing, in the last six months I've had two incidents or property where the Fire Department and/or ambulances came to our property for some family challenges that we had and my aunt was totally – wanted to praise the Fire Department and ambulance individuals that came those two times because they did an excellent job. But thank you. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you so much. So being the chair I would entertain a motion.

COMMISSIONER HUGHES: Madam Chair, I'll move to adopt the proclamation.

COMMISSIONER GARCIA: Second.

[Commissioner Roybal joined the meeting telephonically.]

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you. I just wanted to say thank you for this resolution honoring our Fire Department, both paid staff and volunteers. I speak wholeheartedly from my constituents as I get a lot of calls all time with gratitude because of the professionalism that our Fire Department works in. I just want to say congratulations also to our 25<sup>th</sup> anniversary graduates. I know we still have a huge need for even more volunteers and paid staff, but I just want to say congratulations and give

my gratitude once again to our Fire Department. Great job I couldn't be prouder of the Fire Department that we have. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you so much, and just for the record, I do have a motion and a second and this is under discussion, but I really do want to personally and as a Commissioner want to thank every single paid and volunteer person who steps up and takes calls all hours of the day and night and goes out to help people. They commit to incredible training and incredible personal sacrifice to do it and they really deserve this year-long honor. So I would also very much like to thank Chief Lindsey for co-sponsoring this with me.

So we have a motion and a second.

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

**3. B. Resolution No. 2022-061, a Resolution Supporting the Eleventh Annual Neighbor to Neighbor Fund Drive in Coordination with the Food Depot**

CHAIR HAMILTON: And speaking of important resolutions, we have two really good ones this meeting, and I'll go directly to Commissioners Hansen and Hughes.

COMMISSIONER HANSEN: Okay. Thank you, Commissioner Hughes. So for the last six years we have supported the Neighbor to Neighbor Food Drive and I think every single Commissioner up here has co-sponsored this with me and I am really grateful that this entire Board recognizes how important this Neighbor to Neighbor Food Drive is. And since 2011, neighbors in the Santa Fe area have participating in donating food to the Food Depot through area-wide neighborhood association, Neighbor to Neighbor Food Drive organized every September during National Hunger Action Month.

The Neighbor to Neighbor Food Drive whose sole purpose is to bring together neighborhoods across Santa Fe to stand together in unison to collect food and benefit the Food Depot has grown exponentially and is now the large the largest food drive benefiting the Food Depot. I want to hold up my bag. Everyone can see the Food Depot's beautiful logo and I brought that specifically because I think they are such an important organization that we have in Santa Fe and northern New Mexico. It's not just Santa Fe that benefits from this.

This effort has grown to include participation from 160 neighborhoods and businesses and last year alone raised over 854,000 pounds of food. The Santa Fe County Board of Commissioners recognizes the importance of food security in Santa Fe County and adopts the resolution annually since 2017 in support of the Neighbor to Neighbor Food Drive, which authorizes the use of County staff to collect food donations at County facilities in support of this event.

Since 2020 and the onset of COVID-19 the Neighbor to Neighbor coordinators have collected monetary donations instead of food donations. In spite of this limitation the 2020 Neighbor to Neighbor fund drive exceeded its goal of \$175,000 and raised over \$200,000, equaling one million pounds of food for 806,716 meals for those in need. Based on this success and with the ongoing uncertainty of COVID-19 pandemic, the



2022 Neighbor to Neighbor coordinators have decided to totally suspend food donations and only collect monetary donations for the Food Depot.

So this resolution encourages the Board for monetary donations for the 11<sup>th</sup> annual Neighbor to Neighbor Food Drive, and authorizes the County Manager and staff to encourage participation in the Neighbor to Neighbor fund drive as a means of addressing food insecurity in the community. It further authorizes the County Manager and staff to inform communities and neighbors throughout the county that they can make contributions to the Neighbor to Neighbor Food Drive on the deadline of September 17, 2022. Or you can mail a check, you can go to the [fooddepot.org/n2n](http://fooddepot.org/n2n) or by mailing a check to the Food Depot N2N Fund Drive, 122-A Siler Road, 87507, and I would like to ask Commissioner Hughes to read the therefores. I will give him my copy right here.

COMMISSIONER HUGHES: Thank you. Before I read the therefores I just want to add that the Food Depot not only provides lots of food but they also do a lot of forward thinking about how we might end hunger, and I really appreciate that, that we're not just treating the symptoms but we're looking to end the problem and have a better society.

So now, therefore, be it resolved as follows: The Board supports and encourages monetary donations, not food collection, for the eleventh annual Neighbor to Neighbor Fund Drive. The Board authorizes the County Manager and staff to: a) Encourage participation in the Neighbor to Neighbor Fund Drive as one means of addressing food insecurity in our community; b) Inform communities and neighborhoods throughout the County that they can make contributions to the Neighbor to Neighbor Fund Drive before the deadline of September 17, 2022, by credit card donation at the Neighbor to Neighbor Website, which is given, or by mailing a check to: The Food Depot, N2N Fund Drive, 122-A Siler Road, Santa Fe, NM 87507; and c) Work cooperatively with the City of Santa Fe to alleviate food insecurity and hunger in the county.

COMMISSIONER HANSEN: We also have Linda and Mary here from the Neighbor to Neighbor Food Drive and Madam Chair, I'd like to invite them up to say a few words.

CHAIR HAMILTON: Absolutely.

LINDA FLATT: Madam Chair and Commissioners, it does my heart good to hear what you just read and thank you for your continued support. I am so honored to be here today to hear that resolution read. I've been doing this for 11 years so every year it just gets better and I wanted to introduce today Mary Ferguson, who actually is a part of the team that has worked to make last year's drive so successful and this year she is heading and leading the charge and she has a few words to say to give you more detail and perhaps some information that will help people understand how important this is. Thank you so much, and it's good to see everybody in person.

CHAIR HAMILTON: Thank you. Thank you so much for being here and welcome, Mary.

MARY FERGUSON: Thank you very much for your continued support. It means a lot. The Food Depot is obviously a very important institution, not just for Santa Fe County but as you said, for the nine northern New Mexico counties. So last year we raised \$201,000. This year our goal is \$225,000. It's a long reach but we're hopeful. We are the largest fund drive for the Food Depot. Every dollar makes a difference. Every

dollar feeds four people. Every dollar feeds four people. The Food Depot is so efficient that your dollars work very hard when they go to the Food Depot.

I'm sure you saw in today's New Mexican that New Mexico now ranks 50<sup>th</sup> in child wellbeing. In fact one in five children in New Mexico are hungry. That's over 100,000 children and many are in Santa Fe County. I'm sure you agree, no one, certainly no child should be hungry in Santa Fe County. The Food Depot is the only food bank serving nine northern New Mexico counties and does so by partnering with 81 non-profit hunger relief agencies in over 140 locations. In 2021 the Food Depot provided an average of 737,627 meals a month to children, seniors, working families and those in ill health.

But let's focus for a moment on what the Food Depot is doing in Santa Fe County and particularly with regards to kids. Food for Kids is a Food Depot program working with 13 local public schools. The Food Depot has set up school-based pantries working in partnership with communities and schools to have food in those schools for struggling families. During 2021 Food for Kids served over 50,000 meals to 3,225 children. So they were fed continuously throughout the school year.

Kids' Kitchen focuses on providing healthy meals to children in Santa Fe County including after school meals and summer meals for at-risk kids, because those kids don't have food when they go home frequently, and during the summer when school is not in session they don't have access to food at school So Kids' Kitchen provides that. During the first semester of 2021 Kids' Kitchen served 55,609 meals to 1,262 children at 18 sites, including 15 public schools in Santa Fe and three Boys & Girls Clubs.

Food Mobile – the Food Depot has realized that not everybody has transportation. Not everybody can take advantage of food distribution. So in 2021 the Food Mobile was developed and it goes out into the communities in Santa Fe where people are stuck or they can't get to food. It serves over 5,100 individuals in ten different locations in Santa Fe County, and there will be another, more advanced Food Mobile in the future.

There is so much more. In total, again, 738,000 meals each month, which means over 8.8 million meals in 2021, served in nine northern New Mexico counties. Every dollar feeds four people. Please help us help our neighbors in need because no one, and certainly no child should be hungry in New Mexico. Thanks very much. Appreciate your support.

CHAIR HAMILTON: Excellent. Thank you so much.

COMMISSIONER HANSEN: Thank you, Linda and Mary, for coming and giving us that information. Commissioner Hughes and I were in attendance when the Food Depot released their End Child Hunger report and it's really important that we continue to remember that our children are hungry. New Mexico is a very poor state. We have been that way for a long time and we're working very hard to take care of our children and to build our economy and I think in the last number of years we have made progress in that department and certainly having the Food Depot is part of making that progress. I know that many of us suffered from the pandemic and many children were suffering from the pandemic, and as we move forward let's just always remember that there are children that are hungry in New Mexico and throughout the world and that we need to help as much as possible.

So with that, Madam Chair, I would like to move to approve this resolution supporting the 11<sup>th</sup> annual Neighbor to Neighbor Fund Drive in coordination with the

Food Depot.

COMMISSIONER HUGHES: And I'll second.

CHAIR HAMILTON: Thank you. So I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, thank you, my colleagues for bringing this forward. Thank you for what you do at the Food Depot. Fiftieth in the United States. That's a shame that we're actually like that in New Mexico. Being on the former school board you have a different perspective when you see kids that are hungry and during the summertime they have nowhere to go.

Once again, 50<sup>th</sup> in the country – that's horrible. At-risk kids, there's tons of at-risk kids out there and just sometimes it obviously bothers me and it bothers everybody else. I had a friend that drove in from Colorado Springs the other day, had some breakfast with him. He said what happened to our city? I said, what do you mean? He said, look around. I knew exactly what he meant. How we do this, it's actually community committees and schools is an excellent program. You all are an excellent program, and volunteer work, because there's a lot of volunteer work that's out there. I know individuals are busy, but there's always time to volunteer.

But thank you for what you do for this community and for the kids because it's sad to see kids out there that need some food. But thank you. Thank you for bringing this forward.

CHAIR HAMILTON: Thank you, Commissioner Garcia. Commissioner Roybal, I just wanted to see, since it's harder to get our attention if you wanted to make a comment.

COMMISSIONER ROYBAL: Yes, thank you, Madam Chair. Going on my eighth year as a County Commissioner I've been involved and worked with the Food Depot every year since I've been a Commissioner. To see how it's evolved, it's really great that you're able to provide this service to our constituency that's in great need. And I just want to thank you and the way that's it's evolved is just a reflection of leadership and I just want to recognize everybody that made the Food Depot what it is today. Like I said, it's just a reflection of the leadership. I'm very proud that we have this in our community, so thank you all for your hard work and keep it up. We still have a bunch of mouths to feed out there and demands, so thank you so much for everything that you do.

CHAIR HAMILTON: Thank you so much, and I just want to add my voice to that. I think in the face of great need the numbers that Linda and Mary just presented are amazing. They are outstanding. I think it goes without saying but it certainly deserved recognition what individuals can do when they really commit to it and that's part of what's so amazing, wonderful individuals. I don't know if 11 years ago Linda recognized what a big deal this would become, but this is an activity worthy of national note in a place that really needs it. It partly indicates what really motivated and great people attract great people, and together that makes an incredible difference. I think this is an amazing, amazing activity that you guys do. And thank you for bringing this forward, Commissioners.

So we have a motion and a second.

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

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

4. **CONSENT AGENDA**

- A. Final Order in the Matter of Case # 22-5150 Hacienda Doña Andrea Site Development Plan (SDP) Appeal. **WITHDRAWN FOR FURTHER DISCUSSION**
- B. Final Order in the Matter of Case# 22-5020 Tierra que Canta Preliminary and Final Plat. **WITHDRAWN FOR FURTHER DISCUSSION**
- C. **Request (1) Approval of Amendment No. 2 to Agreement 2021-0113-FIN/CW Between Santa Fe County and CliftonLarsonAllen, LLP, Expanding the Services and Increasing the Compensation an Additional \$48,347.20 for a Total Contract Sum of \$267,975.35, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Finance Division/Yvonne S. Herrera)**
- D. **Request Approval of Amendment No. 3 to Agreement 2019-0307-FIN/KE Between Santa Fe County and Modrall, Sperling, Roehl, Harris & Sisk, PA, Extending the Term of the Agreement for Bond Counsel Services for an Additional Year (Purchasing Division/Bill Taylor and Finance Division/Yvonne S. Herrera)**
- E. Request (1) Approval and Acceptance of the 2023 Enhanced 911 Act Grant Program Award **WITHDRAWN FOR FURTHER DISCUSSION**
- F. **Request Waiver of Any Potential Conflict of Interest that May Arise from New Mexico Local Government Law, LLC's Representation of the City of Española in the Memorandum of Understanding Between Santa Fe County and the City of Española Regarding Reading and Literacy Programs (County Attorney's Office/Jeff S. Young)**
- G. Request (1) Approval of Amendment No. 3 to Agreement 2020-0001-CMO/KE Between Santa Fe County and Sunny 505. **WITHDRAWN FOR FURTHER DISCUSSION**

CHAIR HAMILTON: I know we have several things on but before I ask for the questions I'd like to go to the County Attorney, Mr. Young.

JEFF YOUNG (County Attorney): Thank you Madam Chair, Commissioners. For 4. A on the Consent Agenda, which is a final order in the matter of Case #22-5150, Hacienda Doña Andrea site development plan appeal, I understand that the Commissioners have received communications from constituents after that hearing, and just under Section 11 of the Code of Conduct, there is a prohibition on considering communications outside of that hearing, which occurred on August 9<sup>th</sup>, so just reminder for Commissioners on that item. Thank you.

CHAIR HAMILTON: Excellent. Thank you, Attorney Young. Are there other components included in the Consent Agenda that any Commissioners have questions on, or what's the pleasure of the Board? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair and I just wanted to note in terms of 4. A that we of course heard from the constituents during the hearing, many concerns, and I think we should consider making the necessary adjustments to the Sustainable Land Use Development Code to clarify these kinds of situations going forward. Thank you.

CHAIR HAMILTON: Thank you.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: I'd like to take off the Consent Agenda A, B, E, and G.

CHAIR HAMILTON: Okay. Attorney Young, there's a request to take A off, that you just made a comment on that. Is that going to be present a problem?

MR. YOUNG: Madam Chair, Commissioners, there could be a vote as to remove that item, table that item, withdraw that item.

CHAIR HAMILTON: We're not talking about tabling. Just for questions.

MR. YOUNG: Yes, right.

CHAIR HAMILTON: So which items did you want?

COMMISSIONER GARCIA: A, B, E, G.

CHAIR HAMILTON: Well, okay. So we'll attend to those separately.

COMMISSIONER HANSEN: Madam Chair, I'll move to approve the Consent Agenda with A, B, E, and G removed.

CHAIR HAMILTON: I have a motion. Do I have a second.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: I have a motion and a second.

**The motion to approve items 4. C, D, and F passed by unanimous [5-0] voice vote.**

4. A. **Final Order in the Matter of Case # 22-5150, Hacienda Doña Andrea Site Development Plan (SDP) Appeal. Max and Britt Contreras, Appellants, Appealed the Planning Commission's Decision to Deny Development Permit 22-3036 to Allow an Event Use (Weddings) Within an Existing Bed and Breakfast Site. The Use Would Allow Hacienda Doña Andrea to be Utilized as a Large Event Wedding Venue, in Addition to the Existing Bed and Breakfast, for the 2022 Season Running through November, 2022, Only. After the 2022 Season, the Property will Revert Back to Solely a Bed and Breakfast. The 63.78-Acre Site is Zoned Agricultural/Ranching (A/R). The Site is Located at 78 Vista del Oro, via Goldmine Road in Cerrillos, NM, Within Section 13, Township 13 North, and Range 7 East (Commission District 3) (Approved 3-1) (Growth Management Department/Gabriel Bustos, Case Manager)**

CHAIR HAMILTON: Commissioner Garcia, what questions did you have on 4. A?

COMMISSIONER GARCIA: Madam Chair, thank you. This is a final order, so once we do the final order it becomes what the Commission voted on. Is that correct?

MR. YOUNG: Madam Chair, Commissioner Garcia, that's correct.

COMMISSIONER GARCIA: So just some of the questions I have is in regards to the conditions that we placed on this development to the end of the year is the water restrictions, the 9:00 deadline, the 57 cars, the noise levels, water meterings and the Fire Marshal approval, so who's going to monitor these things I guess is – is staff going to go out there 8:00? I'm just wondering how that's going to work?

MR. YOUNG: Madam Chair, Commissioners, that matter would become a code enforcement issue I would think at that time. If complaints were received concerning that, that's how that would be handled.

COMMISSIONER GARCIA: Okay. Just wanted to put it on the record for that. And then thank you, Madam Chair.

CHAIR HAMILTON: Thank you. So those were all the questions for 4.

A. What's the pleasure of the Board?

COMMISSIONER HANSEN: Madam Chair, I move to approve 4. A.

CHAIR HAMILTON: Thank you. I have a motion do I have a second?

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: I have a motion and a second.

**The motion passed by majority [3-1] voice vote with Commissioner Garcia casting the nay vote. [Commissioner Roybal was not present for this action.]**

4. B. **Final Order in the Matter of Case# 22-5020, Tierra que Canta Preliminary and Final Plat. Rembe Las Campanas, Applicant, James W. Siebert & Associates Inc, Agent, Requested an Amendment to a Previously Imposed Condition by the Board of County Commissioners (BCC) Which Required Roads within the Tierra que Canta Subdivision to be Built to Collector Standards. The Applicant Requested to Change the Requirement to Cul-de-Sac Standards. The Applicant Also Requested Preliminary Plat and Final Plat Approval for a 22-Lot Residential Subdivision (Tierra que Canta at Las Campanas) on Tract B and Tract H of the Los Santeros Subdivision Consisting of 11.39 Acres More or Less. The Property is Located Off of Calle Gonzales, within the Las Campanas Planned Development District, within Section 15, Township 17 North, Range 8 East NMPM, Santa Fe County (Commission District 2) (Approved 4-0) (Growth Management/Kenneth Quintana, Case Manager) (Packet Material Added)**

CHAIR HAMILTON: Commissioner Garcia, what were your questions with respect to 4. B?

COMMISSIONER GARCIA: Thank you, Madam Chair. I just want to know if this subdivision has gates.

CHAIR HAMILTON: Didn't we ask these – Vicki, if you could come forward and introduce yourself and answer the question that would be appreciated.

VICKI LUCERO (Building & Development Services): Thank you, Madam Chair, Commissioners. So they are not proposing gates within the subdivision. There's a construction gate that they're proposing at the end of the subdivision, but no internal gates.

COMMISSIONER GARCIA: So Madam Chair, if I wanted to go for a ride through this subdivision I can go through the subdivision without going through a gate?

MS. LUCERO: Through that specific phase of the subdivision – I believe the construction gate is still existing, so at this point I don't believe that there is through access.

COMMISSIONER GARCIA: So once the subdivision is completed, can I drive through that subdivision?

MS. LUCERO: That's my understanding. I believe that's correct.

COMMISSIONER GARCIA: I will be able to drive through there?

MS. LUCERO: Yes.

COMMISSIONER GARCIA: So where is the gate or gates located throughout the subdivision, once again?

MS. LUCERO: The construction gate, where is that located?

COMMISSIONER GARCIA: No, not the construction gate. So once the construction is done, the construction gate is out of there. So it won't be a gated community, or will it be a gated community?

MS. LUCERO: It won't be a gated community.

COMMISSIONER GARCIA: Okay. Thank you, Madam Chair. Thank you, Vicki.

CHAIR HAMILTON: Thank you. So what is the pleasure of the Board for 4. B?

COMMISSIONER HANSEN: Madam Chair, I move to approve 4. B.

CHAIR HAMILTON: Thank you.

COMMISSIONER HUGHES: Second.

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

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

4. E. **Request (1) Approval and Acceptance of the 2023 Enhanced 911 Act Grant Program Award No. 23-E-11 in the Amount of \$817,940 for Improvement and Upgrades for the Regional Emergency Communication Center Operations and (2) Delegation of Signature Authority to the County Manager to Sign the Grant Agreement (Regional Emergency Communications Center/Roberto Lujan and Purchasing Division/Bill Taylor)**

CHAIR HAMILTON: Commissioner Garcia, what were your questions

for 4. E?

COMMISSIONER GARCIA: Madam Chair, we receive this grant yearly from the Department of Finance and Administration.

CHAIR HAMILTON: Is that the question, sir?

COMMISSIONER GARCIA: No. So actually, my question is I saw the budget line item which is \$379,780 and that's 911 equipment operates. To get to the point, is some of this money actually allocated to Edgewood? Or is it just for the 911 center? Because what's happening now is whenever individuals from the Edgewood area call 911 it actually goes to Bernalillo County and then they shoot it to Santa Fe County. So can some of this grant money actually be utilized to participate, assist, the Town of Edgewood?

MANAGER SHAFFER: Madam Chair, Commissioner, the grant is for operational and capital expenditures of the RECC, so to the extent that the Town of Edgewood is a party to the JPA, which is it, and to the extent that it receives dispatch services from the RECC, which it does, I think the Town of Edgewood does benefit from the grant, but is there a more specific question that I might now have picked up on in terms of specific uses that you were contemplating for grant awards?

COMMISSIONER GARCIA: Madam Chair, thank you, Manager Shaffer. So the agreement that Santa Fe County has with the Town of Edgewood has expired, and so the last administration in the Town of Edgewood, they were required to upgrade their radios and some sort of computer equipment and some units on their vehicles. Unfortunately, what happened in the Town of Edgewood in the last year is whatever happened happened with the administration. However, we actually have been working with our Sheriff, Sheriff Mendoza as well in the past, but they need to get some upgrades to their radio system of some sort. I don't know exactly what it is but I guess – can they or Santa Fe County use some of this money to help out the Town of Edgewood?

MANAGER SHAFFER: Madam Chair, Commissioner Garcia, if the question is could this grant money be utilized to assist the Town of Edgewood with its own radio infrastructure improvements, I think the answer is no.

COMMISSIONER GARCIA: So Madam Chair, Manager Shaffer, if they're – I guess we can sit down and talk about this but as calls come into the RECC off of State Road 14, so there's something there that is kind of putting a stall to it, but we can talk when we meet. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. I might contribute there's a difference between the radios that the Fire Department and the Sheriff's Department and what not in each part of Santa Fe County and Santa Fe City and Edgewood and what not that are also participants in the sign-on in the JPA for the RECC, there's a difference between that equipment which is department equipment and RECC paging equipment, which is what this is funding.

COMMISSIONER GARCIA: Right.

CHAIR HAMILTON: Okay. Thank you very much, Commissioner Garcia. So what is the pleasure of the Board for 4. E?

COMMISSIONER GARCIA: Move for approval.

COMMISSIONER HUGHES: Second.

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



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

4. **G. Request (1) Approval of Amendment No. 3 to Agreement 2020-0001-CMO/KE Between Santa Fe County and Sunny 505, Increasing the Compensation an Additional \$450,000 for a Total Contract Sum of \$1,405,000, Inclusive of NM GRT, and Extending the Term for an Additional Year, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Community Development Department/Lisa Katonak)**

CHAIR HAMILTON: Commissioner Garcia, what were your questions on 4. G?

COMMISSIONER GARCIA: Thank you, Madam Chair. Lisa, can you come up? Or Bill? Thank you, Madam Chair. So we're increasing this contract for the third time for \$450,000. I guess just a couple of questions I have is how many times can we increase the contract, and for what amount? And then secondly, this is for marketing for Santa Fe County, is that correct?

LISA KATONAK (Manager's Office): Yes.

COMMISSIONER GARCIA: So the question I have, how do we know if we're getting the best money for the \$450,000? Is there something that we're actually monitoring? Or we have proof that it's actually going out to whoever, whatever, however? How do we actually monitor that we're getting our best price for the buck for \$450,000?

MS. KATONAK: So this would be the last year that we would be awarding this contract amendment, and then we go out to RFP for a request for proposals for firms to apply or to submit their proposal with a presentation to the County. Based on the RFP process, they submit their hourly rate and we negotiate that hourly rate. So based on those results from the RFP we know that that is the best that we could receive through the RFP process.

However, in regard to results, I do have to say that we had a very exceptional year for fiscal year 22. We grew our lodgers' tax by over 118 percent. So that's how we know that our marketing and our advertising is working. All of our lodging properties across the board have done very well. They've exceeded from last fiscal year's contributions and from prior year, and I attribute it to our New Mexico True advertising campaign through the New Mexico Tourism Department, as well as our marketing firm's efforts, as well as staff.

In regard to the dollar amount, the dollar amount is to incorporate more of an all year round marketing campaign, whereas in the past, with the Department of Tourism at the state level we were both piggybacking off of seasonal advertising and efforts to move forward with more of a year-round advertising as New Mexico has great climate, has lots of activities year-round that we have the ability to do so through our cooperative marketing and advertising grant program that we applied and we received funds through

the state for. And so through these efforts we have been able to increase our budget and heighten our advertising campaign efforts.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Lisa. Can you actually tell me what the previous budget was before the 110 percent increase in the lodgers' tax?

MS. KATONAK: Before the 118 percent? I believe the prior year it grew by 38 percent.

COMMISSIONER GARCIA: So what's our budget for lodgers' tax.

MS. KATONAK: The budget for lodgers' tax for this program right now is at \$450,000. So we try to be conservative within our means, knowing that in case there's a rainy day that we do have those funds that we can be able to advertise, market and promote. Also, we set aside some funds through our lodgers' tax to support other non-profit organizations that promote their festivals and events. So through that grant program we were able to support 16 organizations this past fiscal year. We intend to do the same in the new fiscal year so that we can also leverage some of their dollars with ours.

COMMISSIONER GARCIA: So Madam Chair, we're actually paying this consultant \$400,000-and some. That's more than our budget. Is that correct?

MS. KATONAK: No. So our budget, we have allocated within our budget, we allocated a certain dollar amount and then the rest is ARPA money through the federal government, and that is to support our buy local program, which we're working to implement.

COMMISSIONER GARCIA: So Madam Chair, Lisa, this actually is just ARPA money that we're utilizing for the extension of the contract?

MS. KATONAK: Some of it is ARPA money, yes. That's why there is an increase.

COMMISSIONER GARCIA: If it's a rainy day out there, what do we do? Do we need to hit the rainy day fund?

MS. KATONAK: Well, at this point, with the extra ARPA money, that's why there is an increase in the contract. But we work within the flat budget. Typically it's \$325,000 is the contract. However, based on previous budget hearings and then with the Finance Director they did inform me that I had the ability to use those funds within the lodgers' tax in order to be able to increase the contract.

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

MS. KATONAK: Thank you.

CHAIR HAMILTON: Thank you, Commissioner Garcia and thank you, Lisa. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I think that Griffin Design and Griffin Associates and Market, Sunny 505 does a great job for Santa Fe County. I'm sorry to make you come back up to the microphone, Lisa, but when is the deadline for applying for the next round of lodgers' tax?

MS. KATONAK: Thank you so much, Commissioner Hansen. So the next round – we're working with the Lodgers' Tax Advisory Board. We'll have another upcoming meeting now in August, and then they will approve for another round. So I predict that the next round will probably be in September. So people can contact me. It's

strictly for marketing advertising and promotion of a festival, an event or a tourist attraction. They should be a 501(c)(3) or (c)(4) organization, or a quasi-government agency, or work with a fiscal agent who is qualified.

COMMISSIONER HANSEN: Would that include marketing of materials?

MS. KATONAK: So when we say marketing, advertising and promotion, it could be a rack card, a brochure, website redesign, social media –

COMMISSIONER HANSEN: A magazine?

MS. KATONAK: A magazine, potentially.

COMMISSIONER HANSEN: Okay. Thank you. I think the lodgers' tax is a really important program. It supports a lot of important organizations throughout northern New Mexico and in Santa Fe County. So thank you, and with that I move to approve item 4. G.

COMMISSIONER GARCIA: Second.

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

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

## 5. APPOINTMENTS/REAPPOINTMENTS

### A. Request Appointment of Two (2) Members to the County Open Lands, Trails and Parks Advisory Committee (COLTPAC)

CHAIR HAMILTON: And I think we have Adeline Murthy. Welcome.

MR. YOUNG: Madam Chair, Commissioners, before we go on to that item, I'm not sure that we approved, or the Board approved the other Consent items.

CHAIR HAMILTON: We did. We approved the items that were not removed first and then we went to 4. A. But thank you for checking. I really appreciate it. Adeline, take it away.

ADELINE MURTHY (Open Space): Madam Chair, Commissioners, thanks for having me here today. I come before you today to request appointment of two members to the County Open Lands, Trails and Parks Advisory Committee, also known as COLTPAC. COLTPAC has two vacant positions following the resignation of two members, one position is in District 4 and the other is an at-large member.

Staff advertised and recruited for the vacant positions, interviewed applicants and would like to recommend appointments to the Board. As per Resolution 2011-4, COLTPAC is a nine-member committee that advises the Board on matters related to open space, trails and parks, acting through and with the assistance of the Open Space and Trails program staff. Five members represent a Commission district, one resident from each district, and four members are at-large, residing in any area of the county.

Members of the committee are appointed by the Board based on letters of interest and qualifications. Members should be of diverse backgrounds, representative of the varied users of Santa Fe County open space, trails and parks. Desirable expertise among the membership of the committee include experience in conservation, restoration, natural and cultural resources, community interests, education, trails planning and construction, hydrology, agriculture, wildlife, water management and stewardship, public

administration or finance.

As per the aforementioned resolution, the duties and responsibilities of the committee are to evaluate applications by property owners and to recommend to the Board property to be acquired for open space, trails and parks, establish volunteer subcommittees to address specific concerns for open space, trails and parks, examine and make changes to the criteria for property selection when necessary, assist in updating and reviewing the open space and trails plan when necessary, advise on the funding of the open space and trails program, and work with County staff to provide public outreach.

The committee meets as often as necessary to carry out this work but not less than quarterly. Committee member serve a three-year term subject to reappointment of one additional term thereafter. On June 20, 2022, Matt Piccarello, the representative for District 4 and Mori Hensley, an at-large representative both resigned from COLTPAC. I'd like to take this opportunity to thank Matt and Mori for their service to this volunteer committee. To fill these two vacancies staff published a press release on June 30<sup>th</sup> which was sent to subscribers of all five Commission districts, neighborhood associations and resident e-news, and was also published on the County's website. Staff also distributed the vacancy ad to the Commissioners' liaisons, community organizations, and registered organizations, and via the County's social media channels.

Staff received five applications, three for District 4 and two at large. Each applicant submitted the application requirements, a letter of interest and résumé. Staff conducted interviews with all five applicants, of which the following were from District 4: Don Miller, Genna Waldvogel and Penny Bennett; and the following at-large applicants – Steven Forde and Richard Virtue.

Staff would like to recommend the appointment of Genna Waldvogel as the representative for District 4, and Steven Ford as an at-large representative. Genna Waldvogel is a young professional with five years of experience as an environmental engineer, sustainability professional and high school science teacher. As an environmental engineer she managed erosion and water management projects and collaborated with diverse stakeholders involved with wildlife conservation, cultural and archaeological resources, stormwater management, and historical sites. She has a demonstrated track record of community involvement particularly through her career in teaching at an under-resourced public school where she created a recycling program and vegetable garden on school grounds. She's passionate about equity and environmental justice and particularly interested in making open spaces more accessible to all.

Steven Forde has 40 years of experience in teaching at higher education institutions. He is also a graduate of the Northern New Mexico master naturalist program, and remains an active volunteer. He has devoted his volunteerism to projects on the Santa Fe County open space, such as piñon pine reseeding at Thornton Ranch, invasive plant species removal at Los Potrerros, and planting native species at Arroyo Hondo open space. This experience has given him a boots on the ground understanding of Santa Fe County's open spaces.

And to conclude, staff recommends the appointment of Genna Waldvogel as the representative for District 4 and Steven Forde as the at-large representative for COLTPAC. Thank you, and I stand for any questions.

CHAIR HAMILTON: Excellent. Thanks so much, Adeline. Are there any

questions? I just want to thank the past members for their service, definitely, and comment about the incredible résumés that we got. I think the recommendations that the County staff have made are outstanding and I totally support them. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I was very impressed with the two people you selected. Their résumés looked very impressive. So I think we're fortunate to have such good people stepping up to volunteer for our open spaces. If it's okay with everybody else I'd like to make the motion to approve the appointment of these two individuals to COLTPAC.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Excellent. I have a motion and a second. Is there any further discussion?

COMMISSIONER GARCIA: I have discussion, Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: This is interesting about exhibit, Steven Ford's résumé. It's about this long. So I guess staff is actually – or this large staff has actually worked with this individual before?

MS. MURTHY: Madam Chair, Commissioner, I have not worked with him before. I believe the staff that works with volunteers has.

COMMISSIONER GARCIA: It's just interesting. Living in Santa Fe –

CHAIR HAMILTON: There's a lot more than that.

COMMISSIONER GARCIA: Oh, there's a lot more to this?

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: Oh, okay. All right. Thank you, Madam Chair.

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

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

## 6. MISCELLANEOUS ACTION ITEMS

- A. **Request to Publish Title and General Summary of Ordinance No. 2022-\_\_\_\_, an Ordinance Amending Ordinance No. 1992-3, the Business Registration and Licensing Ordinance, and Ordinance No. 1999-10, the Lodgers' Occupancy Tax Ordinance, to License and Regulate Short-Term Rentals in Santa Fe County**

CHAIR HAMILTON: We have Penny Ellis-Green. Welcome.

PENNY ELLIS-GREEN (Land Use Director): Thank you, Madam Chair, Commissioners. The Board requested staff to bring forward an ordinance to regulate short-term rentals, and it has been determined that this should be accomplished through an amendment of the Business Registration and Licensing Ordinance and our authority for the County to require licensing or registration of businesses is NMSA 1978, Section 4-37-1 and Sections 3-38-1 through 3-38-6.

As an overview, the short-term rentals have both positive and negative impact, and to run through a few of those, the positive impacts are that they provide a different type of vacation housing that caters for families, allowing groups to stay together. There is a need for this type of rental as it is very popular. Very old housing stock may be renovated and brought up to standard and up to code. Short-term rental is a source of income for residents. STR regulation will bring in funds from permit applications and commercial gross receipts tax. STR guests can benefit the community as a whole in terms of economic benefit. Short-term rental platforms are a way to boost the local tourism sector.

A negative side could be those who rent a STR are only within a community for a short time so are not vested in that community. STRs are usually for people on vacation, keeping irregular hours, not always compatible with neighbors. STRs may cause an increase in home prices. Since short-term rentals are mainly located in residential areas, by renting a short-term vacation accommodation, tourists are using up space that otherwise might be used for living. Short-term rentals may impact traditional lodging partners. Although bring substantial economic benefits to communities, when unregulated, short-term rental platforms can put pressure on communities and the lodging industry.

The proposed ordinance as drafted includes the following requirements: Each short-term rental would be required to obtain a business license valid for one year. The ordinance includes findings and definitions.

Short-term rentals would be permitted throughout the county in all zoning districts where residences are allowed as a primary use, and would be allowed on legal lots of record where the residential construction was either permitted or grandfathered in.

A short-term rental license would include the owner's name, property address, occupancy limit, daytime occupancy limit, license number and the expiration date and that would be clearly posted in the property.

A short-term rental license application will be reviewed and approved administratively, and appeals would be heard by the Board.

The proposed regulation includes an occupancy limit, parking required to be on site, owner needing to prove that the existing water restrictions have been met. An affidavit verifying that all requirements of the Fire Code would be met. Solid waste removal would need to be complied with, and rural addressing posted on all properties, and quiet hours established. A requirement to identify a homeowners association and letter of approval from a homeowners association, and yearly rental and income information.

There's also technical cleanup language and the existing Business Registration and Licensing Ordinance is old and includes other outdated sections, so eventually it will be necessary to bring this ordinance back to clean up the language for all other businesses and staff will continue to work with that.

In addition, the ordinance includes a fee of \$375 for a first time license and \$300 for renewals. This fee is based on the review, processing and issuance time, need for tracking and inspections, tracking through Host Compliance, which we have a yearly contract with, and an online permitting implementation, which again has a cost yearly.

On June 28<sup>th</sup> the BCC requested that staff bring back alternatives to review that

would address potential negative effects of short-term rentals, such as increasing housing prices, limiting the stock of housing available for long-term rental or owner-occupied, and undermining the sense of neighborhood in the community. At this time, staff does not recommend that any of them be implemented. Instead, staff believes that the better course would be to utilize the application process to gather data and information specific to the short-term rental market and contract with an expert who can evaluate overall housing market characteristics and the need for and potential impacts of various market restrictions.

Some of the potential restrictions that we could explore in the future would be limiting the total number of STRs. Again, at this moment, that limit would depend on market characteristics that are not currently known.

The distance between each short-term rental, County staff believes that this might be better regulated at a micro level, so for example through by homeowner associations, rather than creating a one size fits all.

Limit total number of short-term rentals per person. Again, any such restrictions should be directly related to clearly articulated public policy agenda, and data and an expert analysis could help analyze this, and possibly require a holding period before someone can apply for a short-term rental license. For example, someone's required someone to own the property for six-plus months before they could apply for a license. This may increase the cost of short-term rental development, since they cannot utilize that during the holding period.

It is staff's recommendation that those restrictions not be included in the ordinance until data about the county's STR market is gathered and an expert study is ordered and completed.

If the Board does approve the request to publish title and general summary, staff will publish the required noticing, allow for public comment, and will bring this ordinance back to the BCC to have two public hearings. If approved, the ordinance would take 30 days to come into effect.

Staff recommends approval of the request to publish title and general summary. And Madam Chair, Commissioners, the County Assessor is here to address the issue as to whether or not short-term rentals could become non-residential use, and then I believe Lucile Robert from my staff will show some mapping that our GIS Division has done.

CHAIR HAMILTON: Thank you. Come on up in whatever order you care to do this. Welcome, Lucy.

LUCY FOMA (Planner): Madam Chair, Commissioner, thanks for listening to this item today. Planning staff have compiled some data for you in support of this ordinance. Since 2019 the County has engage Host Compliance, which is a company that can crawl all the data across all the hosting platforms and gather real-time data about who's listing, what they're listing, when they're listing, what price they're listing. And so based on the information they've provided to us we had our GIS team populate a map so that we could see where these current listings are in relation to our community overlay districts.

We've been engaging Host Compliance to help us understand a little bit out the current situation of the short-term rental that are operating in Santa Fe County, and we had the data that was collected by Host Compliance compiled into a map of our county,

and this is obviously too small to see on the screen, but we wanted to see where they are in relation to our community overlay districts, since that was, as I understand it, one of the questions that the Board had about this ordinance.

To illustrate a little bit more about the conditions that are within the county we decided to highlight three different areas. The first is the Pojoaque Valley, and again, it's a little hard to see on the map that you have, perhaps, but for the most part, the short-term rentals that are currently operating and are not regulated in any way by the County have been fairly distributed throughout these communities. There don't seem to be whole lot of concentrated areas where they're operating. We can see in the data that we have the list prices that these are being rented at and also we can see how frequently Host Compliance thinks they've been rented out.

So for example, about 60 of the 360 listings that we had in the most recent call were occupied only 30 nights a year. 118 were occupied only 60 nights a year, and only about half of them were rented out 90 nights a year. So we have a sense of how frequently these are being rented out but this is all estimates that Host Compliance has. They can't actually collect the night by night data. They gather what they think it's being rented out for by the reviews listed on each listing.

So this is leading to one our points is that we think that we need to have a regulation in place, just something for now so that we can start to understand what the real situation is going on in the communities.

The next community that we highlighted, Greater Tesuque. The purple area is the Tesuque overlay district. We highlighted around just the overlay district area to show that there's a few clusters. One of them seems to be where the Rancho Encantado resort is and those have always been either time-shares or rented out on shorter-term bases. Along Tesuque itself there's maybe more of a concentration along the Bishop's Lodge Road corridor, but we also wanted to point out in this example that there are a number of different types of properties that are being listed as short-term rentals in the county. A lot of them, the majority are single-family residences, 86 percent in the most recent call were single-family homes. But in addition to that, there's also cabins. There's campers being rented out. There's one train being rented out. There's also hotels being listed on these sites as another mode of advertising their availability for visitors. So we wanted to highlight that this draft ordinance or the proposed ordinance would capture most types of permitted or allowable dwelling units, but there would be some of these short-term rentals that are currently operating would probably need to shut down, but it's a smaller percentage. The majority are single-family homes.

And then as our third example we highlighted the greater area around the San Marcos district to show there are a lot of areas of the county where the short-term rentals are very, very widely dispersed. Again, this is to highlight that we don't think a one size fits all ordinance that's highly regulated as to the distance requirements would be effective across the county because we have many different characteristics, and again, to the point that we need a regulation in place so we make sure people are safe and that we're collecting the taxes and beyond that, in our opinion as staff, if there needs to be adjustments at a later date – we think that would be at a later date once we have the information to support that. I'm going to bring up Nate to describe this table.

NATE CRAIL (Planner): Madam Chair and County Commissioners, so



the two tables you see are calculations dividing the total housing units by both overlay districts on the top table and the bottom table is the total housing units in the unincorporated part of the county, divided by the number of short-term rentals as of I think mid-July with the following data in the previous maps. And so you can see in the first table that in the overlay districts there's a wide difference in percentages of short-term rentals over the total housing units with Tesuque being about eight percent, versus the Pojoaque Valley being under one percent.

And then for some of the overlay districts we didn't have data available but for most we did. And then on the bottom table you can see that as a percentage of the housing units in the unincorporated part of the county there's about two percent of them are short-term rentals.

MS. FOMA: Madam Chair, Commissioners, we wanted to present that data to help inform the decision around how short-term rentals might be affecting the long-term housing and rental market. Additionally, we went through all of the owners that are listed in the short-term rental data and there are only five owners that had two listings, so owners who had multiple properties under the same owner, and only two owners in the data we have had three separate listings. So that's to say are these commercial properties that are being bought up as part of a business venture or are these individuals renting out their home when they're on vacation or to supplement income. We don't know that for sure but we were trying to get at whether people were buying up whole neighborhoods in the county for the purpose of making money with short-term rentals.

MS. ELLIS-GREEN: Madam Chair, Commissioners, on that same point I did want to point out that Section 7.1.3 of the ordinance does require applicants to state the description of how the short-term rental was used prior to being converted into a short-term rental. So was it used owner-occupied? Was it a long-term rental? Was it a second home? Was it vacant? So that will allow us to gather that data to be able to come back and see whether or not we actually do want to put some kind of restriction on.

COMMISSIONER ROYBAL: I did have a request. It is pretty difficult to see on that map where the rentals were. So can you send out maps relative to maybe districts in electronic format? Thank you.

CHAIR HAMILTON: Thank you, Commissioner.

MS. ELLIS-GREEN: Madam Chair, if the County Assessor would like to discuss any of the issues related to taxing.

CHAIR HAMILTON: yes. Thank you very much. Welcome, Assessor Martinez.

GUS MARTINEZ (County Assessor): Madam Chair, Commissioners, I'm here to answer any questions you may have regarding property assessment or how it could affect the short-term rental, so I'm here for questions if you guys have any.

COMMISSIONER HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Nice to see you, Assessor Martinez, always. Welcome. So what do you think is the impact in certain neighborhoods like Tesuque or Agua Fria? Are you seeing, by these numbers in Agua Fria I don't see a high amount but do you think it's impacting the values one way or the other?

ASSESSOR MARTINEZ: It could impact the use of the property from

residential to commercial, which you would have a higher tax rate. This is something that we've discussed through the 33 counties and there are a couple of counties like Taos County, Santa Fe, just different counties around the state there that we're trying to figure out how to come together and have it so it's uniform across the board of how we handle this. So it's not a one size shoe fits all. Different types of the short-term rentals will be affected differently. It's possible whether you live in your home and you're from out of state and you don't actually live there. It could be a commercial use, more of a transit.

If you reside in your home and you do it, it could still retain residential, or if you have a house and guesthouse, right? It comes down to the size of the guesthouse. How big is the guesthouse? Is it the same size as the residential? So there's a lot of just different ways that we need to take a look at it. And remember though, it's something that we have to apply across the board. So that means that we haven't tackled this issue with the City of Santa Fe, within the city limits of Santa Fe. So it would be something that we're working as a group from the ground up with the county but it's something that we would have to apply to the City of Santa Fe. So this is something that is going to be huge.

My suggestion would be – and I don't know; I assume maybe Land Use has already looked at it, but looking at communities around the country, maybe Boulder County or areas like Santa Fe and how they use these short-term rentals in those areas and how they assess it or they don't assess it. So that would be kind of the way that I would kind of handle that. Because at the end of the day, the 33 counties want to be on the same page and I'm glad that you brought the Assessor in and different departments to really kind of talk about this, because I think if we do it the right way then it's going to be successful and if we don't then I think it's going to cause a lot of problems.

I had the Realtors Association reach out to me; they want to have a meeting with me with the realtors and they want to ask some questions. So it's already – they're already getting word and they want to have that conversation. So it's kind of where we're at, my thoughts on it.

COMMISSIONER HANSEN: Speaking of the realtors, do you think that they see this as a threat, or do they see this as income for them?

ASSESSOR MARTINEZ: It potentially could be a threat. So it's just kind of working through this process. I don't know what their concerns are until we sit down. They want to have a meeting sometime next week to kind of see what their concerns are and then I'll know more about it.

COMMISSIONER HANSEN: Thank you. I think it's important. Commissioner Hughes and myself have both met with Penny and I think it's important that we pass something so that we can start collecting data, because we're not getting to the point where we know what is going on, and we need that information, so that we can make the best regulations possible that are going to accompany many different users. I think there are some things we need to change in the Land Use Code that are going to affect short-term rentals like glamping. That's a short-term rental and we kind of don't allow that. And I know that there's been people through the outdoor recreation area who have come to me and have wanted to buy a piece of property out in the Caja and do glamping, but we don't have any regulations to be able to do that, so they just went away.

And so that's like a low impact on the land, and it's able to also provide outdoor recreation. What about people living in trailers? Short-term trailers. I think looking at

those and being able to adjust the code to allow something like that to happen might be possible. But then I don't know how you assess that.

ASSESSOR MARTINEZ: Yes, it's going to take a lot of manpower to be able to kind of work with Land Use to locate and to send people out and get information, that sort of thing. So it is going to become cumbersome to do.

COMMISSIONER HANSEN: But if we don't have regulation, Madam Chair, if we don't have a regulation in force we can't collect the data that we need to know what is really happening in Santa Fe County, because we have lots of short-term rentals happening right now that we can't collect the data from. So I'm in favor of moving this resolution forward so that we can start collecting data because I think as Commissioner Hamilton have talked many times, we're both kind of data-driven and want to know the stats, what is the information telling us.

I asked County Manager Shaffer the other day, what do economists do? Kind of new lingo for me. He said, well they analyze the data. So if we don't have the data we can't have an economist analyze the data. I think in order for us to get data and information we need to have a regulation. So I'll leave it there for the moment. Thank you, Madam Chair.

CHAIR HAMILTON: So I think we have Commissioner Garcia and then Commissioner Hughes.

COMMISSIONER GARCIA: Thank you, Madam Chair. I know this is just to publish title and general summary of a proposed ordinance. It's going to have two public hearings. Thank you for being here, Assessor Martinez. In regards to how are they being taxed, it's something that's new out there in the State of New Mexico. Santa Fe County, City of Santa Fe is a whole different community other than down in Lincoln County, down in Otero County, so everybody wants to come here. I know individuals that actually do Airbnbs. And so maybe we need to change the state law or add something to the state law for Class A counties, something similar to that, but I'm sure you'll be looking into that. Thank you.

And the other question I have is for the zoning staff. Thank you, Assessor Martinez.

Thank you, Madam Chair. Penny, is this the same thing – the data they collect, is this the same thing as Airbnb? Long-term rentals, Airbnb, same thing? Or two different –

MS. ELLIS-GREEN: Madam Chair, Commissioner Garcia, yes. Short-term rentals usually list on Airbnb, Verbo, there's a whole bunch of sites. So our contract actually looks at those sites to see where rentals are occurring. So as we start to issue permits we will be able to look at our data as far as what was issued and their data as far as where they've got other hits, and slowly we'll be able to bring people into compliance.

I did want to address one other issue regarding glamping. Glamping at the moment would be categorized with any kind of like RV campground. We have it on the use table. We do have people who have come in and applied for that. So it's definitely already regulated. But what you would find is the existing campsites, existing hotels, existing B & Bs that have come through the whole process. We'll also be advertising on Airbnb, Verbo, that kind of thing.

So for example, a campsite that has four or five trailers that are in the spaces may be advertising those for a short-term rental. So the data that we're seeing, we would be

able to find out what these actually are for.

COMMISSIONER GARCIA: Madam Chair, just a couple of other concerns that I have is who's going to monitor all this? You don't have to answer now, because – code enforcement? Anyway, these are questions that have come up whenever you come forward. And then also, renting out your RV. But however, what's the size of an RV? You don't have to answer now, but just look into that, because could I go rent a little RV out there to consider a long-term Airbnb?

MS. ELLIS-GREEN: Madam Chair, Commissioners, related to RVs, we've had this issue for years and years. We don't consider an RV a dwelling unit. A short-term rental would need to be a dwelling unit, or like a bedroom in a dwelling unit. So if someone had two, three RVs on their property, which I have been called about people that have that, they would need to come in and get their RVs approved first, and then they could advertise those on short-term rentals.

COMMISSIONER GARCIA: Madam Chair, we know RVs are not a livable dwelling unit because they're not up to code for electrical, plumbing, and so on and so forth. You and I need to probably sit down and talk about Los Pinos RV Park off of Las Estrellas Road because it's a full-blown trailer park, mobile home park. But thank you, Madam Chair. Thank you, Penny.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I have a couple of quick questions and an observation. One observation is it is interesting to see. When I asked some of my constituents everybody was in favor of some kind of limits, because I think people are concerned about what's happened in other communities and even in downtown Santa Fe where it's much more of a problem. It's not a problem as we can see in the county right now but of course the time to address it is before it's a problem, not after. But I'm fine with getting the data first and setting some kind of limits later on if we can see what might be appropriate.

Looking at Tesuque being eight percent short-term rentals you could see how if that got bigger that could have an impact on that community. But my question is, very specifically, is whether through this process we're going to get data on how many nights – like if we issue a license are we going to know how many nights that unit is rented out? Because that was interesting, the data that you presented at the beginning, it seemed like a lot of them aren't rented out very many nights, which of course lessens the impact quite a bit.

MS. ELLIS-GREEN: Madam Chair, Commissioners, related to the data, Host Compliance will be able to give us some of that data, but what we have put in the ordinance is that when you come into renew after a year you need to give us that information. So what your income was and the number of nights that were rented. So hopefully we should be able to tally that up. It will take us a year to have people report that but in the meantime we can use whatever is available from Host Compliance.

COMMISSIONER HUGHES: Okay, and I guess the related question would be what time do you think is reasonable for us having enough data to look at, to understand what's going on out there?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I think the ordinance gives people a grace period of about four months to come in. So we should have people

coming in within the first four months, and then after that you're probably going to want to see six months' worth of data coming in. So I think what we need to do is probably update the Board about what data we've got, how many applications we've got. We can do that in our monthly report and just let you know kind of like the total number we've got so far, and throw in some of that information and after about six months' worth of data we can come back and have that discussion again as to whether or not it looks like we do want to put restrictions on, and then we would have to go through a process to hire a consultant to look at that and look at what the limits would actually be, and then bring that back.

MS. FOMA: Madam Chair.

CHAIR HAMILTON: Yes.

MS. FOMA: Madam Chair, Commissioners, just to continue on that question, I wanted to point out that this industry has been around for about ten years, probably more now, because we started looking into this in 2019 or before. So this is what the completely unregulated state of short-term rentals is in Santa Fe County. And so I'd just ask you in an economist's mind to think about how the market has balanced this out. We'll start collecting data once we start regulating but it may be that we don't need to regulate a whole lot more and that the market has kind of evened out over the last ten years these have been operating.

CHAIR HAMILTON: Good point. Thank you. Commissioner Roybal. I know you had something. Commissioner Hughes, have you finished?

COMMISSIONER HUGHES: I was going to thank Lucy and Penny for their answers.

CHAIR HAMILTON: I didn't mean to switch off you too quickly. Thank you. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I had a question as far as I guess, short-term rentals. Would that also apply to RV spaces, if somebody had an RV space as short-term rental on their property? Because I've seen that a few times in my own district.

MS. ELLIS-GREEN: Madam Chair, Commissioner Roybal, RVs are not considered dwelling units. So if somebody wants to use an RV for a short-term rental they would have to have their RV park approved. That means that we would have to make sure that their water supply, septic system, things like that are approved through a development review process. And then if they want to rent that on the short term basis then they could do that. And I would assume that we're going to see hits on Airbnb, Verbo, those kinds of sites for RV parks, glamping, camping sites, that kind of thing as well.

COMMISSIONER ROYBAL: Okay, and that would apply even to one individual space on their property, right?

MS. ELLIS-GREEN: Right. Because an RV is not considered a dwelling unit. So these are for dwelling units.

COMMISSIONER ROYBAL: Okay. So it only applies to dwelling units but somebody that had a space that people came in for three or four days and then left and that would not be considered under this same policy or it would?

MS. ELLIS-GREEN: Madam Chair, Commissioner Roybal, that would be

considered an RV space and they would need to come in under the use table for RV, campsite, that kind of thing. So the larger it is, the more requirements there would be, but they would need to come through a development review process, a development plan for that.

COMMISSIONER ROYBAL: Okay, and then my other question is – and I've seen this a couple of times now where somebody has a long-term rental, and so the property owner, in one instance the property owner wasn't aware of this until one of the neighbors pointed it out because on the Airbnb site it shows locations where there's short-term rentals and come to find out the owner had contacted me and asked me what they could do because the long-term renter put it out there for a room, rent this one room and didn't even notify the property owner, so at that point we would probably contact the property owner, but how would we fix that situation? Of course probably the property owner has no idea that they're actually doing that and even if they don't do it in Airbnb sometimes they'll rent out a room to an individual person and not use the Airbnb system, so I'm just curious on that.

MS. ELLIS-GREEN: Madam Chair, Commissioner Roybal, when you make application with us you have to show that you own the property. If you don't own the property you'd need a letter from the property owner saying you can apply. So in a case like that if you were renting, for example, out spaces or a house as a long-term rental, and your renter decided to come in for a short-term rental, they would need a letter from you stating that they could do that, because you're the owner of the property. We don't issue permits for people that don't own property.

COMMISSIONER ROYBAL: So the short-term rental, Airbnb, or whatever the different sites are, will they change their rules to where that can't happen again, or when the County finds out then we're actually helping out the property owner by bringing that forward and then they'll find out that their renter is actually doing that and they had no idea, I guess. At that point then the property owner will have the responsibility of addressing it with their long-term rental?

MS. ELLIS-GREEN: Madam Chair, Commissioner Roybal, yes. The person doing the short-term rental would come in to us and one of their requirements would be that they get authorization from the property owner to make a submittal. If they're doing it again without a license from us, as we work with Host Compliance, who's our contractor, we would be able to identify properties that have been listed and we would have code enforcement go through and make sure that they're issued a notice of violation till they come in and get their approval.

So if the property owner didn't want it to be a short-term rental they wouldn't be able to apply for it.

COMMISSIONER ROYBAL: Wow. I wonder how many people will be surprised, how many long-term rental owners will be surprised to get a letter or notification from the County at that point. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I remembered my other question for Penny. You mentioned something about homeowners association. I was trying to look for it in the ordinance. But did you say there's a requirement that people get a letter of permission from their homeowners association?

MS. ELLIS-GREEN: Yes. I believe it is in Section 7. Section 7.1.4 is the name and contact information of the homeowners association governing the short-term rental, and letters from such associations confirming that the short-term rental is permitted under their documents and their covenants. So, yes. They would need to identify if there is a homeowners association and a letter from them saying we allow short-term rentals.

COMMISSIONER HUGHES: Okay. Thank you. Because that could be the only regulation we need. Depending on what the data shows but in response to Lucy's concern that I'm going to over-regulate the short-term rental market. Thank you very much.

COMMISSIONER GARCIA: One comment.

CHAIR HAMILTON: Yes. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Penny, can you actually just, at the next hearing, can you look at tiny homes, tiny houses? What they're called? Thank you.

CHAIR HAMILTON: Okay. Thank you. I have a comment. Did you have a comment or were you going to make a motion?

COMMISSIONER HANSEN: I was going to make a motion, but I can wait.

CHAIR HAMILTON: I wanted to first of all agree with Commissioner Hansen. I'm really glad that we're going about this in a way that lets us get data. I did want to add my own three cents. If it takes about four months, if there's a four-month period where we're going to start really getting applications, and you start getting data in six months after that, but you really aren't going to get nights of occupancy until a year after that, that is more like the timeframe, seems to me, more than a year, although getting updates before that year has passed is great and very much appreciated.

And then I wanted to thank Lucy and Nate for bringing forward such really good information. They way you gleaned it, what was available before we have the ordinance, that was really informative and I was the person who when we were talking about limits said we need to know how many short-term rentals there are my area compared to how many houses there are and all that kind of thing and you did an outstanding job bringing that data forward. I found that incredibly useful. So thank you very much. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much, Madam Chair. So since I was elected in 2017 I have been asking for a short-term rental ordinance, so I am really happy to see this. So I want to make a motion to publish title and general summary amending Ordinance No. 1992-3, the Business Registration and Licensing Ordinance, and Ordinance No. 1999-10, the Lodger Occupancy Tax Ordinance, to license and regulate short-term rentals in Santa Fe County. Thank you to all the staff who have worked so hard on this. Everyone in Growth Management, Planning, people who have moved to Community Services, everyone who has worked on this. I am grateful and thank you so much.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Is there further discussion? Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. One of the things I'm going to ask, the fees for this, what line item budget does it go into? And can we actually utilize it for lodgers' tax. Thank you, Madam Chair.

CHAIR HAMILTON: Does anybody know?

MANAGER SHAFFER: Thank you, Madam Chair, Commissioner Garcia. The fees were set relative to the reasonable cost of the reasonable cost of the regulation of the license business activity. And so the expectation of staff would be that revenue collected through the fees would be invested in enforcement and compliance activity. Primarily, I would estimate with the Growth Management Department relative to enforcement and potential processing, but also potentially with the Fire Department, since one of the big aspects of these regulations is to ensure that the rentals that are on the market actually do meet the most salient provisions of the Fire Code.

With regard to the lodgers' tax, if the ordinance is successful in getting properties that are currently not compliant with the lodgers' tax ordinance then you would receive lodgers tax revenue separate and apart from the licensing fee imposed under the ordinance. I hope that answers your questions.

CHAIR HAMILTON: Thank you. And Commissioner Roybal, under discussion.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I was curious on the RV park application. What is the timeline for somebody that comes forward that would like to get that process going so that they can actually have a legal RV park? Do you know more or less what that timeline is?

MS. ELLIS-GREEN: Madam Chair, Commissioner Roybal, I think it would completely depend where it is in the county, whether it's a conditional use or a permitted use. A permitted use, if you've got a complete application should be about 30 days to go through a review. A conditional use does go through to public hearings, so again, it would depend on whereabouts you are in the county.

COMMISSIONER ROYBAL: Okay. I was just curious because I know I did have a constituent a few months ago that's working with the County I think on that same issue. So just curious as to the timeline on that.

MS. ELLIS-GREEN: Madam Chair, Commissioner Roybal, if you have any constituents that are interested in that it would be my staff that would be able to assist so you're welcome to give them my information and I can get them to the right staff member.

COMMISSIONER ROYBAL: Okay. I think that the individual that I'm thinking of is already working with staff, but I'm not sure if they've already got their permit. It's been a couple or few months, but I'm not sure. I haven't heard from them again, so I was just curious as to the process, how long it takes. Thank you.

MS. ELLIS-GREEN: Thank you..

CHAIR HAMILTON: Thank you. If there's no further discussion, I have a motion and a second.

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

**6. B. Request (1) Approval of Amendment No. 10 to Agreement No. 2019-**



**0053-CSD/CW Between Santa Fe County and FireStik Studio,  
Increasing the Amount of the Compensation an Additional \$172,530,  
for a Total Contract Sum of \$929,590, Inclusive of NM GRT, and (2)  
Delegation of Signature Authority to the County Manager to Sign the  
Purchase Order(s)**

CHAIR HAMILTON: We have Bill Taylor, to start out at least.

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, Commissioners. We entered into agreement with FireStik Studios in March of 2019. This is amendment 10 before the Board as an action and recommendation for approval. It increases the compensation approximately \$172,000 as you stated, Madam Chair, with a slight increase to the scope, if you will. It's actually for the public awareness, to create, develop, implement the public awareness campaign, multi-media methods, for specific to substance abuse, DWI, and such. In this amendment we've also included public awareness of the La Sala Behavioral Health Center, to advertising and getting that information out there. If you do not have any questions as far as the action item before you we do have Sebastian Adamczyk who can present a few of the sample items that FireStik provides for the County in that public awareness campaign.

CHAIR HAMILTON: Thank you, and welcome, Sebastian. Did you have a presentation or are you just standing for questions?

SEBASTIAN ADAMCZYK (Community Services Department): We do have some examples. I believe Mr. Fresquez over here has a few on his computer that he can show. So we have some existing material. Mind you, these are materials that have already been in previous years developed with FireStik. We just want you to have the opportunity to see what some of those are in case you haven't seen them.

So this first one is particularly focused on COVID awareness, which the campaign is Low and Slow. And if you'll go to the next one.

This one is for our fentanyl awareness campaign, which is another program that FireStik has participated on. In this one the imagery is one pill can kill, and once again it's focusing on fentanyl awareness.

This one is actually in the back page of the current issue of the Santa Fe Dining Guide, which is focused of course on alcohol use and driving.

This one was from our campaign over the holidays, which is designed – this is for a DWI campaign. Each of these campaigns for DWI, we do them based in quarters, and they generally follow a theme. This one is a full page insert in the *New Mexican* front and back, and you'll see on this second page here we also have some other information, some more text-based information. The front page is the eye-grabber. The second page is providing some more useful factoids and statistics on alcohol and substance use, and if you'll slow it down a little bit, we also have an update on COVID, so we kind of married those campaigns together, and then towards the bottom we do have some of our outstanding DWI offenders who currently, at the time of publication, have warrants for their arrest, and then the DWI team's contact information.

That's all of them that we have. Oh, there is one more. This one is another campaign focused on both COVID and behavioral health together so the theme of this one is for COVID stress. I think that is it. Were there any questions regarding FireStik

and their campaigns?

CHAIR HAMILTON: Yes, I'm sure there will be. Thank you very much, Sebastian. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. As a former graphic designer, I appreciate your work. I think it's a really important way to communicate with people and get a message out. I really appreciate seeing the DWI flyers in the paper. I meant to bring them in but I do ready them and I appreciate them. I think it's important. Graphic design is a valuable communication tool and I'm grateful we have talented designers in our community doing this work. So thank you.

MR. ADAMCZYK: Thank you.

CHAIR HAMILTON: Thank you very much. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Community Services Department for bringing this forward. Thank you for what you do. Just to be upfront, I have a challenge with the first one that you showed. It seems like to me you're just targeting a certain group of individuals, so I'm just letting it out on the record so if we could somehow change that.

MR. ADAMCZYK: Madam Chair, Commissioner Garcia, could you say it one more time? I missed what the specific comment was.

COMMISSIONER GARCIA: Sorry. The one I have a challenge with is the first one. It just seems like it's targeting a certain group of individuals, so why can't we do pie in the sky. Don't do it and put a four-wheel drive there? So that's just a challenge that I have with that.

And in regards to – I guess how do we market, how do we get out to the individual that doesn't read the paper? That has an addiction of some sort. So those are just –

MR. ADAMCZYK: There are a variety of techniques that we use FireStik's contract to target folks. So we have of course the print media, which you saw examples of, which go in the Santa Fe *New Mexican*. We also do have bus wraps that go so that people who are out in the community who see some of the Santa Fe Trail buses that go around. We do have, I believe, two buses that have wraps on them. We also are utilizing social media, or we will in FY 23, with this amendment we'll be utilizing social media to draft targeted campaigns towards individuals who frequent certain establishments. With the ability of social media nowadays we can identify individuals who frequent, for example, like liquor stores, bars or areas that have incidence of DWI, and we can give those individuals targeted advertisements in their existing social media feeds. And then we also do radio spots, television spots and then other advertisements on the internet.

COMMISSIONER GARCIA: Thank you, Madam Chair. In regards – I know I've heard a radio station or so regarding the DWI. I don't know if you work with them or not, whenever they do their talk on certain radio stations, I would like to see it a little bit more improved, actually, because you could have the sheriff up there talking. You could have any individual out there, anybody that's been through wherever, whatever. Just – to me, it just seems like it's the same thing every Tuesday.

But I don't know if you guys work together, but Community Services, if you could just note that please.

MR. ADAMCZYK: I will take that feedback noted and we can make adjustments to that. And just for everybody's information, that radio spot is on 99.9 FM every other Friday, this Friday being one of those Fridays. It's on at 7:30 in the morning, and I can take that feedback. Thank you.

COMMISSIONER GARCIA: Thank you, Madam Chair. Also 98.1 is a local station here that actually is very popular as well. So just so we can get two or three different local radio stations, that'd be great. I see Bernalillo County has some – they must have a little bit more money than we have but they actually have TV ads and so on an so forth. The Department of Transportation has a really good ad that comes out that costs some money to do those ads but if you could look into that, appreciate that. Thank you, Madam Chair. Thank you.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to request approval of amendment #10 to agreement #2019-0053-CSD/CW between Santa Fe County and FireStik Studios increasing the amount of compensation for an additional \$172,533.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Under discussion, Commissioner Roybal.

COMMISSIONER ROYBAL: Yes, just a quick question. I found it really interesting that you are able to target certain groups and areas that somebody frequents. How do you guys do that?

MR. ADAMCZYK: So this is something that we have not done in the past and we plan on implementing it in this current fiscal year for 23. So essentially what it does is, for example, like Instagram or Facebook, an individual who goes to certain locations – the beauty of social media and some would argue the scary part of social media is it tracks people's locations. So with that, with people who opt into those services, we can identify individuals who do go through those locations, so we can identify zones where for example a lot of DWI accidents happen, and we can identify people that travel through there at certain times in those high risk areas and we can provide those targeted advertisements in that manner, or if they go to a specific location or if they look at a specific location's Facebook or Instagram page or other social page, we can identify those and as part of their platform we can target those ads more specifically to those individuals.

COMMISSIONER ROYBAL: So it would be through cell phones or electronic devices, I guess.

MR. ADAMCZYK: Likely, yes.

COMMISSIONER ROYBAL: Thank you.

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

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

6. C. Request Approval of Amendment No. 2 to Collective Bargaining

Agreement Between Santa Fe County and the Santa Fe County  
Firefighters Association, Local 4366 **WITHDRAWN**

**7. PRESENTATIONS**

**A. Presentation of the Santa Fe County Zoom Prospector Web-Based Site Selection Tool**

CHAIR HAMILTON: This sounds like it's going to be very interesting. We have Alex Fitzgerald and multiple other people, it seems, coming forward.

ALEX FITZGERALD (Community Development Department): Madam Chair, Commissioners, happy to be here. I am Alex Fitzgerald, Economic Development Specialist with the Community Development Department. I'm here today to introduce you all to a brand new tool. Not technically brand new, but a new tool that we have and we've been using with economic development. It is a web-based software that provides site selection assistance and resources to County staff and the public as it related to commercial and industrial real estate.

So with that I'm going to click over to my next slide. So what is it? So this, like I mentioned, is an online site selection and mapping software for commercial and industrial properties. What it does is it offers accessible and visualized data for GIS location research and analysis and provides more than a thousand variables of analysis to assist businesses and developers find the right location for their project. You'll see here on the right, this is a quick picture of the software in action. We're going to do a demo here after this but this is just a quick picture of what it looks like.

You can access it on our website, on the economic development page. We have links with other agencies as well where they can click through and access this, and what's been pretty cool about this website, we're able to do analysis, get insights on who's using this website and we have several agencies in the area actively using this including the City of Santa Fe. We have other economic development organizations using this to assist our local business communities find places to locate or expand their business.

Why was it created? So 2020, something like that, the state reached out to our department and asked, hey, we have someone who needs some space. Do you all have a list? We had some Excel spreadsheets. The City had some Excel spreadsheets and we knew some realtors. What was lacking was a unified system with comprehensive data that was easily accessible for all of us and to the general public. So that's what kicked off this project. We worked forward to procure this software to provide an online database that's easily usable and user-friendly, and that's what we have.

But we did it to align with economic development best practices. If you look across the country this is what and where economic development has been going for a while. It's democratizing data and what's available to allow people to make their best decisions for themselves and for their business, and people can do that when they have a lot of knowledge and data available to them. And we also did it to enhance our own ability to provide technical assistance and customer service to businesses and people seeking to develop their properties in the county.

We've already worked with several organizations seeking to move or develop here, move their business and this tool has allowed us to home in on areas that might be

suitable for what they're trying to do and helps us provide a list of things for them to consider when selecting the best location.

So with that we'll do the demos and questions. So what I'm doing here is I'm pulling up the website. Let me share the appropriate screen for you all. So here you'll see the landing page. This is what you see whenever you go to our website and click through. It takes you here. And as you can see, we have the whole county here, and you can zoom in wherever you might be interested in locating a business. The blue are properties; the green are sites, sites being available land where you can build something, should you want to build something. And what you can do here, and what's really unique here is you can click a site and then there's all these analytical tools that you can use to analyze various aspects of the site.

I'm going to take you through a demo of a recent search we did with a local company who is looking to build a business park. They were looking for x-amount of acres, close to infrastructure, close to transit routes, things of that nature. Close to the airport and of course we had this site here. And so we were able to identify this site. We clicked through to this site and what it does is it shows you various pictures. It shows you all sorts of information of the site over here on the left-hand side. You can see it scrolling down. It tells you where it's located. The acreage, the sale price, things of that nature.

So that's the first point of analysis is: does it meet the basic needs of land size, building size, things of that nature. After that we have the ability to look at all of these demographic variables across the top, ranging from demographics, consumer expenditures, wages, labor force, businesses, things of that nature.

And so let's say this company wants to sell men's clothing or something like that. They could click this tab and it shows you within this ten-mile radius all sorts of consumer expenditures and you'll see here men's apparel. That's why I selected it. But on average, per household, most households in that ten-mile radius spends \$417 on men's apparel per year.

This is just basic capabilities of the software. We can dive deeper. We can analyze a lot more things of that nature. We can also look at the surrounding businesses in the area. And you'll see here, once I click on it, populate it, and the internet's really doing pretty well here, comparatively. Sometimes these can be large queries and a lot of information overlaid on here, but you can see within this one-mile radius there's all these businesses listed over here on the left. So it's also a way to understand the economy that you're moving into and what support businesses might be there, what other businesses might be there to help your business as well.

And so all of these things considered, this tool has allowed us, as I mentioned, to provide much more critical and robust technical services to our businesses and those seeking to land in Santa Fe. Currently, on this website we have about 202 active properties. It allows us to pull data on what the market looks like. Of those properties approximately ten percent are over 10,000 square feet. The rest are under, which is a critical thing we're identifying in our economic development plan. A lot of businesses seeking to move to Santa Fe County or expand to Santa Fe County usually needs larger footprints as well for some of our key cluster industries and things of that nature.

And so it's allowed us to do a little bit more and deeper economic analysis on the market as it related to commercial and industrial real estate. In addition, we have

approximately 62 sites in the county that could be developed that's ready right now. A larger percentage of those are under ten acres which makes it difficult to develop larger footprints, things of that nature – business parks, things of that nature. And we have also a lot of – the commercial vacancy rates for a lot of our properties are pretty low as well and so generally, using this tool, we've worked with a lot of businesses reaching out, looking for property, and they just can't find it. And this tool has allowed us to understand a little bit better some things we might need to consider moving forward, develop strategies to address those shortages, things of that nature.

I think with that I will stand for any type of questions. That was pretty quick, but just know that this tool has a lot of capability, a lot of analysis and we use it pretty frequently to help businesses in the area.

CHAIR HAMILTON: Wow, that's really interesting. I have a couple of really quick questions and then I'll go to everybody else. Who developed the software and how long has it been available? Because this really seems very, very useful.

MR. FITZGERALD: Thank you, Madam Chair. Yes. This software is developed by a company called GIS Planning. They specialize in creating this type of software to assist with site selection. The data, which is really cool, we have a direct data link to the commercial area realtors of New Mexico, the association. And that's what really makes this software work. We have a direct connection to the premier spot where all commercial realtors list their properties. And so it's up to date. New data is put on very frequently, and it's been up and running for approximately, with the data link – approximately four months.

CHAIR HAMILTON: Excellent. I apologize for jumping in first.  
Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, it's only fair. It is very exciting. Can you share this power point with us?

MR. FITZGERALD: Absolutely. I'd be more than happy to.

COMMISSIONER HANSEN: So the commercial real estate group or realtors here, they use this?

MR. FITZGERALD: Madam Chair, Commissioner Hansen, they have a similar software for their realtors. What we do is we use the data that the realtors, part of the association, upload and drag it over to our website. It's very likely some of the realtors do do it, do use it, but we created this software for the purposes of economic development, so we can do deeper analysis and things of that nature. But we are using their data that they use internally for their organization.

COMMISSIONER HANSEN: So this is a collaborative project, so to speak.

MR. FITZGERALD: Yes, ma'am. So to speak.

COMMISSIONER HANSEN: Okay. I think that's fantastic. I'm still disappointed that we eliminated some of the commercial space in Oshara Village, especially when we have something now, we have something like this that would have allowed us to promote that commercial space. I don't think commercial space is going to go away just because people start working at home. I think we still need that part of the economy to develop and to develop economic development. So I think it's very exciting. Thank you very much for sharing.

MR. FITZGERALD: Thank you.

CHAIR HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. I was going to ask a similar question. What's the difference between a real estate agent and what we have going on here?

MR. FITZGERALD: Madam Chair, Commissioner Garcia, the main difference is all of those variables with all of that data at our fingertips. Every single website that lists and hosts available properties, if you will, does not have that capability, does not have those tools. This allows us to overlay economic data, demographic data, right there. And so that's the fundamental difference. The second difference is this tools also allows us to overlay our own GIS data should we want to overlay additional data to help with analysis.

COMMISSIONER GARCIA: Thank you, Madam Chair. A previous Deputy County Manager used to always tell me, there's your favorite word, Rudy. I said, what's that? Economic development. So you being our economic development specialist here, what's your definition of economic development?

MR. FITZGERALD: My definition? Madam Chair, Commissioner Garcia, I would say my definition of economic development broadly is improving the quality of life and opportunity for residents of the county.

COMMISSIONER GARCIA: Okay, also, I don't know where we are but in regards to the property at State Road 14 where the film studios are. I believe there might be some additional tracts that are located out there for economic development, warehouse type things and I don't know if that's still – id you can just look into that, that would be great.

MR. FITZGERALD: Certainly.

CHAIR HAMILTON: Is that good, Commissioner Garcia?

COMMISSIONER GARCIA: Yes.

CHAIR HAMILTON: Okay. Thank you very much. Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I just wanted to clarify, this is live on our website now and I can go home and play with it? Is that correct?

MR. FITZGERALD: Madam Chair, Commissioner Hughes, that is correct.

COMMISSIONER HUGHES: Okay. Well, if we get out of here early enough I might do that. But thank you very much for the presentation. That's fascinating and obviously a very neat and cool useful tool.

CHAIR HAMILTON: Okay, now we have motivation. Is there any further

COMMISSIONER ROYBAL: I don't have any additional questions, Madam Chair, but I also wanted to express my gratitude for the presentation today, sir. Thank you.

CHAIR HAMILTON: Excellent. Very exciting. Thank you. Well done, guys.

## 8. MATTERS OF PUBLIC CONCERN

CHAIR HAMILTON: So Daniel, don't go too far. Is there anybody present here or on Webex that wishes to make a comment to the Board of County Commissioners? I don't believe we got anybody who pre-registered. So once again, is there's anybody present or on Webex who wishes to speak during Matters of Public Concern. If there's anybody online please unmute yourself and make your presence known. Hearing no one, I'm going to close Matters of Public Concern.

**9. MATTERS FROM THE COUNTY MANAGER**

**A. COVID-19 Updates**

CHAIR HAMILTON: Manager Shaffer, you have two items under that.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners.

With regard to COVID-19 updates, our community level remains steady at medium. However, due to generally rising cases among seniors and others at our senior centers, our senior centers remain temporarily closed and congregate meal service remains suspended, and we continue to provide home delivered meals.

On the prevention front, I do want to announce and recognize efforts by the Santa Fe County Office of Emergency Management for hosting COVID-19 vaccine clinics on Tuesdays and Wednesdays from 10:00 am to 2:00 pm. The events are open to the public and both Moderna and Pfizer, primary and booster shots are being offered. On Wednesday, August 17<sup>th</sup> at the Pojoaque fire station, on Tuesday, August 23<sup>rd</sup>, the La Cienega fire station, Wednesday, August 24<sup>th</sup> at the Hondo fire station, and Tuesday, August 30<sup>th</sup> at the Chimayo fire station, and Wednesday, August 31<sup>st</sup> at the Turquoise Trail fire station. So I do continue to encourage members of the public to stay up to date on their boosters and primary vaccine.

**B. Miscellaneous Updates**

MANAGER SHAFFER: In terms of general Miscellaneous updates, I did want to announce through this venue that we are in the process of hiring Roberto Lujan as the permanent director at the Santa Fe Regional Emergency Communications Center, based upon the unanimous recommendation of the RECC Board of Directors, at least those who were in attendance at the meeting at which Mr. Lujan's application was considered. He brings 16 years of experience in emergency dispatch and communications to the job and actually began his career at the RECC and really grew up there as a telecommunicator professional. So we look forward to working with Director Lujan on a permanent basis to build on the positive momentum that was initiated during his time as interim director.

From our Film Office, our executive director did announce two productions – Walker Independence, a CW/WBS season one television series, which began filming in July in and around Santa Fe. The production is estimated to employ approximately 275 New Mexico crew members, over 14 New Mexico resident actors, and approximately 3,500 local background talent.

Dust, which is a Searchlight Pictures production, will begin shooting this month in and around Stanley, Santa Fe and Galisteo. The production will employ approximately



152 New Mexican crew members and 153 background talent.

In terms of fiscal year 22 numbers, the New Mexico Film Office released data showing a record year. \$855 million in direct spend in the state, of which Santa Fe County was the beneficiary of approximately \$275 million in direct spend, relative to film and other media initiatives.

I wanted to recognize ongoing efforts of our Emergency Management Office relative to the periodic flooding that Santa Fe County is experiencing, specifically on July 26<sup>th</sup> Assistant Chief Martin Vigil and Battalion Chief Jeff Carroll responded to a swiftwater rescue call in Rio en Medio, and in addition, the office has been providing assistance otherwise to those who are impacted by that ongoing flooding associated with the monsoonal weather.

Finally, it turns out that the first BCC meeting in November falls on election day. By state statute the County Clerk or her deputy is required to attend sessions of the Board of County Commissioners and otherwise act as the ex officio clerk of the Board for its meetings. Given those conflicting responsibilities, the County Clerk has respectfully requested that the Board consider moving its regularly scheduled meeting so as to not fall on election day. If the Board were interested in accommodating that request we would respectfully ask that the meeting be pushed back one week until November 15<sup>th</sup>. That maintains at least two weeks in between Board of County Commissioner meetings, both the last one in October and the second one in November. So I'd be pleased to hear any feedback on that request that the Board might have for me. And that does it for my updates.

CHAIR HAMILTON: Okay. That's good. So part of the point is that if we did it on the 15<sup>th</sup> instead of the 8<sup>th</sup>, the second November meeting would still be on the 29<sup>th</sup>, which there are two weeks in between. Okay. Commissioner Garcia.

COMMISSIONER GARCIA: I was just going to ask the same question, Madam Chair. Thank you.

CHAIR HAMILTON: Okay. Great. Is there any feedback at the moment on this request to move the BCC meeting?

COMMISSIONER HUGHES: I think that sounds fine. Do we need to decide today to make the notice ahead of time, or would it be convenient to decide today?

MANAGER SHAFFER: Madam Chair, Commissioner Hughes, no, there's no need to decide today. We would have plenty of time to meet noticing obligations of we were going to reschedule a regular meeting. I believe that the Clerk simply was trying to plan ahead and wanted to bring the issue forward at the earliest convenient time.

COMMISSIONER HUGHES: So it makes sense to me at whatever point we decide to make that change.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Madam Clerk, do you have anything to add to that?

CLERK CLARK: Other than it would be most appreciated to move it, since everyone is all hands on deck on election day.

CHAIR HAMILTON: Absolutely.

COMMISSIONER GARCIA: I'm fine with it.

CHAIR HAMILTON: Everybody's nodding their head yes. On my calendar it would work and it's clearly a very good reason for requesting the change. So I would honestly recommend that we go ahead with that because there's no other way to really clear that conflict and this is a major election.

MANAGER SHAFFER: Okay. Then we'll make that so. Thank you.

CHAIR HAMILTON: Thank you.

CLERK CLARK: Thank you, Commission.

CHAIR HAMILTON: Thank you for bringing that forward. And also, thank you frankly for recognizing all the other emergency management items and COVID items that are being attended to.

## **10. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS**

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

CHAIR HAMILTON: I guess I'll start with Commissioner Hansen and work my way across.

COMMISSIONER HANSEN: Thank you, Madam Chair. You can count on me to have something to say.

CHAIR HAMILTON: Absolutely. It's great.

COMMISSIONER HANSEN: So speaking of emergency management, La Familia had their fiesta this last weekend and Martin Vigil was there with his display and I thought that was really good. It was a very good turnout. I think one of the most popular items for the fiesta was the child haircuts. That was a big event and it was great because children could come through and get haircuts for free. They handed out lots of food and there was lots of different booths and vendors going on but being able to have your child's hair cut for free, that saves people like twenty bucks at least. And so I thought that was a great thing to have and it was great to have Martin Vigil there and may of the other vendors. I think our DWI was there from Santa Fe County also.

So then I want to go on to yesterday, Commissioner Garcia and I went and visited Calle Debra, which is an area where we have beavers and open space and flooding on the roads and Public Works staff was there with us Brian Snyder and Ivan Trujillo, and people from Open Space, Peggy and Adeline, and my liaison Laura and Commissioner Garcia's liaison. We looked at the issues there and one of the things that Ivan said was we really need an environmental assessment but also this morning there was a notice from the La Cienega group that they're doing an RFP and they're working towards that so I think that there's a lot of synergy around that area right now and trying to find a solution, not only for the pipeline but also for the beavers and the roads and the river is not running. There's water at Calle Debra but then when we went down further past the petroglyphs there was no water there. And so somewhere between Calle Debra and the petroglyphs there's something happening. Maybe the beavers have moved downstream and decided they wanted a new village there, or a new lodge, is what they call it. But it

needs attention and we need to pay attention to that, and since it's on the border of Commissioner districts 2 and 3, I thought it was great that we could both be out there and see the issue and I'll let Commissioner Garcia say more about it.

Also, on August 12<sup>th</sup> there's a Caja del Rio event at the Santa Fe Brewing Company at 12:00 and we're all invited. And then on August 13<sup>th</sup> is my Coffee and Tea under the Trees, and Public Works staff is coming to talk about issues in the village – P.J. Montano, Brian Snyder and our Public Works Director, Gary Giron, so it should be a lively event with lots of people to answer questions for the constituents on what's going on in District 2 and in the Village, and it is held at Reunity Resources at San Ysidro Crossing in the historic village of Agua Fria.

So then on my last item, I have the great honor of being appointed once again to a number of NACo leadership roles. [Exhibit 2] The Arts and Culture Commission, I have been selected to be a vice chair. The Healthy Counties Advisory Board, I am a member. The Resilience County Advisory Board, I am a board member. Rural Action Caucus, I am a member, and the Environmental, Energy and Land Use Steering Committee, the Energy Subcommittee, I am a vice chair, and as I mentioned last time I was elected vice chair of the Women of NACo. And I also once again I want to say that I was really happy to have other Commissioners with me from the County. Commissioner Hughes attended and Commissioner Roybal at NACo. So it's always educational and active event. So that is all I have for the moment, unless I forget something, but thank you Madam Chair.

CHAIR HAMILTON: Excellent Thank you, Commissioner Hansen.  
Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. My report will be very short for the reason, the first thing, as you know, Olivia Romo is on her one-month sabbatical, so not much going on in District 5 without Olivia there, But I certainly hope she comes back with her book of poetry for us all to read, but also that she comes back.

I did want to mention that we're getting close to an agreement I think on allowing the Santa Fe Conservation Trust to put dark sky monitors on three or four of our fire stations to monitor the ambient light at night in Santa Fe County, and I think that's going to be a really interesting thing for all of us data geeks, it's going to be interesting to watch the data. They're going to measure it over ten years and see whether we're doing better or worse during that time in terms of keeping our skies dark.

And yes, I did get to go to the NACo conference, so I want to thank the County for sending me. It was very interesting. It was my first time and so it took me a while to get the idea of what it was all about, but I did get some nice ideas from other parts of the country about opioid stuff in particular. And I think that is it for me, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you, Commissioner Hughes.  
Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Commissioner Hansen pretty much said it that we actually need to collaborate with each other within the internal staff division as to what we're going to do with that Santa Fe River, as well as the City, BLM, National Forest, petroglyphs, the pipeline, the road access, in clearing it out to start. It's well needed to be done.

I'd like to give some accolades to Chief Vigil, sitting there in the audience. He

was one of the original chiefs back when Stan Holden, Hank Blackwell and those individuals were here, back from the year 2000, 1997. All four fire chiefs. I've actually seen them in action whenever there was a fire in La Cienega. I've seen him work on some individual projects that he actually works on, and I heard many years ago, five, seven years ago, that when Chief Vigil went to a conference in Las Vegas, Nevada, he's actually like the czar of rescue and how we actually go whenever there's a major disaster and he's here for the flooding. But I'd just like to – the knowledge that you have, the County is very lucky to have you. Thank you, Chief Vigil.

CHAIR HAMILTON: That's excellent, but you stole my thunder. I was going to say that's excellent you brought that up. Thank you so much. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I did go to the Spanish Market and it was very well coordinated as it always is and I just want to give a shout-out to everybody that helped coordinate the Spanish Market this year. It was a good time to be there, so I wanted to talk about the County Fair. I attended on Saturday and it was really neat to see the excitement in the children when they were selling their steers, the sheep. It was pretty awesome. I was surprised to see one of the steers go for about \$10,000, so it was pretty impressive. It was pretty neat to be there for the auction. So I really enjoyed it.

It was really neat to see the excitement with all the kids. They auctioned off rabbits, chickens, you name it. I saw a couple of chickens go for \$1,000. It was kind of crazy. But just a big thank you to everybody that coordinated that. Our County Fair Board, they did a great job and some of our local business owners that really invested and were a part of this auction and purchased this livestock. It was really wonderful to see that in an a future meeting, maybe the next one, I'd like Anna to bring forward all the participants that participated in the County Fair and also recognize the business owners and other individuals that actually purchased these animals that actually helped these kids and also I think that a lot of them saved the money to go to school and things of that nature. So I think it's really a great program and I just wanted to highlight that.

It was really nice to be there this year. I unfortunately wasn't able to attend last year but I try to go every single year since I've been a Commissioner and it's something I'll continue doing. My son participated in 4-H and now I've got a five-year-old looking at starting off again. So I'm going to have some fun with him. So it will be neat to be involved again with a child in th4-H.

I also wanted to say a huge welcome to our Public Works Department. They've done such a great job. I've called on issues with Chinese elms growing on the roads and flooding issues that we're all experiencing now. So I want to just have a huge shout-out to our Public Works Department for a great job and working with our constituents and doing everything we can. Right now, I know we're overwhelmed and we're really short-handed at this point, but it's something that I really want to recognize and thank them for their hard work and let them know that it doesn't go unrecognized and I'm really proud of all of our staff, so thank you very much. Appreciate it, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you, and I'll go back to Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, as the Chair mentioned, you

kind of stole my thunder about the County Fair, but to all the participants that actually do participate in that affair and now that you have a five-year-old you can start raising the cattle there. You have a lot of years to go. Public Works is actually a huge array of different divisions within Public Works and one of the things, P.J. Montano's crew is actually in charge of turning on the lights every morning, or snowplowing, etc., etc. But his crew actually does a good job for the County Fair. Thank your crew, P.J. Thank you, and thank all the Public Works Department because those are the necessities that the taxpayer really looks at 70 or 80 percent.

CHAIR HAMILTON: Excellent. Thank you. There's no problem stealing thunder, because honestly, saying this kind of thing of thing twice is just fine. We've been experiencing a lot of natural disasters and we have enough ongoing problems with the pandemic and what not that our County has stepped up to and many of those efforts, nothing is – things are seldom singular, but certainly, with the flooding – the fires and then the flooding that has followed these fires, Assistant Chief Vigil gets out there. He's usually the first person out there, and he coordinates all the remaining efforts, including coordinating with Public Works who do much of the work. So both of you were right on thanking these people who often go unsung for days and weeks and months at a time out there, not nine to five jobs anymore.

And since we're here, we expect those things to get worse and worse, just predictably with climate changing unpredictably because that's the nature of how things are going to happen. We'll be doing this thanking more and more. The recognition is really needed, so thank you for being here and thank you for doing what you do.

COMMISSIONER GARCIA: One more thing. I actually have similar stuff going through my head. In order to have the County Fair it takes individuals actually to put P.J.'s crew together, or 4-H Club. All these clubs together. Actually, there's an individual that works for the Community Services Department, that's Anna War. She actually was responsible for Senior Services as well as the County Fair and organizing and orchestrating all of the ability for everybody to have a great time and for everybody to be recognized and there's a lot of stuff that happens out there. I didn't realize that. You show up to the fair, you go and however it's actually – I'd just actually like to give a shout-out also to Anna War because she is the nucleus of how that all works, how it gets spread out into different veins throughout the nucleus. Thank you.

CHAIR HAMILTON: Thank you.

COMMISSIONER ROYBAL: Madam Chair, sorry. I have one other thing.

CHAIR HAMILTON: Okay.

COMMISSIONER ROYBAL: So I attended the New Mexico Association of Counties meeting in Los Lunas last week on Thursday, and we had a presentation from our state board for our workforce, and they actually had a really good presentation that talked about the services they provide for our workers. They kind of filter the money to the different boards in the state. The Northern New Mexico Workforce Development Board is actually our board here. But they had some positive things to say. They're actually doing some great work.

So I'm trying to coordinate for them to do a presentation to us on September 13<sup>th</sup> for our BCC meeting, or possibly the last meeting in September, but I'll get with you on

that and coordinate. I think it would be a great presentation. Thank you.

CHAIR HAMILTON: Thank you very much, Commissioner Roybal.

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

CHAIR HAMILTON: Madam Clerk, would you like to start.

CLERK CLARK: Thank you, Madam Chair. So as my request earlier indicated, it is now election season once again. It seems like they're just every six months not. So we are recruiting poll workers. As a reminder, poll workers need to be fully vaccinated. We also have jobs like messenger and help desk, and a variety of other positions in the Clerk's Office to make sure that the election goes smoothly.

We've also had some questions in our office about maps, and we do have maps on our website, if you're interested in certain district maps, and if you can't find a map then we're happy to work with GIS to produce one and put it on our website. So just email us at [clerk@santafecountynm.gov](mailto:clerk@santafecountynm.gov) if you're interested in a map of any district within Santa Fe County.

Another frequently asked question we're getting is about the idea of challengers, watchers and observers. And so just for a little election information, observers, challengers and watchers are all different in the statute. Observers are typically like the UN, or other international organizations that want to simply observe the election. They go through the Secretary of State and let them know that they're going to be observing at different polling sites. Watchers have to file seven days in advance from the time of watching an election and that's usually like the Republican Party statewide or various entities who want to watch the election, and they typically play a passive role and then call the Secretary of State or Attorney General if they see something that they think is amiss or they think there's a problem. And then challengers are only appointed by the local chairs of a political party. So that would be the Republican chair, the Libertarian chair and the Democratic chair of Santa Fe County.

So if you want to be a challenger you much contact your relevant party that you're registered with in order to become a challenger in the election. This is a question that has come up recently in our email and I wanted to make we sort of discussed what the various rules are, but the reality is that the elections need to be observed. They need to have multiple parties participating, so that way there's multiple eyes on the process, so we can ensure that it's fair and transparent.

So if you're interested in becoming a poll worker, if you're interested in some of those other roles in the election, now is the time to start thinking about that and reaching out to your various entities or us, so you can either sign up or we can direct you where to go.

CHAIR HAMILTON: Excellent. Thank you, Madam Clerk. Are there any other elected officials? I don't see anybody sitting here in the audience, but on Webex, who would like to speak at this time?

JENNIFER MANZANARES (County Treasurer): Good afternoon, Madam Chair.

CHAIR HAMILTON: Welcome, Treasurer Manzanares.

TREASURER MANZANARES: I tried to speak last time and for some reason I was not able to unmute, but I'm happy to be here today and just to update the Commission with our latest in the office. Again, like our Clerk mentioned, we'll be in a busy season as well, going into tax season. So a couple of ideas coming from our office to do an e-billing campaign, so you'll see more about that, and working closely with our delinquent accounts are two of the things that we've had staff working on. So we're excited about those.

And I just wanted to echo what Commissioner Roybal and Commissioner Garcia said about the County Fair. We were fortunate to have staff there. Some of the staff went there on Saturday and it's always a good time with the kids. In raising grandchildren, Commissioner and I will see each other at 4-H meetings, so Commissioner Roybal, I think we have to start raising those thousand dollar chickens ourselves. So thank you everyone and we're here to serve.

CHAIR HAMILTON: That's excellent. And Madam Treasurer, I want to apologize. You had technical difficulties last time. I will make sure you have my cell phone in your phone so if we ever come across this again and you need to speak, we can make time to get technical issues resolved. You can just text me and tell me you're present but can't quite get on. So I'll work on that with you and I apologize that you had that problem.

TREASURER MANZANARES: Madam Chair, thank you. I will do that.

CHAIR HAMILTON: Excellent. Are there any other elected officials who wish to speak at this time? Hearing none, let me know if I'm closing this too quickly, let me know and I can reopen it, but I'm going to go ahead and move on.

#### 11. 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 Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:**
1. **Acquisition of Real Property for a Transfer Station and Other Potential County Uses**

MR. YOUNG: Thank you, Madam Chair, Commissioners. At this time I'd

request the Board go into executive session to discuss the purchase, acquisition or disposal of real property or water rights as allowed by Section 10-15-1 (H)(8) NMSA 1978, and specifically including acquisition of real property for a transfer station and other potential County uses.

CHAIR HAMILTON: Excellent. So I would entertain a motion to go into executive session.

COMMISSIONER HANSEN: Madam Chair, I move to go into executive session.

COMMISSIONER HUGHES: Second.

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

**The motion to go into executive session passed by unanimous roll call vote as follows:**

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye
Commissioner Roybal	Not Present

Commissioner Garcia announced he would not be attending the initial part of the executive session.

[The Commission met in executive session from 5:04 to 6:10.]

CHAIR HAMILTON: We are back. It is 6:10. I would entertain a motion to come out of executive session.

COMMISSIONER ROYBAL: So moved, Madam Chair.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. Can we include in that motion that the only things discussed were those that were read by the County Attorney on the motion to go in and no decisions were made?

COMMISSIONER ROYBAL: Yes, Madam Chair. The only things that were discussed were the items that were summarized by our County Attorney and there was no action taken.

CHAIR HAMILTON: Thank you very much. And the second?

COMMISSIONER HANSEN: Agreed.

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

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

## 12. PUBLIC HEARINGS

### A. Ordinance No. 2022- 06. An Ordinance Amending the Sustainable

SFC CLERK RECORDED 09/14/2022



**Land Development Code Ordinance No. 2016-9 to Add a New Section 3.6 to Establish the Extraterritorial Land Use Authority and a New Section 3.7 to Establish the Extraterritorial Land Use Commission**

CHAIR HAMILTON: We'll go right to Penny Ellis-Green.

MS. ELLIS-GREEN: Thank you, Madam Chair, Commissioners. On June 28<sup>th</sup> the BCC approved the publication to title and general summary of this ordinance. The enactment of the Sustainable Land Development Code created ambiguity about the status of the ELUA and ELUC. What this subject ordinance would remove the ambiguity enacting new sections of the SLDC to create these bodies. A state statute authorized the creation of ELUA and ELUC to exercise concurrent extraterritorial zoning jurisdiction in the two miles for zoning and the five miles for subdivision and platting.

In 2008 the City and County agreed to create ELUA and ELUC and the County approved Ordinance 2008-17 which amended the land development code and established those bodies. The ELUC and ELUA have been inactive for years since no annexation petitions have been submitted. If the subject ordinance is adopted, ELUA and ELUC would be constituted as decision making bodies under the SLDC adding two new sections to Chapter 3. These bodies would not hear land use cases or make independent land use regulations.

Under Ordinance 2013-1, which was an ELUA ordinance, the regulation of zoning, subdivision planning and platting of properties within the areas to be annexed was governed by the City and the areas of zoning, planning and platting outside the area to be annexed would be governed by the County.

So this ordinance establishes the membership, term, and responsibilities for both boards. ELUA membership will consist of four County Commissioners, three City Councilors; the remaining County Commissioners and City Councilors would serve as alternates, and the ELUC membership would consist of five Planning Commission members and five City Planning Commission members, and the remaining County and City Planning Commission members would serve as alternates. Term for all members is two years.

On July 21<sup>st</sup> the Planning Commission held a public hearing on this ordinance and recommended approval. If this is adopted we would then bring forward appointments for both of the boards. Staff recommendation is for the approval of this ordinance, and if I could enter the entire memo into the record. [Exhibit 1] And I stand for questions.

CHAIR HAMILTON: Yes, please. That can be so entered. Commissioner Hughes then Commissioner Hansen.

COMMISSIONER HUGHES: Thank you, Madam Chair. My only question is where is the City at in its adoption of its corresponding ordinance?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I am not sure if they had already – or if they still had their positions already appointed.

COMMISSIONER HANSEN: Madam Chair, they have appointed their Councilors for sure. They already appointed – they did that in January.

COMMISSIONER HUGHES: Okay. So they're ahead of us.

COMMISSIONER HANSEN: Yes.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR HAMILTON: Thank you, Commissioner Hansen.

COMMISSIONER HANSEN: I'm going to make a motion to approve the ordinance.

CHAIR HAMILTON: We actually have the public hearing first. Are there other questions before we open public hearing? If not, I'm going to go ahead and open the public hearing. Is there anybody from the public present or on Webex who wants to speak to this matter? Daniel, I'll go right to you. Do you see anybody on Webex who may want to speak to this matter?

MR. FRESQUEZ: Madam Chair, I do not see any members of the public on Webex.

CHAIR HAMILTON: Okay. I see no one other than staff present in chambers so I'm going to go ahead and close public hearing. And now I will entertain other questions or a motion.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make a motion to approve an ordinance amending the Sustainable Land Development Code No. 2016-9 to add a new section 3.6 to establish the Extraterritorial Land Use Authority and the new section 3.7 to establish the Extraterritorial Land Use Commission.

COMMISSIONER HUGHES: I'll second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Is there any further discussion? If not, can I have a roll call please?

**The motion to approve Ordinance No. 2022-06 passed by 4-0 unanimous roll call vote as follows:**

Commissioner Garcia	Not Present
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye
Commissioner Roybal	Aye

**12. B. Resolution No. 2022-062, a Resolution Adopting Projects for Inclusion in Santa Fe County's Infrastructure Capital Improvement Plan for Fiscal Years 2024-2028; Authorizing Submittal of Plan to the New Mexico Department of Finance and Administration; and Replacing Resolution 2022-003**

CHAIR HAMILTON: We have Robert and Maxx. So welcome. I don't know which order you want to go in but please take it away.

ROBERT GRIEGO (Planning Manager): Madam Chair, Commissioners, we're here with Maxx Hendren. She's the capital planning and she's going to be doing the presentation today. Maxx is the new capital planner and she has been with us since

July and she will be our capital planner going forward.

CHAIR HAMILTON: Excellent. Thank you. We have had the pleasure of your presence here before so welcome back.

MAXX HENDREN (Capital Planner): Thank you. Good evening, Madam Chair and Commissioners. We're here to conduct the second of two public hearings on the adoption of the fiscal year 2024 to 2028 Infrastructure Capital Improvements Plan, which is the ICIP and Exhibit A in your documents. We're going to have a brief presentation. We're going to have an overview of the fiscal year 2024 to 2028 ICIP that will be submitted to the New Mexico Department of Finance and Administration, the DFA. We are holding a public hearing on the FY 20 to 28 ICIP, and lastly, staff is going to recommend the review and approval of the resolution to adopt the fiscal year 24 to 28 ICIP as required by DFA and is due August 19, 2022.

The projects on the list were collected throughout the year. The Capital Projects Evaluation Committee compiled, reviewed and scored the community requests and the capital projects based on the County's four population goals along with other priorities identified in the County's strategic plan, the Sustainable Growth Management Plan, and certain factors like project readiness and phasing, or addressing immediate need related to public health, safety and welfare, or staff's capacity to initiate and complete a project in a timely manner.

Each project on the FY 24 to 28 ICIP list has been scoped, ranked and recommended by the Capital Planning Committee for the Board to consider. The ICIP list was vetted through the capital planning process and are listed by plan year and priority. The ICIP list includes the top five projects that are represented by each Commissioner's district. Each project has an estimated total project cost and the estimated funding gap, based upon other funding that has been required. The basic need is identified with a Y or an N, meaning the project is necessary for County functionality.

We do have department staff available to help answer any questions. I know we know we are in a public hearing and we do stand for questions.

CHAIR HAMILTON: Excellent. So before I open public hearing are there any questions from the Commissioners? Commissioner Hughes.

COMMISSIONER HUGHES: Just a quick note that unless Thornton Ranch moved it's not in District 5. I would love for it to be in District 5, but I think it's in District 5.

MS. HENDREN: Okay. We will make that change.

COMMISSIONER HANSEN: What number is that?

MS. HENDREN: Is that 28?

COMMISSIONER HANSEN: Yes.

COMMISSIONER HUGHES: 28, Thornton Ranch Open Space, yes. It's in District 3. No big deal, because I'd love to have it in District 5.

CHAIR HAMILTON: It it's the worst thing that ever happened – Okay, I'm going to go ahead and open public comment on this. So is there anybody from the public in the chambers or Webex who would like to speak to this matter? I don't think anybody materialized in the last 37 seconds. Daniel, can you just double-check? Is there anybody on Webex from the public who might want to speak at the public hearing?

MR. FRESQUEZ: Madam Chair, I do not see anybody from the public on

Webex.

CHAIR HAMILTON: Thank you very much. Manager Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair. I did want to note that I believe, unless I'm mistaken, which I could be, that we may have duplicate projects for Agua Fria fire regional stations. Project #13 and Project #29. There was an effort to roll up requests so that there would be flexibility in terms of any funds that might be allocated and I believe in that effort we failed to remove one of the items. So if I'm mistaken, my colleagues can correct me, but if I'm not mistaken then I think the motion would be to approve the ICIP with duplicate #29 removed and with the change to the district location of Thornton Ranch Open Space; does that work?

CHAIR HAMILTON: That works, and I think you must be right.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Don't they refer to the Agua Fria station in La Tierra as an Agua Fria station also? So are we talking about Agua Fria station on Calle de Oro Grant Road, and then the Agua Fria fire station #1 in La Tierra?

CHAIR HAMILTON: They're the exact same dollar numbers; that's impossible.

MANAGER SHAFFER: Madam Chair, we really just wanted to, in making the request for legislative funding, provide some flexibility to continue to evaluate the needs of that district based upon the funding that is available. So that was the effort, was just to again, provide that type of flexibility.

COMMISSIONER HANSEN: Madam Chair, so then we'll remove item #19? Is that what we'll do?

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: Okay.

CHAIR HAMILTON: So any motions would include removing item 29 and correcting the District 5, #28. So are there any other questions from Commissioners?

COMMISSIONER GARCIA: Madam Chair, I have a question.

CHAIR HAMILTON: Did I close public hearing? I thought I did. Well, I am officially closing public hearing because there's nobody present if I did not do that officially and got distracted, I apologize. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Item #41, can you explain to me what that is?

MS. HENDREN: Madam Chair, Commissioner Garcia, could you please repeat your question?

COMMISSIONER GARCIA: Item #21, can you explain to me what that's about?

CHAIR HAMILTON: La Cienega traffic safety plan is what's listed.

MS. HENDREN: Does anybody in staff know what Project 21 is?

MR. GRIEGO: Madam Chair, Commissioner Garcia, yes. The transportation safety plan I believe came – the La Cienega transportation plan came as a result of some discussions from the community. That project was reviewed by the Capital Planning Committee. The scope of that project – do you have the scope?

CHAIR HAMILTON: Director Giron's right behind you, so he might –

MR. GIRON: Madam Chair, Commissioner Garcia, what number was that?

CHAIR HAMILTON: Number 21.

MR. GIRON: Number 22 on ours. I have a different version of it. La Cienega traffic safety plan. Madam Chair, Commissioner Garcia, that was a request that you made for us to examine accessibility of the roads in La Cienega to be able to deal with bicycle traffic, pedestrian traffic, the possibility of roundabouts, and this was the beginning of that process.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Giron. What's the process to increase the amount of that? Because \$50,000 doesn't seem you're going to be able to get a plan or design and then we'll go back next year of the following year for construction.

MR. GIRON: Madam Chair, Commissioner, this really was for us to commission the process to begin the planning of deciding the scope of work and then in subsequent years there would be additional asks. So we think this is enough for us to get started with the project.

COMMISSIONER GARCIA: Madam Chair, Mr. Giron, what do you mean by get started? What does that actually entail?

MR. GIRON: Start the planning process to figure out what it would entail to make any of the changes to that infrastructure in that part of the county.

COMMISSIONER GARCIA: Madam Chair, Mr. Giron, is that actually hiring a consultant to actually have public meetings with the area residents?

MR. GIRON: Madam Chair, Commissioner, that is the intention is that they would be facilitating meetings with the community to begin that dialogue about making changes.

COMMISSIONER GARCIA: Madam Chair, Mr. Giron, what's the description of it? Is it to plan, design, construct?

MR. GIRON: Madam Chair, Commissioner, it was for us to develop a plan forward so that we could then decide what are the necessary resources that the County would identify to move forward with, for example, a PER, or some other instrument for us to be able to think about design and construction. Because as you understand, there's some very difficult and nettlesome issues in that part of the community. There's not a lot of right-of-way. So it bears the discussion about that.

COMMISSIONER GARCIA: Madam Chair, so can you read me what the description says? Is it to plan, design and construct?

CHAIR HAMILTON: No. It's just to plan.

COMMISSIONER GARCIA: We need it actually plan, design and construct, because they don't issue money for just plans, if we go get money from the state legislature.

MR. GIRON: Madam Chair, Commissioner, your point is well taken. So it might be plan and design.

COMMISSIONER GARCIA: And construct.

MR. GIRON: Well, there won't be enough money for construction. I think that would be a stretch. But for plan and design we could probably change the language.

COMMISSIONER GARCIA: Okay. We can talk a little bit about that

before we get submitted. Thank you, Madam Chair. Thank you, Mr. Giron.

CHAIR HAMILTON: Thank you. Are there other questions? What's the pleasure of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I'd like to move to approve a resolution adopting projects for inclusion in Santa Fe County's infrastructure Capital Improvement Plan for fiscal year 2024 removing item #29, which is the Agua Fria fire station, and changing the district number of 28, Thornton Ranch open space to District 3.

CHAIR HAMILTON: Excellent. Thank you. I have a motion. Do I have a second.

COMMISSIONER GARCIA: Second, for discussion.

CHAIR HAMILTON: Okay, so I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Just a couple of questions for the elected officials, whether it's the sheriff – do we need additional funding for the Public Safety Complex? For the RECC or the County Clerk? Do we have any – I know the County Clerk was instrumental in getting some money from the state legislature, so I don't know if you have any requests, or you have –

CLERK CLARK: I was told by P. J., because everything is so expensive, our warehouse money may not go as far as we were hoping.

CHAIR HAMILTON: There's actually a process by which these projects are all reviewed and I know P.J. is approaching the bench as it were.

P.J. MONTANO (Public Works): Madam Chair, Commissioner Garcia, both projects are fully funded.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, P.J.

CHAIR HAMILTON: So if there's no further discussion, I have a motion and a second.

MANAGER SHAFFER: Madam Chair, I'm sorry. I meant to get your attention beforehand. Would the motion include the change in the language from plan to plan and design?

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: And construct.

CHAIR HAMILTON: No.

MANAGER SHAFFER: I don't think it –

COMMISSIONER GARCIA: It has to be in there in order to get money from the state legislature.

CHAIR HAMILTON: The discussion when this plan was actually developed was that there wasn't enough knowledge to be able to put enough in there to understand what the construction would be for. So the planning was required. There were so many obstacles and questions that the planning was required before you could describe a construction project. That was the problem.

COMMISSIONER GARCIA: I've been doing this for ten years. I understand.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HUGHES: I think what Commissioner Garcia is

saying is that the legislature likes to see those words. We know we're only going to do planning but they like to see the three words. Would it hurt to put the three words in? I don't know.

COMMISSIONER GARCIA: How would it hurt, three words, Madam Chair, to put three words forward or five more words. It's what the state legislature wants to see. Funding for just planning and design is hard to get through there.

MANAGER SHAFFER: What I understood the discussion to be, and it's a question for the Board whether to make the change, was I think where we landed as between Director Giron and Commissioner Garcia was plan and design, not construct, because we wouldn't have enough money to do any construction, but with those magic words it might be more likely to be funded. But again, it's up to the Board whether you want to make that change. I just didn't want to move on since you won't see it again.

CHAIR HAMILTON: One question I have is we could make the wording change to plan and design, but if we add the word construct, it's laughable to put that in as a \$50,000 request. So that also – anybody at the legislature. And it's a process. And the process is, which is why all the Commissioners work with Public Works and the groups developing these projects. This is the second public hearing. So we have a little bit of a conundrum here, because if we add the word construct, are we going to change the pricing on the fly by pulling a number out of the air?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I believe that the agreement was not to add the word construct but just plan and design, and that Commissioner Garcia agreed to that, and I will amend my motion to include plan and design.

COMMISSIONER GARCIA: Madam Chair, so we hire a consultant for, say, \$15,000. We needed some guardrail. And if we did get \$50,000, we have roughly \$35,000 to go spend on a guardrail that's well needed and then we could continue to add this and add this as we go through our consultant and our current meetings. That's where I'm going with this. As Commissioner Hughes said, that's what the state legislature likes to see is that word in there so that way they could fund it for whatever funding we have enough for if we receive funding for it.

CHAIR HAMILTON: Well, it's up to all the other Commissioners, but I was expressing my opinion not as chair but as one Commissioner, is that these projects go in through a process where the project is actually described in a form and the description corresponds at some level, like preliminary engineering level, to the dollar amount. So I don't know if – Director Giron or does somebody want to speak to if we put in the word construct I think there is a big disconnect. Unfortunately, there was an agreement to just put design in. That was Director Giron's recommendation, but Commissioner Garcia is arguing for all three words. My opinion is there's a disconnect with the price and there's no process for having put in the evaluation given the time to Public Works to evaluate the project and rescore it. And this is the second public hearing.

MR. GIRON: Madam Chair, Commissioner, why don't we change it to preliminary engineering design or report? Preliminary engineering report? And that gives us the latitude to move ahead with that. So that would be design in an attempt to develop a preliminary engineering report.

CHAIR HAMILTON: Well, it's a conundrum, because if you can't do some sort of design, it was a project Public Works said they couldn't actually figure out what could be constructed there. That's part of the process is to avoid getting into situations where we're asking for projects that actually are so poorly described. We've spent the last five years developing this process with a lot of effort from Public Works to avoid exactly what's happened in the past, where we get money to do a project that's totally not feasible. And it gets changed and it never gets done because we don't know what we're talking about. We're trying to get away from that.

COMMISSIONER GARCIA: I'm trying to -- what I'm talking about -- so if that's what the wishes are of the Commission. None of these projects I can tell you that are not adequately worded. Been there, done that. So just to let you know, but take the vote.

CHAIR HAMILTON: I do understand what you're saying but this one is like pretty clear to me that it was an issue that you were asking for things that made sense in concept but that Public Works had significant issues with. Would your motion include doing it as the preliminary engineering design wording? Changed to that?

COMMISSIONER HANSEN: It would change to La Cienega PER? Sure.

CHAIR HAMILTON: Would your second go with that?

COMMISSIONER HUGHES: He was the second.

COMMISSIONER GARCIA: I'm fine. Let's move on. [inaudible] I'm fine with it.

CHAIR HAMILTON: You did second it, did you not, sir? Okay. So I have a motion and a second.

COMMISSIONER HUGHES: What's the wording? Changed to just PER?

CHAIR HAMILTON: Transportation safety PER.

COMMISSIONER GARCIA: Can you please put public engineering PER?

CHAIR HAMILTON: Preliminary engineering report for transportation safety?

COMMISSIONER GARCIA: Yes.

CHAIR HAMILTON: So that's the wording for clarification, and now I can call for the vote? Is that good? No further discussion? So I have a motion and a second.

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

**12. C. Request Approval of (1) Potential Projects to be Funded with Proceeds of General Obligation Bonds if Authorized by Voters in 2022 General Election; and (2) Resolution No. 2022-063, Santa Fe County, New Mexico General Obligation Bond Election Resolution**

CHAIR HAMILTON: Division Director Herrera.

YVONNE. HERRERA (Finance Director): Madam Chair, Commissioners, the packet before you is requesting approval of the projects that were presented to the Board back on June 14<sup>th</sup>. The projects are part of the proposed general



obligation bond questions which included open space, trails and parks, County roads, and water/wastewater projects. Within the proposed bond questions we included projects for the Board's consideration. The list of projects that were provided are current County projects with funding shortfalls where no other funding sources are available for project completion.

We would propose the following three questions for the Board to approve to put on the ballot for the voters in the fall, and then we are requesting that the Board approve those questions through the resolution. The bond questions are: Shall the County issue \$5 million in general obligation bonds payable to acquire, design, construct, improve, equip, and restore open space, trails and parks within the county; Shall the County issue \$13 million in general obligation bonds payable to acquire, construct, design, equip, and improve roads within the county; and finally, Shall the County issue \$7 million in general obligation bonds payable to acquire real property and necessary water rights for, and to construct, design, equip, rehabilitate and improve water and wastewater projects within the county.

In addition, we would request the Clerk certify each of the foregoing ballot questions to the Secretary of State not less than 67 days prior to November 8, 2022, and I will tell you that it took us a long time to find 67 fingers to count backwards. Madam Chair, I stand for any questions.

CHAIR HAMILTON: Well, we can all contribute some fingers here. Before I open the public hearing, Commissioner Hansen, and then Commissioner Hughes.

COMMISSIONER HANSEN: I'm looking at the resolution that's in my packet. It says resolution. It has the chair's signature. Then it lists, to me, the correct order of the bond questions which is \$13 million for general obligation bonds for design, equip and improve roads, shall the County up to \$7 million for real property, water rights, etc. And then C, Shall Santa Fe County issue up to \$5 million. And then it still has Commissioner Roybal as Chair, so maybe all of those things need to be updated. The order of the bonds I'm good with, but it also has – I'm just making some corrections there.

CHAIR HAMILTON: Very good catch.

COMMISSIONER HANSEN: I think this is the correct order to put the questions in, in the resolution right now, \$13 million, \$7 million and \$5 million. And then – I'm trying to think if there was another item.

CHAIR HAMILTON: Even the dates are correct. It's just –

COMMISSIONER HANSEN: The memo doesn't match the resolution and I think the resolution is correct in that order. So I'm just making it clear.

MANAGER SHAFFER: Thank you, Madam Chair. The resolution is what would control.

COMMISSIONER HANSEN: Okay. And then just making sure it's signed by Commissioner Hamilton. I know you need to go to public hearing, I was just going to make that clear.

CHAIR HAMILTON: Thank you. I hadn't noticed that. Before I go to public hearing, are there any other questions? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, just a quick question. Is \$25 million

our bonding capacity for this cycle and have we determined that?

CHAIR HAMILTON: As I recall this is the second – we did it in two two-year times.

MS. HERRERA: Madam Chair, Commissioner Hughes, that's correct. So back in 2020 I believe we were going to go – we were going to present to the Board bond questions for the fall but just as COVID hit, so as a County we made a conscious decision to halve that so that instead of going over a four-year period we decided to do half, so half of our bond capacity every two years. And we can come back to the Board later on and decide to go back to a four-year timeframe or continue with our two years.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Commissioner Hansen, explain to me what you were talking about.

MANAGER SHAFFER: If I could, Madam Chair, it's just a question about the order of the actual questions and what should go first, and ultimately staff recommended and I think Commissioner Hansen agreed that the order of the questions should be roads, water and wastewater, and open space. So that was updated in the resolution. The memo was not updated similarly, because it seemed immaterial, because it would be what's in the resolution. So I think if you look at the memo on BoardDocs and you compare it to the resolution, the questions aren't exactly – they're not in the same order. So that's what we're talking about. But relative to the issue before the Board, it's really what's in the resolution and those questions. I hope that answers the question.

COMMISSIONER GARCIA: Madam Chair, Manager Shaffer, in regards to – so we're going to issue roughly \$25 million all at once, right? Through bond counsel? But the priority is going to go through roads, then they'll go through water/wastewater projects, and then they'll go through open space and trails. But we're going to issue the full \$25 million.

CHAIR HAMILTON: Yes.

MANAGER SHAFFER: That's correct.

COMMISSIONER GARCIA: Thank you.

CHAIR HAMILTON: And the other correction was the signature line is incorrect.

MANAGER SHAFFER: And that had been corrected in the brown paper copy, as I understand it, that the Clerk has, with the correct Chair designated. Sorry for that oversight in the packet version.

CHAIR HAMILTON: Just as long as it's correct so we can do the signatures. So I'm going to go ahead and open, such as it is, public comment on this. Daniel, has anybody joined on Webex who might want to speak to this matter?

MR. FRESQUEZ: Madam Chair, I do not see any new participants in Webex.

CHAIR HAMILTON: Okay, so just to cover all bases, is there anybody on Webex or here from the public that wishes to speak to this matter? Hearing none, I'm going to close public comment. So is there any further discussion or what's the pleasure of the Board? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. When I first

read this I noticed that the affordable housing project was missing off of the list and I was quite concerned about that but thankfully staff and Manager Shaffer were able to locate other funding for the infrastructure for the affordable housing project so I think this is a good list for us to go ahead with.

I did want to say that I think every year when we look at the bonds we should be asking ourselves whether one of our affordable housing projects needs some money through the bonding, because other communities do fund affordable housing through their general obligation bonds. So it's something we should just consider in the future. Thank you.

CHAIR HAMILTON: Thank you. So what's the pleasure of the Board?

COMMISSIONER HANSEN: I'll move to approve.

CHAIR HAMILTON: Okay. Thank you.

COMMISSIONER GARCIA: I'll second.

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

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

### **13. CONCLUDING BUSINESS**

#### **A. Announcements**

CHAIR HAMILTON: Are there any announcements?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes. I'd like to make one announcement. I'm sorry I didn't make it earlier. The Northern Rio Grande National Heritage Area has opened their grant cycle. Grants are up to \$10,000. The mission of the Northern Rio Grande National Heritage Area is to help sustain the community, language, culture, traditions, heritage and environment of northern New Mexico communities, tribal and local government, land grant associations, non-profit organization, youth programs, historical and archaeological societies and preservation groups are encourage to apply for grant funding up to \$10,000 that supports the Northern Rio Grande National Heritage Area's mission and goals. And you can find this information at riograndenha.org. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. So are there any other announcements? Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just wanted to ask staff if they could add to our September 13<sup>th</sup> agenda for our BCC meeting, an update from the Northern Area Local Workforce Development Board, a presentation from them. And also I'd like to ask that we start scheduling them on a consecutive basis to come in our first meeting in September and March to give us updates on what they're working on on that board.

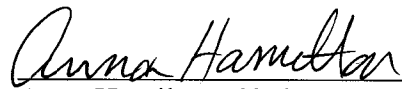
CHAIR HAMILTON: Thank you. Are there any other announcements?

**13. B. Adjournment**

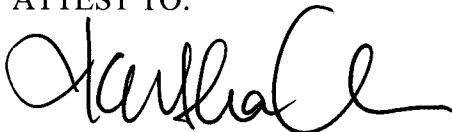
Upon motion by Commissioner Hughes and second by Commissioner Hansen, and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 6:52 p.m.




Approved by:

  
Anna Hamilton, Chair  
Board of County Commissioners

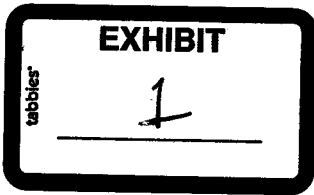
ATTEST TO:

  
KATHARINE E. CLARK  
SANTA FE COUNTY CLERK

Respectfully submitted:

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

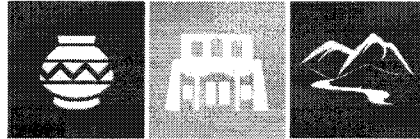
SFC CLERK RECORDED 09/14/2022



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

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

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



**SANTA FE COUNTY**

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

**Hank Hughes**  
*Commissioner, District 5*

**Gregory S. Shaffer**  
*County Manager*

**DATE:** July 27, 2022  
**TO:** Board of County Commissioners  
**FROM:** Penny Ellis-Green, Growth Management Department Director

**ITEM AND ISSUE:** Ordinance No. 2022-\_\_\_, An Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, To Add a New Section 3.6 to Establish the Extraterritorial Land Use Authority and A New Section 3.7 to Establish the Extraterritorial Land Use Commission.

**Issue:**

On June 28, 2022 the Board of County Commissioners approved the publication of Title and General Summary of this Ordinance.

The enactment of the Sustainable Land Development Code (SLDC), Ordinance No. 2016-9, created ambiguity about the status of the Santa Fe Extraterritorial Land Use Authority (ELUA) and Santa Fe Extraterritorial Land Use Commission (ELUC). The subject ordinance would remove that ambiguity by enacting new sections of the SLDC to create those bodies. Among other benefits of doing so, action by the ELUA and ELUC may be necessary to implement any agreement related to annexation reached by the City of Santa Fe (City) and Santa Fe County (County).

**Background:**

State statute authorizes the creation of the ELUA and ELUC to exercise concurrent extraterritorial zoning jurisdiction, defined as the area within two miles of the boundary of the City (zoning) and five miles of the City’s boundaries (subdivision and platting). NMSA 1978, §§ 3-20-5(A)(2), 3-21-2(B)(1), and 3-21-3.2(A)(2). In 2008, the City and County agreed to create the ELUA and ELUC in (1) Section 4(A) of the Settlement Agreement and Mutual Release of Claims concerning annexation and (2) the September 10, 2008, Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (JPA).

The City and County did so. [Municipal Charter and Code of Ordinances, City of Santa Fe NM, Article 14-2.9-2.10 and Santa Fe County Ordinance No. 2008-17 (amending the Santa Fe County Land Development Code to establish the ELUA and ELUC).] The ELUA and ELUC have been inactive for years, since no annexation petitions have been recently filed requiring their recommendation or approval pursuant to NMSA 1978, § 3-7-17.1 and the ELUA delegated land use authority to the City and County for areas within the Presumptive City Limits (City) and outside the Presumptive City Limits (County).

SFC CLERK RECORDED 09/14/2022

If the subject ordinance is ultimately adopted, the ELUA and ELUC would be duly constituted as decision-making bodies under the SLDC by adding two new sections in Chapter 3. These bodies would NOT, however, hear land use cases or make independent land use regulations. Instead, under ELUA Ordinance No. 2013-01, “[r]egulation of zoning, subdivision, planning and platting of property within the Areas to be Annexed shall be governed by the City of Santa Fe Land Development Code, Chapter 14” and the City is responsible for “administering zoning districts, prescribing uses within districts, rezoning particular parcels, prescribing and enforcing design standards, prescribing procedures for making and processing applications, processing applications, establishing and administering standards for development plans, subdivision of land, and all matters necessary and proper to the foregoing.” [ELUA Ordinance No. 2013-01, Section 7(A).]

In addition, “[r]egulation of zoning and planning and platting of property within the extraterritorial zoning and planning and platting authority outside the Presumptive City Limits shall be governed by the [SLDC], including without limitation establishing zoning districts, prescribing uses within districts, establishing zoning of particular parcels, prescribing and enforcing design standards, prescribing procedures for making and processing applications, processing applications, establishing and administering standards for subdivision of land, establishing and providing code enforcement, processing applications for building permits, and all matters necessary and proper to the foregoing.” [ELUA Ordinance No. 2013-01, Section 8(A).]

In addition, in the case of annexation petitions that are not signed by the owners of a majority of the number of acres in the contiguous territory to be annexed, the ELUC makes recommendations concerning such petitions, and the ELUA must approve or disapprove of them.

The Ordinance establishes the membership, term and responsibilities for both Boards. ELUA membership shall consist of four County Commissioners and three City Councilors, the remaining County Commissioners and City Councilors serve as alternates. ELUC membership consists of five County Planning Commission members and five City Planning Commission members, the remaining County and City Planning Commission members serve as alternates. Terms for all members is two years.

On July 21, 2022 the Planning Commission held a public hearing on this Ordinance and recommended approval of the proposed ordinance.

**RECOMMENDATION:**

The recommendation of the planning Commission and staff is for approval of this ordinance.

**ATTACHMENTS:**

- 1 - Proposed Ordinance
- 2 - Settlement Agreement and Mutual Release of Claims
- 3 - September 10, 2008, Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement
- 4 – Ordinance 2008-17
- 5 - ELUA Ordinance No. 2013-01



August 02, 2022

Hon. Anna Hansen  
Commissioner  
Santa Fe County  
102 Grant Ave  
Santa Fe, New Mexico 87501

Dear Commissioner Hansen,

As President of the National Association of Counties (NACo), it is my pleasure to appoint you to these committees:

Arts and Culture Commission	Vice Chair
Healthy Counties Advisory Board	Member
Resilient Counties Advisory Board	Board Member
Rural Action Caucus (RAC)	Member
Environment, Energy and Land Use Steering Committee (Energy Subcommittee)	Subcommittee Vice Chair

You were chosen because my goal is to build a talented and committed leadership team for NACo. Our strength at NACo is in our members and their involvement. It is time to elevate the county role in areas of need, and we are ready to **RISE!**

My presidential theme will highlight your service and the important work of your committees in the following realms: Resiliency efforts, promoting Inclusion, establishing Solvency through economic mobility opportunities, and Empowering county leaders and residents to **RISE!** by providing educational resources and tools for informed decision-making. The exclamation point is included to spotlight women's equity in each of these areas.

Your NACo committee staff liaison will follow up with you to provide specific details on the committee's work and future meeting dates, such as the **NACo Legislative Conference, February 11-15, 2023, in Washington, D.C.** and the **NACo Annual Conference, July 21-24, 2023, in Travis County, Texas.**

If you are unable to accept a position or feel this selection was in error, please inform Marc Chavez at [nacopa@naco.org](mailto:nacopa@naco.org).

I look forward to working with you!

With respect,

Denise Winfrey  
President

SFC CLERK RECORDED 09/14/2022