

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**MEETING**  
**September 11, 2018**

Anna Hansen, Chair - District 2  
Anna Hamilton, Vice Chair - District 4  
Robert A. Anaya - District 3  
Ed Moreno - District 5  
Henry Roybal - District 1

SFC CLERK RECORDED 10/12/2018

**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**September 11, 2018**

**I. A.** This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Anna Hansen in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**B. Roll Call**

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

**Members Present:**

Commissioner Anna Hansen, Chair  
Commissioner Anna Hamilton, Vice Chair  
Commissioner Robert A. Anaya  
Commissioner Ed Moreno  
Commissioner Henry Roybal

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

The Pledge of Allegiance, State Pledge and the Moment of Reflection by were led by Deputy County Manager Tony Flores. The victims and fire responders of 9/11 were honored with a moment of silence.

**I. F. Moment of Poetry**

Local poet Miriam Sagan read her poem entitled "Frenchy's Field."

COMMISSIONER ANAYA: Madam Chair, I just want to make a comment.

CHAIR HANSEN: Go ahead.

COMMISSIONER ANAYA: Madam Chair, you already know what I'm going to ask so I'll let you take care of that in a minutes but I wanted to acknowledge Mr.

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and Mrs. Pablo Sedillo who we're going to honor today. They're in the audience and I'd like to have them stand now and be acknowledged for a moment and then we're going to acknowledge them some more. But I'd like to acknowledge them. I'd like to acknowledge – there'll be plenty of standing and clapping for those two folks here shortly and I thank them very much for being here. I want to acknowledge our esteemed Senator, Senator Peter Wirth. Senator, thank you for being here. And then we also have Sonya Lopez from Congressman Lujan's office here as well, I believe. Where's Sonya at? Thank you, Madam Chair. So I'll defer back to you. Thank you.

CHAIR HANSEN: You're welcome. Thank you, Commissioner Anaya.

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 Tabled or Withdrawn Items**

KATHERINE MILLER (County Manager): Madam Chair, yes, we have a few changes on the agenda from when we originally posted it last Tuesday. On page 2 at the bottom under Consent, Miscellaneous Item II. B. 6 and II. B. 7 were added. And then on page 3 on Action Items, under Resolutions, under III. C. 1 and 2, those are the same items. We just had to correct the caption to match the memos and the title of the resolution. Item 3 is actually a duplication so that's deleted. Item III. C. 3 is actually a duplication of item 2 so that's deleted.

Then under III. D. 1, that's just a corrected caption to add the term "appropriate." Under Items from the Manager, item V. A. 1, a discussion on County Admin project. That item has been added. On page 4, Matters from the Commission, item VI. A. 2, a letter of support, that item was added. Under Matters from the Commission, item VI. B. 1, that item has been tabled. And then under Matters from the County Attorney, items VIII. A. 2, 3, and 4. Have been added for executive session. And those changes were made to the agenda at 10:52 am on September 7<sup>th</sup>.

CHAIR HANSEN: And then I have one more thing. I'm planning to move, under Matters from County Commissioners, item VI. A. 1 to right after Consent. And so that's all the changes that we have.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

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

COMMISSIONER MORENO: Second.

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

**I. H. Approval of Minutes**  
**1. Approval of August 14, 2018, Board of County Commission Meeting Minutes**

CHAIR HANSEN: Does anybody have any changes to the minutes

besides me? I only found one change and I'm not sure if we need the quotation marks or not but there was quotation marks later on in the same paragraph. It's at the bottom on page 14, Mr. Eklund -- it's three lines from the bottom. It ends in preservation and it starts: What City of Santa Fe jurisdiction involvement... and ends with preservation. I think that needs quotation marks. Other than that I don't have any other changes.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: Move to approve the minutes as amended.

COMMISSIONER ROYBAL: Second.

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

## II. CONSENT AGENDA

### A. Resolutions

1. **Resolution No. 2018-92, a Resolution to Authorize the County Manager to Sign and Submit Grant Applications to the New Mexico Environment Department for Funding to Replace Four Trucks Under the Volkswagen Mitigation Trust Funding Program and to Accept Resultant Awards (Public Works Department/ Claudia Borchert)**
2. **Resolution No. 2018-93, a Resolution Disclaiming Jurisdiction Over or Intent to Enforce County-Required Covenants and Restrictions that Encumber Real Property Subsequently Annexed into an Incorporated Municipality (Growth Management/Penny Ellis-Green)**
3. **Resolution No. 2018-94, a Resolution Requesting an Increase to the Project Funding Allocation for the Eldorado Trails Project and Requesting a Budget Increase in the State Special Appropriations Fund (318) to Budget Grant No. 18-C2569 for this Project / \$100,000 (Finance Division/Stephanie Schardin Clarke)**
4. **Resolution No. 2018-95, a Resolution Requesting a Budget Increase to the Growth Management Department's General Fund (101), Economic Development Fund (224), and Developer Fees Fund (231) Budgets in the Amount of \$466,840 (Finance Division/Stephanie Schardin Clarke)**

### B. Miscellaneous

1. **Request Approval of Multiple Source Award, Multiple Term and Indefinite Quantity Agreements No. 2018-0309-CORR/MAM, A-B-C Between Santa Fe County and Shoe Corp. of Birmingham, Inc., Bob Barker Co., Inc. and Victory Supply, LLC, Respectively for Inmate Clothing, Hygiene, Linen and Mattresses, Granting the County Manager Authorization to Sign the Purchase Orders (Purchasing**

- Division/Bill Taylor)**
2. **Request Approval of Change Order No. 2 to Agreement No. 2018-0006-PW/MM Between Santa Fe County and H.O. Construction, Inc. in the Amount of \$252,556.00, Exclusive of NM GRT for the Los Pinos Road All-Weather Crossing Project for a Total Agreement Sum of \$1,149,516.92, Exclusive of NMGRT and Granting Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor/Public Works Department/Michael Kelley) [See Below]**
  3. **Request Approval of Second Memorandum of Understanding Regarding Mutual Water Service Cooperation Between Santa Fe County and Eldorado Area Water and Sanitation District (EAWSD) to Provide EAWSD and the Community of Cañoncito with Water from the Buckman Direct Diversion Project (Public Works Department/John Dupuis)**
  4. **Request Approval of Amendment No. 1 to Agreement No. 2017-0286-CORR/BT Utilizing Statewide Price Agreement No. 20-00075 between Santa Fe County and APIC Solutions, Inc. for Installation of Additional Camera Surveillance, Extending the Term an Additional Year and Increasing the Compensation by an Amount of \$92,526.92 for a Total Agreement Sum of \$942,526.88, Exclusive of NM GRT and Granting Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor)**
  5. **Request Approval of a Memorandum of Agreement (2019-0074-PW) between Santa Fe County and the Cañoncito at Apache Canyon Mutual Domestic Water Consumer and Sewer Association (Public Works/Erik Aaboe) [Exhibit 1: Staff Report]**
  6. **Request Approval of the First Amended Initial Customer Contract for Commitment of Water Services Between Santa Fe County and Univest-Rancho Viejo (Public Works Department/John Dupuis) [Exhibit 2: Staff Report]**
  7. **Request Approval of Transfer of 8 Acre-Feet from Burro Alley Partners to Santa Fe Water Resources Alliance. (Public Works Department/John Dupuis) [Exhibit 3: Staff Report]**

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CHAIR HANSEN: Is there anything that needs to be pulled off of the Consent Agenda? Anybody have anything?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: I do. I want to pull B. 2 off, and I think Diego is here and Robert Martinez are here. I'd like to have them provide some comments on the record for that.

CHAIR HANSEN: Okay. Anything else that needs to be pulled off of the agenda? Okay, item B. 2 we'll move over to Action Items A and so do I have a motion?

COMMISSIONER MORENO: I would move approval.

CHAIR HANSEN: Do I have a second?

COMMISSIONER HAMILTON: Second.

COMMISSIONER ANAYA: Madam Chair, before we even vote on it, I don't want to hold the item off. I just have a quick clarifying question I'd like them to bring up and then we can go ahead and vote on it if that's okay.

CHAIR HANSEN: Okay. that's good with me. Diego and Robert, would you please come forward.

COMMISSIONER HAMILTON: Point of order. To discuss it, don't we have to pull it off?

COMMISSIONER ANAYA: I think I just asked questions. I'd like to leave it on. I just want you to provide some feedback as to the change order. What is it, what's going on with it, Diego, if you could.

DIEGO GOMEZ (Public Works): So Madam Chair and Commissioners, on July 23<sup>rd</sup>, I'm sure you guys are all aware, there was a catastrophic flooding event in the La Cienega area. This project is in the Arroyo de los Chamisos which is the second largest arroyo in the La Cienega area. It's prone to significant flooding. We have a current contractor there installing an all-weather crossing at the Arroyo de los Chamisos. And what happened is during the flooding event the arroyo significantly changed course.

We have some before and after pictures, aerial photographs from 2016 to about two weeks after the flood occurred. The Arroyo de los Chamisos actually switched course about 100 feet south of its existing flow path. So the Los Pinos Road is a County road; it's County Road 54. So the arroyo ran about 100 feet north of County Road 54. Due to the drastic flooding event the arroyo actually switched course and now is running parallel to County Road 54.

The problem that creates is we just built – or the contractor just constructed a large concrete box culvert and now the arroyo is not wanting to go into that concrete box culvert. It's wanting to jump the road about 500 feet west and 100 feet south of where that CBC is. So this change order is to construct a gavion wall and an erosion control structure to make sure that the arroyo maintains its old path. It does not come down to the road and damage our new road and makes its way into the new concrete box culvert. So this is basically a change order to construct an erosion control structure to make sure that the Arroyo de los Chamisos stays within its flow path.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Mr. Gomez. We have to do this. It's a modification essential to the project itself and it also provides additional bank stabilization is what I'm hearing as well.

MR. GOMEZ: That is correct.

COMMISSIONER ANAYA: Thank you. I appreciate your efforts and the continued efforts to help get through that difficult situation. Thank you, Madam Chair.

CHAIR HANSEN: You're welcome, Commissioner Anaya. With that do I have an approval of the Consent Agenda with nothing pulled off?

COMMISSIONER ROYBAL: So we had a motion and a second already.

CHAIR HANSEN: Before I had taken that off. So I have to have you withdraw –

COMMISSIONER ROYBAL: I think it was Commissioner Moreno that

actually made the motion.

CHAIR HANSEN: Do you withdraw?

COMMISSIONER MORENO: I would withdraw.

CHAIR HANSEN: And the second, withdraw?

COMMISSIONER HAMILTON: Yes.

CHAIR HANSEN: Okay. And now we need a new motion for the approval of the Consent Agenda with nothing removed.

COMMISSIONER MORENO: I move approval.

COMMISSIONER HAMILTON: Second.

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

[Clerk Salazar provided the resolution numbers throughout the meeting.]

**VI. MATTERS FROM COUNTY COMMISSIONERS**

**A. Presentation and Proclamations**

**1. Request Approval of a Proclamation Honoring the Public Service of Pablo and Dorothy Sedillo**

CHAIR HANSEN: Commissioner Anaya, I am so happy that you brought this forward. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. I would, if it's okay with the Chair and my colleagues on the Commission I would ask that we as the Commission read in the resolution first and then I'd ask that we go to feedback from Senator Wirth and Congressman Lujan's office, as well as others. I want to let our school board member, Mr. Garcia, and any others that want to come forward and say some remarks relative to the resolution. And then I want to have Mr. Sedillo II – the second or the third? You're the first but he's the second. [sic] And then to remarks, if we could, for our esteemed guests Mr. and Mrs. Pablo and Dorothy Sedillo. So yes, please get comfortable for a little bit. So I'd like to go ahead, Madam Chair, if that's okay, and have you start us off and then we can go whichever direction you'd like with the resolution, once everybody gets to that place.

CHAIR HANSEN: Does everybody have a copy of the resolution in your packet? It's under – okay, I am going to go to my left, so the Board of County Commissioners of Santa Fe County, a proclamation honoring the public service of Pablo and Dorothy Sedillo.

Whereas, you cannot say the name of either Pablo Sedillo or Dorothy Sedillo without including the other. Married for over 60 years, Pablo and Dorothy have literally grown up together, traveled the world and have made a lifelong commitment to making a difference in their community, starting with their extended and loving family; and

COMMISSIONER HAMILTON: Whereas, Pablo and Dorothy have six children – five living – 11 grandchildren and multiple great-grandchildren because they keep coming. This is what gives them life: their family, extended family and today their Santa Fe community; and

COMMISSIONER ANAYA: Whereas, both educated at New Mexico

Highlands University, Pablo and Dorothy married young and moved from northern New Mexico to California for new opportunities. Pablo began his civic and political career as a public servant. He was a county probation officer, then was appointed as superintendent of a juvenile boys ranch and finally a juvenile court judge. All during this time, Dorothy was the CEO, CFO and the matriarch for the family. She is always Pablo's confidant and chief advisor in all matters. After 12 years in California as a public servant and as the director for Catholic Charities, Pablo was appointed to a newly creation position, the secretary for Hispanic Affairs. In that capacity, Pablo served as principal advisor to the United States Conference of Bishops on Hispanic Affairs. He was personally selected to do the job by Cardinal Roger Mahony, who was a monsignor at the time; and

COMMISSIONER ROYBAL: Whereas, working with the Catholic Church in Washington, DC for over 25 years earned Pablo political clout, meetings with national and international presidents, national board appointments, civic engagement, numerous awards recognitions, and even a private audience with Pope John Paul II. Pablo's list of accomplishments is endless. Some of the most notable awards and honors include the Martin Luther King Library Award for his work on civil rights, Who's Who in American Religion, the National Council of La Raza Award and the United States Department of Education Outstanding Award; and

COMMISSIONER MORENO: Whereas, Pablo's civic and political activities are quite impressive. Pablo is the co-founder of the National Hispanic Scholarship Fund, which started as a kitchen table discussion between a few people. He was elected and served as the Chairman of the National Hispanic Leadership Conference from 1988 to 1991. Sedillo served on the US-Mexico Bilateral Commission to develop a US/Mexican understanding as well as co-chaired the Spain and Hispanic-American Commission; and

CHAIR HANSEN: Whereas, after being in the national and international arena, Pablo and Dorothy returned home to Santa Fe, New Mexico and delved into local, county and state politics. Again, they made strides in their community. Wherever Pablo travels, Dorothy is right at his side and vice versa. They are a team. Pablo and Dorothy have worked to serve the poor and downtrodden. Today, Pablo serves as a lobbyist for Christus St. Vincent Hospital, serves on the board of trustees for the Catholic Foundation for the Archdiocese of Santa Fe. He serves on the board of trustees for New Mexico Highlands University Foundation, Pastoral Counseling Center of Santa Fe and the National Hispanic Cultural Foundation of New Mexico; and

COMMISSIONER HAMILTON: Whereas, Pablo's service to this great state and city includes Field Representative for US Senator Jeff Bingaman, elected Board of Regents for the Santa Fe Community College governing board, Chief Clerk for Administrative Services for the New Mexico Public Regulation Commission, recruiting manager for US Census Bureau in Santa Fe, New Mexico and campaign manager for the state gubernatorial campaign; and

COMMISSIONER ROYBAL: Whereas, the Sedillo couple are leaders and community advocates. Dorothy is always at Pablo's side, providing him advice, guidance, direction and most importantly, love. Accordingly, the Board of County Commissioners wishes to recognize Pablo and Dorothy's public service and contributions to the Santa Fe County community.



Now therefore be it resolved that we, the Board of County Commissioners do hereby proclaim and honor the public service of Pablo and Dorothy Sedillo. Approved and adopted and passed – so let's do that first, Madam Chair, if we could. I would with all honor and privilege move approval of the resolution.

COMMISSIONER HAMILTON: Second.

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

COMMISSIONER ANAYA: Approved, adopted and passed on this 11<sup>th</sup> day of September 2018. Anna Hansen, Chair, Henry Roybal, Commissioner District 1, Anna Hamilton, Commissioner District 4, Ed Moreno, Commissioner District 5, Katherine Miller, County Manager, Bruce Frederick, County Attorney, Geraldine Salazar, County Clerk, and honor and a privilege myself, Robert A. Anaya, Commissioner District 3.

If we could all rise and give them a round of applause for their efforts.

Madam Chair, I'd like to, with your indulgence, go to Senator Wirth and then Congressman Lujan's office and then Mr. Garcia and others and then we'll let our home town person, Mr. Sedillo here at the County and our Manager and others make remarks. Senator Worth, thank you for being here.

PETER WIRTH: Thank you, Commissioner, and thank you, Madam Chair, Commissioners. Commissioner Anaya, I appreciate the invitation. This is one of those moments that I think is extremely important for us to kind of take a pause and celebrate two people that have made a real difference in our community and continue to do so to this day. I have served now in the legislature for 15 years and during that time I've had the chance to work with Pablo and the many hats that he wears and has worn all those years with Senator Bingaman, then of course his service as an elected official with the Community College and the work that he does and continues to do with Christus St. Vincent. He again is one of those individuals who has always been a straight shooter. You know when he comes to you with information it's solid and you all know how important that is in the business that we all are in. And he's also someone I think who really has been inspirational to those that follow behind him and I'll just conclude by saying that in all those years in Senator Bingaman's office there were a whole range of young people that went through that office including our son, Alex Wirth, who had a chance to work with Pablo directly and to have someone in a position like Pablo treat those young people the way that he did has a lasting difference, and that's what this is all about as we all serve in our various ways. And so I just wanted to be here to say thank you to Pablo and to Dorothy for everything you've done.

CHAIR HANSEN: Thank you, Senator Wirth. It's always a pleasure to see you. And then welcome from Congressman Lujan's office. It's so nice to see you.

SONYA LOPEZ: Thank you so much for having me. It's an honor for this invitation. Even through the congressman couldn't be here today, he has a letter that I will read for him in lieu of the congressman. Dear Friends, thank you for inviting me to join today to honor Mr. and Mrs. Sedillo. I wish I could be with you in person. However, I appreciate the opportunity to share a few words with you today.

I am proud to join you all in honoring the public service of Pablo and Dorothy

Sedillo. Pablo's service to New Mexico extends throughout his civic and political activities from currently serving as a lobbyist for Christus St. Vincent Regional Medical Center, to serving as a field representative for US Senator Jeff Bingaman. Pablo's life exemplifies what it means to serve. His loving wife Dorothy has been steadfast in her dedication to helping this community. Northern New Mexican roots and while the Sedillo family briefly left New Mexico to pursue opportunities elsewhere, it's true that the land of enchantment always calls you home.

The Sedillos' dedication to our community will be felt for generations to come. Thank you for inviting me to join you today. It is an honor and a privilege to add my voice to all of yours in a proclamation honoring the public service of Pablo and Dorothy Sedillo. Sincerely, Congressman Ben Ray Lujan. Thank you so much.

CHAIR HANSEN: Please thank Congressman Lujan for those kind words. Welcome, Mr. Garcia.

RUDY GARCIA: Madam Chair, Commissioners, thank you for letting me speak on behalf of the Board of Education here in Santa Fe. As a former neighbor to Mr. Sedillo, Mr. and Mrs. Sedillo, I would always see him during the day and he's always stop by at least once a day or maybe twice a week and we would actually sit down and talk about the different challenges and issues facing the community and I actually kind of miss that.

One of the things, when I first met Mr. Sedillo, probably about 15, 18 years ago, he actually taught me how to navigate through the state legislature, which is a very difficult process, and I appreciate him showing me that, giving me that opportunity. One last thing is I would just like to thank Mrs. Sedillo for actually lending Mr. Sedillo to this community and all the great work that he's done for this community. Thank you.

CHAIR HANSEN: Thank you, Rudy.

COMMISSIONER ANAYA: Manager Miller.

MS. MILLER: Madam Chair, Commissioners, thank you for giving me an opportunity to say a few words about Pablo and Dorothy. I've had the good fortune of knowing Pablo I think probably about 16 years or so when I went to work for Governor Richardson, is when I first met Pablo and he's always just be so professional and a joy to work with. I continue to work with him at the Community College and with Christus St. Vincent's. But most of all, what I appreciate the most about the Sedillos is their sense of family and the fact that they introduced me to Pablo Sedillo III. It's my curse. Truly. I knew that Pablo Sedillo III was here working in the state but I didn't ever snap that he was your son until I was looking for a public safety director and I thought I'd sure like to get Pablo Sedillo III to work at the County, and I come to find out he is his son, and I didn't know that for all the years that I knew him. I just never put two and two together.

So I so appreciate you, Pablo and Dorothy, and your family and thank you for all that you do in this community, and especially for just being who you are. You're lovely people. Thank you so much.

COMMISSIONER ANAYA: Madam Clerk. Thank you, Madam Chair.

GERALDINE SALAZAR (County Clerk): Thank you Chair and Commissioners. I want to thank both of you, Pablo and Dorothy, for your long history of public service. That's one of the things that I look for in people, especially running for office, that they are qualified and they have presented themselves in a form that offers

public service. So thank you for your public service again and congratulations on this honor today.

CHAIR HANSEN: Thank you, Clerk Salazar. Mr. Flores, I believe that you would like to say a few words also before the Commission.

TONY FLORES (Deputy County Manager): Thank you, Madam Chair, Senator Wirth, it's a pleasure to have you here. So many of you know my history with Santa Fe County and when Katherine kicked me out of Finance I went to work at a different department and one of my mentors was Mr. Garcia. And Mr. Garcia showed me the ropes on how to go through the legislature. For seventeen years, that's the gentleman I can blame for all my misfortunes at the Roundhouse. What he alluded to was the fact that he actually relied on this gentleman here to be his mentor, and I relied on this gentleman to be my mentor with him and I became friends almost 18 years ago dealing with the federal delegation.

And these two individuals actually taught me – because I knew very little – about how to navigate through the political system. I still today tell people that this is my mentor when it comes to relationships with those elected offices beyond my Commissioners. And I just want to say on behalf of this individual, this gentleman reached out to me when I left the County the first time on bad health terms to check on me, and that's something that I can never take away from him or I and it will always mean the world to me. I get to see them both every now and then at Tia's. We wrestle for who's buying whom. I think he owns me still, but maybe not. But I just want to say that on behalf of me personally, not as the tiny bureaucrat that I am, I owe the world to this individual, and that special person to his left. I don't really care for this individual, but –

CHAIR HANSEN: Thank you, Mr. Flores. Next we will go to Pablo Sedillo III. Welcome, Pablo

PABLO SEDILLO III (Public Safety Director): Thank you, Madam Chair, members of the Commission, County Manager Miller. Yes, I am a kept secret, to your point. It's very difficult for me to be up here and to have so many people recognize my parents, because I look at them as my parents. I've been all over the country and came back to New Mexico and fortunately, I was asked to be hired to Santa Fe County where I started my original career with Santa Fe County.

It's such a pleasure to be part of this family and it is true, my mom is the glue that keeps everybody together. It's funny; I asked them today, you guys still drive? And they're 83 years old. My mom will be 84 soon. Sorry, Mom. I had to say that. And there in a lot better shape than I am. They're more energetic. It's hard to keep up with my parents.

I can say one thing that has been instilled to me since I was a little kid and that is my dad always used to tell me, hijito, don't ever, ever forget where you came from. And I didn't really realize what he meant until probably 15 years ago, we took a trip up to Chama and we were at Los Brazos and we were fishing, and there was a guy drinking some beer and he was like, "Hey, Pablo." And I'm like, Dad. Seriously? We're in Los Brazos, fishing, and somebody knows who you are. And he goes, "Never forget where you came from, hijito."

So that was always instilled into me. And I know Commissioner Anaya, part of the proclamation was indicated about my dad being a probation officer and a judge and a

superintendent. I remember when I was small again my dad took me to juvenile hall – back then it was called juvenile hall. I don't know why he took me there but he took me there, and walked me around the halls and everything. And I always said, I'm never going to be in a place like this. Then he became a judge and took me to – no. He was the superintendent of a boys ranch, which is equivalent to a state facility for kids, juveniles, who have been mandated by the state, adjudicated. And I was like, I'm never going to be in one of those places. Well, 32 years in this business, I don't know how I got into this business. Maybe I was scared to be in those places. So I can attribute that to my dad.

Again, I really thank Commissioner Anaya for recognizing my parents. Again, I was a little embarrassed. I even spoke to County Manager Miller about this and she just smiled at me. That's about it. She didn't say anything else, just smiled at me and I guess it's going to be recognized, right? So, Mom, Dad, thank you very much for what you have brought to our family, to all your kids, all your grandkids and all your great grandkids. And hope there's not great great grandkids yet. But thank you very much on behalf of our family, my brother, my sisters, the entire family that couldn't be here but they send their love to you as well. So I think that's about it, County Manager Miller. I am a secret.

CHAIR HANSEN: Thank you, Pablo. Is there anyone else in the audience who would like to say a few words before I go to the Commission. If not, I will go to Commissioner Roybal.

COMMISSIONER ANAYA: You're definitely going to have the microphone here after we say a few words.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just want to say thank you. We've also said thank you to both Pablo and Dorothy, but I just want to say thank you once again for all your dedication and service to our community, your leadership and guidance has been an inspiration as we've heard here tonight from Mr. Garcia and Mr. Flores. It's made our community a better place. So I just want to say thank you once again for all your commitment and dedication, and I think you've raised a great son. So no matter what Tony and Katherine said. So great job and congratulations again. Thank you.

CHAIR HANSEN: Thank you, Commissioner Roybal. Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Madam Chair. I can remember at least two encounters with Pablo Sedillo. Once, maybe a dozen years ago as a job seeker in an officer holder's office, and that one didn't work for me, but for a year and a half, maybe two years now, I met you in your house. And I was asking for your support and you did give me that, but not before impressing upon me how this job is to be treated with seriousness. And I came away with that with your blessing and I have remembered that moment many, many times. Thank you for that.

CHAIR HANSEN: Thank you, Commissioner Moreno. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. It's quite a legacy. As those of us who are currently serving to try to make some small differences we should never forget that we're very often standing on the shoulders of amazing individuals or couples who dedicated so much of their life to shaping our community and making it better. It's

quite an honor to do that and to follow in your footsteps. So I just want to say also thank you very much for your service and for all the leadership you've provided.

CHAIR HANSEN: Pablo, I am so grateful that I know you. I'm talking to the senior. But I had the great good fortune when you were working with Senator Bingaman and I was director of community building for Oshara Village. And you were so helpful to me, and it is so true that you are a mentor to so many people. And I am so grateful to have become your friend through that process. It was totally amazing and I always felt so comfortable coming into your office. It was like going home. It was like talking to a good friend and that is a great sign of a leader, to make you feel comfortable and to make you feel welcome, and you always did that with me and I am really, really grateful.

So I'm so happy to be able to be here to honor you and your wife, Dorothy, who I do not know as well as I know you, but I do know your great service to this community and this is a beautiful proclamation. I want to thank Commissioner Anaya for taking the time and getting this written. I also want to say that when I first got elected and the first time I met Pablo Sedillo, the first question out of my mouth was, so are you related to Pablo Sedillo? And he goes, yes, he's my father. I go, okay. That's all I need to know. And I kind of suspected that anyhow that you were related to him, since you appear to look like him in many ways.

So I want to thank you both very seriously from my heart for your great service to our community, and for what you're doing right now, because you are still so active in our community, both of you, and it's so important for us to have really strong leaders who have real dignity, integrity and respect. And with that, I thank you once again for your service. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair and Commissioners and everyone who said remarks, More and more I'm coming to realize that if you defer words and let others speak that the words that need to be spoken will be said it and it will minimize the words that I need to say. And I would just re-emphasize a couple of things that were said today. Senator Wirth, you made a comment relative to taking a pause and I think that we, all of us, especially those engaged in any public service, whether it's elected or volunteer work or just the busy course of our lives, gets so caught up and embroiled and the things we're trying to do, day in and day out. But we forget to stop and reflect upon those individuals around us, close to us that have impacted who we are and how we do things, but if for nothing else, to take the pause and to expressly say and sincerely say thank you. Thank you for all that you did. The selfless acts of helping others in front of yourselves and helping your community but also knowing well that helping your family and taking care of your family is of utmost importance, and to balance those two is tremendous.

Madam Chair, you remarked about comfort in going in to see the Sedillos, the family, and being able to walk in. I can remember walking in to see you, Mr. Sedillo and you were so very comforting and respectful, and that, as you said, Pablo, that decorum, that respect that goes along with it and extending that respect to whoever walked through the door. You didn't feel in communicating with both of you like you were on the clock or in a rush or not being heard. You truly were listening and actively listening to understand who was in front of you and what they might need to help them feel better.

And so I thank you both for doing those and all the things that were said in the proclamation and by each individual and just sincerely take a pause and thank you. Thank you so very much for what you've done in your family and your community.

One story, similar to Ms. Miller's and it was early on. What year did you come in, Pablo, to the County.

MR. SEDIILLO III: 2011.

COMMISSIONER ANAYA: You came in like right at the beginning of my term and I'll never forget it because it's similar to the story Ms. Miller said, right? I had heard some background about this Pablo Sedillo that was going to come in and help us in the Public Safety Department but I didn't make the connection. I deferred the decisions that need to be made at the senior management level to the Manager and some friends of mine, that are your friends too made some good comments and we're sitting here in the meeting. I was sitting right here and this guy walks in the back of the chambers, this guy. And it was like an entourage came in. It was right in the middle of the meeting and I'm thinking – I think I might have called the Manager over and said, who's that guy? Who's that guy that just came in? Honestly. And who the heck does he think he is?

But the reality was only seconds after I found out that you were his son, I was like, oh, good. I'll cut him some slack this time. But you've been an excellent leader, Pablo, and you've done it through the direction you have from your parents. You have nothing whatsoever to be – it's a little awkward, maybe. You're actually sitting there. It's the first time I've ever seen you sitting there like we're in church and you're sitting next to your parents. But the reality is you're an awesome person. Your mother and your father are a gem to anybody that they've encountered, and so thank you and thank you, Pablo, for being here and saying the words that you remarked. So I don't have anything else to say. I thank everyone that was able to come and I would just defer the microphone to the two of you, Mr. and Mrs. Sedillo.

PABLO SEDIILLO II: Madam Chair, members of the Commission, I'm really humbled by this proclamation and all the people that spoke, have said very nice things of me and Dorothy. Majority Leader Wirth, thank you for your words and the Commission members as well. Katherine, it's been a long time and we've both been through some challenges and we've overcome them. All of the people that spoke on our behalf as well, thank you so much.

I just want to be brief and I want to say this in public. I've had a long, successful career. I've had some good times and some bad times. But this lady has stood beside me all of the 61 ½ years. It's really been a journey. We're very much in love after 61 ½ years. She's my best friend and yes, she is my confidant on many issues. On political issues, a lot of people may think, well, Dorothy is in the background. Dorothy's been in the background but making a lot of decisions that have helped me to move forward. We both come from northern New Mexico with strong family ties. And yes, as Pablo said we're a very strong family. We lost a son at the age of 44. It was a very difficult time for us, but because of our family unit and our extended family we were able to overcome – well, you never overcome his death, but we were able to move forward.

And as we've traveled throughout the world, Dorothy traveled with me occasionally. She didn't travel very often because we had six children at home and I

know that she always, when I was gone, Pablo occupied the head of the table, just to make sure that we were a family, totally intact, and even though he was just a figurehead, but he was responsible for his brothers and sisters as well.

So I'm really humbled, I'm really at a loss for words. Again, I want to thank you, Commissioner Anaya, for – I don't know what inspired you but I really want to thank you for that because I hadn't had an opportunity to publicly thank Dorothy, because she's the one that deserves all these accolades. I just was an instrument doing what we both thought we had to do for our community. So again, thank you so much.

DOROTHY SEDILLO: He said it all.

CHAIR HANSEN: I believe we want to present the proclamation and then I also want to take a photo of the Sedillos and Senator Wirth and Pablo III and Rudy and everyone.

COMMISSIONER ANAYA: Yes, if we could absolutely have all the people that want to join us, join us and the people that spoke, absolutely. Thank you.

[Photographs were taken.]

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: We had one individual that before Mr. and Mrs. Sedillo leave I want to acknowledge and he should have been up in that picture, but I want to acknowledge Chris Barela. Chris Barela helped us get organized and has helped me the whole time on the Commission so I want to give a shout-out to Chris. Let's give Chris a round of applause.

CHAIR HANSEN: Thank you, Commissioner Anaya. That was very nice.

### III. ACTION ITEMS

#### B. Appointments/Re-Appointments

##### 1. **Request Appointment of Members to the Capital Improvements Advisory Committee (CIAC)**

PAUL OLAFSON (Planning): Good afternoon, Commissioners. Before you today we have an item to request appointment of five members to the Capital Improvement Advisory Committee. This committee serves to advise the County on different capital aspects including the imposition of impact fees. For this round we are interested in examining the option of re-upping the fire impact fees. They were last approved in 2013 and they have a five-year lifespan so they need to be reviewed again in 2018.

We are requesting appointment of five members per the State Development Fees Act. Two of the at least five or 40 percent of the body should represent the development community. We have received five applications which are included in your packet. They are Barbara Felix, an architect, Christopher Graeser, an attorney with land use focus, Dan Painter, a land use planning and capital improvement planning for various municipal entities, Francois-Marie Patorni, who has done project management for infrastructure – water, agriculture, and environmental work across the globe for the World Bank, and

finally Cass Thompson, who's done project management, real estate development, wastewater management and is also a licensed contractor.

We've reviewed these individuals and feel that they would be appropriate for the appointment to the committee and I would stand for any questions.

CHAIR HANSEN: Is there any questions from the Board? I read the résumés and I think you have an excellent selection of people for this board. I know a number of them and I think they will work really hard for the County, so that's great. With that, could I have a motion?

COMMISSIONER MORENO: I move for approval.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: From Commissioner Moreno I have a motion to approve and a second from Commissioner Hamilton.

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

**III. C. Resolutions**

**1. Resolution No. 2018-96, a Resolution Adopting Projects for Inclusion in Santa Fe County's Senior Services Infrastructure Capital Improvement Plan for Fiscal Years 2020-2024; and Authorizing Submittal of Plan to the New Mexico Department of Finance and Administration**

MR. FLORES: Thank you, Madam Chair, Commissioners. Before you we have the second part of the ICIP process that we're required to undertake from the State of New Mexico. The Board adopted through the policies in that resolution two meetings ago the County's top five ICIP general projects for County facilities. For reference we included the photovoltaic of community and public safety facilities as our top priority.

This resolution today is the second component of that which deals specifically with the senior services program and those ICIP capital needs that are submitted separately but as part of the same document to the Department of Finance and Administration. The list that we've included identify the top priority as we've discussed over numerous years is the ADA compliance upgrades at various County facilities as our number one priority. Then down the list, Edgewood Senior water system replacement, vehicle replacement, the Abedon Lopez Senior Center renovations. That's to leverage existing funding, and then Bennie J. Chavez.

I need to point out that this list will be submitted to DFA. It will go through the process at the legislature, and then if selected and approved, these projects or a component of these projects would be included in the bond sale that will go out that they put in November. So not this November but next November. So with that, Madam Chair, I'll stand for questions.

CHAIR HANSEN: Any questions from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: I have a small question. The projects that were included are all fine, but somehow there were magically five projects and five priority slots. Are there other projects that were considered for the list?



MR. FLORES: So, Madam Chair, Commissioner Hamilton, that's an excellent question. These project lists, as we indicated when Paul and Jacob did that, this is a subset of a much larger list. So there are many more senior centers of projects that are on the books today, like the leveraging of the \$1.3 million we have or Bennie J. that exist. These are the top five priorities we've identified for this year's submission.

CHAIR HANSEN: Any other questions? I have just a question or an idea. I know that we all have constituents who come forward and want senior centers in their district, and I think it would be a great – many senior centers we might need, but I think we need to start to create a process of will the senior centers really be used in that district? I have people in Agua Fria Village of course coming to me asking me for a senior center. But we need to do a study. We need to understand, do we really need a senior center there? Is that the right location? Or is it better to be in Madrid? There's a lot of things that go in to having a senior center.

I do believe we might need some more senior centers. I do believe we could use one in Agua Fria Village. I think that it would serve a lot of people, but I also believe that we need to have a study and understand if it's really going to be used and it's going to be a benefit. So that's my comment/question. Manager Miller.

MS. MILLER: Madam Chair, I think maybe a couple of weeks ago you and I did discuss looking at the possibility of a senior center, a more complete one than just what we have in Agua Fria at Rufina, and I talked to Rachel about that, about including in our strategic plan really looking for seniors. Really looking at those areas that we need to provide senior centers and those senior services for congregant meals and seniors' activities. So that is something that Community Services with Rachel and Theresa, where they are going to be focusing on doing some studies of where the next most needed centers would be. And then also looking at where we have centers that we're not utilizing because we just don't have residents in the area that use those facilities, and whether they can't be repurposed, whether they just need to not be having congregant meals as often as we have them,

CHAIR HANSEN: Thank you. I appreciate that. Are there any other comments from Commissioners? If not, could I please have a motion?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER ROYBAL: Second.

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

**III. C. 2. Resolution No. 2018-97, Notice of Sale Resolution for General Obligation Improvement Bonds, Series 2018 in a Principal Amount of \$12,985,000 Including Approval of a Form of Preliminary Official Statement [Exhibit 4: Resolution Text]**

ERIKA LOVATO (Budget Administrator): Good afternoon, Madam Chair, County Commissioners. Before you you have a notice of sale resolution for general obligation improvement bonds, Series 2018, which includes a form of preliminary official statement. This is the second and final bond issuance to finance the balance the voters approved in November of 2016. Of the \$35 million approved, \$22.015

million was already issued, I believe, November.

Today, we are seeking approval for the second and final portion of \$12.985 million. At the time the ballots were sized, the amounts were designed to ensure the bonds could be issued without increasing the County's property tax mill for debt service. This is still the case. No increase will be required.

Today I have with me bond counsel Peter Franklin and our financial advisor Eric Harrigan, if you have any questions. If approved the County Manager will accept bids on October 23<sup>rd</sup> and the bonds are scheduled to close on November 20<sup>th</sup>. I stand for questions.

CHAIR HANSEN: Commissioners, do you have any questions?

COMMISSIONER ANAYA: Move for approval, Madam Chair.

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Commissioner Anaya moved to approve, a second by Commissioner Roybal.

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

CHAIR HANSEN: Thank you for the excellent work you do. We appreciate it.

**III. D. Miscellaneous**

**1. Request Approval of an Order Imposing Tax Rates on the Net Taxable Value of Property Allocated to Appropriate Governmental Units within Santa Fe County for the 2018 Tax Year [Exhibit 5: Letter from DFA]**

MS. LOVATO: Thank you, Madam Chair, Commissioners. The Finance Division is requesting that the Board of County Commissioners issue a written order setting the Santa Fe County property tax rates on the net taxable value allocated to the appropriate governmental units for the 2018 tax year. Each year by September 1<sup>st</sup> the DFA Cabinet Secretary issues a written order setting the property tax rate for all governmental units that share this tax.

Today we are requesting the BCC issue a written order setting the property tax rates for the property tax year 2018. And I stand for any questions.

CHAIR HANSEN: Any questions from the Board? I received a letter or Friday or yesterday from DFA and I wish to give this to you and Katherine. So I wanted to make sure that you got that letter that was addressed to me.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: I won't get into one of my long tirades on this particular item but I will say that this is an item I believe is misplaced. It's an item that the State of New Mexico essentially tells local governments you can't change these in any way, shape or form and you have to by law adopt them, which is ludicrous from my perspective. It should be a state function that sets the rates and then provides the rates to the local governments but they make us go through this extra statutory step which

provides the perception to the public that we actually have some influence or say in the rate structure. We have none.

And I just want the Manager to briefly touch on that because we do it year after year. It's the illusion that there's some process or some function that the County performs but the essence of it is the state saying do this or else, and we have no functional responsibility for the calculation.

CHAIR HANSEN: Thank you, Commissioner Anaya, and that's basically what the letter said.

COMMISSIONER ANAYA: Ms. Miller.

MS. MILLER: Madam Chair, Commissioner Anaya, yes. So state law requires that county commissions all across the state impose the rates and approve an order imposing the rates. But if you'll note on the tax certificate itself there's only two areas that the County and the County Commission set the rates. And so if you look at the attached certificate and go down on the left-hand side right below state debt service, there's County operational and County debt service. And those are the only two rates that the Board of County Commissioners actually set and have an influence in setting, and that is whether you impose operating mills, which the County has had 11.85 operating mills put in place, probably close to 20 years, and the other is County debt service, which the item you just approved right before this, as I said, we have actually created debt structuring that keeps that rate relatively flat as we pay off debt you put to the voters additional debt service questions or general obligation questions, and we target keeping that at 2.12 mills.

And it's bounced around 1.96 to 2.15 for the last several years, keeping Santa Fe County rates flat. But what you don't have control over and the misperception in adopting this is you don't have control over what the municipalities put in place or the school districts, or the Community College or the state. And so at the bottom where it says grand total, those are the actual mill rates that get put in place but they're really driven by what other governing bodies due relative to putting in operating mills at the schools, whether it be Santa Fe Public Schools, Edgewood-Moriarty schools, Pojoaque schools, that's one. What's put to the voters for debt service at the state or city level, and then also operating mills that get put in place by them as well.

And so while a tax rate may go up as a result of adopting this it's not actually the action of the Board of County Commissioners that changed that. It's something that happened earlier in the year at the individual governing bodies. So that's what Commissioner Anaya is referring to, because people go into the Treasurer's Office to pay their tax bill and say why did the County raise tax rates. And in reality I believe our operating mills went down because property values on the whole went up, and a factor of setting the rates is what they call yield control and it says if values go up the rate goes down because your revenue stays relatively the same, and our rate at 5.82 operating mills – as I said there's 11.85 put in place, but because our values are so high the actual rate that gets imposed on residential properties is 5.82, and that's actually lower than last year, which is lower than the year before.

What people might find when they get their tax bill that it's gone up, it's likely in one of the other areas that it went up, and that's not a factor that the Board has any control over.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: So Madam Chair, the relevance from my perspective as a public servant and a County representative is that if there were statutory provisions that aligned the differentiation and rates annually tied directly to a jurisdiction, as opposed to us essentially ratifying stuff – taxes, increases beyond our control, then the public has a true representation of what each locality and governmental entity did within a given year and how that impacted taxpayers individually. And so it's a transparency matter and it's a matter of information and full disclosure, so that the citizens can see where the increments came and who provided those increments, not speaking anything to whether I'm for or against those increments but each jurisdiction should have that obligation. It shouldn't just be rolled up into the County's purview and then the taxpayer ultimately just sees what we did and they don't have any connection to the reality of a potential increase that occurred because of what another jurisdiction may have done, right, wrong or indifferent. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Anaya. I understand that it is taxes and we are not actually raising but we are being told to raise it by the state. And I understand your concern. So thank you for those words. I appreciate it. Any other comments from any other Commissioners? Can I have a motion to approve, please?

COMMISSIONER ROYBAL: So moved.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: I have a motion by Commissioner Roybal to approve and a second by Commissioner Moreno.

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

**III. E. Ordinances**

- 1. Request Authorization to Publish Title and General Summary of Ordinance No. 2018-\_\_\_, an Ordinance Amending Santa Fe County Ordinance No. 2014-10 (“Solid Waste and Recycling Management Ordinance”) to Reduce the Cost of Using County Convenience Centers [Exhibit 6: Letter from Joe Eigner and Karen Sweeney]**

CHAIR HANSEN: Welcome, Robert. Nice to see you. Thank you for being here.

ROBERT MARTINEZ (Deputy Public Works Director): Thank you, Madam Chair, Commissioners. Staff is requesting to publish title and general summary of an ordinance amending the current Solid Waste Ordinance. At the August 14, 2018 Board of County Commission meeting staff was directed from the Board to possibly offer alternate permit options, reduce permit fees and suspend the scheduled permit fee increase that is scheduled to take place this January 1<sup>st</sup>.

Staff is requesting approval to publish title and general summary of this ordinance amendment and in the event that it is approved staff will place on the agenda to have public hearings at the October 9<sup>th</sup> and October 30<sup>th</sup> BCC meetings with possible action on

the 30<sup>th</sup>. I stand for questions.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: I would move to publish title and general summary.

COMMISSIONER ROYBAL: I'll second.

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

CHAIR HANSEN: I want to say for the record that there is a large packet that has been produced for this –

MS. MILLER: Madam Chair, I wanted to tell you there were some questions about having a task force and I just wanted to let you know I asked Robert to bring what was the recommendation from the task force that was put together back in 2013 and 2014. So this item is what was produced by that task force, so that we don't kind of redo the same thing we had just done a few years ago. So they actually met for I think close to two years. So this was what was produced. They did a lot of research, what was out there throughout the county and throughout the state.

And then also Robert did include copying some of the memos that were provide to the Commission at that time so they're attached I think to the back of that. These were all provided to the BCC back in 2014 when we did that study and then so there's the memos as well and then Joe Eigner had sent an email, and I don't know if all of you got it but I did print that out and put it with those items. So it was just the information. And he does refer to it in the email. I think the date of it that he refers to it is incorrect but what he is referring to in this email is this study that was done by the task force. So I just wanted to provide all of you with the information that he was referencing in his email as well as the work that staff and that task force had done previously.

CHAIR HANSEN: Thank you, Manager Miller. I received Mr. Eigner's letter and requested to make sure all the Commissioners have the letter. Also, I believe that this packet will be on our website, so that if anybody else wants to see what's done in the study they will be able to look at that and any other information under this ordinance will be available for people. So I just wanted to make sure that that was brought to people's attention also, and Commissioner Anaya, you have a comment?

COMMISSIONER ANAYA: I do, Madam Chair. And I – I guess I don't want to create a bunch of extra work for staff but I also want to just comment on the notion of task forces and how County government, City government and people function to get information. We have to do something. We have to have a group of people that are methodical and work with staff and figure out an approach to understand an issue, but many times – and this issue is one of them – many times when we talk about solid waste the user, the person that's throwing their trash or paying the trash fee, are the ones that I hear from that are like, well, I don't have time to go to a task force, and I wasn't aware. That frustrating piece.

You have the group of dedicated servants, volunteers that invest their time and are committed to trying to figure out a resolution, and then there's a whole lot of people that never have that opportunity or time to provide feedback or input. So with this issue, if we

could have like a one-page synopsis that pretty much says the Commission had a discussion, received feedback from residents, is publishing title and general summary, these are the things they're considering, that can be disseminated through – and maybe we could do it through our emails that the Commissioners have and our community leaders. But even just to have it at the transfer station to where they can hand out here in the next few weeks to people that come throw their solid waste, this simple, one-page brochure that says here's what's happening.

So that it's an extra layer but it's that attempt to try and get feedback from the end-user. I don't know – Commissioner Roybal and the rest of my colleagues, but I'm continually – I get that feedback. Well, I don't have time to go to meetings. I don't have time to be on a task force. I don't have time to go to the Commission. I don't have time to go to a public hearing, but yet we're the ones that hear the concerns. So is that something, Mr. Martinez or Ms. Miller we might be able to do in the coming weeks just to wrap it up and say, hand it to everyone that comes in to throw their trash so at least we're touching those folks that might be coming in between now and the hearing?

MR. MARTINEZ: Madam Chair, Commissioner Anaya, I don't see an issue with handing out draft or a one-page synopsis of proposed amendment changes. I don't know if there's a legal issue, but if there isn't, then definitely we can put something together and hand it out. Hopefully when they're done reading it they'll recycle it.

COMMISSIONER ANAYA: Yes. Good plug. I like that. Actually the latest thing I've been discussing with all these issues about where's our recycling? Because I actually want to follow a recycling truck and figure out, is this stuff that supposedly is being recycled actually at the end of the day getting recycled? And I think that's a bigger question we should all be asking ourselves right now, especially in this country with what's happened with the discussions on China, who took most of our recycling. But that said, Fire Department meetings, community meetings – anything. And we could digitize it so it's not just paper, but anyway we can say we took that extra step. So Madam Chair, I'd defer to Commissioner Roybal.

CHAIR HANSEN: I'm just going to answer a few questions for you. When I first got elected in the first six months I went down to Friedman which is where all of our recycling goes, and it's a really great tour to see. And sitting on the Solid Waste Board we have seen that some of the things that we have wanted to recycle are getting more challenging and it is definitely more difficult. And so if you want to follow a truck, I suggest you follow that truck down to Friedman and get a tour of what is really – what we're packaging and what we're able to really sell or recycle these days. But I think with the issue of what is happening with China, it is upon us and it incumbent upon us to become more creative in this country on how we are dealing with plastic and how we can reduce the use. People say reduce and recycle, but it is really reducing the use of plastic is a very serious issue that we all need to face and start working on. So I just wanted to say that one thing.

And I also want to agree with you that marketing is incredibly important and this one-page synopsis, one side having the ordinance and the other side saying a little synopsis and come to the hearings on October 9<sup>th</sup> and 30<sup>th</sup>. Giving people that information is really important. Marketing is something that I spent my life doing, advertising and creating graphics to help people communicate with and so I think that it's

really important that we create a branding so that people know that this is something we care about and that we're working with them and we want to hear from them, because we all need to know what our constituents care about and what is going on. And with that, Commissioner Roybal, I will go to you.

COMMISSIONER ROYBAL: Okay, thank you for your comments, Commissioner Anaya, Commissioner Hansen. I would agree with the idea of sending out some brochures at the transfer stations and maybe at the satellite office, but I wonder if we can ask – come up with certain questions that somebody can answer rather quickly, either at the transfer station or at the satellite office where they could leave feedback for us at any of those locations. It would be fairly easy, probably, for one of our employees that's getting the license plate number of punching their cards to leave their trash, for them to actually answer a couple of questions in regards to the cost and what the County's proposing and to get some feedback that way. So that would also be possibly an idea where we could actually save on not recycling. Is that right, Robert?

MR. MARTINEZ: Madam Chair, Commissioner Roybal, that'd be great but our attendants at the collection centers aren't really up to speed or involved in the permit fee structure and the ordinances, so it would take administrative people to be out at each facility in the event there were questions like that asked. So I think the best thing is to provide some kind of fact sheet or synopsis that the Commissioner had suggested. Because it would be kind of difficult for us to get accurate information to all the people out there, having seven different attendants disseminating that information. So I'd just be concerned about that.

COMMISSIONER ROYBAL: So there would be basic questions, I would imagine. I don't know what your thought is, Commissioner Anaya, but if we had basic questions that were yes and no I would imagine those wouldn't be too hard for us to do.

CHAIR HANSEN: Maybe they could email.

COMMISSIONER ROYBAL: We could also, even at the County website if we had an email or the County website had a place for them to leave comments. That wouldn't be a bad idea as well

COMMISSIONER ANAYA: Madam Chair, if I could.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I think some basic, fundamental questions are good and maybe that's something that maybe Chris and Orlando can work with Ms. Miller and Mr. Martinez and figure out. How do we get the most information out but yet not put the staff in a position where they're being asked to address something that they don't have the background for. But I would agree baseline stuff is – the more we can get from them while they're there the better and the more they understand. So I guess a combination fact sheet/some baseline questions. Just going to that while they're there, they might fill out and answer a few of those questions. Maybe it's that side of it. Right? They might actually sit there and – hey, would you be interested in responding to this questionnaire on the matters that might be impacted that we would then get, as opposed to – we'd love for them to come to the meeting but the reality is just because of their work and their families, it's just – it's tough.

CHAIR HANSEN: I think we could also put it on the website and do that. Commissioner Hamilton.

COMMISSIONER HAMILTON: Well, I just want to get out there – what you're saying makes great sense, getting information out and part of this is to get information on what we're trying to do to keep costs reasonable and what not. But there's this – an additional picture how to – for individuals to manage costs and part of it is by maximizing the recycling and in fact composting also because that really minimizes how much they're throwing. And that's been pointed out by people who know – in the letters that were provided and what not. So that's an additional educational thing that maybe could be added and it would have multiple benefits.

There are always challenges. If things were so simple, I don't know what would happen. Everybody's head would explode. So we have recycling challenges but part of the idea of minimizing certain kinds of use and reuse and recycling is for the conservation of resources and to reduce the general expenses of having to landfill stuff that we could manage otherwise. And so maybe we can add on to this opportunity and really push the education thing that would really reduce everybody's individual costs.

MR. MARTINEZ: Madam Chair.

CHAIR HANSEN: Yes, Robert.

MR. MARTINEZ: Commissioner Hamilton, our Sustainability Section has put out some literature on recycling – what is recyclable and the benefits and all that, so we are doing a lot of outreach. So that is in progress right now. I do want to make a clarification that the report that you were given was done by a consultant for Santa Fe Solid Waste Management Agency and the City of Santa Fe and the County. What you have in front of you was the County portion. But the consultant did work closely with the Solid Waste Task Force to compile data and recommendations. So I just want to make sure you're clear on that.

The other thing, I appreciate you volunteering Orlando and Chris to go out to the collection centers and hand out literature.

CHAIR HANSEN: Thank you, Mr. Martinez. With that we will move on.

MS. MILLER: Madam Chair, I just wanted to comment one thing. In the email that you did get, one of the questions on the first thing that is answered – most of this was just comparison stuff, but there was a comment that there's not a fiscal analysis and if it shows the reduction in projected revenue, I just wanted to remind the Board that we did identify that if we changed the Solid Waste Fee Ordinance, during the budget process in strategic planning, we did identify \$250,000 that has been earmarked, not budgeted but earmarked, if it's needed. If you do change the program and we receive less revenues and there's a need to supplement the budget as I said, we did identify that during the budget process. So I just wanted to let you know that so when you're reading this, if you were wondering, I just wanted to remind you that that was one of the items that we built into the budget projections.

MR. MARTINEZ: Madam Chair, and to add to that, when we had the discussion on August 14<sup>th</sup> I did provide the Commission some information that showed that if we did suspend the fee increase that it would be an impact of about \$200,000 and that I think was the basis for the PILT funding to offset that. So there was some financial analysis that was done.

CHAIR HANSEN: Yes, and it's in our minutes of August 14<sup>th</sup>.

MR. MARTINEZ: That's correct.



CHAIR HANSEN: Thank you for reminding everybody. I read that.  
Commissioner Hamilton.

COMMISSIONER HAMILTON: A very brief comment. I recall that and I appreciate the reminder. It's useful. So that would be good information to be able to have available for the subsequent meetings for the public, instead of making them go look it up.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: So I don't know. I'm just thinking out loud. Maybe that first question could be how do you feel about zero solid waste fee, maybe.

CHAIR HANSEN: No, thank you.

COMMISSIONER ROYBAL: Mr. Roybal, do you like that?

COMMISSIONER ROYBAL: I like that.

MS. MILLER: Madam Chair, that's why I was thinking, if we did a questionnaire, I think that if we had, would you like your solid waste fees reduced, the answer is going to be yes.

MR. MARTINEZ: Thank you.

CHAIR HANSEN: Thank you, Mr. Martinez.

#### IV. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: Is there anyone from the public that would like to speak? Mr. Eigner.

JOE EIGNER: Thank you, Madam Chair, Commissioners. I have to confess, I'm very hard of hearing and this chamber really is difficult for me. So I missed a lot of the good comments that were made by the County Manager and all of you Commissioners. So I may be saying things that you already dealt with.

I came to urge that there would be a delay in considering the draft proposal. I was not a member of the Solid Waste Management Task Force but I sat through most of the meetings. The purpose of that task force was to address the situation where the fee structure at that time covered only 15 percent of the actual cost of running the convenience centers and the goal was to double that over a five-year period. Doubling rates is not something the public loves and for good reason. But I would like to point out that the ordinance provides a \$10 discount for low income customers on a 12-punch permit and a \$5 discount.

I'd like to suggest that another way to address the impact on lower income people, which I understand the need for that, Commissioner Anaya, would be to ask the staff to look at what the effect of doubling or even tripling the discount would be on the revenues coming from the fee structure. That's just one thing. Again, I was puzzled as you pointed out, that there was no fiscal – at least in the packet that I saw and I would like to see that. I think I heard a number of \$200,000 would be the diminution in County revenues and from my point of view the Solid Waste Division is one of the smallest programs the County operates, and one that has perhaps the most impact on a very large number of county households and residents, and I think they could very well make use of that \$200,000 in improving the programs.

I know the Sustainability Division is working on improved signage for all of the convenience centers, but basically, the ones I've looked at, including the one I use in Eldorado could use a lot of cleanup, a lot of better signage, better interaction with the public. A lot could be done to increase recycling, which is required by the ordinance, by the way. Has been for 12 years. So I'm a little disturbed by a big hit on the revenues. I understand there's a way to replace them, but that means taking money from some other program.

Last time I looked I believe the Solid Waste Division budget was something like less than – maybe .9 percent of your budget. It's not a big program. The City spends ten percent of their budget on solid waste.

Finally, there's always concern when fees go up. By the way, before I get into that, the County convenience centers are one of the best bargains in the region in terms of solid waste trash disposal. In my area, the typical annual cost is \$400 for curbside service. Anyone who is serious about recycling, which is free at the County centers, and does a little bit of backyard composting – the County now has a free program to encourage that; it's a pilot program at this point – but that can have a big impact. I do those two things and my annual cost is less than \$20. So the convenience centers are a tremendous bargain. I think you should be aware of that.

Finally, I know there's a lot of concern that if you raise fees, such as is planned to occur on January 1, 2019 by something in the upper 20 percent. That's the final increment on the doubling that the task force recommended. I would love to have the County Manager's Office, maybe one or two members of the Commission, and the upper staff of the Public Works Department, as well as the single enforcement officer in the Solid Waste Division attend this conference. I believe I sent it with my email but I'd be glad to distribute copies to everyone. [Exhibit 7]. I hope to be able to attend this conference. It's in Grants. It's a one-day conference. There's no charge. They serve lunch. I know it's a long drive, but I would urge as many of you as possible to attend this meeting and find out what other jurisdictions in the state are doing and what their efforts are to have cooperation among counties and solid waste districts. Thank you very much.

CHAIR HANSEN: Thank you, Joe, very much.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Eigner, I wanted to thank you because you continuously have come and participated and been fully engaged in the discussions associated with solid waste and wanting to improve the function of solid waste and recycling delivery at the County and I unequivocally thank you for those efforts. What I do want to do for clarity for the public's edification as well as yours, is to clarify and quantify my perspective as it relates to a reduction in fees. Okay? So number one, without question I think we have an obligation and a responsibility to make sure the lowest economically challenged individuals in our county have an opportunity to access and utilize every service that we have and whatever we have to do as a County to mitigate their access to those services we should do.

But I don't necessarily put the two matters together as it relates to solid waste, and I'll tell you why. It's my perspective, based on feedback I get from my constituents that solid waste isn't – is similar to the lottery scholarship. That's the best analogy I could use

for you right now, because I have two kids in college. The lottery scholarship in the State of New Mexico doesn't differentiate a benefit for anyone. They only say you have to meet a threshold of knowledge and grades to sustain it. They don't say you can't access it if you make x-number of dollars. They say everyone can access it if they sustain a certain level of acumen and education.

I feel the same way about certain functional services that we provide as a County to citizens, and solid waste is one of them, especially as it relates to solid waste in the rural areas. And so I don't quantify the decision around reducing the fees around, gee, I want to help the lowest challenged individuals in the community. I just believe there are certain functional things that we should provide access to in our community that run the gamut of economic status.

And so I just believe strongly that that's one of the few services that rural constituents receive and everybody should get it. And so I hear what you're saying; I respect what you're saying, but I just wanted to clarify that when I advocate – I'm advocating that we make sure we have access for economically challenged individuals to pay lower fees, but I'm advocating for everyone to have that sustained functional use. But I think the thing that I keep going back to that we might agree on I think, is that you mentioned the City of Santa Fe. We in the County have been progressing to a system by which I think in the near future we're probably going to get to the point where we have access to more expanded curbside pickup that actually provides for a better service, not only for the solid waste but for the recycling capabilities. And that we might in that process engage and get people more accustomed to be able to be part of that process as opposed to us asking them to go to a transfer station.

So that's where I think we have some potential opportunities at curbside that are going to account for cost and even offset cost with the overall operations of the Solid Waste Authority. But the recycling centers, I just – maybe we just agree to disagree that I just believe that that's a functional service that we shouldn't differentiate based on economic status but we should afford it to all of our constituents throughout the county, regardless of how much money they make or don't make.

MR. EIGNER: Thank you, Commissioner Anaya. I appreciate your thoughts. I believe the rural areas do have good access. They have to drive further than I do, obviously, but they have access and the cost, if you recycle and do a little composting is really, really minimal. It's a great bargain. Thank you.

CHAIR HANSEN: Thank you.

**V. MATTERS FROM THE COUNTY MANAGER**

**A. Miscellaneous Updates**

**1. Update, Discussion and Direction on the County Administration Offices Consolidation and Renovation Project**

CHAIR HANSEN: Welcome, Mr. Flores, and your team.

MR. FLORES: And my team. Yes. Thank you, Madam Chair. I think I'll go from my left to your right: Erika Lovato, Daniel Sanchez, T. J. Mascarenas, Paul Olafson, Kristine Mihelcic, Russell Naranjo, P.J. Montano. They are members of the staff that the County Manager has appointed to start developing as we know our new County

Administrative Complex project. I just wanted to give you a brief update and then kind of request some discussion and direction on the next steps.

So two meetings ago this Board, after much dialogue, some of it wanted, some of it not, approved the design-build contract with Jaynes Corporation for a little under \$28 million for the development of a new complex up the street and the historic renovation to this building. So that's been about four weeks. As of Friday afternoon, the design team has provided us 60 percent design development documents for what I consider Site 1, which is 100 Catron. Design development, people think we've only been under contract 30 days and we already have a construction set that's ready to go on foundations and the parking garage for that site.

We also have made submission to the Historic Design Review Board at the City of Santa Fe for a presentation and update on this project to them that will occur on October 9<sup>th</sup> starting at 5:30. That's unfortunately the same day we have a Board meeting so we're flipping heads right now who draws the short straw to be here or there. I don't know which way it's going to work.

So the project is moving rather quickly in that for weeks we've also taken the concept plans that we rolled out at a community meeting two weeks ago tomorrow and they've been refined or they're starting to be massaged. I'm taking the four – there was basically four comments that the public provided to us that we're trying to work into the plan. They had nothing to do, as I will say on the record and in the letter that we received from the Old Santa Fe Association. They congratulated the County on the aesthetic looks of the building. That was an important factor for us to get to today. Their comments were more on the parking garage, the massing, some of the accessibility, way-finding, etc. that we'll deal with as we move forward.

Why am I here before you today? The team behind me – and they all have their own individual specialties but collectively this is one of the best teams I've been part of – we started having individual meetings with our elected officials of a non-policy nature. That would be the County Clerk, the County Assessor, the County Treasurer and the County Probate Judge. And it was important to start looking at what was promised or programmed in the previous iteration of this project and what we can provide today.

I think many of you know I'm about managing expectations and I think we've done a poor job internally at times to really manage those expectations. And we took what was provided to those elected officials and their offices a few years ago, and in order to make this complex work within the budgets and the parameters that the County Manager has directed us, I had to rethink how we were going to build the inside, the true working heart of these buildings, especially that one.

And what we're accomplishing or we're trying to accomplish is a sense of community and healthy living environment for our team members, first and foremost. We unfortunately, because of a government, we don't always get to have the nice new things and the public is at a disadvantage when they come to try to do business with us. So the goal has been since we took this project over at the direction of the County Manager is to make the interior of that building, the 62,000 square foot, two-story building, healthy, open, inviting, welcoming, attractive, modern.

And the way that we accomplish that is by not building walls, other than around the restroom areas, mechanical rooms, IT storage areas, and we develop an open concept

that can still have its sense of community in place for the individual occupants or team members of that area, but it's open. Very limited private offices and if there are private offices that are not hard-built or steel or two-by studs, they're built with modular office space. So we provide the most flexible space we can and still produce the budget that we've been provided.

I'm setting the stage because with that open concept to both floors it has created some issues or concerns when we started meeting with the elected officials on how they envision those offices, if they're located there, would be developed. Right, wrong or indifferent – I'm not up here to say it's right for them to want private offices or not. I don't think that's necessarily my call. What I do want to say is I cannot provide the private space that each of the two offices have indicated they need and the volume of offices they need at the new building.

So that presented an opportunity to take a step back. Point one. The second point: in discussions with Madam Clerk, and she has been very outspoken at times of what her desires are to maintain her elected office within the building that the County Commission chambers and your five reside in, and that's this building. Now, taking a step back of that point one of not being able to develop private space in the sense of hard-built walls, and the fact that it's important, I think, with the historical renovation that we're doing here and this chambers is your office, and the elected officials, other than the policymakers currently reside in this building, we have sat and worked on quite a few different scenarios. We've provided briefings to the County Manager, and I think today we've come forward with an option that I actually need to have to the architects by tomorrow morning at 9:00 so they can finish off the floor plans, of how we would develop the sites.

That site at 100 Catron we're considering Site A, 62,000 square feet, two-story building in a very Spanish Pueblo Revival style with the two levels of parking structure, that would be the administrative heart of Santa Fe County, not the elected and policymaking heart of Santa Fe County. We can accomplish that by swapping out some programmed areas that were provided years ago about managing expectations and moving those administrative functions a block away. Rather easy to do, it would fit into the context of that modern, flexible, open, healthy concept.

So what does that mean for here? Well, as we know, this Board in its wisdom authorized the County Manager and staff a couple years ago to remove 7,800 square feet, approximately of the two infill additions that happened in 75 and 79. So that would basically remove the Assessor's area on the first floor here. And you've gone to the Assessor's Office. It's got some interesting architectural details today. And it would also remove the Legal conference room, the Attorney's office, a part of Penny's officer, and we would expose those six corbels and we'd recreate the placita or the courtyard that existed here when this building was completed in 1939.

So the question then comes up, if we're removing 7,800 square feet and we maintain the elected officials, those statutory elected officials, policymakers and the elected offices in this building, how do we accomplish meeting their needs of space? Well, when I moved this project forward, quite a few of the walls inside this building that are non-load bearing, non-historic are going to be removed. So we're basically opening up space. We can accomplish the same means of leaving those offices here that may be configured on two floors, but leaving the County Commission offices, this chamber of

course, the County constituent liaisons offices, the County Clerk's office, the County Assessor's office and the County Treasurer's office, not on satellite location but having their entire staffs located here.

Currently the County Assessor has staff in this building as well as Bokum, and we already know Bokum will be one of the transition plans we're implementing. Madam Clerk has asked about moving the Bureau of Elections downstairs so that she would have her staff centrally located. I can accomplish that if I get direction from the Board to do just that. Is one, at Site A or 100 Catron, create the facility that we've talked about, moving the administrative functions there while maintaining the historic building in its pre-1975 state here and making sure that we have adequate space for those elected offices and the liaisons in this building.

Now, that's a little bit different of a hinge point or decision point than what was presented to this Commission many times since 2001. I do believe though that this plan gives the County the greatest flexibility since we've already planned in a 30 percent growth factor at that new complex, that we won't need to be adding space. Here we can provide the space that the electeds and the Commission needs. We can also look at a parking option in the back that would open up some additional public parking that we don't currently have on this site. So there's many places and ideas that we have but the most important one, by tomorrow morning I need to let the architecture team know what option I'm going with. I don't know if you wanted to add anything, Madam Clerk.

CLERK SALAZAR: Chair Hansen, Commissioners and Tony, thank you for this opportunity. I just believe that the work that the Clerk and I as the current elected official and future Clerks really need to be next to you, the County Managers and the Legal Department. the Clerk's office has many responsibilities. The Clerk is the Clerk of records for the County, the recorder for the County, currently still the Clerk of the Probate Court, the Clerk of the Board of County Commissioners. We issue marriage licenses. We have – and we run elections. So there is a lot of responsibility. So the ideal would be – and also there's security concerns that I have also.

So an open concept building, that concerns me a little bit. So I think if we did have all of the elected officials here at this facility we would continue to offer services and a continuum of service care for all of our constituents. It would be horrendous I think for future Clerks to be located in the building down the street and having to come down here all the time when we work very close with the Manager's office with the Legal office and the other elected official offices. Do you have any questions?

CHAIR HANSEN: Well, I believe that the Manager's and the Legal office will be moving to the new building.

MR. FLORES: That's correct, Madam Chair. in order to make this option work, the Manager's and Legal would leave this building. This building would have the elected officials that currently reside in the first floor, and the Commissioners on the second floor, along with the Assessor's office.

CHAIR HANSEN: I see that – I hear some of your concerns, that you want to be with the elected officials, but just to reiterate, the County Manager, the Legal office will be in the new building. The other plan, I also know for the new building, is that we were going to provide areas for – one for parking, two for areas for marriage, like in the courtyard, in the park, on the balconies and that there would be a lot more options

for people to get married in, which might be really appealing to people. So that's another thing to think about.

The other thing to think about is you'll have a lot more parking there for people who want to come and vote and I think you would have a larger area for early voting, although I don't know because I have not seen the plans but I will let Tony speak to that concept or idea.

CLERK SALAZAR: Chair Hansen, I understand about the parking issue but our track record is that here in this building we conduct early voting and it's never hindered the voter. Early voting – more voters vote during early voting and the majority have been coming to this building. They see this as the seat of County business and the Clerk's office also. With regards to marriages, we will continue to issue marriage licenses.

There is – I don't know where this is at but there's discussion that the possibility that the Probate Judge may be moving to the court system where they have more support and structure within the court system. So there's a possibility that the Probate Judge office may be leaving the County, the way it is set up now. So if that happens the County Clerk will no longer be the Clerk of the Probate Court, and there's a high possibility of – all of the Clerks, we're staying out of this but we have been informed, and so the courts and others are working on this to see what they're going to do. Because many of the Probate Judges have felt they needed more support, and I agree. I think they need more structure too.

CHAIR HANSEN: Thank you.

MR. FLORES: So Madam Chair, just real quickly. The issue with the marriages, we have planned from day one when this team took it over that this chambers, as well as 100 Catron will be available for marriages. So I don't think that would change, keeping the elected officials here. That would still be an option for individuals that want to. That would just be a scheduling issue between Madam Clerk, who's the Clerk of the Probate, as well as the facilities manager for that facility. So that to me is not a deal-breaker as to who goes where.

As far as early voting, Mr. Montano has made many efforts on the first floor. We're trying to make sure that we have the public assessable on the first floor. And let's not forget, part of the renovations to this building regardless of option A or option B would be to improve the ADA in this building, which we are currently lacking. So that to me is a non-issue either.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: I was thinking of all the duck analogies, like lame duck and water rolling off my back, and occupy the space and time, so all those things is me, right? I'm a short-timer, but one thing that I do acknowledge is that we as the Commission have always respected the elected offices across the board, every single one of them, but at the end of the day we've also had to make tough decisions associated with your budgets and ultimately lawsuits, not necessarily in the Clerk's office but everywhere else where we respect the autonomy of the individual office but at the end of the day, we're ultimately responsible to make some tough decisions.

I'm a little – and maybe you can clarify this, Tony, but I get what you're saying about you need some answers by tomorrow, but if we need to push back tomorrow

relative to my fundamental perspective that I think we've sustained as a Commission not only now but previous Commissions is that my understanding – and you clarify if I'm wrong – is that access to services at that facility for the public is a one-stop shop. You said the Assessor, and I was like, ooh, hold on. Time out. Right?

The intent from the was that the public would be able to go to the new facility and take care of the public's business, and that this facility would be more administrative in function and more policy in function as the Commission and less contact, if you will, with the public. So I'm prepared to hold the horses on a decision for tomorrow if we're going to have – and then this is where my feedback goes relative to what the Clerk is saying. If they have to come here, and then they have to go over there, and then they've got to come back over here, then I want to hold off, right? And I'm going to say I don't want that. Because the intent, not from an elected office perspective, any five of us or any of the others in the County. The intent, I thought, was that we maintain a structure of community service and constituent service and citizen service, where they would be able to go in there, access what they need to access, and get out.

And so you said a few things that kind of threw me for a loop, so help me understand what you said when you said the Assessor will be here and they'll be over there. Because what I thought was we were going to, for the citizen be able to have them access service all under one roof.

Example: building permits. Huge, right? People come in. They have to go get their documents, go to Land Use and then they have to go get tax documents from the Treasurer and then they have to sometimes go to the Assessor, and then they have to go back to Land Use and they have to go to 911. In that example, my hope is in all the planning and discussion that John Doe, John Q. Public, Mary Sue Public, can go in and access that at that facility. Is that going to happen?

MR. FLORES: So Madam Chair, Commissioner Anaya, two points. So you are correct.

COMMISSIONER ANAYA: Or go to the Clerk's office in that same chain, right?

MR. FLORES: Absolutely. So, to lay the cards on the table, I need \$50 million to build a building over there that's 3 ½ stories and 80,000 square feet to have the one-stop shopping there. We don't have that. So we may have a budget of \$38 million, and that was my original comment on managing expectations, we have staff that is publicly accessible or will be accessible if I went with option A in this building. Finance, Purchasing and HR would remain here. That is disconnected, even Finance or the Manager, from her other office that were originally planned over there.

So I think I need to change that thought process a little bit because you're absolutely right. That's what we intended to do. Obviously, we're in a position today that we could not afford having a complete one-stop shop.

The second point about the –

COMMISSIONER ANAYA: Let me clarify something, Madam Chair. So – and I get we can't – we're going to have to make some tough decisions. I'm definitely ready to do whatever tough decisions we have to do and move forward. But when I'm putting those items in a box, I'm thinking of administrative functions, because you segregated them, right? Administrative functions and then public functions. And so as



much as can be expected, the public functions, John Q. Public, going into that brand new facility, as much as we can get, we want there. Right? And then the administrative functions, I know we're going to still have some separation. But that's where my head is. It's public functions, administrative functions, how do we maximize all of the public functions or as many or as high a percentage as we possibly can in that one facility.

So just to quantify that I know we're going to have to make tough decisions because that's what we've continually done from the beginning till now.

MR. FLORES: this project hasn't been easy, has it? Madam Chair, Commissioner Anaya, so I think that's the excellent foundation of where we started is how do we – way back to when you and I were here the first time, trying to do the three campus model, how do we get the constituents service the best, easiest and most accessible way? Based upon the expectations on how some of those public offices are set up, I can't get that into that new building. For instance, one of the elected offices will provide 3900 square feet that had four private offices, a break room, safe area, a conference room, and that's what they expect to see in a pod. It's not an open environment, or there are safety concerns that are downstairs now. That I cannot program that square into that facility without a domino effect on everything else.

So I think if we understand if we put those public facing offices in there without any considerations for technology advancements of being able to connect both sites and to be able to do that research and those payments there that would automatically go to the Treasurer's office without having somebody to have to go upstairs or downstairs to pay a permit fee, I think we are going to accomplish that regardless of this situation.

Then to ask for private offices when I'm not developing private offices in the general sense and so we keep it very open. I can get the daylighting and those other elements in there, I won't be able to accomplish that on one floor, because there's a certain element of how each elected office works, that they'd like to maintain. Private conference rooms, private break rooms, private offices. So we would have pockets of hard-built, which I cannot get into this budget versus other areas of building that are very open and accessible.

And I understand, for instance the Treasurer's they have a function of a bank, and they're set up like a bank. That would be difficult to program into that new building and still maintain that feel of a safe, secure environment. We have looked at, as I indicated, having Growth Management on the first floor. We had them on the second floor over there if we go with option B. So if the public actually comes in at the ground level from Grant, to the parking garage, and they will go right into Growth Management and Fire Prevention and do that permitting there. If we need to do research at the Clerk's or Assessor's we'll have that connectivity between the buildings. That's one of the key functions that we're building it. So they don't need to run down and pay a bill at the Treasurer's like we do now. We would be able to take payment at Growth Management for a permit there that would come right back to the Treasurer's office here, in the bank environment.

So I think we've come full circle, per se, of what we thought we were going to be able to accomplish in the previous iteration of this plan to what I think we can realistically, in my professional opinion, accomplish today.

Relative to the schedule, this is a design-build. Unfortunately, the contractor has

until next August to complete that building. That's what he's under contract for. That's the only way I can make this project work within the budget that we have. So pumping the brakes is a little problematic when it comes to a \$27.5 million project. So I appreciate that hard decision timeframe but the building itself on the outside, I have to keep moving forward because that will not change what option we go with. It's how I develop the inside and how I get the consultation with the electrical and the mechanical, the IT providers, the furniture providers, on how I do the inside. So the pumping of the brakes as far as who goes where I have a limited time but we're moving forward on the design of the building, because that's the building I can get within the budget that this Board has authorized. I don't know if that answered most of those questions.

COMMISSIONER ANAYA: Well, Madam Chair, the functional external part of the building and the operational part, I hear what you're saying but every meeting for the next seven meetings we can't be saying, respectfully that hey, I got a decision tomorrow. So having been in your shoes and understanding project management I get it but we can't come to every meeting and say, hey, Commissioners, we need a decision tomorrow. I guess that's point blank.

That said, the issues and concerns that the Clerk's bringing up and everyone else will – there's going to be some tough decisions. I get it. I get it. But we also have to have that courtesy and that process of what is the end game to the public, and being able, as we're explaining what we're functionally building to be able to follow up and tell them, this is how you're going to render your service. This is how you're going to get your service. Because if we wait until the end to do that then they're going to eat our lunch, right? So I think we need to also be systematically, continuously conveying what the work product is going to be at the end of the day.

So I get it. I get it, but you also can't come every meeting and say, Commissioner, give me a decision tomorrow.

MR. FLORES: Commissioner, thank you for recognizing how difficult projects can be. It is not my intent as long as I'm still here to have these types of decision points at this Board. I don't think – you don't have the time to make decisions or all the information to make a relatively quick decision and I appreciate that. And I apologize for having this come today. I'm ready to move forward. The architecture and the planning team is moving forward. As I said, I have 60 percent DD documents for foundational plans in my hands. So I don't intend to have decision points for the Commission. The Commission has provided the direction as far as the buildings and size.

I think the issue today is merely what options do we go with addressing your concerns.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thanks. So one of the things that I really appreciate about the way this project has been carried forward since it got moved, taken back and handed to this team is that since the new – this Commission has been on we've been seeing some plans come through. It was one of our first meetings, I think where we saw some original plans that nobody was really that thrilled with and that has been changed.

What has been emphasized now has been doing this project on certain principles and Commissioner Anaya captured some of them, one of them, and maybe what should

be the first one, was what we do to serve the public and how we can maximize that. And then you mentioned another, which is to – and both of them to the extent possible, to make a working environment that has a lot of benefits for the people who work at the County and do the service to the public.

And I guess I just – so first of all, I recognize how hard you guys have tried to do that and I think it's been largely accomplished. I want to say for the record that I think that there's a limit. You can't have in set of optimization problems, you can't have more variables that you have to satisfy than equations you have to fix them, to define them. That's just a mathematical truth that has this analogy. And the more – we have a lot of opportunity to give input. It's our responsibility to a great extent, and it's the right thing to do to try to achieve the special needs of every office. But it sounds to me like you guys, that you have largely achieved that.

At some point we do, however, have to agree on what our priorities are. And the priorities are convenient service to the public. That's what we actually all came here to do. That's how we ran. That's why we theoretically got elected. And I think I want to say for the record that that has to stay our number one thing. And frankly, I think the number two consideration is the work environment for all the County employees that in the parameters that you went over briefly are very exciting. And now is our opportunity to do it.

I frankly had some concerns that Commissioner Anaya really asked. How can we achieve these principles and scramble everything, and frankly the thing about needing a rapid decision has more to do with the fact that the scramble was forced late in the game, not because things weren't considered in a timely fashion. Because we've gotten plenty of these presentations. And then additional factors have been thrown in and it's just almost impossible to address all of them. I think from your answer to Commissioner Anaya that a good portion of those concerns can be addressed and that you're doing this redesign that you're looking for guidance on to accommodate some of these other issues but still minimize the negative impacts to the public. Because I think one of the things – it's not just parking. Our Chair mentioned parking but I think what she was getting at is that it's access to the public, the whole picture of access that we were trying to achieve previously. But it sounds like you feel like you've addressed that to a great extent.

MR. FLORES: So Madam Chair, Commissioner Hamilton, yes. The simple answer is yes. I think we can accomplish that in either option. I think we have vetted enough pros and cons of people that actually do the service, that provide the service, we can do that. And we are doing that. And I think that there are ways that we can do that. The issue today is merely, I've listened to other elected officials and listened to what their needs are and what their expectations were based upon the previous plan, and their desires on their offices and consolidation. And that's what I'm taking into consideration, still making both sides work. Still making I think – I hate to use this term but really modernizing Santa Fe County in some sense on how we do things rather than sending the public five different places to accomplish the same means, we're able to do that with this option.

COMMISSIONER HAMILTON: Well, life is full of compromises, and there are a whole lot of compromises we're looking at. Like to be perfectly honest, of all the elected officials, the County Commissioners do the most work with senior staff and

under this – if all the electeds are here, and management is over there we'll be separated by an entire city block. Can we deal with that? I bet we can. And to the extent that it looks like this revised plan at least accomplishes doing things creatively and well for the County staff and maintaining public access, I feel prepared to support that going forward. But I feel there has to be a limit to how many times we have to go back and revisit this because of special requests.

CHAIR HANSEN: Thank you. Commissioner Moreno.

COMMISSIONER MORENO: Yes, I'll take it. You can't always get what you want. That's the song. It's not going to be a perfect situation for most of the people that are going to be moving from there, here, back and forth, and so forth. But I don't know who said it here today. The division of policy making and administration and those things in my worldview are equal. And both have equal importance. And so I'm kind of leaning toward what you have proposed today and I think because I'm happy that I'm in this position and have come to know a lot of you, the leadership of the County, the administrators. Those are the people we really need to support. A good environment, which that building will provide, and it will bring Santa Fe County into the future.

These two projects are going to be, in a sense, going to the future and for this building, it's going to be kind of a retro building but with all the amenities the policy makers need. So I'm going with the plan. I don't think I need to embellish it any more. Thank you.

COMMISSIONER HAMILTON: Commissioner Anaya.

COMMISSIONER ANAYA: So Madam Chair, thank you. We're obviously grappling with not a simple matter that's been ongoing for a long time. So understanding that there's going to be separation of function of offices, just because of space, right? Is there a plan or a process oriented around – you said technology and I think that's part of it, but is there a discussion about the public wheelhouse, that being the public wheelhouse and what does it take, office by office, to accommodate that without thinking of it in terms of all or none. And that's kind of where it kind of sounds like where it's at. It's like all or none, and just going back to the frameworks that Commissioner Hamilton is bringing up is if the principle is the wheelhouse for the public, then as much as we can do, we do in that wheelhouse, and that's the thing I'm grappling with now is we've got to draw separations. Where are you going to draw the separations and are they all centered – as best we can, can we center then around that public wheelhouse. And so that we don't, as best we can create too much separation, or we mitigate it as best we can.

KRISTINE MIHELICIC (Public Information Officer): Madam Chair, Commissioner Anaya, I'm hopping up for Tony to address that specifically. The team behind me has been working diligently to see how we could find that separation. If it made sense to put one department here, one department there. And we've had several plans and discussions amongst ourselves and with departments and how they function. And we're confident that the plan we're bringing forward and the decision to have the elected offices, the Clerk, the Assessor and the Treasurer's office be here is part of that overall view that we have some familiarity within the public, that they traditionally know to come to this building for early voting, for marriage licenses, to pay their tax bill, to come for their protests or to file their notice of value, while also – and Daniel can also

speaking to this – while also capitalizing on some of the areas where we can modernize our services so that we make sure that if we have Growth Management at the other building, we have ways to access some of the Clerk data, to be able to take payments and process, so that we're kind of doing, I think, what you've asked, and that we've worked hard over the last several weeks to come up with a plan that we feel would segregate the services in a way that would best function, both internally and externally.

And I don't know if that addresses your concerns at all more, but we did take that into consideration through several variations. Like could the Clerk stay here? Could the Assessor go there? Could the Treasurer stay here? And truthfully we came back around to this: Well, maybe we create this campus here and that campus there, and what technology can we bring in. How can we capitalize on what the public is already familiar with and how can we utilize that to make this a more functioning process for everybody involved?

COMMISSIONER ANAYA: So here's a thought, and this is a thought, at the end of the day my principle is still the same, that the highest and best public service is what I'm after. So I deal with PhDs all day long, every day, and one of the things that comes up in every single meeting that we have is connected to data associated with function. Right? And so if the wheelhouse becomes this building, and not the other building, I'm not saying I'm opposed to that. Right? But I think from a public standpoint we should be able to articulate to the public, here's the justification as to why we need the wheelhouse here or here or here.

And so, number of walk-throughs through the door every day, what time of year, what part of the year, Assessor's, Clerk's, Treasurer's, Growth Management and then here it is. This is it. If we did that and we pick a wheelhouse, whatever that is for the public, then I think we've done – we continue to do well. If we've taken that and split it in two or split the baby then I guess I might have a little concern. So maybe as we progress through construction, through the evolution of communication to the public and everyone else, we start bringing that data that I know you guys already have and saying here's what it is. Here's where the traffic volume is and here's why these offices make more sense being here where they're going to get the majority of their service.

And so that's what we, when we go out into the community and when we get constant feedback, that's what we're going to have to help convey or the Commissioners are going to have to convey as to where do people get what they need when they go to the County and why.

And so my head had me thinking that they were going to get it over there but as we're having this conversation they may not. This might be the wheelhouse. I guess we need to be able to – if we move in that direction, this is why we did it. This is the numbers it was based on, and we're still going to have access to better parking and the other amenities that are going to make their work better, because we're not talking about 400 miles away, right? We're talking about a couple blocks. So that said, I think as we progress help us – and we've already seen some of the data. Right? Regurgitate some of that data and then correlate it to functionally, this is what's going to happen for the public when they come and why we – why you made those recommendations and why we ultimately created the separations that we had to, necessitated by budget and design. So those are my last comments that I think might help as we advance through completion, because you know how it is when you're starting out, people don't really have a touch

and feel for it but once the building's up and once people are being directed they're either going to be ecstatic and jubilant about it or they're going to be frustrated. And we want to make sure they're not frustrated.

MR. FLORES: Madam Chair, Commissioner Anaya, I think the public is the primary concern of this team and the Manager, and that's what we started this project with. The second to that is also the public and that's the members of this team that work in facilities. And then third to that, but no less the third than the one is trying to manage the expectations of the Commission, manage the expectations of the team that's been assembled, but also to manage the expectations of other elected officials that have to provide those necessary functions to the public.

So I think, unfortunately, and I apologize again for bringing it at the eleventh hour but I was directed to move something and I think many of you know, I don't let a lot of things grow under my feet, and I need to move. So I think we can accomplish all those things that you've requested, and they're absolutely required of us to demonstrate that ability and get us where we need to be. I honestly believe that. I don't think I would be up here today had this team not going through every iteration and every diagram of relationships on who go where and how they interact here and Daniel, can I get PON technology, which I'm an old guy; I don't know what the hell PON is, but he does, and that's the connectivity between two locations.

So I think this team has done a pretty good job of trying to connect the dots and minimize the impact, whether it's perceived or real, to the public, because that is our primary – that's what we are here to do. So I don't know if my boss wanted to say anything. She's the one that gave me this project.

CHAIR HANSEN: Thank you, Tony. Thank you, Commissioner Anaya. I want to say a few words. I think that when we came in also as Commissioner Hamilton said, we were looking at a much larger building and kind of an ugly building. And now we have a much more attractive building, and we have some renewable energy features, which is extraordinarily important to me. We have solar on the roof. We have two charging station and Tony has promised me some conduit. I don't know how much I can get but I want as many charging stations as possible and I want – Commissioner Anaya, I'm talking to you also.

COMMISSIONER ANAYA: I'm listening, Madam Chair.

CHAIR HANSEN: Those are things that are really important to me that we have the renewable energy feature in this new building. Because my constituents, the ones that elected me, I know that is incredibly important to them and it's incredibly important to this entire county that we have a state of the art renewable energy building. So I'm working with Tony and this team and giving him that input because that to me is also a service to this community that they care about. If we went down in Hobbs or maybe in Artesia, they might not care about that, but not here. And so that is the constituency that I represent. So I feel that that is one area that's important.

The other thing that I know Tony and the team have been working on is Growth Management is over there and we have kiosks. Technology is modern today. I know Tony doesn't like that word, but if somebody has to pay something they can use a kiosk to pay for their billing or in Growth Management. They don't have to walk over here to the Treasurer's office. They don't have to walk over. And when I've been out in the

community so far, when people ask me, well, what's happening? And I simply say, well, you know, all the elected officials are going to stay in this building. And people go, okay. Like they don't get – I haven't gotten any, like, what? I mean, I don't know. If I was the Assessor or somebody I might want to be in a brand new modern building but they all want to stay here and they seem to have the space that they need here, and they're already set up and the public is used to coming here, so those are all good things for the public and our constituents to feel comfortable with that they can come in, walk into this building and know where the Treasurer's office is.

And then the new building is administrative. The County Manager is there. The Legal service is there. Growth Management is there, and Growth Management has kiosks and has access to helping these people in whatever way they can. So I'm going to buy into what Tony and Kristine and the team is all saying because I feel like they are working and listening to us, but renewable energy is number one on my list of solar and charging stations and being as up to date in that regard, as modern also. Because I was at a conference yesterday with Germans who were talking about climate change and what is happening. And last night I saw a presentation – California by 2020, every single house has to have solar on it. Every single house, every single new permit.

We're not there. I'm not going to go out and say to my constituents I'm going to pass a rule that you have to put solar on your house by 2020, Because we don't have the financial wherewithal to do that in this community. But climate change is a real issue that we have to recognize is happening, and so the more that we can do, that is one of my major concerns. So with that direction from me, and more charging stations – conduits. I understand we don't have the money, but if we could find some money to do as many conduits as possible. This one Stanford survey that I got in the mail the other day, they asked, they specifically asked – I couldn't believe it. If you're building a new building how many charging stations is your new building going to have? Forty percent? Thirty percent? Or twenty percent?

Okay, so as Tony told me this morning, 40 percent would be 80 parking spaces for charging stations. That would be pushing it. But if we could get conduits for 25 percent, and we slowly add them in over the time being – whatever we can do. Whatever we can do with the money that we have is what I want to push for as far as I can. Because I know that we are limited. We're not California. But I also do want to – I don't know if Commissioner Roybal has had a chance to speak.

COMMISSIONER ROYBAL: I think pretty much you guys have covered a lot of the different issues so I don't really have too much more to add, but I do – I'd like to see the project continue to move forward and I think you all brought up valid concerns. So I just want to thank staff first of all for all their hard work, so thanks. That's it.

CHAIR HANSEN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: My constituents are concerned about global warming and renewables, but that's not their concern when it comes to the County. When it comes to the County, they want to come to the County. They want to get in, get out and go home. And so I'm not going to sugar-coat anything that my constituents want because they want to get downtown. They don't want to fight over parking. They're going to fight over where do they go next. They want to get in efficiently, get a service, get out and go home. So that's it in a nutshell.

So I actually heard a whole different thing from the Chair, and maybe you do need to chime in Manager Miller, because what she just said was the administrative function over there, public function here. And so here's another thought. If this became the wheelhouse for the public, and I know I'm a short-timer, but I would be willing as a Commissioner to say, well, then let's move the Commission over there and their offices and make this the 100 percent wheelhouse for the public. And so I want to put that out there just so everyone recognizes that it's not about me. It's not about any individual or elected official. It's about the public. The public, the public, the public. That's it.

And so whatever we can do to provide the service to the public so they can get in, get out and go home, is what I'm for. Because they advocated years back to not be anywhere downtown. They advocated by petition to go out of town so that they don't have to fight coming downtown. They don't have to fight with the traffic. We let that go years ago and said no, this is where everybody wanted to keep the governments together and be near downtown and we're in Santa Fe. So we're here now. We're over that. I'm over that. Now it's just how do we make it as peaceful and plausible as we can so that people can get in, get it down, get home. Whatever it takes.

COMMISSIONER HAMILTON: I just want to go on record agreeing with that.

CHAIR HANSEN: And I think that's what Tony is doing in making this function work and recognizing what elected officials want and I'm going to let Manager Miller speak.

MS. MILLER: Madam Chair, this has been a real struggle, because Commissioner Anaya is correct. What we set out to do when we did the space programming was to put the high traffic, public offices in the new building because we could build our own parking. We don't have the ability to build more parking around this building. We just don't. And it's very limited to have parking within a short distance of this building.

And so what we set out to do when we did the original space programming is we said what are those high traffic offices, and those are the elected officials' offices, Growth Management, predominantly. But we can't fit all four of them in this building. And we also could not afford the way that the space programming was going under the previous contract. It was \$10 million over our budget. And so to come back to what we set out to do, what we gave this team to do, was to bring it into budget and get this project back on track and get it done soon.

Unfortunately, with the new design and the open concept, that's how Tony and his team got it into budget. But unfortunately, when that was presented to those offices that were going to move they didn't like it, and said, yes, but we were promised x, y, and z. We cannot deliver x, y, and z as promised under the previous proposal, because it's \$10 million over budget. So if – so what Tony did was try to come up with an alternative, but it does not do 100 percent of what Commissioner Anaya is talking about and that is the major wheelhouse of public is over there. It puts 90 percent of it back here, and Growth Management goes over there.

And even if the Commission, because I would agree, then the Commission should go too. And it's still not enough room to keep Growth Management here.

So that's the dilemma. And if I want to say to me is the best public policy, it's



move all of the high traffic offices over there, and non-high traffic offices here. It does split up the administrative function. It does have half of County administrative departments over there and half here, but it's more convenient for the public. At the end of the day it is likely to be more convenient to the public to have the elected offices and Growth Management and Community Services over there, and Finance, HR, and Legal, the Commission, the County Manager's office in this building.

We don't have one building that will accommodate all of us that's the unfortunate situation downtown. But we did make the decision to stay downtown. We did a survey. That's what the public came back. That's what staff wanted, that's what the Commission at the time wanted was us to stay downtown. And so that's what we're faced with. I think either option that's presented by Tony will work but we do need to give the architectural team and the construction team our answer tomorrow because we are holding up the project which costs us more money if we hold it up.

So we're fine with whatever way you go and it is a tough decision because the offices that move over there will not get what they're used to in this building with a lot of individual private offices. And they will have a lot of shared conference rooms, a lot of shared equipment, a lot of shared space and open space. And that's all I have to say about it.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HANSEN: Yes, Clerk Salazar also wants to speak. She was trying to speak before.

COMMISSIONER ANAYA: I'm happy to wait.

CHAIR HANSEN: Okay.

CLERK SALAZAR: Chair Hansen, Commissioners, if you don't know already, I'd like you to know the elected offices provide excellent customer service. We have offices with many responsibilities and we provide excellent customer services. Sure, there's some people that speak like Commissioner Anaya, stating that I want to come in and I want to go. But the majority of the people appreciate the services that we provide, and the office that I am responsible for, with many responsibilities, and I am in charge of an office that has to deal with the public all the time, we provide those services.

So to make it – the way I stated before that it's ideal where the Board of County Commissioners are, that the County Clerk stay close, and that's for the future, not just for me. But that's the function of this office is that we are to be working with you, marriages, elections, we have a lot of responsibility in the office that I'm responsible for. So the customer service is excellent and I would say in all of the elected offices. And we receive compliments all the time. They even compare us to the City and we still get a very high rating. So I want you to know that the customer service is there and people are happy where we're at.

But also I understand the conflict regarding the open concept and what we can do and Tony came up with this plan and it brings it back to what I had advocated in the beginning. So that makes me happy, but still I appreciate listening to all of you, because no matter what or where we're at we provide excellent customer services.

COMMISSIONER ANAYA: Madam Chair.

COMMISSIONER ANAYA: Yes.

COMMISSIONER ANAYA: So I respect the service that the Clerk's

office and every elected office provides, but I'm in total disagreement with making the wheelhouse this building. And I'm in 100 percent in affirmation and agreement with the County Manager and what she just said. And from day one years back, we wanted a brand new facility that the public would access and functionally utilize to render service. And that's where I'm at. And I support 110 percent making the wheelhouse that brand new facility with the awesome parking and the open concept for public access and public use.

This chambers is going to be here and we're going to have our meetings here like we've always had. But the public doesn't come in to see the Commission as much as the public comes in to see and meet with the needs they have for the Assessor's, the Treasurer's and Growth Management. And I'm going to say this additional piece too. To have the Assessor, the Treasurer, and Clerk here and Growth Management over there – that doesn't make any sense to me, to separate that function. You did it because you were put in a bind and you're trying to figure out how in the heck do I make this work? And you did that, but that's not what's amenable and accessible to the public.

So you did your job given the parameters that you had but what you just said, Manager Miller, I – and if I'm the only one, I'm okay with that. But I hope I'm not, because if we're going to build that brand new facility, open concept, functional parking, to be predominantly the administrative wheel, then maybe we should rethink it all together because that's not what we envisioned. And so I'm 110 percent behind that functional concept that the Manager just said, that puts all of those wheelhouse public functions over there and the administrative functions here. That's where I'm at. I had no idea that we had flipped the entire perspective. And you had to, right? Don't get mad at me, Tony.

That building, if I could, Madam Chair, that building, when we went and fought and all of us sat around the tables around budget hearings and talked about the parking, and you getting up last meeting and talking about what we're going to do with the space, you guys did a great job. I was like, boom, we're finally going to get there. We're going to get this thing done so that the public has one facility that they can go in and take care of business. And what I'm hearing, and I regret to hear it, is it's about individual offices not being happy or satisfied. Well, I'm here to tell you that I'm here short time, occupying this space and time and I'm gone, and every single other elected official is in that same boat, whether if it's today, or next week or five years from now or whatever that is. But for the functional use of the public, that building should be the wheelhouse for the public. Period. That's my take. I'll just leave it there.

COMMISSIONER HAMILTON: Can I –

CHAIR HANSEN: Go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: So Tony, maybe you can speak to what the alternative plan was again, because I think we're losing a little bit of clarity. I mean for the record, in principle, I completely agree with Commissioner Anaya and the County Manager. But as the team has been faced with additional challenges, you've mentioned a few of them having to do with needs that are potentially intrinsic to the office, like the banking-style setup of the Treasurer's office or the Assessor's office. Or, you know, their special needs that are admittedly beyond elected preference and really go to how the space needs to be set up.

So I get the feeling like right now we're – to try to push going back to having all of the high traffic areas over there is becoming a Catch-22. We want it both ways, have your cake and eat it too type of thing. So can you speak to that a little bit to explain what some of the compromises are at where the downfalls are?

CHAIR HANSEN: I also think that we're in this compromise position because we have the Assessor and the Treasurer and the Clerk who do not want to move into that new building. Just to be very clear.

MR. FLORES: So I need to clarify that. So the Assessor and the Treasurer have not said they don't want to move into that building. The issue with that space program, Madam Chair, is managing expectation. They were told what they were going to get on the previous project. We can't deliver what they were going to get on that previous project. So it's not a matter of they don't want. I think if we could accommodate their request in that building they would go. So I wanted to clarify –

CHAIR HANSEN: Thank you. I think that's important for us to know, because I don't think that Commissioner Anaya knew – okay, you got that. So that's part of our dilemma. I'm good with what Tony and the team – I support Tony and the team with his modified plan and I think you can make it work.

MR. FLORES: Madam Chair, we can make any project work that we're given. But I think to address Commissioner Hamilton's question for the record, I do not want it to be inferred that this team behind me or myself have any deviation from what Commissioner Anaya and Manager Miller have indicated. That has been our primary goal is to get the public to a facility as a one-stop shop. Whatever that means. So I just want to make sure that this is referred to as Tony's plan and I can sit here and say it's the previous project manager's plan that got us into this situation, which it is, but I just want to state on the record that we, this team with the Manager, have always assumed that that would be the linchpin for downtown services for county residents. Unequivocally.

The second part of that, so on that building, the original plan is out the window because that was three stories and had a lot of functions that we can't include in there. But what was option A, that was presented as part of the concept plan through the RFP process was that the elected offices, the Clerk, the Assessor, the Treasurer's and the Probate Judge, the information technology, Growth Management and all of Community Services would be going to 100 Catron. This building would have the Legal office, the County Manager's office, the Commission offices, the constituent liaisons' offices. And on the first floor we have HR, Financing, Purchasing and a mailroom, and some conference space. That was the original concept that was provided by our contracting team for these two projects. And that was based upon the space programming and those expectations that were provided under the previous project team. So that's option A, if that helps. And that provided the functions of those elected offices there, along with Growth Management, the core, Community Services including DWI and Health, and information technology. That's option A.

Option B changes understanding that we may not be able to accomplish what some of the offices would like to see over there, and taking into consideration Madam Clerk's desires to maintain a presence at this building. That's how option B was developed. How do I then mitigate changing what we all felt was the plan? How do we mitigate that of separating those two buildings? We are still developing a campus with

two facilities within a block of each other; that doesn't change. But that's how this plan or this option was developed. I don't think this team has any different opinion than the Manager or Commissioner Anaya on that is the goal of this project. This is just an option to consider based upon the feedback we've received. So I hope that clarifies.

CHAIR HANSEN: Clerk Salazar.

CLERK SALAZAR: No matter where we're at, we're going to make it work. The thing is when this option is presented to me that all the elected officials will be here, that was always the ideal. But if the Clerk should move with all the other elected officials to the other building, the Clerk's office can't be a full, open concept format. Is that correct? With regards to our records, our microfiche, we'd have to have some type of controls for our records.

MR. FLORES: Madam Chair, Madam Clerk, yes. The functions of the back of the house I would say for the micro-fiche and other things, you're still going to have open environments for that, but in a controlled way. What you would lose in that open concept over there is the individual private offices that are built.

CLERK SALAZAR: Right. Chair Hansen, Commissioners, and that's something that the Clerk's office has not really requested, nine or ten closed offices. I mean we want a few, for management, because of personnel matters, if we have to deal with them behind closed doors and not in an open concept flow plan, but we have not asked for many closed offices, so that's a fact. But when the plan was presented to me that this is the possibility of the elected officials being here, well, of course I'm going to be happy and advocate for that. But the reality is we have to look at what can happen, how can we do it, but that there's also security, and that the County Clerk's needs are met also.

MR. FLORES: So, Madam Chair, I can make this super easy, and I apologize for taking up way too much time on this. I'm going to withdraw my option B, based upon the direction of the County Manager. I'm going to go to option A, and we will go with an open concept. And that makes life easy.

CHAIR HANSEN: I like option A.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: Well, I'm not sure I like that, because there has been a huge amount of work, I think that the team has put into trying to take all considerations into account in an order of priority, and try to make it work so it accommodated public needs, functional needs of all the County employees and budget and timing and logistics, so frankly, my understanding was that we all loved the idea in many ways of option A but option B is the best compromise plan. So, Mr. Flores, I hope you were being snarky – isn't that the technical term?

MR. FLORES: I want to make sure Commissioner Anaya and I are okay, so that's why I'm saying that. I respect everything he said.

COMMISSIONER HAMILTON: Absolutely. I totally agree with that, but trying to look at the factors that were included in this compromise and some of them have priority, I would totally support to your moving to option B.

CHAIR HANSEN: And I would go with Plan A.

MS. MILLER: Madam Chair, so let's just – so Plan A was the original

plan with everybody – high traffic offices moving over there, Growth Management, Treasurer, Assessor, Community Services, Clerk. Plan B was those elected offices stay here, with the County Commissioners and Growth Management, Community Services, HR, Legal, everybody else goes down the street. Like I said, it's difficult because either plan, like I said, we don't have the space to get everybody under one roof. That would be ideal. We just don't have it. So I think what Tony was trying to do was come up with the best compromise from the original plan to accommodate the requests of the elected offices to have more individual offices and more private space that we can't accommodate in the other building.

COMMISSIONER ANAYA: So, Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ANAYA: I have a question of Tony, a couple questions. Madam Chair, Mr. Flores.

MR. FLORES: Uh oh. He's using Mister.

COMMISSIONER ANAYA: If we utilized the original intent of high traffic volume at the new facility, and for some administrative functions potentially within an elected office, having space here for the administrative functions. Could you make that work? A hybrid. Essentially, all high volume traffic goes to the new building. Period. But we have a compromise associated with space here, so you might have a split office that has some space here and there that's administrative. The operative thing being that the high volume public functions are there. Could you make that work?

Let me ask a second question. If we went with the Manager's recommendation of high volume traffic. Period. Could you make it work? Both of those questions.

COMMISSIONER HAMILTON: You mean like Plan A and Plan –

COMMISSIONER ANAYA: Yes. And I guess I'm hearing you say probably not, but I want to hear it on the record because I am adamant in the interest of the public that high volume public functions be at that new building. Because I couldn't even look myself straight in the mirror if we flipped that and inverted it. When I went to my constituents and said, look, we're consolidating effort. We're consolidating energy. We're putting emphasis around the collective services that you're going to get in the new facility. That was the whole impetus of the new facility in the first place.

If we spin that on its head, then we in effect – then I have to start asking myself the question then, why are we building it? Right? Then I need to go then, well if it's not going to be the hub of public consumption, which was the impetus of support that I provided, then I've got to ask myself why are we building it then?

So that's the corpus that I'm going from and now I'm saying, Okay, if we took the high volume and said put it there, but we maybe have a hybrid where we could have part of the Clerk's Office there and here, or another office, could you make that work?

MR. FLORES: So, Madam Chair, Commissioner Anaya, I asked this morning of the Chief Deputy Appraiser the desires on the private offices and I'm quoting from that conversation. The Assessor does not want to have his staff located in two facilities as we do now. So the Assessor's office or the Assessor, based upon my conversation with the Chief Deputy Assessor, they want all of their staff in a singular location. So to have an administrative function here for the Assessor, and I'll just them as the example, and over there, that would go against what he indicated this morning they

would like to see.

So we can make space work. The problem with this building is we're losing almost 8,000 square feet when we take out the infill. So I'm reducing 8,000 square feet of usable space. So we can make space work, but I can tell you with my conversation with one elected – one Chief Deputy Assessor, the Assessor's desire is to have his staff located in a singular facility, not spread out over two locations.

COMMISSIONER ANAYA: So I guess – let me put it a different way. Individuals aside, even the five Commissioners aside, and I'm serious when I say one of the options could be, in the interest of a hybrid, that the Commission offices go over there, right? If that was something that was functional or made sense, I mean, I'm open for it. You get what I'm saying?

MR. FLORES: Yes, sir.

COMMISSIONER ANAYA: So I'm just saying to functionally make it work, we could, theoretically have a hybrid of the wheelhouse there and a hybrid here, regardless of how it ultimately looked. That's a possibility.

MR. FLORES: Yes. Madam Chair, Commissioner Anaya, I think that's what Plan A tried to do is try to have non-wheelhouse or high traffic here but it was still splitting up some of the functions. I think we can look at anything.

COMMISSIONER ANAYA: If we provided that direction, you would be able to make it work.

MR. FLORES: Madam Chair, Commissioner Anaya, we can make it work.

CHAIR HANSEN: Okay, so I think we've spent enough time on this.

COMMISSIONER ANAYA: I would like to make a motion, that we make the main building the wheelhouse and that we figure out a hybrid proposal to achieve the other administrative functions that we'll need.

CHAIR HANSEN: So what is the main building? The new building?

COMMISSIONER ANAYA: The wheelhouse for the public is the new building. Absolutely.

CHAIR HANSEN: Okay. So that's what I'm hearing.

COMMISSIONER ANAYA: That's what I move.

CHAIR HANSEN: Okay, do I have a second on that?

COMMISSIONER ROYBAL: I'll second.

CHAIR HANSEN: Discussion?

COMMISSIONER HAMILTON: How much – you need to get answers to people tomorrow. Because no matter – accounting for all principles, there are major financial impacts to us delaying this too much. Because if they don't have the answers and we delay on the contract we're over budget again. So Tony, how much time do you need to follow this direction?

MR. FLORES: So, Madam Chair, Commissioner Hamilton, can I ask a clarification?

COMMISSIONER HAMILTON: Yes.

MR. FLORES: Would that be appropriate?

CHAIR HANSEN: Yes, of course.

COMMISSIONER HAMILTON: I was looking to see –

MR. FLORES: So, in my – and I don't want to have any misperceptions on what I understand high traffic to be. So if I could get an indication of what the high traffic functions would be in the Commission's perspective then I can work on that plan. What will have to happen, now to address your question, is I have to give them an answer but what I can do is have them continue working on the shell or the envelope of the building, which won't change. I'll just have to pump the brakes a little bit on the inside of it dealing with furniture, telecommunications, lighting, mechanical. So I'll need to figure out some timeframe on that.

CHAIR HANSEN: I think high traffic is Growth Management. Does anybody disagree with me on that?

COMMISSIONER MORENO: I don't know.

MR. FLORES: Commissioner Anaya?

CHAIR HANSEN: Commissioner Anaya, do you think Growth Management is high traffic?

COMMISSIONER HAMILTON: Tony's asking for clarification. What is high traffic?

COMMISSIONER ANAYA: Yes. Absolutely.

CHAIR HANSEN: Okay, so Growth Management is high traffic. Okay. Treasurer? Is that high traffic?

COMMISSIONER ANAYA: Yes, absolutely. Treasurer, Clerk. Yes.

CHAIR HANSEN: Okay. Clerk and Assessor. Okay, those are high traffic. That's what you consider high traffic.

COMMISSIONER ANAYA: Absolutely.

CHAIR HANSEN: Okay. I'm nailing it down to what you said in your motion so that we're clear because that's what Tony's asking for. Clarity.

MS. MILLER: Madam Chair, I think the clarity is that it's the original plan. It's the original plan. It really comes down to – I'll boil it down. It comes down to one of two decisions and that is that if the high traffic offices go over there we still have to work with the open concept or we cannot get this done in budget. And the design that we've been moving forward will not work. So that it means, can't pull the rug out from under this team and the under the contractor once we move forward. Once that direction is given we can't then say, okay, now you can have nine individual offices over there, or ten, or whatever, because it just won't work.

And so if that's the direction that the Board gives tonight, just know that that's what we have to stick with. We can't keep modifying it.

COMMISSIONER ANAYA: For the public, Madam Chair, if I could. For the public, Manager Miller, is it your professional perspective as the Manager of Santa Fe County that Plan A is the most functional use of the new facility?

MS. MILLER: Madam Chair, Commissioner Anaya, it is my belief that that is the most accessible building for the public because it would have our own parking lot and they could come to one facility and deal with the Treasurer's office, the Assessor's office, the Clerk's office and Growth Management. Those are typically, as Commissioner Anaya, the ones that people, when they come in for something to deal with their property, they end up with one or more of those in one visit.

COMMISSIONER ANAYA: That's all I need.

CHAIR HANSEN: Okay. All those in favor?

COMMISSIONER HAMILTON: What are we voting on?

CHAIR HANSEN: We are voting on Commissioner Anaya's proposal to have high traffic in the new building. We're voting on Plan A.

COMMISSIONER HAMILTON: Is that what we're voting on?

CHAIR HANSEN: I'm going with Plan A.

COMMISSIONER HAMILTON: That's what my question was. Is that consistent with Plan A.

CHAIR HANSEN: Plan A.

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

**VI. MATTERS FROM COUNTY COMMISSIONERS**

**A. Presentation and Proclamations**

**2. Request Approval of a Letter of Support for the Continued Funding of Payment in Lieu of Taxes (PILT) and the Secure Rural Schools (SRS) Programs [Exhibit 8: Staff Report]**

CHAIR HANSEN: It is a no-brainer.

MS. MILLER: Madam Chair, before you go to that, real quickly, or right after that, you had asked for update on the River Trail.

CHAIR HANSEN: Could we wait on that.

MS. MILLER: Sorry. It's just that – do you want it later under Matters from the Commission? Madam Chair, the chair went to quickly go take care of something so she does want to go ahead and do the letter of support, but before we go to executive session to get the update that she had requested. So if we could do Matters from the Commission, approval of the support letter, and then go to your other comments or concerns. And then back to Matters from the Manager for an update on the river trail when she returns.

COMMISSIONER HAMILTON: Sure.

COMMISSIONER ANAYA: Madam Chair, I thought the Chair might have asked the Sheriff to have me removed from the building.

MR. FLORES: I'd like to have Sgt. Webb removed from the chambers. We're asking for a letter of support to continue the PILT and the Rural Schools programs.

COMMISSIONER ANAYA: So moved, Madam Chair.

COMMISSIONER MORENO: Second.

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

**VII. MATTERS FROM OTHER ELECTED OFFICIALS**

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

COMMISSIONER HAMILTON: So are there Matters from Other Elected

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Officials, aside from what we've already discussed.

CLERK SALAZAR: Yes. I just want to remind the public and all of you that voter registration ends October 9<sup>th</sup>, so we are in the 2018 general election cycle, so we're already there, and the most critical date as of today would be October 9<sup>th</sup>, the end of voter registration, ends on that date.

COMMISSIONER HAMILTON: Right. Thank you.

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

1. Presentation and Information on the Upcoming NMHU Foundation Painter's Exhibit **TABLED**

CHAIR HANSEN: P. J. is coming up to give us an update on the Santa Fe River Trail, from the flooding on July 23<sup>rd</sup>.

P.J. MONTANO (Public Works): Madam Chair, Commissioners, let me give you this update and give you a brief history of the project and where we stand right now. This was designed back in 2013 and approved, updated in 2016. Construction started November of 2017 and was completed June 27, 2018. Unfortunately, the design and the project was hit by a 200-year flood back on July 5<sup>th</sup> and again was hit by a 1,000-year storm on the 23<sup>rd</sup> with significant damage to the trail, as we all know.

Due to the fact that the contractor still had control and liability of the site, they took it upon themselves to shut it down and all access for the safety of the public. So since then I've been working with Risk Management along with the insurance to see what's going to be covered and if anything is going to be covered. I've also got a full damage assessment done by the engineers and I'll be walking the site with the contractor on Thursday to see what the cost is going to be.

So it's my goal to get this project done as soon as possible, correctly, and quickly. That way we can get the public back out there.

CHAIR HANSEN: Thank you, P. J. So what I have is I have constituents, since this is in District 2, calling me and complaining that there are people in the river drinking, etc. They feel like it's dangerous. The blockage at the two ends is not adequate to keep people out, but people could go in the river even without that. So I just want to share the concerns of my constituents that are concerned about this issue and frustrated and don't have all the information. And I know we're doing everything we can. We had a 500-year flood event. We had a 1,000-year flood event and the project was still under the contractor. So I appreciate all the work you're doing to move this forward.

MR. MONTANO: Madam Chair, we understand and we will look at the access points, the public access points to make sure that they are secured, but we are doing our best to keep the public out for their safety. So as soon as I find out how long this is going to take I'll let you guys know and get back with you guys.

CHAIR HANSEN: I really appreciate that, and thank you for all your work on that. I know how challenging it is and just thank you again.

MR. MONTANO: You're welcome. Thank you.

CHAIR HANSEN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Montano, I'd also like to thank you guys, and you know like that whole last discussion we just had, you guys are sharp. You guys will help us retool and reframe things, but we appreciate what you guys have been doing collectively and meeting and doing what you got to do to help get things done. So sometimes we have to change gears a little but we appreciate that you guys are agile and you get it done. So thank you for that.

MR. MONTANO: Madam Chair, Commissioner Anaya, we really appreciate that, because we do put a lot of hard work into every project, not just the new administration office, but the River Trail and every other project that each one of you guys have, so I appreciate that.

CHAIR HANSEN: Okay, we have done Matters from Elected Officials. I believe that we are now going to – I just wanted to ask the Commission, since this is a Commission issue, I wanted to know if the Commission was interested in supporting this letter that Senator Udall and Senator Heinrich have written to the DOE that is in support of the Defense Nuclear Facilities Safety Board, and I would like to know if I could bring this forward as a letter. I can write one personally as a Commissioner, but I think that the Defense Nuclear Facilities Safety Board is an incredibly important element of securing our LANL and Sandia and this is a letter that Senator Tom Udall and Senator Heinrich wrote in support of keeping the Defense Nuclear Facilities Safety Board. I have this letter right here.

COMMISSIONER HAMILTON: If we could all see it. That's a very important thing to look at.

CHAIR HANSEN: It's a very important issue to me. Is this something we could – Mr. Frederick?

BRUCE FREDERICK (County Attorney): Well, I'm just going to say, it's not listed as an action item, so it's difficult to take a vote on it. You can all, of course, sign it as Commissioners or support it or do whatever you want individually, but voting on it to take action as a Commission, there's no notice.

CHAIR HANSEN: Okay. So possibly, if the deadline does not expire by our next meeting I'll bring something forward. And I also wanted to let you know that I will also be bringing a resolution forward on supporting the Land and Water Conservation Fund. It has been in effect for 50 years and it is a law written by Stewart Udall when he was Secretary of the Interior and it is set to expire at the end of the month, and I am working on the resolution for that at the moment also.

COMMISSIONER HAMILTON: Thank you for that. I didn't know it was set to expire.

CHAIR HANSEN: So those were the only two issues that I had of importance.

**VIII. MATTERS FROM THE COUNTY ATTORNEY**

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of 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**
- 1. Aamdodt Settlement/Pojoaque Basin Regional Water Authority**
  - 2. Opioid Litigation**
  - 3. Pending Tort Litigation**
  - 4. Inspection of Public Records Act Complaint (IPRA)**

MR. FREDERICK: Madam Chair we're requesting to go into executive session to discuss the items listed under item VIII. A. of the agenda, pursuant to the authority listed under that same agenda item.

CHAIR HANSEN: Do I have a motion to go into executive session?

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER ROYBAL: I'd like to move that we go into executive session for the matters that have been summarized by County Attorney Bruce Frederick.

COMMISSIONER MORENO: Second.

CHAIR HANSEN: I have a motion by Commissioner Roybal and a second by Commissioner Moreno. May I please have a roll call, Madam Clerk.

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

Commissioner Anaya	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

[The Commission met in executive session from 5:41 to 6:55.]

Commissioner Hamilton moved to come out of executive session where the only things discussed were those set forth on the agenda and identified by the County Attorney prior to going into executive session. The motion carried by unanimous [3-0] voice vote. [Commissioners Roybal and Anaya were not present for this action.]

**IX. CONCLUDING BUSINESS**

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

Upon motion by Commissioner Moreno and second by Commissioner Hamilton, and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 6:56 p.m.



Approved by:

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

ATTEST TO:

*Geraldine Salazar*  
 GERALDINE SALAZAR  
 SANTA FE COUNTY CLERK

Respectfully submitted:

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

COUNTY OF SANTA FE )  
 STATE OF NEW MEXICO ) ss

BCC MINUTES  
 PAGES: 142

I Hereby Certify That This Instrument Was Filed for  
 Record On The 12TH Day Of October, 2018 at 08:31:19 AM  
 And Was Duly Recorded as Instrument # 1869977  
 Of The Records Of Santa Fe County



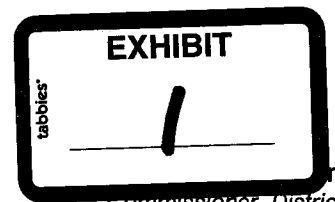
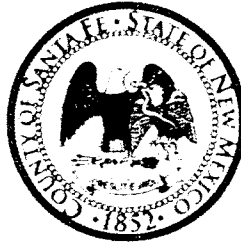
Deputy *Estrella Martinez*  
 Witness My Hand And Seal Of Office  
 Geraldine Salazar  
 County Clerk, Santa Fe, NM

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

**Anna Hansen**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



Commissioner, District 4

**Ed Moreno**  
Commissioner, District 5

**Katherine Miller**  
County Manager

## MEMORANDUM

**DATE:** 9/4/2018

**TO:** Board of County Commissioners

**VIA:** Katherine Miller, County Manager

**FROM:** Michael K. Kelley, Public Works Department - Director MK 9/4/18

**ITEM AND ISSUE:** BCC Meeting, September 11, 2018

**Approval of a Memorandum of Agreement (2019-0074-PW) between Santa Fe County and the Cañoncito at Apache Canyon Mutual Domestic Water Consumer and Sewer Association (Public Works/Erik Aaboe)**

### SUMMARY:

The purpose of this agreement is to establish a procedure for the County to pay off debt of the Cañoncito at Apache Canyon Mutual Domestic Water Consumer and Sewer Association ("Association") and for the Association to repay that debt. This will allow the Association to secure grant funding to replace the Association's distribution infrastructure before the system is acquired by the County.

### BACKGROUND:

The Board of Commissioners of Santa Fe County (the "Board") approved Resolution No. 2012-55 to commit to acquire the Association assets and infrastructure. The Board also approved Resolution 2017-113 to support an application to the Water Trust Board of the New Mexico Finance Authority (NMFA) for funding to replace the Association's infrastructure. This project has been recommended for funding, pending completion of readiness to proceed items and, if awarded, would close in November of 2018.

One of the required readiness to proceed items is the concurrence of the Association's creditors for the Association to assume additional debt. One of the creditors has expressed an unwillingness to do so. If approved, this agreement would establish a procedure to allow the County to pay the Association's debts and to repay the County both before and after acquisition. The existence of this agreement will help gain consent of the creditors and the repayment mechanisms will ensure that the ratepayers of the County Utility are not subsidizing the acquisition of the Association's system.

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505-995-2740 www.santafecountynm.gov

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**ACTION REQUESTED:**

Approval of Memorandum of Agreement 2019-0074-PW.

Enc. MOA 2019-0074-PW

**MEMORANDUM OF AGREEMENT  
BETWEEN THE COUNTY OF SANTA FE AND THE CANOÑCITO AT APACHE  
CANYON MUTUAL DOMESTIC WATER CONSUMERS & SEWAGE WORKS  
ASSOCIATION**

**THIS MEMORANDUM OF AGREEMENT** ("the Agreement") is between the **County of Santa Fe** ("the County"), a political subdivision of the State, and the **Canoñcito at Apache Canyon Mutual Domestic Water Consumer's & Sewage Works Association** ("the Association"), a public body corporate organized under the Sanitary Projects Act, NMSA 1978, §§ 3-29-1 through 3-29-21. The County and the Association are collectively referred to as the "Parties."

**RECITALS**

- A.** The Association is a mutual domestic water consumer association that provides water for domestic purposes to persons located in and around the unincorporated area known as Canoñcito at Apache Canyon, Santa Fe County, New Mexico.
- B.** It is policy of the County to support small community water systems. Sustainable Growth Management Plan ("SGMP"), Chapter 11; SGMP Policy 41.8.
- C.** On April 10, 2012, the Board of County Commissioners (the "Board") approved Resolution No. 2012-55 regarding the County's acquisition the Association's assets and infrastructure.
- D.** On October 31, 2017, the Board approved Resolution No. 2017-113 to support an application for financial assistance from the New Mexico Water Trust Board of the New Mexico Finance Authority (NMFA) for improvements to the Association's distribution system.
- E.** The NMFA approved the Association's application for financial assistance and awarded Project No. WPF-4325 to the Association, which in partly in the form of a grant and partly in the form of a loan, contingent upon completion of all items on NMFA's "readiness to proceed" checklist ("Checklist").
- F.** Consent of the Association's creditors is one requirement on the Checklist.
- G.** The Association's creditors are listed on Exhibit A along with the amount of money that the Association owes to each creditor ("Exhibit A Debts"). The New Mexico Environment Department has indicated that it will not consent to the Association incurring additional debt.
- H.** The Association's current revenues are not sufficient to cover the Association's debt-service and operational costs.
- I.** The County desires to provide financial assistance to the Association to fund certain capital improvements, pay its debts, and meet its obligations so that the Association may continue to provide safe drinking water to its customers.

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J. The Association desires to accept the County's financial assistance and commits to repay the County for 100% of such financial assistance over a reasonable repayment period, as described in this Agreement.

K. It is in the interest of public health, safety, and welfare for the Parties to cooperate as set forth herein.

### AGREEMENT

**NOW, THEREFORE, FOR CONSIDERATION, THE PARTIES AGREE AS FOLLOWS:**

1. **County Financial Assistance.** The County shall provide financial assistance (the "Financial Assistance") to the Association as follows:

A. The County shall act as guarantor, or in such other capacity as NMFA may require, and shall pay on behalf of the Association the entire loan portion of NMFA Project Agreement WPF-4325, in the total amount of \$163,200 ("NMFA Loan #2"). The County will either prepay the entire loan amount immediately or establish a special fund to repay the loan over time.

B. The County shall establish a purchase order or special fund in the total maximum amount of \$180,000 ("Expense and Debt Fund") for the purpose of: (1) paying some or all of the Association's existing debts shown on Exhibit A and; and (2) paying the Association's ongoing expenses to the extent the Association's revenues are insufficient, including the expense of leasing the radium removal system through 2021.

C. The Association and the County shall within sixty (60) days after the effective date of this Agreement arrange for the County to pay in full from the Expense and Debt Fund all of the Exhibit A Debts.

D. To the extent monies remain in the Expense and Debt Fund after payment of the Exhibit A Debts, the County will pay ongoing expenses related to removal of radium from the Association's drinking water and Financial Assurance for proper disposal of media related to radium removal pursuant to either of the following methods:

1) Within thirty (30) days of the Association providing an invoice to the County that the Association has paid, along with proof of payment, the County shall pay the Association the amount of the invoice as reimbursement.

2) Within fifteen (days) of the Association providing an invoice to the County that has not been paid, the County shall pay the Association the amount of the invoice, and the Association shall thereafter timely make payment to the vendor.

E. The Parties agree that the County Financial Assistance provided under Sections 1(A) through 1(D) above shall constitute a no-interest loan from the County to the Association, which the Association shall repay as provided herein below.

### MEMORANDUM OF AGREEMENT



2. **Increase of Association's Water Service Rates.** Within sixty (60) days after the effective date of this Agreement, the Association shall increase its water service rates by an amount that will enable the Association repay the County Financial Assistance by making monthly payments of at least \$2,000 per month.

3. **Association's Obligation to Repay County Financial Assistance.**

A. Within sixty (60) days after the effective date of this Agreement, the County and the Association shall agree on a repayment schedule, under which the Association shall make monthly payments to the County of at least \$2,000. The Association and the County may agree on changes to the repayment schedule from time to time.

B. The initial principal amount to be repaid by the Association will be up to \$292,630.89, which is the cumulative amount of NMFA Loan #2 and the Exhibit A Debts to be paid by the County. The Association shall commence making monthly payments to the County of at least \$2,000 no later than two (2) months after the County has paid, in whole or in part, the NMFA Loan #2 or the Exhibit A Debts; *provided*, however, that the Association may deduct from its monthly payment to the County any monthly payment it makes in the same month to an Exhibit A Creditor.

C. The final principal amount ("Principal Amount") to be repaid by the Association shall be the initial principal amount plus the sum of payments made by the County under Section 1(D), which total final principal amount shall not exceed \$343,200.

D. Each calendar quarter, the County shall provide the Association with a summary of the Association's payments and the outstanding Principal Amount.

4. **Continued Repayment of County Financial Assistance after County's Acquisition of the Association's Water System.**

A. The County shall acquire the Association's water system, if at all, pursuant to a negotiated acquisition agreement ("Acquisition Agreement"). If the Association has not repaid the Principal Amount, in full, at the time of any such acquisition, any Acquisition Agreement shall include a provision allowing the County to assess a System Acquisition Surcharge on the Association's members pursuant to Section 11(N) of County Ordinance No. 2018-4. The purpose of the System Acquisition Surcharge will be to allow the County to recoup the outstanding Principal Amount within a reasonable time.

B. The Association shall be responsible for assuring that its members duly approve any Acquisition Agreement in accordance with the Association's bylaws.

5. **Effective Date:** The effective date of this Agreement shall be the latest date written below.

**MEMORANDUM OF AGREEMENT**

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**6. Liability:**

A. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 through 41-4-30, or creates any right of indemnity.

B. There are no third-party beneficiaries to this Agreement. Without limiting the generality of the foregoing, no action to enforce the terms of this Agreement or for damages for breach of this Agreement may be brought against either party by any person who is not a party to this Agreement.

7. **Amendment:** This Agreement may not be altered, changed, or amended except by a written agreement executed by the Association and the Board.

8. **Applicable Law and Venue:** New Mexico law shall apply to this Agreement. Any litigation regarding this Agreement shall be brought exclusively in New Mexico State District Court, First Judicial District, Santa Fe, New Mexico.

9. **Integration:** This Agreement sets forth the entire agreement between the parties and any prior agreements and understandings between the parties, whether written or oral, regarding the subject matter of this Agreement are fully integrated into this Agreement.

10. **Duplicate Originals:** This Agreement shall be executed in duplicate originals.

11. **Delegation.** The Board delegates to the County Manager the authority to take all actions that the County is required to perform under this Agreement.

**SANTA FE COUNTY**

By: \_\_\_\_\_  
Anna Hansen  
Chair, Board of County Commissioners

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

**ATTEST:**

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

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

**MEMORANDUM OF AGREEMENT**

Approved as to form:

RBF  
R. Bruce Frederick, Santa Fe County Attorney

Date: 9/6/2018

County Finance Division Approval:

By: SSC  
Stephanie Schardin Clarke, Director

Date: 9/6/18

**CANOÑCITO AT APACHE CANYON MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION AND SEWER ASSOCIATION:**

Rita M Gurule  
Rita Gurule, President of the Board

Date: 9-5-18

ATTEST:

L. Andy Ortiz  
Board Member

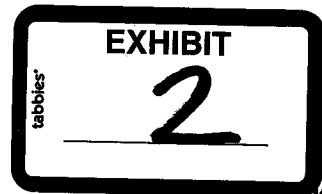
Date: 9-5-18

SFC CLERK RECORDED 10/12/2018

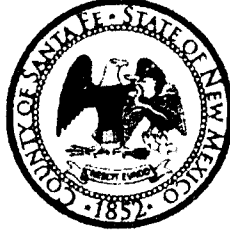
**EXHIBIT A**

Creditors of the Association as of 9/1/2018

Creditor	Reference	Amount
New Mexico Finance Authority (NMFA)	WTB-0240	\$18,758.10
New Mexico Environment Department (NMED)	RIP 93-03	\$58,476.98
New Mexico Environment Department (NMED)	RIP 94-05 R	\$18,412.82
WRT, LLC	Radium lease CPI	\$6,128.61
Molzen Corbin	Phase II Distr.	\$27,654.38



**Henry P. Roybal**  
Commissioner, District 1  
**Anna Hansen**  
Commissioner, District 2  
**Robert A. Anaya**  
Commissioner, District 3



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

**DATE:** *September 5, 2018*  
**TO:** *Board of County Commissioners*  
**VIA:** *Katherine Miller, County Manager*  
**FROM:** *Michael K. Kelley, Public Works Department Director MK 9/5/18*

**ITEM AND ISSUE:** *BCC Meeting September 11, 2018*  
**Approval Of Transfer of 8 Acre-feet from Burro Alley Partners to Santa Fe Water Resources Alliance and Approval Of The First Amended Initial Customer Contract for Commitment of Water Service Between Santa Fe County and Univest-Rancho Viejo. (Public Works/John Dupuis)**

**SUMMARY:**

The Public Works Department is requesting approval of the transfer of 8 acre-feet per year (afy) from Burro Alley Partners to Santa Fe Water Resources Alliance (SFWRA) and an amendment of an existing Water Service Agreement between Santa Fe County and Univest-Rancho Viejo to reflect this transfer along with a previously completed transfer of 11 afy from Dan Terrell to Rancho Viejo Partnership (RVLP).

**BACKGROUND:**

Burro Alley Partners desires to transfer 8 afy to SFWRA to be used to backup delivery of water from Santa Fe County Utilities to the Rancho Viejo subdivision. The transfer has been signed by all parties who seek approval from the Board of County Commissioners. In a separate transaction completed in July of 2015, Dan Terrell transferred 11 afy to RVLP also to be used to backup delivery of water from Santa Fe County Utilities to the Rancho Viejo subdivision.

An existing Water Service Agreement (WSA) between Santa Fe County and Univest-Rancho Viejo commits 168 afy to meet water demand at the Rancho Viejo Subdivision. In order to capture the above-referenced transactions, approval of an amendment to the existing WSA between Santa Fe County and Univest-Rancho Viejo is requested. If approved, the water commitment to serve Univest-Rancho Viejo will be increased from 168 afy to 187 afy.

**ACTION REQUESTED:**

Approval of the transfer of 8 afy from Burro Alley Partners and an Amendment to First Amended Initial Customer Contract for Commitment of Water Service between Santa Fe County and Univest-Rancho Viejo.

SFC CLERK RECORDED 10/12/2018

**Amendment to  
First Amended Initial Customer Contract for Commitment of Water Service**

This Amendment to First Amended Initial Customer Contract for Commitment of Water Service (“Amendment”) is between the County of Santa Fe (“County”) and Uninvest-Rancho Viejo, LLC, a New Mexico limited liability company (“Uninvest” or “Customer”).

**Recitals**

A. Burro Alley Partners, a New Mexico Limited Partnership (“Burro Alley”), Santa Fe Water Resource Alliance, LLC, a New Mexico limited liability company (“SFWRA”), and Uninvest executed an agreement titled, Transfer of 8 Acre-Feet of County Water Service (“Transfer Agreement”) on \_\_\_\_\_, 2018. The Board of County Commissioners approved the Transfer Agreement on the same date it executed this Amendment. The terms and conditions regarding the 8 acre-feet per year (“AFY”) of County water service are set forth in the Notice of Prior Dedication of Water and Acknowledgement (“Dedication”) described in the Transfer Agreement.

B. The County and Rancho Viejo Partnership (“RVLP”), as the original “Customer,” entered into the First Amended Initial Customer Contract for Commitment of Water Service, dated November 10, 1994, subject to the amendment dated February 24, 2004, and assigned on December 26, 1996, from RVLP to Rancho Viejo De Santa Fe, Inc. and assigned on January 25, 2011, from Rancho Viejo De Santa Fe, Inc., to Uninvest (“Water Service Agreement”). Under the Water Service Agreement, the County committed to provide up to 168 acre-feet of water per year to the Customer for use within Rancho Viejo, a development of Uninvest, subject to the terms and conditions of the Water Service Agreement.

C. Uninvest desires to allocate all of the 8 acre-feet of County water service described in the Transfer Agreement and amend the Water Service Agreement to increase the amount of the County commitment of water service by 8 acre-feet.

D. Upon execution of this Amendment, the Dedication shall be extinguished and of no further force or effect.

E. Dan Terrell and RVLP entered into the Assignment of Customer Contract for Commitment of Water Service, dated July 15, 2015, whereby Dan Terrell assigned his entitlement of 11 AFY of County water service to RVLP (“Terrell Assignment”) for use in Rancho Viejo. On July 28, 2015, the Santa Fe County Utility executed the Approval of Santa Fe County Utility, approving the assignment and agreeing to provide up to 11 AFY to existing customers of the County within Rancho Viejo and assess no further stand-by fees.

F. Uninvest desires to amend the Water Service Agreement to increase the amount of the County commitment of water service by 11 acre-feet as described in the Terrell Assignment.

SFC CLERK RECORDED 10/12/2018

**NOW THEREFORE, THE PARTIES HERETO AGREE TO AMEND THE WATER SERVICE AGREEMENT AS FOLLOWS:**

1. The recitals set forth above are incorporated herein by reference as if set forth in full in the body of this Amendment.
2. Paragraph 1 of the Water Service Agreement is amended such that all references to "168 acre-feet" are deleted and replaced with "187 acre-feet."
3. Except as expressly amended hereby, the Water Service Agreement (including the February 24, 2004, amendment) shall remain unchanged and in full force and effect.
4. This Amendment shall be subject to approval by SFWRA and RVLP.
5. This Amendment shall be effective as of the last signature date below, *provided*, however, that this Amendment shall not be effective until the date of SFWRA and RVLP approval written below.

**UNIVEST-RANCHO VIEJO, LLC**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date \_\_\_\_\_

**SANTA FE COUNTY**

By: \_\_\_\_\_  
Anna Hansen, Chair  
Board of County Commissioners

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

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

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

**Approved as to form:**

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

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

*[Acknowledgement on next page]*





**APPROVAL OF  
SANTA FE WATER RESOURCE ALLIANCE AND RANCHO VIEJO, L.P.**

1. SFWRA hereby approves the Amendment to the extent it increases the County's commitment of water service to the Customer by 8 acre-feet per year based on the Transfer Agreement and extinguishment of the Dedication.
2. RVLVP hereby approves the Amendment to the extent it increases the County's commitment of water service to the Customer by 11 acre-feet per year based on the Terrell Assignment.

Date \_\_\_\_\_

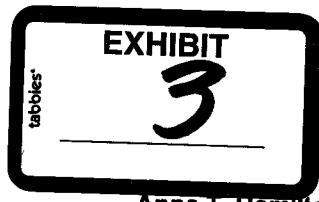
\_\_\_\_\_  
**SANTA FE WATER RESOURCE ALLIANCE, LLC**  
By: Rancho Viejo Limited Partnership, Managing Member  
By: Warren Thompson, President Los Atrevidos, Inc.  
General Partner

Date \_\_\_\_\_

\_\_\_\_\_  
**RANCHO VIEJO LIMITED PARTNERSHIP**  
By: Warren Thompson, President Los Atrevidos, Inc.  
General Partner

*[Acknowledgements on next page]*

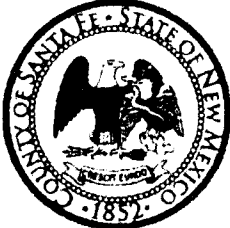




**Henry P. Roybal**  
*Commissioner, District 1*

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

**Robert A. Anaya**  
*Commissioner, District 3*



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

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

**Katherine Miller**  
*County Manager*

**DATE:** *September 5, 2018*

**TO:** *Board of County Commissioners*

**VIA:** *Katherine Miller, County Manager*

**FROM:** *Michael K. Kelley, Public Works Department Director* *ML 9/5/18*

**ITEM AND ISSUE:** *BCC Meeting September 11, 2018*  
**Approval Of Transfer of 8 Acre-feet from Burro Alley Partners to Santa Fe Water Resources Alliance and Approval Of The First Amended Initial Customer Contract for Commitment of Water Service Between Santa Fe County and Uninvest-Rancho Viejo. (Public Works/John Dupuis)**

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**SUMMARY:**

The Public Works Department is requesting approval of the transfer of 8 acre-feet per year (afy) from Burro Alley Partners to Santa Fe Water Resources Alliance (SFWRA) and an amendment of an existing Water Service Agreement between Santa Fe County and Uninvest-Rancho Viejo to reflect this transfer along with a previously completed transfer of 11 afy from Dan Terrell to Rancho Viejo Partnership (RVLP).

**BACKGROUND:**

Burro Alley Partners desires to transfer 8 afy to SFWRA to be used to backup delivery of water from Santa Fe County Utilities to the Rancho Viejo subdivision. The transfer has been signed by all parties who seek approval from the Board of County Commissioners. In a separate transaction completed in July of 2015, Dan Terrell transferred 11 afy to RVLP also to be used to backup delivery of water from Santa Fe County Utilities to the Rancho Viejo subdivision.

An existing Water Service Agreement (WSA) between Santa Fe County and Uninvest-Rancho Viejo commits 168 afy to meet water demand at the Rancho Viejo Subdivision. In order to capture the above-referenced transactions, approval of an amendment to the existing WSA between Santa Fe County and Uninvest-Rancho Viejo is requested. If approved, the water commitment to serve Uninvest-Rancho Viejo will be increased from 168 afy to 187 afy.

**ACTION REQUESTED:**

Approval of the transfer of 8 afy from Burro Alley Partners and an Amendment to First Amended Initial Customer Contract for Commitment of Water Service between Santa Fe County and Uninvest-Rancho Viejo.

SFC CLERK RECORDED 10/12/2018

**TRANSFER OF 8 ACRE-FEET OF COUNTY WATER SERVICE**

This Transfer of 8 Acre-Feet of County Water Service (“Agreement”) is by and between, Burro Alley Partners, a New Mexico Limited Partnership (“Burro Alley”), Santa Fe Water Resource Alliance, a New Mexico limited liability company (“SFWRA”), and Univest-Rancho Viejo, a New Mexico limited liability company (“Univest”).

RECITALS

A. Burro Alley and the County of Santa Fe (“County”) executed a Termination Agreement, dated October 1, 2009, filed in the records of the County Clerk as Instrument No. 1579457, and ratified by the Board of County Commissioners (“Board”) on December 12, 2017.

B. Exhibit 3 to the Termination Agreement is a Notice of Prior Dedication of Water and Acknowledgement (“Dedication”), attached hereto as Exhibit A.

C. As described in the Dedication, Burro Alley dedicated to the County 8 acre-feet of water per year (“AFY”) “to be used on any project that [Burro Alley] might pursue in the future that qualifies for County water service pursuant to any and all County requirements and” the Dedication.

D. The County and Rancho Viejo Partnership, as “Customer”, executed that certain First Amended Initial Customer Contract for Commitment for Water Service, dated November 10, 1994, as amended on February 24, 2004 (“Water Service Agreement”), providing for County water service of up to 168 AFY to the Rancho Viejo development. Univest is the current Customer under the Water Service Agreement.

E. Burro Alley desires to transfer to SFWRA all of its rights under the Dedication, which shall be used exclusively to support County water service to the Rancho Viejo development in accordance with an amendment of the Water Service Agreement to be executed by the County and Univest. The County has agreed that such amendment will increase the “commitment to provide water” under Paragraph 1 of the Water Service Agreement from 168 AFY to 176 AFY. Upon such amendment, the Dedication shall be extinguished and of no further force or effect.

F. Nothing in this Agreement is intended to amend or modify any term or condition of the Dedication, the Water Service Agreement, or any other agreement involving the County, Burro Alley, SFWRA, or Univest.

G. The persons executing this Agreement on behalf of Burro Alley represent that they have full authority to transfer all of Burro Alley’s rights under the Dedication to SFWRA.

**NOW THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:**

1. The foregoing Recitals are incorporated into and made a part of this Agreement by reference.

SFC CLERK RECORDED 10/12/2018

2. Burro Alley hereby transfers to SFWRA all its rights under the Dedication for the sole purpose of supporting County water service to the Rancho Viejo development; *provided*, however, that this transfer shall not be effective until the date of County approval written below.

**IN WITNESS WHEREOF** the parties hereto execute this Agreement, effective as of the date last signed below.

\_\_\_\_\_  
**Burro Alley Partners**  
By: Richard A. Montoya

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

\_\_\_\_\_  
**Burro Alley Partners**  
By: Charlotte A. Capling

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

\_\_\_\_\_  
**Santa Fe Water Resource Alliance, LLC**  
By: Rancho Viejo Limited Partnership, Managing Member  
By: Warren Thompson, President Los Atrevidos, Inc.  
General Partner

Date \_\_\_\_\_

\_\_\_\_\_  
**Univest-Rancho Viejo, LLC**  
By:

Date \_\_\_\_\_

[Acknowledgements on next page]

ACKNOWLEDGMENTS

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was ACKNOWLEDGED before me on the \_\_\_ day of \_\_\_\_\_, 2018  
by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was ACKNOWLEDGED before me on the \_\_\_ day of \_\_\_\_\_, 2018  
by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was ACKNOWLEDGED before me on the \_\_\_ day of \_\_\_\_\_, 2018 by  
\_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was ACKNOWLEDGED before me on the \_\_\_ day of \_\_\_\_\_, 2018 by  
\_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

[County Approval on next page]

SFC CLERK RECORDED 10/12/2018

SANTA FE COUNTY APPROVAL

Santa Fe County hereby APPROVES Burro Alley's transfer of its rights under the Dedication to SFWRA.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Anna Hansen, Chair

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

ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

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

Approved as to form:

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

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



THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

RESOLUTION NO. 2018 – \_\_\_\_

A NOTICE OF SALE RESOLUTION FOR GENERAL OBLIGATION IMPROVEMENT  
BONDS, SERIES 2018 IN A PRINCIPAL AMOUNT OF \$12,985,000 INCLUDING  
APPROVAL OF A FORM OF PRELIMINARY OFFICIAL STATEMENT

WHEREAS, at a general obligation bond election duly called and held for Santa Fe County, State of New Mexico, (the "County") on November 8, 2016 (the "Election"), the electors of the County authorized the Board of County Commissioners of Santa Fe County (the "Board") to contract bonded indebtedness on behalf of the County and upon the credit thereof by issuing general obligation bonds of the County to secure funds for the following purposes in the following amounts:

Purpose	Amount Authorized at Election	Amount Previously Issued	Amount to be Issued
Acquire, construct, design, equip and improve roads within the County	\$13,600,000	\$7,715,000	\$5,885,000
Acquire, construct, design, equip and improve water and wastewater projects within the County	\$ 4,800,000	\$1,500,000	\$3,300,000
Acquire, construct, design, equip and improve fire and other public safety facilities within the County	\$ 7,000,000	\$5,800,000	\$1,200,000
Acquire, construct, design, equip, improve and restore open space, trails and parks within the County	\$ 4,600,000	\$2,000,000	\$2,600,000
Acquire, construct, design, equip and improve community health facilities within the County	\$ 5,000,000	\$5,000,000	-0-
TOTALS:	\$35,000,000	\$22,015,000	\$12,985,000

SFC CLERK RECORDED 10/12/2018



WHEREAS, the Board has determined, and does hereby determine, that it is necessary and in the best interest of the County and the inhabitants thereof that \$12,985,000 in principal amount of the general obligation bonds authorized at the Election (the "Bonds") be issued at this time; provided, however, that a satisfactory price for the Bonds be obtained upon a public sale.

NOW, THEREFORE, be it resolved by the Board:

Section 1. The Chairperson of the Board and the County Clerk are authorized and directed to cause to be published a notice of sale of the Bonds in the form set forth below in Section 2, for the purposes and in the amount described above, in the *Albuquerque Journal*, a newspaper of general circulation in the County, at least one week prior to the date of sale, and the County Manager or County Finance Director are hereby authorized and directed to cause such other notice of the bond sale to be given as either of them shall determine, including the publication of the notice in financial papers and periodicals and the distribution among investment bankers and others of a Preliminary Official Statement relating to the Bonds. The form of Preliminary Official Statement relating to the Bonds as presented in connection with this Resolution is hereby approved.

Section 2. The notice of sale of the Bonds shall be published in substantially the form attached to this Resolution as Exhibit A-1.

Section 3. The Official Notice of Bond Sale shall be in substantially the form attached to this Resolution as Exhibit A-2.

Section 4. Pursuant to Section 6-14-10.2, NMSA 1978, the County Manager is hereby delegated authority to accept one or more binding bids and select the Purchaser or Purchasers of the Bonds, to execute an Award Certificate determining the final terms of the Bonds, subject to the following parameters and conditions:

- A. The Bonds shall be issued in an aggregate principal amount not to exceed \$12,985,000 for the purposes set forth above.
- B. The net effective interest rate on the Bonds shall not exceed 10% per annum.
- C. The final maturity of the Bonds shall not be later than July 1, 2038.
- D. The Bonds shall be sold for not less than par and not more than 115% of par.
- E. The underwriter's discount on the Bonds shall not exceed 3% of the par amount of the Bonds.

Section 5.

A. The Bonds shall be dated the date of their delivery (herein the “Series Date”), will be issued in one series, and shall consist of bonds numbered consecutively from R-1 upward, issuable in the denomination of \$5,000 each or integral multiples thereof (provided that no individual bond will be issued for more than one maturity); shall bear interest from the Series Date to maturity at the rates per annum set forth above for the Bonds, payable to the registered owner thereof, or registered assigns, semiannually on January 1 and July 1 each year in which the Bonds are outstanding, commencing January 1, 2019, and shall mature on July 1 in the years 2019 through 2035, as set forth in the Official Notice of Bond Sale.

B. Bonds which are reissued upon transfer, exchange, or other replacement shall bear interest from the most recent interest payment date to which interest has been fully paid or provided for in full or, if no interest has been paid, from the Series Date.

C. The principal of and interest on the Bonds due at maturity shall be payable to the registered owner thereof, as shown on the registration books kept by the Santa Fe County Treasurer as the registrar/paying agent (the “Registrar/Paying Agent”) for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by the Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business on the Record Date (defined below) at the address as it appears on the registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term “Record Date” as used herein with respect to any interest payment date shall mean the 15th day of the month preceding the interest payment date. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any interest payment date shall be entitled to receive the interest payable thereon on such interest payment date notwithstanding any transfer or exchange thereof subsequent to such Record Date and prior to such interest payment date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name such Bond is registered at the close of business on a special record date (the “Special Record Date”) fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest.

SFC CLERK RECORDED 10/12/2018

D. Except as may otherwise be provided in the Award Certificate, the Bonds maturing on and after July 1, 2026 shall be subject to prior redemption at the option of the County, in one or more units of principal of \$5,000 on and after July 1, 2025, in whole or in part at any time, in such order of maturities as the County may determine, for the principal amount of each \$5,000 unit of principal so redeemed plus accrued interest to the redemption date ("Optional Redemption"). Optional Redemption shall be made upon prior notice mailed to each registered owner of each bond selected for redemption as shown on the registration books kept by the Registrar/Paying Agent.

E. Notice of Optional Redemption and, if applicable, mandatory sinking fund redemption of the Bonds will be given by the Registrar/Paying Agent by sending a copy of such notice by first-class, postage prepaid mail not less than 30 days prior to the redemption date to the address shown as of the fifth day prior to the mailing of notice on the registration books by the Registrar/Paying Agent. The County shall give the Registrar/Paying Agent notice of the Bonds to be called for redemption at least 15 days prior to the date that the Registrar/Paying Agent is required to give owners notice of redemption, which notice shall specify the Bonds and the principal amount to be called for redemption and the applicable redemption dates. The Registrar/Paying Agent's failure to give such notice to the registered owner of any Bond, or any defect therein, shall not affect the validity of the proceedings for the redemption of any Bonds for which proper notice was given. The notice will specify the number or numbers and maturity date or dates of the Bonds to be redeemed (if less than all are to be redeemed) the principal amount of any Bond to be redeemed in part, the date fixed for redemption, and that on such redemption date there will become and be due and payable upon each Bond or part thereof to be redeemed, at the office of the Registrar/Paying Agent, the principal amount thereof to be redeemed plus accrued interest, if any, to the redemption date; and that from and after such date interest will cease to accrue on the principal amount redeemed. Such notice may be a conditional notice of redemption and the amount of money required to redeem the Bonds called for redemption need not be on deposit with the Registrar/Paying Agent at the time notice of redemption is given. If notice is given in the manner provided above, the Bond or Bonds or part thereof called for redemption will become due and payable on the redemption date designated and, if an amount of money sufficient to redeem all Bonds called for redemption is on deposit with the Registrar/Paying Agent on the redemption date, the Bonds or part thereof to be redeemed shall be deemed to be not outstanding and will cease to bear or accrue interest from and after such redemption date. Upon presentation of a Bond to be redeemed at the office of the Registrar/Paying Agent on or after the redemption date, the Registrar/Paying Agent will pay such Bond, or portion thereof called for redemption.

Section 6. The Bonds shall constitute the general obligation bonds of the County, payable from general *ad valorem* taxes in amounts sufficient to meet the semi-annual payments of interest and annual payments of principal on the Bonds maturing in each year. The full faith and credit of the County shall be, and hereby is, irrevocably pledged to the payment of the principal of and interest on the Bonds.

Section 7. The Bonds shall bear the manual or facsimile signature of the Chairperson of the Board and shall be attested by the manual or facsimile signature of the County Clerk. The

Bonds shall be authenticated by the manual signature of an authorized officer of the Registrar/Paying Agent. The Bonds bearing the signatures or facsimile signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the County, notwithstanding that, before the delivery of the Bonds and payment therefor, or before the issuance thereof upon transfer or exchange, any or all of the persons whose signatures appear on the Bonds shall have ceased to fill their respective offices. The Chairperson of the Board and the County Clerk shall, by the execution of a signature certificate pertaining to the Bonds, adopt as and for their respective signatures the facsimiles thereof appearing on the Bonds; and, at the time of the execution of the signature certificate, the Chairperson of the Board and County Clerk may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the Bonds. If required for execution of the Bonds, the Chairperson of the Board and the County Clerk, pursuant to Sections 6-9-1 through 6-9-6, NMSA 1978, shall each forthwith file his or her manual signature, certified by him or her under oath, with the Secretary of State of New Mexico, provided that such filing shall not be necessary for any officer where any previous filing shall have application to the Bonds.

No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the Registrar/Paying Agent. The Registrar/Paying Agent's certificate of authentication shall be deemed to have been duly executed by it if signed by an authorized officer of the Registrar/Paying Agent, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 8.

A. Books for the registration and transfer of the Bonds shall be kept by the Registrar/Paying Agent, which is hereby appointed by the County as registrar and as paying agent for the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver, not more than three business days after receipt of the Bond to be transferred, in the name of the transferee or transferees, a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver, not more than three business days after receipt of the Bond to be exchanged, a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment by the owner of any Bond requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

B. The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes, except as may otherwise be provided with respect to payment of overdue interest as is provided in Section 5(C) hereof; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information or indemnity relating thereto as it may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

D. The officers of the County are authorized to deliver to the Registrar/Paying Agent fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar/Paying Agent pending use as herein provided.

E. Whenever any Bond shall be surrendered to the Registrar/Paying Agent upon payment thereof, or to the Registrar/Paying Agent for transfer, exchange or replacement as provided herein, such Bond shall be promptly cancelled by the Registrar/Paying Agent, and counterparts of a certificate of such cancellation shall be furnished by the Registrar/Paying Agent to the County.

F. Notwithstanding the above provisions of this Section, the Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to the public, with the Depository Trust Company of New York, New York (the "Depository"), acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be delivered to the Depository and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized denominations, with transfer of ownership effected on the books of the Depository and its participants (the "Participants"). As a condition to delivery of the Bonds in book-entry form, the Purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the Depository, registered in the name of the Depository or its nominee. Principal, premium, if any, and interest will be paid to the Depository or its nominee as the registered owner of the Bonds. The transfer of principal, premium, if any, and interest payments to Participants will be the responsibility of the Depository; the transfer of principal, premium, if any, and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect

Participants”). The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Depository, Participants, or Indirect Participants.

If (i) the Bonds are not eligible for the services of the Depository, (ii) the Depository determines to discontinue providing its services with respect to the Bonds, or (iii) the County determines that a continuation of the system of book-entry transfers through the Depository ceases to be beneficial to the County or the Beneficial Owners, the County will either identify another similar depository to perform such functions or certificates for the Bonds will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners’ or nominees’ names, will become the owners of the Bonds for all purposes. In that event, the County shall mail an appropriate notice to the Depository for notification to Participants, Indirect Participants, and Beneficial Owners of the substitute Depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

Officers of the County, including the County Manager and Finance Division Director, are authorized to sign agreements with the Depository relating to the matters set forth in this Section; provided, however, that any such agreements must be approved as to form by the County Attorney or the County Attorney’s designee.

Notwithstanding any other provision of this Resolution, so long as all of the Bonds are registered in the name of the Depository or its nominee, all payments of principal, premium, if any, and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given by the Registrar/Paying Agent to the Depository as provided in this Resolution and by the Depository to its Participants or Indirect Participants in the manner provided in an agreement or letter of the County to the Depository.

Section 9. If the Registrar/Paying Agent initially appointed hereunder shall resign, or if the County shall reasonably determine that the Registrar/Paying Agent has become incapable of fulfilling its duties hereunder, the County may, upon notice mailed to each registered owner of the Bonds at the address last shown on the registration books, appoint a successor Registrar/Paying Agent. Every such successor Registrar/Paying Agent shall be a bank or trust company located in and in good standing in the United States and having a shareholders equity (e.g., capital stock, surplus and undivided profits), however denominated, of not less than \$10,000,000.

Section 10. Subject to the registration provisions hereof, the Bonds hereby authorized shall be fully negotiable and shall have all the qualities of negotiable paper, and the registered owner or owners thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code.

Section 11. The Bonds shall be in substantially the following form:

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[Form of Bond]

REGISTERED

REGISTERED

NO. \_\_\_\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW MEXICO  
SANTA FE COUNTY, NEW MEXICO  
GENERAL OBLIGATION IMPROVEMENT BONDS  
SERIES 2018

Registered Owner: CEDE & CO.

Principal Amount: \_\_\_\_\_ DOLLARS

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Series Date</u>	<u>CUSIP</u>
_____% per annum	July 1, 20__	_____, 2018	_____

The Board of County Commissioners (the "Board") on the faith, credit and behalf of Santa Fe County, New Mexico (the "County"), for value received, hereby promises to pay to the registered owner named above, or registered assigns, the principal amount hereof on the Maturity Date and to pay interest on the principal amount at the Interest Rate on January 1 and July 1 of each year (the "Interest Payment Date") from the Series Date to its maturity, commencing on January 1, 2019. The principal of the bonds of the series of which this is one (the "Bonds") and interest due at maturity shall be payable to the registered owner thereof as shown on the registration books kept by the County Treasurer as registrar/paying agent (the County Treasurer and any successor thereto, the "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by the Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each Interest Payment Date (or, if such Interest Payment Date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business on the Record Date (defined below) at his or her address as it appears on the registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term "Record Date" as used herein with respect to any Interest Payment Date shall mean the 15th day of the month preceding the Interest Payment Date. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any Interest Payment Date shall be entitled to receive the interest payable thereon on such Interest Payment Date notwithstanding any transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name

such Bond is registered at the close of business on a special record date (the "Special Record Date") fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest. If the Bonds are issued in book-entry only form, an authorized officer of the County and the applicable securities depository may make other arrangements for the payments on the Bonds.

The Bonds are fully registered and are issuable in denominations of \$5,000 and any integral multiple thereof (provided that no individual bond may be issued for more than one maturity).

The series of Bonds of which this bond is one is limited to the total principal amount of \$12,985,000 of like tenor except as to number, denomination, maturity date, and interest rate, issued by the County. The Bonds are issued as Improvement Bonds, and represent the final series of general obligation bonds approved by the qualified electors of the County at an election held on November 8, 2016, to provide funds to: (1) acquire, construct, design, equip, and improve roads within the County, (2) acquire, construct, design, equip, and improve water and wastewater projects within the County, (3) acquire, construct, design, equip, and improve fire and other public safety facilities within the County, (4) acquire, construct, design, equip, improve, and restore open space, trails and parks within the County, and (5) acquire, construct, design, equip, and improve community health facilities within the County.

The Bonds are issued under the authority of and in full conformity with the Constitution and laws of the State of New Mexico (particularly Sections 4-49-1 *et seq.*, NMSA 1978, Sections 6-15-1 through 6-15-22 NMSA 1978, and acts amendatory and supplemental thereto), and pursuant to the resolution of the Board authorizing the publication of a notice of sale of the Bonds and duly adopted on September 11, 2018 (the "Notice of Sale Resolution") and the award of the Bonds by the County Manager to the best bidder therefore pursuant to an award certificate on October 23, 2018 (the "Award Certificate" and, together with the Notice of Sale Resolution, the "Bond Resolution").

The Bonds maturing on and after July 1, 2026 are subject to prior redemption at the County's option in one or more units of principal of \$5,000 on and after July 1, 2025, in whole or in part at any time, in such order of maturities as the County may determine, for the principal amount of each \$5,000 unit of principal so redeemed plus accrued interest to the redemption date. Redemption shall be made upon prior notice mailed to each registered owner of each bond selected for redemption as shown on the registration books kept by the Registrar/Paying Agent.

The Registrar/Paying Agent will maintain the books of the County for the registration of ownership of the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying



Agent shall authenticate and deliver, not more than three business days after receipt of the Bond to be transferred, in the name of the transferee or transferees, a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver, not more than three business days after receipt of the Bond to be exchanged, a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment by the owner of any Bond requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of overdue interest; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information, or indemnity relating thereto as the Registrar/Paying Agent may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed, or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

For the punctual payment of the principal of and interest on this bond as aforesaid and for the levy and collection of taxes in accordance with the statutes authorizing the issuance of this bond, the full faith and credit of the County is hereby irrevocably pledged. The Board has, by the Bond Resolution, ordered the creation of an interest and sinking fund for the payment of the Bonds. Such fund is to be held in trust for the benefit of the owner or owners of the Bonds.

It is hereby certified, recited, and warranted that all the requirements of law have been complied with by the proper officials of the County in the issuance of this bond; that the total indebtedness of the County, including that of this bond, does not exceed any limit of indebtedness prescribed by the Constitution or laws of the State of New Mexico; that provision has been made for the levy and collection of annual taxes sufficient to pay the principal of and the interest on this bond when the same become due. This bond shall not be valid or obligatory

for any purpose until the Registrar/Paying Agent shall have manually signed the certificate of authentication hereon.

IN TESTIMONY WHEREOF, the Board, constituting the governing board of the County, has caused this bond to be signed and executed with the manual or facsimile signature of the Chairperson of the Board and subscribed and attested with the manual or facsimile signature of the County Clerk, all as of the Series Date.

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Anna Hansen, Chairperson  
Board of County Commissioners  
Santa Fe County, New Mexico

(SEAL)

Attest:

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Geraldine Salazar, County Clerk  
Santa Fe County, New Mexico

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CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the Bond Resolution and has been duly registered on the registration books kept by the undersigned as Registrar/Paying Agent for the Bonds.

Date of Authentication  
and Registration: \_\_\_\_\_

Santa Fe County Treasurer,  
as Registrar/Paying Agent

By: \_\_\_\_\_  
Patrick Varela

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto \_\_\_\_\_ whose social security or tax identification number is \_\_\_\_\_ the within bond and irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer such bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

NOTE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[End Form of Bond]

Section 12. When the Bonds have been duly executed and authenticated, they shall be delivered to the lawful purchaser thereof identified in the Award Certificate. \$12,985,000 in principal amount of the Bonds represents the second and final series of general obligation bonds approved by the qualified electors of the County at an election held on November 8, 2016, to provide funds (1) to acquire, construct, design, equip, and improve roads within the County, (2) to acquire, construct, design, equip, and improve water and wastewater projects within the County, (3) to acquire, construct, design, equip, and improve fire and other public safety facilities within the County, (4) to acquire, construct, design, equip, improve, and restore open space, trails and parks within the County, and (5) to acquire, construct, design, equip, and improve community health facilities within the County. The purchaser of the Bonds shall in no manner be responsible for the application of or disposal by the County, or any of its officers, of any of the funds derived from the sale thereof.

Section 13. There shall be levied on all taxable property within the County, at the time and in the manner provided by law, in addition to all other taxes, direct annual *ad valorem* taxes sufficient to pay the principal of and interest accruing on the Bonds promptly as the same shall become due. This Resolution is hereby declared to be the certificate of the Board, as to the amount of taxes necessary to be levied for the purposes herein stated and said taxes shall be certified, levied, and extended upon the tax rolls and collected in the same manner, at the same time, and subject to the same penalties and interest as general state and county taxes are certified, levied, and collected. The taxes, when collected, shall be kept by the County in the County's

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interest and sinking fund for the County's general obligation bonds to be used solely for the purpose of paying the principal of and interest on the County's general obligation bonds as the same become due or mature; provided that nothing herein contained shall be so construed as to prevent the application of any other funds belonging to the County and available for that purpose, to the payment of the Bonds or the interest thereon, as the same become due and upon such payment the levy or levies of tax provided for in this Section may thereupon to that extent be diminished. If the taxes herein provided for shall not be levied or collected in time to pay the interest on or principal of the Bonds as the same become due or mature, then such interest or principal shall be paid from any other funds belonging to the County, which funds may be reimbursed from the taxes herein provided for when the same are collected.

Section 14. The Chairperson of the Board, County Clerk, County Treasurer, County Manager and other officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including without limiting the generality of the foregoing, the preparation, posting and distribution of the Official Notice of Bond Sale and Official Bid Form, in substantially the forms set forth in Exhibit A-2 attached hereto, and a Preliminary Official Statement to such potential bidders on the Bonds as they may determine and to take all action necessary or appropriate to give effect to the provisions of this Resolution, including the printing of the Bonds, the execution of letters and agreements with the Depository, the printing and execution of the Official Statement relating to the Bonds, the payment of the costs of issuance of the Bonds, and such certificates as may be required by the Purchaser or bond counsel relating to, among other things, the signing of the Bonds, the tenure and identity of County officials, the receipt of the purchase price of the Bonds from the Purchaser, the absence of litigation, pending or threatened, if in accordance with the facts, affecting the validity thereof, and the absence and existence of factors affecting the exclusion of interest on the Bonds from gross income for federal income tax purposes.

In order to assist the Purchaser in complying with Securities and Exchange Commission Rule 15c2-12(b)(5), at the time of delivery of the Bonds, the County will undertake, pursuant to a written continuing disclosure agreement, to provide annual financial information and notices of certain events as specified in that continuing disclosure agreement.

The Board hereby approves the Continuing Disclosure Responsibilities Procedures attached to this Resolution as Exhibit "B".

Section 15. The County covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Chairperson of the Board, the County Treasurer and any other officer of the County having responsibility for the issuance of the Bonds shall give an appropriate certificate of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Bonds.

The County covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield, as required, on investment property acquired with those proceeds, (iii) make timely rebate payments, if required, to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Chairperson of the Board, Treasurer and other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure such exclusion of that interest.

Section 16. Any Bond and the interest thereon shall be deemed to be paid, retired, and no longer outstanding (a "Defeased Bond") hereunder when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity, upon redemption, or other) either (a) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (b) shall have been provided for on or before such due date by irrevocably depositing with or making available to a qualified depository for such payment (i) lawful money of the United States of America sufficient to make such payment or (ii) Government Obligations which mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment (as verified by a certified or registered public accountant), and when proper arrangements have been made by the County with a qualified depository for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of the *ad valorem* taxes herein levied and pledged as provided in this ordinance, and such principal and interest shall be payable solely from such money or Government Obligations.

Any moneys so deposited with the qualified depository may, at the written direction of the County, also be invested and re-invested in Government Obligations, maturing in the amounts and times required to make payments when due on the Defeased Bonds, and all income from such Government Obligations received by the qualified depository which is not required for the payment of the Defeased Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the County for use in accordance with law. The term "Government Obligations" means direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which may be United States Treasury Obligations, such as its State and Local Government Series, and which may be in book-entry form.

Section 17. Moneys in any fund not immediately needed may be invested as provided by state law and applicable federal statutes and regulations, provided that the Board and the

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County hereby covenant to the purchasers and the holders of the Bonds from time to time that the County will make no use of the proceeds of the Bonds or any funds reasonably expected to be used to pay the principal of or interest on the Bonds which will cause the Bonds to be arbitrage bonds within the meaning of Section 148 of the Code, as amended, or which would adversely affect the tax status of interest on the Bonds under the Code. This covenant is for the benefit of the purchasers and the holders of the Bonds from time to time.

Section 18. After any of the Bonds have been issued, this Resolution shall constitute a contract between the County and the holder or holders of the Bonds and shall be and remain irrevocable and unalterable until the Bonds and the interest thereon shall have been fully paid, satisfied and discharged, defeased or until such payment has been duly provided for.

Section 19. All prior resolutions or other action of the Board inconsistent with the provisions of this Resolution are hereby repealed, but only to the extent of such inconsistency. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 20. The following notice shall be published one time in a newspaper having general circulation in the County as soon as is practicable following the adoption hereof:

[Form of Notice]

### **LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Santa Fe County, New Mexico, on the 11<sup>th</sup> day of September, 2018, adopted a resolution entitled:

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

#### **RESOLUTION NO. 2018 – \_\_\_\_**

#### **A NOTICE OF SALE RESOLUTION FOR GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2018 IN A PRINCIPAL AMOUNT OF \$12,985,000 INCLUDING APPROVAL OF A FORM OF PRELIMINARY OFFICIAL STATEMENT**

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The Resolution directs and authorizes the issuance of the Santa Fe County, New Mexico General Obligation Bonds in the aggregate principal amount of \$12,985,000; provides that \$5,885,000 in proceeds of the Bonds shall be used to acquire, construct, design, equip and improve roads within the County; \$3,300,000 in proceeds of the Bonds shall be used to acquire, construct, design, equip and improve water and wastewater projects within the County; \$1,200,000 in proceeds of the Bonds shall be used to acquire, construct, design, equip, and improve fire and other public safety facilities within the County; and \$2,600,000 in proceeds of

the Bonds shall be used to acquire, construct, design, equip, improve and restore open space, trails and parks within the County; provides parameters for the Bonds; provides the form of the Bonds; approves a form of Preliminary Official Statement; delegates authority to the County Manager to determine the exact principal amounts, maturity dates, interest rates, prices, redemption features and other final terms of the Bonds and to award the Bonds to the best bidder therefore pursuant to an Official Notice of Sale and an Award Certificate; provides for the delivery of the Bonds; provides for levy of taxes to pay the principal of and interest on the bonds; makes certain covenants for the benefit of the owners of the Bonds; and provides other details concerning the bonds.

Complete copies of the Resolution are available for public inspection during normal and regular business hours at the offices of the County Clerk at 100 Grant Avenue, Santa Fe, New Mexico. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

DATED this 11<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
/s/  
Anna Hansen, Chairperson  
Board of County Commissioners  
Santa Fe County, New Mexico

[End Form of Notice]

Section 22. This Resolution shall take immediate effect.

(Signature page follows)

SFC CLERK RECORDED 10/12/2018



PASSED, ADOPTED AND APPROVED this 11<sup>th</sup> day of September, 2018.

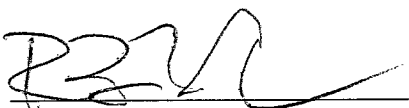
BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO

By: \_\_\_\_\_  
Anna Hansen, Chairperson

ATTEST:

By: \_\_\_\_\_  
Geraldine Salazar, County Clerk

Approved as to Form:

By:  \_\_\_\_\_  
R. Bruce Frederick, County Attorney

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

MODRALL, SPERLING, ROEHL, HARRIS & SISK, P.A.  
as Bond Counsel

By: \_\_\_\_\_  
Peter Franklin

**EXHIBIT A-1**

(Form of Notice for Newspaper Publication)

**NOTICE OF PUBLIC MEETING AND BOND SALE  
SANTA FE COUNTY, NEW MEXICO  
\$12,985,000  
GENERAL OBLIGATION IMPROVEMENT BONDS  
SERIES 2018**

PUBLIC NOTICE IS HEREBY GIVEN that the County Manager of Santa Fe County, New Mexico (the "County"), will receive unconditional bids on Tuesday, October 23, 2018, between 9:30 a.m. and 10:00 a.m., prevailing Mountain Time, submitted electronically through the facilities of GRANT STREET GROUP for the purchase of the County's proposed General Obligation Improvement Bonds, Series 2018 (the "2018 Bonds") in an aggregate principal amount of \$12,985,000. The County Manager will award the 2018 Bonds to the best bidder at 2 p.m. on October 23, 2018. The 2018 Bonds will be issued as fully registered bonds and will mature on July 1 of each year as follows:

**SFC CLERK RECORDED 10/12/2018**

\$12,985,000  
 SANTA FE COUNTY, NEW MEXICO  
 GENERAL OBLIGATION IMPROVEMENT BONDS  
 SERIES 2018

Year Maturing (July 1)	Amount Maturing *
2019	\$1,500,000
2020	650,000
2021	450,000
2022	150,000
2023	400,000
2024	--
2025	400,000
2026	250,000
2027	1,020,000
2028	1,020,000
2029	1,020,000
2030	1,020,000
2031	1,020,000
2032	1,020,000
2033	1,020,000
2034	1,020,000
2035	1,025,000

\*Preliminary, subject to change.

The 2018 Bonds will be issued as fully registered bonds. The 2018 Bonds will be the general obligation of the County, payable solely out of general (*ad valorem*) taxes which shall be levied against all taxable property in the County without limitation as to rate or amount, as provided in the Property Tax Code, for the property tax years of 2018 through 2034.

The maximum net effective interest rate on the 2018 Bonds shall not exceed ten percent (10%) per annum. Discounts shall not be permitted as part of the sale price of a series of the 2018 Bonds, in whole, although discounts may be offered on any single maturity of a series of 2018 Bonds. Interest on each Bond shall be evidenced until maturity by only one interest rate.

Interest on the 2018 Bonds will be payable on January 1 and July 1 in each year while the 2018 Bonds are outstanding, beginning January 1, 2019. The 2018 Bonds will bear interest until maturity from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from the date of the 2018 Bonds.

Each bid shall be deemed an irrevocable offer to purchase the 2018 Bonds on the terms provided therein and in the Official Notice of Bond Sale. Each bidder is required to submit an unconditional electronic bid for the 2018 Bonds.

Each bid must be submitted electronically through the facilities of GRANT STREET GROUP. THE COUNTY WILL NOT ACCEPT TELEPHONE, FACSIMILE OR HAND-DELIVERED BIDS. The County shall not be responsible for any malfunction or mistake made by, or as a result of the use of the facilities of, GRANT STREET GROUP, the use of such facilities being at the sole risk of the bidder.

This Notice is not a disclosure document, and it is not the Official Notice of Bond Sale. Prior to submitting a bid to the County for the 2018 Bonds, a full review should be made of the Official Notice of Bond Sale and the entire Preliminary Official Statement ("Preliminary Official Statement") for the 2018 Bonds. The offering of Bonds to potential investors is made only by means of the Preliminary Official Statement.

Copies of the Official Notice of Bond Sale, the Preliminary Official Statement and the Required Bid Form are available for viewing in electronic format at [www.grantstreet.com](http://www.grantstreet.com) or may be obtained upon request from Erik Harrigan, Director, RBC Capital Markets, 6301 Uptown Blvd., Ste. 110 Albuquerque, NM 87110, Phone: (505) 872-5999.

Further information relating to the County and the 2018 Bonds will be contained in the Preliminary Official Statement, which will be "deemed final" by the County at its date for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission, except with respect to offering prices, interest rates, identity of the underwriter, selling compensation, delivery date, or other terms required to be specified in the bids, ratings, and other terms depending on such matters.

The validity and enforceability of the 2018 Bonds will be approved by Modrall Sperling Roehl Harris and Sisk, P.A., 500 Fourth Street NW, Suite 1000, Albuquerque, New Mexico 87102.

DATED this 11<sup>th</sup> day of September, 2018.

BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO

By: \_\_\_\_\_ /s/\_\_\_\_\_  
Anna Hansen, Chairperson

ATTEST:

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By:                     /s/                      
Geraldine Salazar, County Clerk

(End of Form of Notice for Publication)

**EXHIBIT A-2**

(Form of Official Notice of Bond Sale)

**OFFICIAL NOTICE OF BOND SALE**

**\$12,985,000**

**SANTA FE COUNTY, NEW MEXICO  
General Obligation Improvement Bonds  
Series 2018**

**PUBLIC NOTICE IS HEREBY GIVEN** that electronic bids will be received by the County Manager of Santa Fe County, New Mexico (the "County"), for the purchase of all of the County's General Obligation Improvement Bonds, Series 2018 (the "2018 Bonds"), more particularly described below. The County Manager will award the 2018 Bonds to the best bidder therefor at 2:00 p.m. prevailing Mountain Time on October 23, 2018.

Bids for the purchase of the 2018 Bonds will be accepted through the Grant Street Group electronic bidding web site ("Grant Street Group") at [www.grantstreet.com](http://www.grantstreet.com). No other method of submitting bids will be accepted. The date and time for submitting bids will be as follows:

**Bid Date: October 23, 2018**  
**Bid Time: Between 11:30 a.m. and 12:00 p.m. Eastern Time**  
**(Between 9:30 a.m. and 10:00 a.m. prevailing Mountain Time)**  
**Submit Bid to: [www.grantstreet.com](http://www.grantstreet.com)**

Information related to this auction can be obtained from Grant Street Group Auction Support at (412) 391-5555 (x370), attention John Carver.

To bid, bidders must have both (1) completed the registration form on the Grant Street Group website and (2) requested and received admission to the County's auction, as described under "TERMS OF SALE - Submission of Bids" below. The use of Grant Street Group shall be at the bidder's risk and expense, and the County shall have no liability with respect thereto.

None of the County, Grant Street Group, the Financial Advisor, or Bond Counsel shall be responsible for, and each bidder expressly assumes the risk of, any incomplete, inaccurate, or untimely bid submitted by Internet transmission by such bidder, including, without limitation, by reason of garbled transmissions, mechanical failure, engaged telephone or telecommunications lines, or any other cause arising from delivery by Internet transmission. Additionally, the Grant Street Group time stamp will govern the receipt of all bids. The official bid clock does not automatically refresh. Bidders must refresh the auction page periodically to monitor the progression of the bid clock and to ensure that their bid will be submitted prior to the termination of the auction. All bids will be deemed to incorporate the provisions of this Official Notice of Bond Sale.

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**This Official Notice of Bond Sale, and the information set forth herein, are not to be treated as a complete disclosure of all relevant information with respect to the 2018 Bonds. The information set forth herein is subject, in all respects, to a more complete description of the 2018 Bonds and the security therefore set forth in the Preliminary Official Statement dated October 16, 2018 (the “Preliminary Official Statement”).**

#### **BOND DETAILS**

The 2018 Bonds will be issued in the aggregate principal amount of \$12,985,000. The 2018 Bonds and the interest thereon are general obligations of the County. The County has prepared the Preliminary Official Statement relating to the 2018 Bonds, which is deemed by the County to be final as of its date for purposes of allowing bidders to comply with Rule 15c2-12 of the Securities Exchange Commission (“the Rule”), except for the omission of certain information as permitted by the Rule. Details of the 2018 Bonds, including maturities, redemption provisions, payment dates and security for payment are contained in the Preliminary Official Statement. The Preliminary Official Statement is subject to revision, amendment and completion in a Final Official Statement.

**Official Statement.** The Preliminary Official Statement may be viewed and downloaded from [www.grantstreet.com](http://www.grantstreet.com) or a physical copy may be obtained by contacting the County or the Financial Advisor, see “TERMS OF SALE - Information” below.

The County will make available to the winning bidder, within seven business days after the award of the sale of the 2018 Bonds, the Final Official Statement which is to be downloaded from [www.grantstreet.com](http://www.grantstreet.com). One physical copy of the Final Official Statement also will be provided to the winning bidder at that time; provided, however, the winning bidder must cooperate in providing the information required to complete the Final Official Statement. Additional copies of the Final Official Statement may be provided at the expense of the winning bidder.

The winning bidder shall comply with the requirements of Rule 15c2-12 and the rules of the Municipal Securities Rulemaking Board.

#### **TERMS OF SALE**

**Submission of Bids.** All bids must be submitted only by electronic bidding on Grant Street Group at [www.grantstreet.com](http://www.grantstreet.com). No other provider of bidding services and no other means of delivery (i.e. telephone, telefax or physical delivery) will be accepted. Bidding for the 2018 Bonds will begin at 11:30 a.m., prevailing Eastern Time (9:30 a.m. Mountain Time), as indicated above. The receipt of bids will end promptly at 12:00 p.m., prevailing Eastern Time (10:00 a.m. Mountain Time), unless extended in accordance with the two-minute rule described herein. If any bid becomes a leading bid two (2) minutes prior to the end of the auction, then the auction will be automatically extended by two (2) minutes from the time such new leading bid was received by Grant Street Group. The auction end time will continue to be extended, indefinitely, until a single leading bid remains the leading bid for at least two (2) minutes.

To bid, bidders must first visit the Grant Street Group website where, if they have not previously registered with Grant Street Group, they can register and then request admission to bid on the 2018 Bonds. Bidders will be notified prior to the scheduled bidding time of their eligibility to bid. Only NASD registered broker-dealers and dealer banks with DTC clearing arrangements will be eligible to bid. Bidders who have previously registered with Grant Street Group may call (412) 391-5555, x 370, attention John Carver, for their ID Number or password.

**Rules of Grant Street Group.** Bidders must comply with, and all bids must be made in accordance with, the Rules of Grant Street Group in addition to the requirements of this Official Notice of Bond Sale. The Rules of Grant Street Group can be viewed on the Grant Street Group website and are incorporated herein by reference. In the event the Rules of Grant Street Group conflict with this Official Notice of Bond Sale, this Official Notice of Bond Sale shall prevail.

**Bidding Parameters.** Bidders are required to submit unconditional all-or-none bids specifying the rate of interest at which the bidder will purchase all of the 2018 Bonds. Interest shall be bid in multiples of 1/20<sup>th</sup> or 1/8<sup>th</sup> percentum and only one interest rate may be bid for each maturity of the 2018 Bonds. The maximum interest rate may not exceed 5% and the maximum interest rate specified for any maturity of the 2018 Bonds may not exceed the minimum interest rate specified for any maturity of the 2018 Bonds by more than 3 percent (3%). The maximum net effective interest rate of the 2018 Bonds shall not exceed ten percent (10%) per annum.

**The 2018 Bonds will not be sold at less than 100% of par.**

**Term Bonds.** A bidder may elect to have all or a portion of the 2018 Bonds scheduled to mature in consecutive years issued as one or more term bonds ("Term Bonds") scheduled to mature in the latest of the consecutive years and subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth in the Preliminary Official Statement; however, not less than all Bonds of the same serial maturity shall be converted to Term Bonds with mandatory redemption requirements.

**Adjustment of principal amounts, modification or clarification prior to examination of bids.** The County Manager, in consultation with the County's financial and bond advisors, in the County Manager's sole discretion and prior to the examination of bids, may (i) adjust the aggregate principal amount set forth herein or may adjust the principal amount of each series without increasing the aggregate principal amount of Bonds; (ii) adjust individual maturities, and/or (iii) modify or clarify any other term hereof, including the date on which bids for the 2018 Bonds will be received, by issuing a notification of the adjusted series, amounts, modification or clarification via Thomson Municipal News ("TM3") and/or Grant Street Group platform and/or Bloomberg Financial Services no later than 8:00 a.m., Mountain Time, on the Bid Date.

**Adjustments to principal amounts after determination of best bid.** The aggregate principal amount of the 2018 Bonds is subject to increase or reduction, and each scheduled maturity thereof is subject to increase or reduction, by the County Manager after the determination of the Best Bid (defined below). Such adjustments will be made within no more

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than two (2) hours after the end of the time of bid examination and will be in the sole discretion of the County. To cooperate with any adjustment in the principal amounts, the Purchaser is required to indicate by e-mail to Stephanie Schardin Clarke, County Finance Director, at [ssclarke@santafecountynm.gov](mailto:ssclarke@santafecountynm.gov) or such other address as may be indicated by the County Manager within one-half (1/2) hour after the end of the time of bid examination, the amount of any original issue discount or premium on any maturity of the 2018 Bonds, the initial offering price of each maturity, the cost of bond insurance, if any, and the amount received from the sale of the 2018 Bonds to the public that will be retained by the Purchaser as its compensation.

The County Manager, in consultation with the County's financial and bond advisors, may change the dollar amount bid by the Purchaser if the aggregate principal amount of the 2018 Bonds is adjusted as described below, but the interest rates specified by the Purchaser for all maturities will not change. The County Manager, in consultation with the County's financial and bond advisors, will make every effort to ensure that the percentage net compensation to the Purchaser (i.e., the percentage resulting from dividing (i) the aggregate difference between the offering price of the 2018 Bonds to the public and the price to be paid to the County, less any bond insurance premium to be paid by the bidder, by (ii) the principal amount of the 2018 Bonds) does not increase or decrease from the amount of such compensation if no adjustment was made to principal amounts shown in the maturity schedule. The County will notify the Purchaser of the final principal amounts and the resulting adjusted prices no later than 12:00 p.m. prevailing Mountain Time on the day of the sale and award of the 2018 Bonds. THE PURCHASER MAY NOT WITHDRAW OR MODIFY ITS BID ONCE SUBMITTED TO THE COUNTY FOR ANY REASON, INCLUDING, WITHOUT LIMITATION, AS A RESULT OF ANY INCREASE OR DECREASE IN THE FINAL PRINCIPAL AMOUNTS AND THE AGGREGATE PURCHASE PRICE OF THE 2018 BONDS.

***Information Regarding Bids.*** Bidders may change and submit bids as many times as they wish during the bidding, provided, however, that each bid submitted subsequent to a bidder's initial bid must result in a lower true interest cost ("TIC") with respect to a bid when compared to the immediately preceding bid of such bidder. During the bidding, no bidder will see any other bidder's bid, but each bidder will be able to see its own ranking (i.e., "Leader," "Cover," "3<sup>rd</sup>," etc.).

***Bids Constitute an Irrevocable Offer.*** Each bid submitted through Grant Street Group shall be deemed an irrevocable offer to purchase the 2018 Bonds on the terms provided in this Official Notice of Bond Sale and shall be binding upon the bidder.

***Basis of Award.*** The 2018 Bonds will be sold to the bidder or bidders offering to purchase the same at the lowest true interest cost. The actuarial yield on the 2018 Bonds using the true interest cost method will be computed at that yield which, if used to compute the present value of all payments of principal and interest on the 2018 Bonds as of October 23, 2018, produces an amount equal to the aggregate bid price. Such calculation will be made based upon a 360-day year and a semiannual interval for compounding.

The winning bid or bids will be indicated on Grant Street Group and the auction results, as posted on such website, will be subject to verification by the County. The County will verify

the auction results immediately following the close of the bidding period and notice of confirmation by the County of the winning bidder or bidders will be made by a posting on Grant Street Group stating "Auction Results Verified and Confirmed."

An award may be made by the County to any bidder in a principal amount less than the principal amount of the 2018 Bonds for which the bid is submitted. Further, in the event of an award by the County for a principal amount less than the principal amount the bidder submitted, any premium bid shall be ratably reduced. If two or more bids have the same true interest cost, the first bid submitted, as determined by reference to the time stamp displayed on Grant Street Group, shall be deemed to be the leading bid.

***Sale Reservations.*** The County reserves the right (a) to reject any and all bids for any Bonds, (b) to reoffer any Bonds for public sale, and (c) to waive any irregularity or informality in any bid.

***Good Faith Deposit Not Required to Bid.*** A good faith deposit will not be required in connection with the submission of any bid for the 2018 Bonds. The winning bidder will be required to submit a Bid Award Deposit (see "Bid Award Deposit" below).

***Bid Award Deposit.*** Not later than 12:00 p.m., prevailing Mountain Time on October 23, 2018, the winning bidder is required to submit a Bid Award Deposit of \$259,700.00. All Bid Award Deposits must be made in good funds by wire transfer of the required amount to an account specified by the County Manager and provided to the winning bidder after the sale of the 2018 Bonds.

No interest will be paid by the County on the amount of the Bid Award Deposit. The proceeds of the Bid Award Deposit of the winning bidder will be applied to the purchase price of the 2018 Bonds, or in the event of the failure of a winning bidder to take up and pay for the 2018 Bonds in compliance with the terms of the bid, at the option of the County, its Bid Award Deposit may be retained as liquidated damages, as partial payment of actual damages or as security for any other remedy available to the County.

***Manner and Time of Delivery.*** The 2018 Bonds will be delivered to DTC for the account of the winning bidder or bidders at the expense of the County on November 20, 2018, or such later date as the County and the winning bidder may agree. Payment of the purchase price due at delivery must be made in Federal Reserve funds for immediate and unconditional credit to the County.

***Continuing Disclosure Undertaking.*** The County has covenanted to provide, in a timely manner, on the Electronic Municipal Market Access (EMMA) Website maintained by the Municipal Securities Rulemaking Board notice of the occurrence of specified, material events. The County has not failed to comply with any of its previous undertakings under Rule 15c2-12, except as may be disclosed in the Preliminary Official Statement.

***State Securities Laws.*** The County has taken no action to qualify the offer or sale of the 2018 Bonds under the securities laws of any state. Should any such qualification be necessary,

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the County agrees to cooperate with the winning bidder in such matters, provided that the County reserves the right not to consent to service of process outside its boundaries and expenses related to any such qualification shall be the responsibility of the winning bidder.

**CUSIP Numbers.** CUSIP numbers will be issued at the cost of the winning bidder, and printed on the 2018 Bonds at the expense of the County. Any error or omission in printing such numbers on the 2018 Bonds will not constitute cause for any winning bidder to refuse delivery of any Bond.

**Legal Opinion, Certificates and Transcript.** The validity and enforceability of the 2018 Bonds will be approved by the County's Bond Counsel. A copy of the form of the opinion of Bond Counsel is attached as an exhibit to the Preliminary Official Statement.

The purchaser of the 2018 Bonds will receive a certified transcript of legal proceedings which will include, among other items:

(a) a certificate of the County to the effect that, as of its date, the Preliminary Official Statement was deemed final within the meaning of Rule 15c2-12, except for the omissions permitted under Rule 15c2-12;

(b) a certificate of the County to the effect that there is no litigation pending or, to its knowledge, threatened affecting the validity of the 2018 Bonds as of the date of their delivery; and

(c) a certificate of the County to the effect that, as of the date of the Official Statement and at all times to and including the date of delivery of the 2018 Bonds, the Official Statement did not contain any untrue statement of a material fact or omit any statement of a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

**Establishment of Issue Price (Hold-the-Offering Price Rule May Apply if Competitive Sale Requirements are Not Satisfied):** The winning bidder shall assist the County in establishing the issue price of the 2018 Bonds and shall execute and deliver to the County at closing an "issue price" or similar certificate, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the County, and Bond Counsel. All actions to be taken by the County to establish the issue price of the 2018 Bonds may be taken on behalf of the County by the County's municipal advisor identified herein and any notice or report to be provided to the County may be provided to the County's municipal advisor.

(a) The County intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the 2018 Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

(i) the County shall disseminate a Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;

(ii) all bidders shall have an equal opportunity to bid;

(iii) the County may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and

(iv) the County anticipates awarding the sale of the 2018 Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to the Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

In the event that the competitive sale requirements described above in subparagraph (a) are not satisfied, the County shall so advise the winning bidder. The County may determine to treat (i) the first price at which 10% of each maturity of the 2018 Bonds is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the 2018 Bonds as the issue price of that maturity (the "hold-the-offering-price rule"), in each case applied on a maturity-by-maturity basis. The winning bidder shall advise the County if any maturity of the 2018 Bonds satisfies the 10% test as of the date and time of the award of the 2018 Bonds. The County shall promptly advise the winning bidder, at or before the time of award of the 2018 Bonds, which maturities of the Bonds shall be subject to the 10% test or shall be subject to the hold-the-offering-price rule during the Holding Period, as defined in subparagraph (d)(i) below. Bids will not be subject to cancellation in the event that the County determines to apply the hold-the-offering-price rule to any maturity of the 2018 Bonds. Bidders should prepare their bids on the assumption that all of the maturities of the 2018 Bonds will be subject to the 10% test in order to establish the issue price of the 2018 Bonds.

(b) The County acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the 2018 Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the 2018 Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The County further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the 2018 Bonds.

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(c) By submitting a bid, each bidder confirms that:

(i) any agreement among underwriters, any selling group agreement, and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the 2018 Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold 2018 Bonds of each maturity allotted to it until it is notified by the winning bidder that either the 10% test has been satisfied as to the 2018 Bonds of that maturity or all 2018 Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and

(ii) any agreement among underwriters relating to the initial sale of the 2018 Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the 2018 Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to (A) report the prices at which it sells to the public the unsold 2018 Bonds of each maturity allotted to it until it is notified by the winning bidder or such underwriter that either the 10% test has been satisfied as to the 2018 Bonds of that maturity or all 2018 Bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

(d) The following terms are defined below:

(i) Hold-the-Offering-Price Maturity means a maturity of the 2018 Bonds of which less than 10% has been sold to the Public on the Sale Date.

(ii) Holding Period means, with respect to a Hold-the-Offering-Price Maturity, the period starting on the Sale Date and ending on the earlier of (a) the close of the fifth business day after the Sale Date, or (b) the date on which the winning bidder sold at least 10% of such Hold-the-Offering-Price Maturity to the Public at prices that are no higher than the Initial Offering Price for such Hold-the-Offering-Price Maturity.

(iii) Maturity means 2018 Bonds with the same credit and payment terms. Bond with different maturity dates, or 2018 Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(iv) Public means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(v) Sale Date means the first day on which there is a binding contract in writing for the sale of a Maturity of the 2018 Bonds. The Sale Date of the 2018 Bonds is expected to be October 23, 2018.

(vi) Underwriter means (i) any person that agrees pursuant to a written contract with the County (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the 2018 Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the 2018 Bonds to the to the Public).

***Postponement of Sale. Postponement of Sale.*** The County reserves the right to postpone the date and time established for the receipt of bids. Any such postponement will be announced by posting on Grant Street Group prior to commencement of the bidding. If any date and time fixed for the receipt of bids and the sale of the 2018 Bonds is postponed, an alternative sale date and time will be announced at least one business day prior to such alternative sale date. On any such alternative sale date and time, any bidder may submit bids electronically as described above for the purchase of the 2018 Bonds in conformity in all respects with the provision of this Official Notice of Bond Sale, except for the date and time of sale and except for any changes announced by posting on Grant Street Group at the time the sale date and time are announced, or in accordance with the section of this Official Notice of Bond Sale entitled ***Adjustment of principal amounts, modification or clarification prior to examination of bids.***

***Rating.*** A rating has been applied for to Standard and Poor's Ratings Services.

***Information.*** Copies (in reasonable quantities) of this Official Notice of Bond Sale, the Preliminary Official Statement, and other information concerning the County and the 2018 Bonds may be obtained from:

Erik Harrigan, Director  
RBC Capital Markets  
6301 Uptown Blvd.,  
Ste. 110 Albuquerque,  
NM 87110  
Phone: (505) 872-5999  
Fax: (505) 872-5979

The date of this Official Notice of Bond Sale is September 11, 2018.

**SANTA FE COUNTY, NEW MEXICO**

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**SANTA FE COUNTY, NEW MEXICO**  
**General Obligation Improvement Bonds**  
**Series 2018**

**OFFICIAL BID FORM (October 23, 2018)**

Santa Fe County, New Mexico  
c/o RBC Capital Markets, LLC  
6301 Uptown Boulevard NE, Suite 110  
Albuquerque, New Mexico 87110

County Manager:

Pursuant to Santa Fe County's "Official Notice of Bond Sale," dated September 11, 2018, relating to the County's General Obligation Improvement Bonds, Series 2018 (the "2018 Bonds") in the principal amount of \$12,985,000 which by reference is made a part hereof, we submit the following bid:

For your legally issued Bonds as described in the Official Notice of Bond Sale, we will pay you par, plus accrued interest, if any, from the date of the Bonds to the date of delivery to us, provided the Bonds bear interest per annum as follows:

**2018 Bonds**

<u>Maturing (July 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Yield</u>
2019			
2020			
2021			
2022			
2023			
2024			
2025			
2026			
2027			
2028			
2029			
2030			
2031			
2032			
2033			
2034			
2035			

If this bid is the best bid for the Bonds, we will send a wire transfer to Santa Fe County, in the amount of \$259,700.00 prior to the acceptance of our bid by the Board of County Commissioners, which wire transfer will be our bid award deposit and submitted in accordance

with the terms set forth in the Official Notice of Bond Sale. We will pay the CUSIP Service Bureau charge, if any, for the assignment of CUSIP numbers.

The undersigned agrees to complete, execute, and deliver to the County a Certificate Regarding Issue Price or a similar certificate relating to the "issue price" of the 2018 Bonds, in the form attached hereto as Exhibit A.

We understand and agree that no more than fifty (50) copies of the final Official Statement, including any amendments or supplements thereto will be supplied to us at the County's expense and that any additional copies requested will be subject to a charge to us. By accepting this bid, you agree to provide such copies of the final Official Statement and of any amendments or supplements thereto in accordance with the Official Notice of Bond Sale, and you undertake your other obligations described therein, as contemplated by Rule 15c2-12 of the Securities and Exchange Commission.

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Authorized Representative

\* (Strike inapplicable words)

For informational purposes only, our calculation of the True Interest Cost is as follows:

True Interest Cost: (stated as a nominal annual percentage) \_\_\_\_\_%

Additionally, for informational purposes only, the following is requested:

Gross Interest Cost: \$ \_\_\_\_\_

Less Premium Bid: \$ \_\_\_\_\_

Net Interest Cost: \$ \_\_\_\_\_

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ACCEPTANCE CLAUSE

The above bid is hereby accepted by Santa Fe County, New Mexico, this 23<sup>rd</sup> day of October, 2018.

SANTA FE COUNTY, NEW MEXICO

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Katherine Miller, County Manager

EXHIBIT A  
[to 2018 Bonds Bid Form]

**UNDERWRITER'S CERTIFICATE REGARDING ISSUE PRICE**

\$12,985,000  
Santa Fe County, New Mexico  
General Obligation Improvement Bonds  
Series 2018

The undersigned, \_\_\_\_\_ (the *Underwriter*), hereby certifies as set forth below with respect to the sale and issuance of the above-captioned obligations (the *Bonds*) of Santa Fe County, New Mexico (the *Issuer*).

1. ***Sale of the General Rule Maturities.*** As of the date of this certificate, for each Maturity of the General Rule Maturities, the first price at which at least 10% of such Maturity was sold to the Public is the respective price listed in Schedule A.

2. ***Initial Offering Price of the Hold-the-Offering-Price Maturities.***

(a) The Underwriter offered the Hold-the-Offering-Price Maturities to the Public for purchase at the respective initial offering prices listed in Schedule A (the *Initial Offering Prices*) on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this certificate as Schedule B.

(b) As set forth in the Purchase Agreement, the Underwriter agreed in writing on or prior to the Sale Date that, (i) for each Maturity of the Hold-the-Offering-Price Maturities, it would neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Holding Period for such Maturity (the "hold-the-offering-price rule"), and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the hold-the-offering-price rule.

(c) The Underwriter, as the party controlling all of the Hold-the-Offering Price Maturities, has not offered or sold any Maturity of the Hold-the-Offering-Price Maturities at a price higher than the respective Initial Offering Price for that Maturity of the Bonds during the Holding Period.

3. ***Defined Terms.***

(a) *General Rule Maturities* means those Maturities of the Bonds listed in Schedule A hereto as the "General Rule Maturities."

(b) *Hold-the-Offering-Price Maturities* means those Maturities of the Bonds listed in Schedule A hereto as the "Hold-the-Offering-Price Maturities."

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(c)  *Holding Period*  means, with respect to a Hold-the-Offering-Price Maturity, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date, or (ii) the date on which the Underwriting Group sold at least 10% of such Hold-the-Offering-Price Maturity to the Public at prices that are no higher than the Initial Offering Price for such Hold-the-Offering-Price Maturity.

(d)  *Maturity*  means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

(e)  *Public*  means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term “related party” for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

(f)  *Sale Date*  means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is October 23, 2018.

(g)  *Underwriter*  means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Tax Compliance Certificate with respect to the Bonds and with respect to compliance with the federal income tax rules affecting the Bonds, and by Modrall, Sperling, Roehl, Harris, & Sisk, P.A., in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the County from time to time relating to the Bonds.

[NAME OF UNDERWRITER]

By: \_\_\_\_\_  
Managing Director

Dated: November 20, 2018

SFC CLERK RECORDED 10/12/2018

**SCHEDULE A TO ISSUE PRICE CERTIFICATE**  
**INITIAL OFFERING PRICES OF THE TAX EXEMPT BONDS**

\$12,985,000  
 Santa Fe County, New Mexico  
 General Obligation Improvement Bonds  
 Series 2018

Maturity Date (July 1)	Principal Amount	Interest Rate	Yield	Price	Issue Price
2019	\$	%			
2020					
2021					
2022					
2023					
2024					
2025					
2026					
2027					
2028					
2029					
2030					
2031					
2032					
2033					
2034					
2035					

**SCHEDULE B**  
**PRICING WIRES**

**SFC CLERK RECORDED 10/12/2018**

## EXHIBIT B

### Continuing Disclosure Procedures

#### CONTINUING DISCLOSURE RESPONSIBILITIES OF SANTA FE COUNTY, NEW MEXICO IN CONNECTION WITH MUNICIPAL BONDS ISSUED BY THE COUNTY

Santa Fe County, New Mexico (the “County”) has entered into continuing disclosure undertakings (each a “CDU”) pursuant to SEC Rule 15c2-12 in connection with general obligation bonds and revenue bonds issued by the County. The CDUs typically require:

- That the County disclose certain types of “Annual Financial Information” on an annual basis (typically by providing a copy of the County’s audited financial statements for the most recently completed fiscal year); and
- That “Event Information” be reported within 10 business days after the occurrence of specific types of events which could affect the County’s Bonds.

“Annual Financial Information,” “Audited Financial Statements” and “Event Information” are terms defined in each CDU. Copies of the CDUs for the County’s outstanding bonds are included in the bond transcript for each series of bonds and are also available upon request from the County’s bond counsel.

Currently, any disclosure required by the CDUs is made by electronically posting the information on the Electronic Municipal Market Access website, known as “EMMA.” The matrix appearing below identifies both the periodic and non-routine tasks required for compliance with the County’s CDUs, and the County officials and consultants to which those responsibilities are nonexclusively assigned (each a “Responsible Officer”). Such Responsible Officers are authorized to delegate assigned tasks to persons they shall designate; provided, that such designation shall be in writing and shall be approved or ratified by the Board of County Commissioners of the County, as the case may be.

Frequency	Task	Bond Counsel	Financial Advisor	County Finance Director	County Manager
	<b>CONTINUING DISCLOSURE</b>				
At least every 4yrs	Retain or identify Dissemination Agent			x	x
Specified by contract	Payment of Dissemination Agent			x	x
Annually	Provide Annual Financial Information per CDU; verify filing		x	x	x
As needed	Event Reporting	x	x	x	x
As needed	Conference to discuss status of outstanding bonds	x	x	x	x



**Susana Martinez**  
GOVERNOR

**State of New Mexico**  
**Department of Finance & Administration**  
180 Bataan Memorial Building  
Santa Fe, New Mexico 87501  
Phone: (505) 827-4985  
Fax: (505) 827-4984  
www.nmdfa.state.nm.us



**Duffy Rodriguez**  
Cabinet Secretary

September 4, 2018

The Honorable Anna Hansen  
Santa Fe County  
102 Grant Ave.  
Santa Fe, NM 87501

Order Setting Property Tax Rates - 2018 Property Tax Year


Dear Commissioner Hansen,

Pursuant to NMSA 1978, Sections 7-37-7(A) and 7-38-33(A), I issue this order setting the 2018 tax rates in the attached Certificate of Property Tax Rates (Certificate) for all governmental units imposing rates in your county.

NMSA 1978, Section 7-38-34 requires the Board of County Commissioners (Board) to issue and deliver to the County Assessor its own written order imposing these rates within five days of its receipt of this rate setting order. Before the Board issues its order, the county is responsible for ensuring that the rates are correct, in accordance with 3.6.50.11 (D) NMAC. To further those efforts, please immediately share the Certificate with all governmental units (other than the State) that have rates included in the Certificate, so that they may also check the accuracy of their rates. In addition, please note that the "percentage change I" used as specified in NMSA 1978, Section 7-37-7.1 (A) for yield control calculations this year was 3.17%.

Any questions concerning or suspected errors in the rates should be immediately brought to the attention of the Local Government Division's Budget and Finance Bureau Chief, Brenda L. Suazo-Giles, at 505-827-4977; or Special Projects Analyst, Jolene Gonzales, at 505-827-4900.

Sincerely,

  
Duffy Rodriguez  
Secretary of Finance & Administration

cc: Property Tax Division, Taxation & Revenue Department  
County Assessor  
County Treasurer

Enclosure(s): Certificate of Property Tax Rates

SFC CLERK RECORDED 10/12/2018

Administrative Services Division (505) 827-3638  
State Budget Division (505) 827-3640

Financial Control Division (505) 827-3682  
Local Government Division (505) 827-4950

State Board of Finance (505) 827-4980



CERTIFICATE OF PROPERTY TAX RATES IN MILLS  
 SANTA FE COUNTY  
 TAX YEAR 2018  
 NET TAXABLE VALUE:

\$7,122,647,940

MUNICIPALITY:

TAXABLE VALUE: 3,041,483,799

CATEGORY:

Total State

	Santa Fe		Santa Fe		Santa Fe		Santa Fe		Santa Fe		Espanola	
	C IN NR	C OUT R	C IN NR	C OUT R	C IN NR	C OUT R	1 R	1/1D NR	8T R OUT	8T NR OUT	18 IN R	
State Debt Service	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	1.360	33,888,817
County Operational	5.822	5.822	5.822	5.822	5.822	5.822	5.822	11.850	5.822	11.850	5.822	
County Debt Service	2.123	2.123	2.123	2.123	2.123	2.123	2.123	2.123	2.123	2.123	2.123	
<b>Total County</b>	<b>7.945</b>	<b>7.945</b>	<b>13.973</b>	<b>7.945</b>	<b>13.973</b>	<b>7.945</b>	<b>7.945</b>	<b>13.973</b>	<b>7.945</b>	<b>13.973</b>	<b>7.945</b>	<b>7.945</b>
Municipal Operational	1.616	0.000	3.183	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	3,503
Municipal Debt Service	0.583	0.000	0.583	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
<b>Total Municipal</b>	<b>2.199</b>	<b>0.000</b>	<b>3.766</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>3,503</b>
School Dist. Operational	0.149	0.149	0.500	0.149	0.500	0.149	0.215	0.500	0.389	0.500	0.179	(3)
School Dist. Debt Service	4.285	4.285	4.285	4.285	4.285	4.285	4.285	9.308	8.205	8.205	4.543	(3)
School Dist. Cap. Improve.	2.000	2.000	2.000	2.000	2.000	2.000	2.000	2.000	1.988	2.000	2.000	(3)
HB33 School Building	1.433	1.433	1.500	1.433	1.500	1.433	0.000	0.000	0.000	0.000	0.000	(3)
School Dist. Educ. Tech. Debt Service	1.522	1.522	1.522	1.522	1.522	1.522	0.000	0.000	0.000	0.000	0.569	(3)
<b>Total School District</b>	<b>9.389</b>	<b>9.389</b>	<b>9.807</b>	<b>9.389</b>	<b>9.807</b>	<b>9.389</b>	<b>11.523</b>	<b>11.808</b>	<b>10.582</b>	<b>10.705</b>	<b>7.291</b>	
<b>Total State, County, Municipal, &amp; School Dist.</b>	<b>20.983</b>	<b>18.684</b>	<b>28.906</b>	<b>18.684</b>	<b>25.140</b>	<b>20.828</b>	<b>20.828</b>	<b>27.141</b>	<b>19.887</b>	<b>26.038</b>	<b>20.099</b>	
Other:												
Santa Fe Comm.Col.(1)	3.040	3.040	3.344	3.040	3.344	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Santa Fe Col.Bldg.Levy (1)	0.650	0.650	0.650	0.650	0.650	0.000	0.000	0.000	0.000	0.000	0.000	0.000
<b>Total Other</b>	<b>3.690</b>	<b>3.690</b>	<b>3.994</b>	<b>3.690</b>	<b>3.994</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>GRAND TOTAL</b>	<b>24.583</b>	<b>22.384</b>	<b>32.900</b>	<b>22.384</b>	<b>29.134</b>	<b>20.828</b>	<b>20.828</b>	<b>27.141</b>	<b>19.887</b>	<b>26.038</b>	<b>20.099</b>	
<b>Where Applicable:</b>			<b>Res</b>	<b>Non-Res</b>								
Cattle Indemnity	10.000	Edgewood SWCD	1.000	1.000								
Sheep/Goats/Swine/Alpaca	10.000											
Dairy Cattle	5.000	Rancho Viejo Sp. Assmt Dist Debt	0.000									
Bison/Camelids/Ratite	10.000	El Dorado Area W&S Dist Oper:	2.080									
Horses/Asses/Mules	7.833	El Dorado Area W&S Dist Debt:	1.932									

(1) To Santa Fe Com. College--P.O. Box 4187, Santa Fe, NM 87502  
 (2) To Moriarty Board of Education  
 (3) To Espanola Board of Education

CERTIFICATE OF PROPERTY TAX RATES IN MILLS  
 SANTA FE COUNTY  
 TAX YEAR 2018  
 NET TAXABLE VALUE:

\$7,122,647,940

MUNICIPALITY: Espanola  
 TAXABLE VALUE: 12,594,606  
 CATEGORY: 18 IN NR

	Edgewood 77,410,891 8T IN NR	Edgewood 35,949,878 8T IN NR	Edgewood 33,306,871 8T-A IN R	Edgewood 2,617,086 8T-A In NR
State Debt Service	1,360	1,360	1,360	1,360
County Operational	11,850	11,850	6,822	11,850
County Debt Service	2,123	2,123	2,123	2,123
<b>Total State</b>	<b>13,973</b>	<b>13,973</b>	<b>7,945</b>	<b>13,973</b>

	Edgewood 77,410,891 8T IN NR	Edgewood 35,949,878 8T IN NR	Edgewood 33,306,871 8T-A IN R	Edgewood 2,617,086 8T-A In NR
Municipal Operational	5,935	3,000	2,991	3,000
Municipal Debt Service	0,000	2,253	0,000	0,000
<b>Total County</b>	<b>13,973</b>	<b>13,973</b>	<b>7,945</b>	<b>13,973</b>

	Edgewood 77,410,891 8T IN NR	Edgewood 35,949,878 8T IN NR	Edgewood 33,306,871 8T-A IN R	Edgewood 2,617,086 8T-A In NR
<b>Total Municipal</b>	<b>5,935</b>	<b>5,253</b>	<b>2,991</b>	<b>3,000</b>
School Dist. Operational	0.268 (3)	0.268 (3)	0.389	0.500
School Dist. Debt Service	4.543 (3)	4.543 (3)	8.206	8.205
School Dist. Cap. Improve.	2,000 (3)	2,000 (3)	1,988	2,000
HB33 School Building	0,000 (3)	0,000 (3)	0,000	0,000
School Dist. Educ. Tech. Debt Service	0.569 (3)	0.569 (3)	0,000	0,000
<b>Total School District</b>	<b>7,380</b>	<b>7,380</b>	<b>10,582</b>	<b>10,705</b>

	Edgewood 77,410,891 8T IN NR	Edgewood 35,949,878 8T IN NR	Edgewood 33,306,871 8T-A IN R	Edgewood 2,617,086 8T-A In NR
<b>Total State, County, Municipal, &amp; School Dist.</b>	<b>28,648</b>	<b>22,713</b>	<b>25,131</b>	<b>29,038</b>
Other:				

	Edgewood 77,410,891 8T IN NR	Edgewood 35,949,878 8T IN NR	Edgewood 33,306,871 8T-A IN R	Edgewood 2,617,086 8T-A In NR
Santa Fe Comm.Col.(1)	0,000	0,000	0,000	0,000
Santa Fe Col.Bldg.Levy (1)	0,000	0,000	0,000	0,000
<b>Total Other</b>	<b>0,000</b>	<b>0,000</b>	<b>0,000</b>	<b>0,000</b>

	Edgewood 77,410,891 8T IN NR	Edgewood 35,949,878 8T IN NR	Edgewood 33,306,871 8T-A IN R	Edgewood 2,617,086 8T-A In NR
<b>GRAND TOTAL</b>	<b>28,648</b>	<b>22,713</b>	<b>25,131</b>	<b>29,038</b>

Where Applicable:

Cattle Indemnity	10.000
Sheep/Goats/Swine/Alpaca	10.000
Dairy Cattle	5.000
Bison/Camelids/Ratite	10.000
Horses/Asses/Mules	7.833

**Katherine Miller**

---

**From:** Katherine Miller  
**Sent:** Monday, September 10, 2018 4:23 PM  
**To:** Edward H. Moreno; Julia Valdez  
**Subject:** Fwd: Proposed change in convenience center fees (Item III.E.1 on Amended Agenda for BCC meeting of 9/11/2018)  
**Attachments:** 2018 Boots on the Ground Conference.pdf; ATT00001.htm; 2018 Boots on the Ground flyer.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

**From:** Joseph Eigner <joseigner@gmail.com>  
**Date:** September 9, 2018 at 1:52:25 PM MDT  
**To:** Anna Hansen <ahansen@santafecountynm.gov>, "Roybal, Henry" <hproybal@santafecountynm.gov>, "Anaya, Robert" <ranaya@santafecountynm.gov>, "Hamilton, Anna" <annahamiltondistrict4@gmail.com>, "Moreno, Ed" <edmoreno@newmexico.com>  
**Cc:** "Miller, Katherine" <kmillers@santafecountynm.gov>, "Kelley, Mike" <mkkelley@santafecountynm.gov>, "Martinez, Robert" <robmtz@santafecountynm.gov>, "Martinez, Joe" <Joemtz@santafecountynm.gov>  
**Subject: Proposed change in convenience center fees (Item III.E.1 on Amended Agenda for BCC meeting of 9/11/2018)**

Dear Chair Hansen and Commissioners:

I urge a delay in the authorization to publish title and general summary of this draft ordinance for the following three reasons.

1. There is no fiscal note included in the meeting packet to provide an analysis of the impact on county revenues. The current user fees cover only about 20 to 25% of the cost of operating the convenience centers. The Solid Waste Task Force in 1914 recommended raising fees from the then-current 17% coverage to 30% coverage in 2019. This recommendation was incorporated in Ordinance 2014-10, with the final fee increment scheduled to begin on January 1, 2019. If staff's fiscal analysis shows a significant reduction in projected 2019 revenue, it should also identify how the shortfall will be managed.

2. While some think the 2019 fee cost is burdensome you should consider the following:

Even at the projected 2019 rates disposal of trash at county convenience centers is a bargain. Compare the \$140 cost for a 12-trip permit, enough for most families to dispose of all their trash for one year, with what city and county residents pay for curbside trash collection: In Santa Fe City the cost is around \$200 (and includes weekly recycling). In the unincorporated county it ranges from \$300 to \$400 per year (with biweekly recycling included).

The city and county households with curbside service, through their taxes, would still in 2019 subsidize the 70% convenience center's operational cost not covered by permit fees, and that in addition to their own cost of trash disposal

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Existing Ordinance 2014-10 provides a \$10 discount on a 12-trip permit for low income households, reducing the 2019 cost to \$130.

Taking advantage of the free recycling offered at the convenience centers a family can reduce its trash by 50% and need only a 6-trip permit at a 2019 cost of \$45, or \$40 a year for a low-income family.

By composting food waste (25-30% of its total waste) a family that recycles could take care of its remaining trash with five to ten bag tags at an annual cost of \$10 to \$20 in 2019. Note that the county now has a pilot program offering convenience center patrons a free introduction to the composting of kitchen waste and landscaping trimmings.

3. You have heard predictions (threats?) of increased illegal dumping if the planned fees for 2019 are not blocked. I hope that upper management of the Public Works Department, Messers. M.Kelley and R. Martinez (in addition Mr. J. Martinez, the department's solid waste enforcement officer) will attend the October 24 "2018 Boots on the Ground Conference" in Grants, NM. There they can learn what other communities in New Mexico are doing to deal with this issue and join forces with them. Attached to this e-mail is information on the conference.

Respectfully,

Joseph Eigner and Karen Sweeney  
Co-founders, Eldorado/285 Recycles  
Co-Chairs, Sierra Club Northern NM Group Zero Waste Committee



**Proposed change in convenience center fees  
(Item III.E.1 on Amended Agenda for BCC  
meeting of 9/11/2018)**

Dear Chair Hansen and Commissioners:

We urge a delay in the authorization to publish title and general summary of this draft ordinance for the following three reasons.

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SFC CLERK RECORDED 10/12/2018

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Respectfully,

Joseph Eigner and Karen Sweeney  
Co-founders, Eldorado/285 Recycles  
Co-Chairs, Sierra Club Northern NM Group  
Zero Waste Committee

# 2018 BOOTS ON THE GROUND CONFERENCE

Engaging Your Community in the fight against Illegal Dumping!

*You are invited!*

2018 Boots on the Ground Illegal Dumping Conference

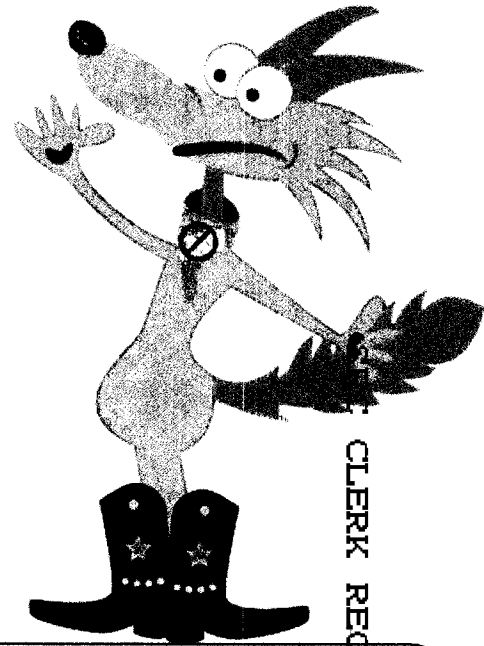
**WHERE:** Cibola Columbus Club  
1601 E. Roosevelt Ave.  
Grants, NM 87020

**WHEN:** Wednesday, October 24, 2018  
9:00 am to 3:30 pm

**No cost to attend**  
**Continental breakfast and lunch will be provided**

Join us for information, networking and to obtain your very own "Project in a Box" (limited quantities available)

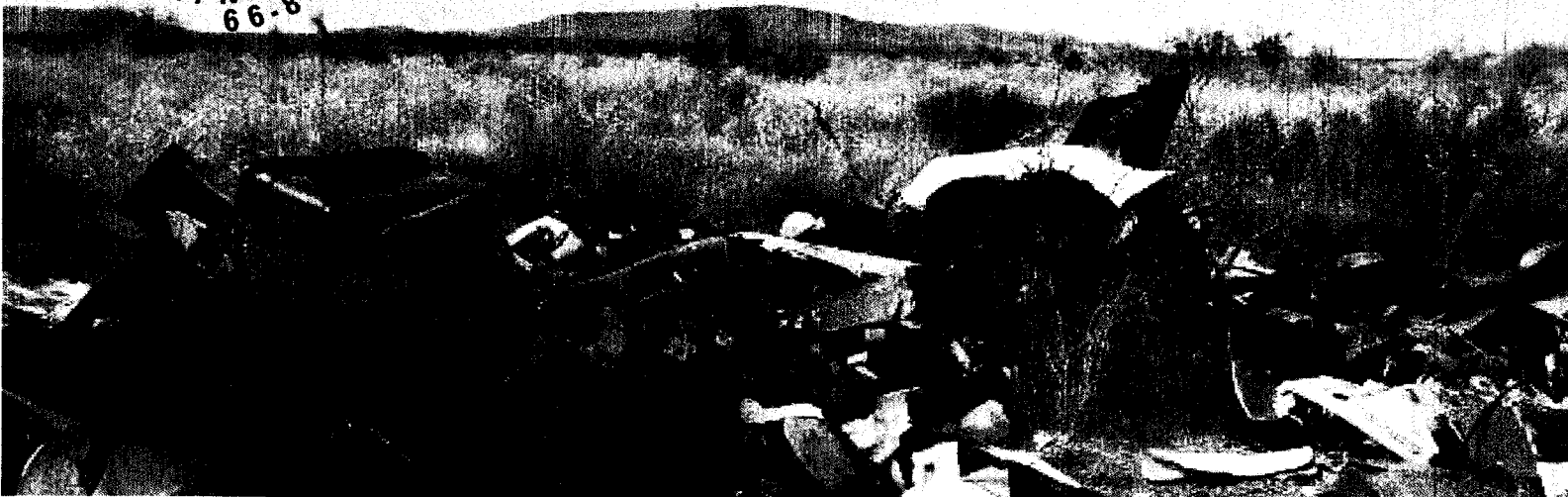
To RSVP contact, SCSWA @ 575-528-3800 **OR**  
Register at <https://botgnm.eventbrite.com>



CLERK RECORDED 10/12/2018

## TOPICS AT A GLANCE

- How are communities affected by illegal dumping?
- Who/what is the Illegal Dumping Partnership (IDP)?
- What can developing a partnership like the IDP do for your community?
- How to get started?



# 2018 Boots on the Ground Conference

Engaging Your Community in the fight against Illegal Dumping!

Join South Central Solid Waste Association for information, networking and to obtain your very own "Project in a Box" (limited quantities available).

What: 2018 Boots on the Ground Illegal Dumping Conference

Where: Cibola Columbus Club, 1601 E. Roosevelt Ave. Grants, NM 87020

When: Wednesday, October 24, 2018, 9:00 am to 3:30 pm

**No cost to attend but you must pre-register**

**Continental breakfast and lunch will be provided**

## Topics at a Glance

- How are communities affected by illegal dumping?
- Who/what is the Illegal Dumping Partnership (IDP)?
- What can developing a partnership like the IDP do for your community?
- How to get started?

To RSVP contact, SCSWA @ 575-528-3800 or

Register at <https://botgnm.eventbrite.com>

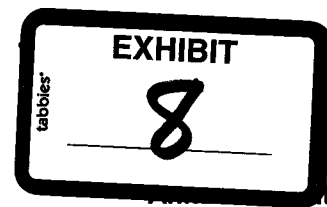
P.S. from NMRC – SCSWA has worked closely with Dona Ana County and other partners to abate illegal dumping through compliance, enforcement, community outreach and partnerships and they're offering this opportunity to share their recipe for success with other New Mexico communities – sign up today!



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

**Anna Hansen**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Ed Moreno**  
Commissioner, District 4

**Ed Moreno**  
Commissioner, District 5

**Katherine Miller**  
County Manager

DATE: September 5, 2018

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Tony Flores, Deputy County Manager

RE: **Request Approval of A Letter of Support for the Continued Funding of Payment in Lieu of Taxes (PILT) and the Secure Rural Schools (SRS) Program.**

**BACKGROUND:**

The Payment in Lieu of Taxes (PILT) program was established in 1976 to offset costs incurred by counties for services provided to the federal government and to the users of public lands. According to estimates from the National Association of Counties, current PILT funding provides a small fraction of what counties would receive in property taxes if the lands and facilities were privately owned.

The Secure Rural Schools (SRS) program is a Federal funding mechanism to offset local government taxes not collected due to the Federal land status of US Forest Service lands located within states. SRS was established to stabilize and transition payments to counties to provide funding for schools and roads that supplement other available funds, and to make additional investments in and create additional employment opportunities through projects that improve the maintenance of existing infrastructure.

**SUMMARY:**

The National Association of Counties NACO is once again taking the lead in providing information to the Federal delegation on the importance of PILT and SRS (collectively Programs) for local governments. As such, NACO is requesting assistance from local governments to contact their local Federal delegation members to request support of the continued funding for both Programs.

**RECOMMENDATION**

Staff is recommending approval of the letter of support for the continued funding of PILT and SRS and if approved the letter will be transmitted to the Federal delegation members.

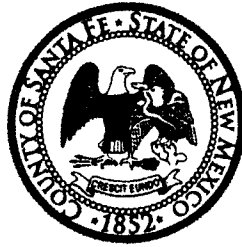
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505-995-2740 www.santafecountynm.gov

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

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

**Robert A. Anaya**  
*Commissioner, District 3*



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

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

**Katherine Miller**  
*County Manager*

September 11, 2018

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
U.S. Capitol Building, Room: S-230  
Washington, DC 20510

The Honorable Charles Schumer  
Minority Leader  
United States Senate  
Hart Senate Office Building, Room: 322  
Washington, DC 20515

The Honorable Paul D. Ryan  
Speaker  
United States House of Representatives  
U.S. Capitol Building, Room: H-232  
Washington, DC 20515

The Honorable Nancy Pelosi  
Democratic Leader  
United States House of Representatives  
U.S. Capitol Building, Room: H-204  
Washington, DC 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Ryan, and Minority Leader Pelosi,

With 2018 quickly nearing an end, we ask that you uphold the federal commitment to local communities with significant percentages of federal land within our jurisdictions by fully funding the Payments In Lieu of Taxes program (PILT) for FY 2019, and reauthorizing the Secure Rural Schools program (SRS) until a permanent solution is developed. Sixty-two percent of counties in 49 states nationwide have untaxable federal land within our boundaries, and are required to provide critical services to residents and public lands visitors including search and rescue services, emergency management, law enforcement and education.

#### **Payments In Lieu of Taxes**

Nearly 1,900 counties, boroughs and parishes in 49 states rely on PILT to make up for lost property tax revenue from untaxable federal public lands. In FY 2017, Congress appropriated \$465 million to fully fund PILT, which local governments greatly appreciated. Unless Congress guarantees full funding for PILT for FY 2019, local governments will not be able to provide public services such as emergency management, law enforcement, education, healthcare and road maintenance. We therefore urge Congress to fully fund PILT for FY 2018 and eliminate the annual funding uncertainty faced by PILT counties in the long-term.

#### **Secure Rural Schools**

The SRS program provides over 720 counties and 4,000 school districts in 41 states with significant U.S. Forest Service lands with funding to make up for the shortfall resulting from declining timber sales off federal forestlands beginning in the early 1990s. SRS was last reauthorized retroactively for FY 2014 and FY 2015 with final payments going to counties and schools in spring 2016. Because Congress has not reauthorized SRS, local governments are scaling back after school programs, laying off teachers, cutting

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search and rescue services on federal lands, and are unable to construct or repair roads and other public infrastructure.

Additionally, if SRS is not reauthorized, it will also hurt those communities that receive PILT, as SRS payments will no longer be deducted under the PILT formula, spreading PILT across more localities. We urge Congress to reauthorize SRS as a bridge funding mechanism until a more permanent, sustainable solution is enacted.

Counties and our local communities need a strong federal partner to uphold the federal commitment from these programs to provide certainty at the local level. We look forward to working with Congress to solve the problems faced by federal lands communities.

Sincerely,

Anna Hansen  
Chair, Board of County Commission

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**PILT**  
**ADVOCACY**

*toolkit*

DED 10/12/21



**PAYMENTS IN LIEU OF TAXES**

# PILT SUPPORTS CRITICAL COUNTY SERVICES ACROSS THE NATION.



URGE CONGRESS TO  
FULLY FUND PILT FOR  
FY 2019 *AND BEYOND!*

**GET INVOLVED IN  
PILT ADVOCACY!**

## ABOUT NACo

The National Association of Counties (NACo) unites America's 3,069 county governments. Founded in 1935, NACo brings county officials together to advocate with a collective voice on national policy, exchange ideas and build new leadership skills, pursue transformational county solutions, enrich the public's understanding of county government, and exercise exemplary leadership in public service.

## MISSION

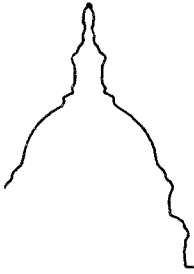
Through NACo, county officials:

- Advocate with a collective voice on national policy
- Exchange ideas and build new leadership skills
- Pursue transformational, cost-effective solutions
- Enrich the public's understanding of county government, and
- Exercise exemplary leadership in public service.

## VISION

Healthy, vibrant and safe counties across the United States.

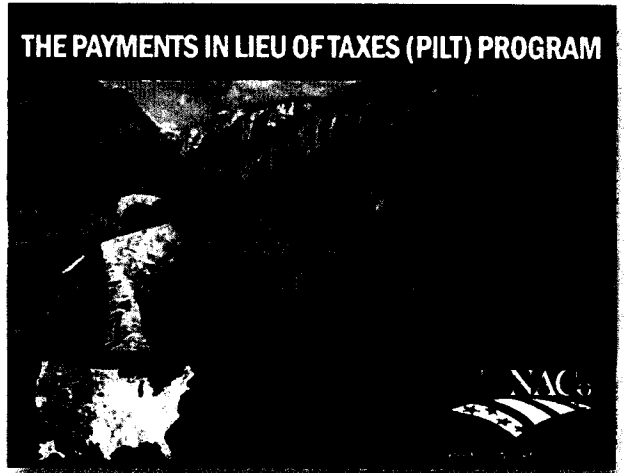
**Stronger Counties. Stronger America.**



# 2018 PILT FLY-IN *and* GRASSROOTS ADVOCACY DAY

In September, county officials from across the nation will be descending on Capitol Hill to advocate in support of the Payments in Lieu of Taxes (PILT) program. Many more county officials will be engaging in grassroots advocacy efforts in their home counties in support of this important program for public lands counties. PILT is a critical program that reimburses counties for reduced property tax revenue due to the presence of non-taxable federal land within their jurisdictions. PILT supports essential county services such as education, solid waste disposal, law enforcement, fire-fighting, search and rescue, public health and health care.

Included in this toolkit are resources to assist you in your own grassroots advocacy efforts in support of the PILT program. **NACo encourages all county officials to support PILT advocacy efforts by contacting their Senators and Members of Congress, engaging with local news media and utilizing social media to advocate for full mandatory funding of the PILT program for Fiscal Year 2019 and beyond.**



[CLICK HERE TO DOWNLOAD THIS PRESENTATION](#)

10/12/2018

## ACTION ITEMS!



### WRITE YOUR MEMBERS OF CONGRESS

A sample letter to Congress is included in this toolkit



### PUBLISH AN OP-ED OR LETTER TO THE EDITOR IN YOUR LOCAL NEWSPAPER

This toolkit includes a sample Op-Ed and Letter to the Editor along with talking points on the importance of PILT to help you write your own.



### ENGAGE YOUR MEMBERS OF CONGRESS ON SOCIAL MEDIA

Remember to tag your members of Congress in your tweets and Facebook posts. Sample tweets and posts for social media are provided in this toolkit.

# CHECK OUT NACo's ADVOCACY CENTERS

TRENDING White House Announces Additional Plans to Integrate Unmanned Aircraft into the National Airspace

JOIN CONTACT     

**NACo** NATIONAL  
ASSOCIATION  
of COUNTIES

I'm interested in...



COUNTIES

ADVOCACY

RESOURCES

EVENTS

ABOUT

NEWS

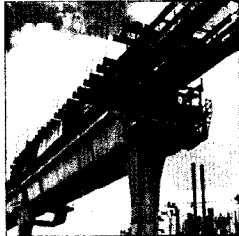


COUNTY EXPLORER INTERACTIVE

## Action Centers



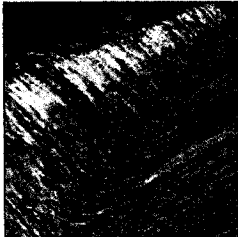
Legislative Priorities



Transportation



Payment in Lieu of Taxes



Waters of the U.S.



Marketplace Fairness



Municipal Bonds

## Committees

- Agriculture & Rural Affairs
- Community, Economic & Workforce Development
- Environment, Energy & Land Use
- Finance, Pensions & Intergovernmental Affairs
- Health
- Human Services & Education
- Justice & Public Safety
- Public Lands
- Telecommunications & Technology
- Transportation

**Large Urban County Caucus**

**Rural Action Caucus**

**Western Interstate Region**

## Action Centers & Resources

- Legislative Priorities
- Transportation & Counties
- Payment in Lieu of Taxes
- Waters of the U.S.
- Marketplace Fairness
- Municipal Bonds

**Policy Briefs**

**Legislative Presentation Center**



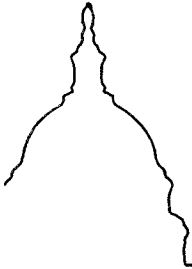
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# BACKGROUND *and* TALKING POINTS

Created in 1976, the Payments in Lieu of Taxes (PILT) program was established by Congress to offset reductions in local property tax revenues due to the presence of non-taxable federal land within their jurisdictions. The PILT program helps defray the costs incurred by counties for services provided to federal employees and their families, the public and to the users of federal public lands. These include education, solid waste disposal, law enforcement, search and rescue, health care, environmental compliance, fire-fighting, parks and recreation and other important community services.

Historically, annual PILT funding levels remained static for many years. For nearly two decades, counties watched the value of their PILT receipts drop due to inflation. In 1995, NACo was successful in securing a legislative fix for the PILT formula, (P.L. 103-397), which adjusts annual authorization levels to account for inflation.

The FY 2018 Omnibus Appropriations package, signed by the president on March 23, 2018, funded PILT at \$552.8 million for the remainder of FY 2018. For FY 2017, PILT was fully funded at \$465 million through the Consolidated Appropriations Act of 2017. In FY 2016, Congress appropriated full funding for PILT of \$452 million through the Consolidated Appropriations Act, 2016 (P.L. 114-113). For FY 2015, PILT was appropriated \$70 million in the FY 2015 National Defense Authorization Act (P.L. 113-291) and \$372 million by the FY 2015 Consolidated and Further Continuing Appropriations Act (P.L. 113-235), for a total of \$442 million. In FY 2014, in FY 2014, PILT was fully funded through the Agricultural Act of 2014 (P.L. 113-79) at \$425 million as a mandatory program. Full mandatory funding for FY 2013 was achieved through the Moving Ahead for Progress in the 21st Century Act (MAP-21) (P.L. 112-141), which provided \$399 million in PILT funding. Previously, the enactment of the Emergency Economic Stabilization Act (P.L. 110-343) provided full mandatory funding for PILT from FY 2008 through FY 2012. From 1995 to 2007, PILT was a discretionary program and as a result was underfunded year after year.

Without mandatory full funding, PILT will remain a discretionary program subject to the annual appropriations process and could fall back to pre-2008 funding levels, devastating local government service delivery in areas with significant federal land ownership.

**Urge your members of Congress to support mandatory full funding of the Payments in Lieu of Taxes (PILT) program for FY 2019 and beyond. Unless Congress acts, counties will receive their last fully funded PILT disbursement in 2018.**



For additional support on your advocacy efforts, please contact Jonathan Shuffield, NACo Associate Legislative Director for Public Lands, at [jshuffield@naco.org](mailto:jshuffield@naco.org) or 202.942.4207.

## 2018 POLICY BRIEF

PROVIDE FULL MANDATORY FUNDING FOR THE  
PAYMENTS IN LIEU OF TAXES (PILT) PROGRAM

[CLICK HERE TO VIEW NACo's PILT POLICY BRIEF](#)

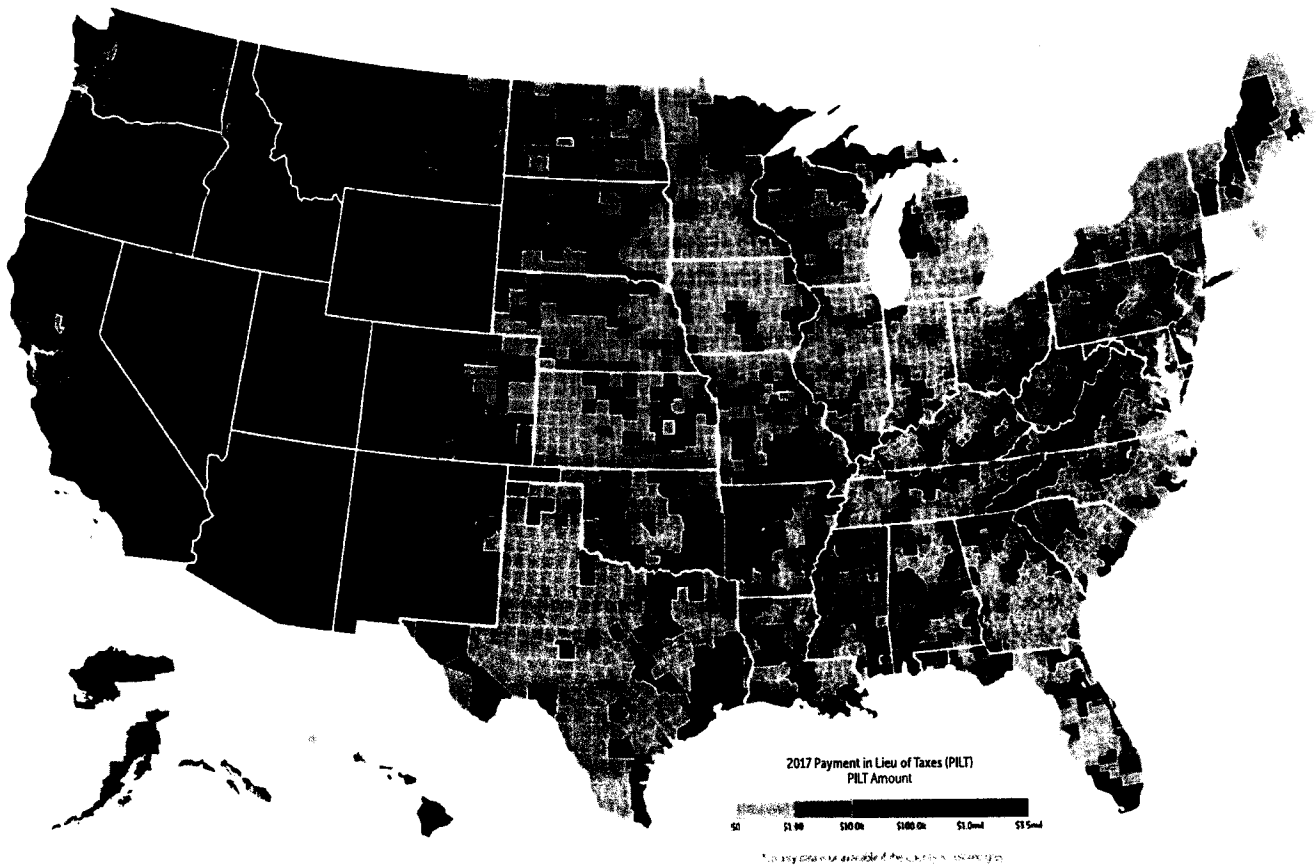
## GIVE A TOUR!

While members of Congress are in their states and districts during congressional recesses, county officials should invite their federal lawmakers and their staff to tour and see firsthand the many services counties provide on federal lands and to millions of federal land visitors each year. These tours give legislators and their staffs an opportunity to see the impacts the presence of federal lands has on counties and the many services counties provide on federal lands every day. These events are also good opportunities to earn media coverage around your advocacy. County officials should reach out to local media to make the most of these events.

## WRITE A LETTER!

Send a letter written on county letterhead, either through the U.S. Postal Service or via email, which explains why it's critical to your county that Congress fully fund PILT for FY 2019 and beyond. [Download a draft letter to Congress here](#). Information on office locations and contact numbers can be found on members' websites. Links to U.S. House of Representatives websites can be found [here](#) and links to U.S. Senate websites can be found [here](#).

## PILT COUNTIES ACROSS THE U.S.



Source: NACo Analysis of U.S. Department of the Interior Data, 2017



## GO SOCIAL!

Tell Congress why PILT must be fully funded for FY 2019 and beyond. Take pictures and share stories of your county's first responders, health care workers and municipal services employees providing essential services on federal public lands and urge Congress to fully fund #PILT. Most Senators and Representatives are on Twitter and monitor their Twitter feeds regularly. The easiest way to find your members of Congress is to utilize the search function on Twitter or by visiting your members' website. In addition to reaching out to your members of Congress on Twitter, consider targeting House and Senate leadership. You can keep NACo in the loop on your social media advocacy by being sure to include both @NACoTweets and #PILT in your tweets.

### SAMPLE TWEETS:

- ✦ 1,900 #counties in 49 states & receive PILT funding, 28% land owned by Feds; not taxable by locals! [www.naco.org/PILT](http://www.naco.org/PILT)
- ✦ Would you miss law enforcement, road & bridge maintenance, search & rescue, waste disposal? Fund PILT! [www.naco.org/PILT](http://www.naco.org/PILT)
- ✦ The 640m acres of Fed-owned land covering 62% of US #counties is non-taxable: #PILT is key for local service delivery [www.naco.org/PILT](http://www.naco.org/PILT)
- ✦ #Counties rely on #PILT to make up for lost revenue on non-taxable Fed-owned lands and maintain services to community [www.naco.org/PILT](http://www.naco.org/PILT)
- ✦ #PILT supports critical services #counties provide to +500m annual public lands visitors, urge full mandatory funding [www.naco.org/PILT](http://www.naco.org/PILT)
- ✦ Congress needs to pass full mandatory #PILT funding for FY 2019 & beyond; supports many critical #county services [www.naco.org/PILT](http://www.naco.org/PILT)
- ✦ Without #PILT, many #counties w/Fed-owned land can't provide critical svcs like education, firefighting, health care [www.naco.org/PILT](http://www.naco.org/PILT)

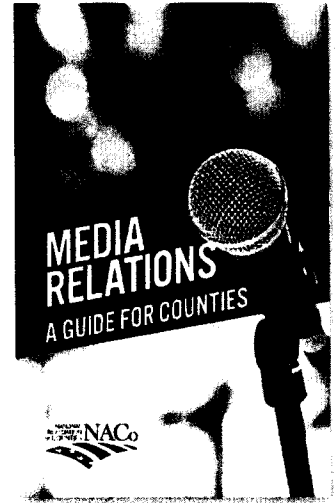
 For additional support on your advocacy efforts, please contact Jonathan Shuffield, NACo Associate Legislative Director for Public Lands, at [jshuffield@naco.org](mailto:jshuffield@naco.org) or 202.942.4207.

 For additional support on your media relations efforts, please contact Fred Wong, NACo Communications Director, at [fwong@naco.org](mailto:fwong@naco.org) or 202.942.4271.

# ENGAGE THE MEDIA!

Work with local media outlets to draw attention to the importance of the PILT program for counties. Inform your community about Congressional tours and other events through press releases and advisories. NACo's [Media Relations Guide for Counties](#) is available to assist county officials with local media outreach.

Write and submit op-ed columns or guest commentaries to local newspapers outlining the importance of the PILT program to your county and urging Congress to take action. Below are issue-specific message points to consider and general guidance on writing op-ed pieces. Remember, your ability to craft and tailor the message to fit your community is very important to placing an op-ed. County-specific examples and other local information will significantly enhance the points below.



## OP-ED GUIDANCE

An opinion column written in your own words for publication in your local newspaper can be a very effective communications tool. Less rigid than a news release, an opinion column – also known as an “op-ed” because it is often placed opposite of the editorial page in a newspaper – can frame issues and messages precisely the way you want. Here are some points on writing a compelling op-ed.

- An effective op-ed will make a clear and effective argument supported by facts and examples. It will be informative, focused, persuasive and interesting.
- Columns should clearly communicate why the issue is important and specifically how it affects readers.
- Op-eds are commonly written in a conversational style less formal than a news release or fact sheet.
- Connecting your position to a specific or timely issue of local importance will make it more likely that a newspaper will publish your piece.
- Typically, op-eds are 500-750 words. Newspapers often publish specific requirements and instructions for submission on their websites.
- In many cases, a newspaper will only publish your piece if it does not or will not appear in another newspaper.

## OP-ED FORMAT AND MESSAGE POINTS

**The opening sentence or paragraph should grab readers’ attention and spark their interest to read more. Consider starting the column with a local reference or recent news item.**

### EXAMPLE

- One afternoon this past July in Theodore Roosevelt National Park in Billings and McKenzie counties, N.D., the temperature was 90 degrees, the humidity was 88 percent, and there was no wind. A 21-year-old man and two others, a 23-year-old woman and a 22-year-old man, were lost and dehydrated. County first responders were mobilizing.

 For additional support on your media relations efforts, please contact Fred Wong, NACo Communications Director at [fwong@naco.org](mailto:fwong@naco.org) or 202.942.4271.

## TALKING POINTS

### **Full funding of PILT is critical for counties across the United States.**

- 61.6 percent of counties have non-taxable federal public lands within their jurisdictions.
- The Federal government owns roughly 640 million acres of land across the United States.
- Federally owned land is exempt from property taxes. Counties rely on PILT to make up for these reduced property tax revenues.
- [Include local information and statistics describing how your county uses its PILT funds.]

### **Counties must provide essential services to their residents and public lands visitors.**

- PILT helps support the many critical services that counties provide to over 500 million public lands visitors annually
- Counties maintain the roads that allow visitors access to federal lands, deliver law enforcement and search and rescue services, fight fires, and provide many other critical services on public lands.
- [Give specific examples of the services your county provides on federal public lands and for their visitors.]

## SAMPLE OP-ED

*[TITLE]*

This year's National Park Service centennial reminds us of the central role these iconic places play in our national identity. And as the summer comes to an end, hundreds of millions of visitors will have "found their park" or recreated on the other federal public lands that together make up nearly one-third of the United States.

Yet, preserving nature's majesty also has costs for surrounding communities.

Counties see their populations skyrocket with visitors at national parks. Tuolumne, Mariposa and Madera Counties in California, each home to a portion of Yosemite National Park, have a total combined population of 224,000 but receive about 4 million visitors annually.

Certainly, increased tourism is good for local economies, but counties need additional resources to meet demands for critical services by public lands visitors.

These services include everything from firefighting to search and rescue to roads maintenance and trash collection.

Counties alone cannot do it all. That's where the federal Payments in Lieu of Taxes program, or PILT, comes into play.

For nearly 40 years, the PILT program has provided funding to counties and other local governments to offset forgone tax revenues on federal land within their boundaries. Sixty-two percent of the nation's counties have federal public lands; many rural counties have more than 90 percent of their land area taken up by federal public land. Local governments cannot tax the property values or products derived from these lands, yet counties and their local taxpayers still pay for services provided in support of federal lands.

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The federal government generates about \$14 billion annually from commercial activities on federal land such as timber harvesting, oil and gas leasing and livestock grazing. The PILT program uses a small portion of this revenue to help local governments continue to provide essential services.

For 2018, Congress authorized discretionary funding of \$552.8 million for PILT. Without mandatory full funding, PILT will remain a discretionary program — subject to the annual appropriations process — and could fall back to pre-2008 funding levels when counties received 65 percent or less of necessary funding for PILT, dealing a major blow to local services in areas with federal land ownership.

*[INSERT COUNTY-SPECIFIC INFO – FOR EXAMPLE: My home county, [COUNTY], is a rural county with substantial acreage of public lands, nearly XX percent. This year, we received \$XX to help fund road maintenance, public health, environmental compliance, law enforcement and other general government services. The payments are critical, representing roughly XX percent of our general fund budget and allowing us to provide a safe environment for our visitors.]*

Without congressional action guaranteeing mandatory full funding for PILT for Fiscal Year 2019 and beyond, communities across the country could face devastating budget shortfalls affecting public safety, education, infrastructure and other local government functions that all Americans rely on.

This week, county officials from across the nation will go to Capitol Hill to advocate for PILT. Many more county officials are engaging in grassroots advocacy efforts in their home counties in support of this critical program.

The National Association of Counties is urging members of Congress to support a full investment in the PILT program in FY 2019 and permanent funding for the future.

For the millions of people who enjoy America's immense public lands, the case is clear. Without PILT, providing crucial services in order to accommodate millions of visitors to public lands each year would not be possible.



For additional support on your media relations efforts, please contact Fred Wong, NACo Communications Director at [fwong@naco.org](mailto:fwong@naco.org) or 202.942.4271.

[CLICK HERE TO DOWNLOAD THE OP-ED](#)

# GUIDANCE ON LETTERS TO THE EDITOR

If your local paper publishes an opinion column or news article on Payments in Lieu of Taxes program, federal lands, or the federal budget, provide the county perspective by writing a letter to the editor responding to the piece—or one of its points. Letters to the editor are a good way to spread the message in roughly 150-200 words, depending on the paper.

## SAMPLE LETTER TO THE EDITOR

*[TITLE]*

Dear Editor:

*[Insert local news hook for PILT – For example: The article about the recent influx of visitors to our area reminds us of an important federal programs that needs our attention.]*

Increased tourism is good for our economy, but we need additional resources to meet increased demands for county services that outpace what our local property tax base can support. That’s why we have the Payments in Lieu of Taxes program, or PILT.

Over 40 years, PILT has provided funding to counties and other local governments to offset forgone tax revenues on federal land within their boundaries.

Here in *COUNTY*, *XX* percent of the land is owned by the federal government. This year from the PILT program, we received *\$XX* to help pay for county services like infrastructure maintenance, solid waste disposal, law enforcement, firefighting, search and rescue and emergency medical response.

Our county and the National Association of Counties is urging lawmakers in Washington, D.C. to support mandatory full funding for PILT to ensure that we have the resources we need to continue delivering essential services in our communities.

Sincerely,

*[Name of Local Elected Official]*

*[County, State]*



For additional support on your media relations efforts, please contact Fred Wong, NACo Communications Director at [fwong@naco.org](mailto:fwong@naco.org) or 202.942.4271.

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# TELL NACo!

Please be sure to let NACo know about your advocacy efforts. Send copies of your letters to Congress, pictures from events and media coverage to Jonathan Shuffield, NACo's Associate Legislative Director for Public Lands, at [jshuffield@naco.org](mailto:jshuffield@naco.org) or 202.942.4207.

## ADDITIONAL NACo RESOURCES

NACo has additional resources available on its website to assist you in your advocacy efforts.

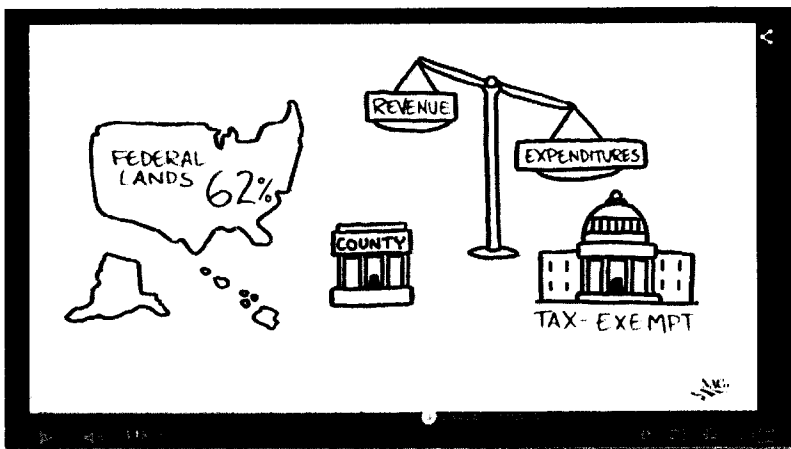
- Visit NACo's online PILT Action Hub at [www.naco.org/PILT](http://www.naco.org/PILT) to watch our video "Why Federal Public Lands Matter to Counties," view legislative fact sheets on PILT, and read NACo's policy on the PILT program.
- View individual county PILT profiles on our County Explorer tool at [explorer.naco.org/](http://explorer.naco.org/).
- To view NACo's PILT presentation, click [here](#)
- To view NACo's Policy Brief, click [here](#)
- To view NACo's PILT advocacy video, click [here](#)

## RELEVANT COMMITTEES (FIND YOUR MEMBER):

- [Senate Energy & Natural Resources Committee](#)
- [House Natural Resources Committee](#)
- [Senate Interior, Environment and Related Agencies Appropriations Subcommittee](#)
- [House Interior, Environment and Related Agencies Appropriations Subcommittee](#)

**i** For additional support on your advocacy efforts, please contact Jonathan Shuffield, NACo Associate Legislative Director for Public Lands, at [jshuffield@naco.org](mailto:jshuffield@naco.org) or 202.942.4207.

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CHECK OUT NACo's VIDEO  
ON PILT AND WHY IT  
MATTERS TO COUNTIES

# SAMPLE LETTER TO CONGRESS

[Date]

The Honorable [First Name] [Last Name]

United States [Senate/House of Representatives]

[Address Line 1]

[Address Line 2]

Dear [Senator/Congressman Last Name],

On behalf of the [Number] residents of [Name] County, I respectfully request your urgent help and support in developing a bi-partisan, bi-cameral funding solution for the Payments in Lieu of Taxes (PILT) program. Unless Congress acts before current PILT funding expires, our county will face a budget shortfall that will impact our ability to provide essential services to residents and visitors.

[Name] County is just one of nearly 1,900 counties in 49 states and three U.S. territories that receive PILT funding. The federal government owns approximately 28 percent of all land in the U.S., and these lands are not taxable by local governments. PILT helps to offset reduced tax revenues and help communities provide essential services to federal employees and their families, the public and users of public lands. In my county, PILT funds are used to *[describe expenditures for county services using PILT funds such as road and bridge maintenance, law enforcement, search and rescue, solid waste disposal and environmental compliance]*.

Without the certainty of full funding for the PILT program, counties throughout the nation will be unable to provide their residents with essential services such as education, law enforcement, search and rescue, road maintenance and public health. While it must be Congress' ultimate goal to enact a long-term, sustainable solution to eliminate the ongoing uncertainty counties face, full-funding in FY 2019 for the PILT program is essential to provide America's counties with the certainty they need to plan their own budgets.

Thank you for your continued service to the people of [Name] County. County elected officials stand ready to work with you to develop a full funding solution for PILT for FY 2019 and beyond.

Sincerely,

[Name of Local Elected Official]

[County, State]

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# 2018 POLICY BRIEF

## CONTINUE REVENUE SHARING PAYMENTS TO FOREST COUNTIES: SUPPORT THE SECURE RURAL SCHOOLS (SRS) PROGRAM

### QUICK FACTS

- NACo is pursuing a long-term legislative solution, based on active forest management, to continue revenue sharing payments to counties
- The SRS program was enacted in 2000 to provide funding for counties and schools to compensate for steep reductions in revenues from timber harvests
- For FY 2017, the SRS program provided \$256 million to over 700 rural counties, parishes and boroughs across the United States
- Since 1908, the Forest Service provided counties and schools 25 percent of the revenues collected from management activities on the National Forest System

### ACTION NEEDED:

Urge your members of Congress to enact a long-term legislative solution for continued revenue sharing payments to forest counties through the U.S. Forest Service's Secure Rural Schools (SRS) program. Congress reauthorized SRS for FY 2017 and FY 2018 in the omnibus spending package enacted March 23, 2018. Counties rely on SRS payments to provide numerous critical services including infrastructure, conservation projects, search and rescue missions and fire prevention programs. The last authorized SRS payments are scheduled to be paid in calendar year 2019.

Further, Congress should reform forest management practices to improve forest health, increase production and ensure robust revenue sharing to all forest counties.

If Congress fails to renew the long-standing federal obligation to forest counties and the lands managed by the federal government by not improving forest management and reauthorizing the SRS program, counties across the United States could face dramatic budgetary shortfalls. The last time authorization for SRS lapsed, in FY 2016, federal forest payments to counties decreased by over 80 percent on average.

### BACKGROUND:

The SRS program provides assistance to rural counties and school districts affected by the decline in revenue from timber harvests on federal lands. Historically, rural communities and schools have relied on a share of receipts from timber harvests to supplement local funding for education services and roads. During the 1980s, national policies substantially diminished the revenue-generating activity permitted in these forests. The resulting steep decline in timber sales decreased the revenues that rural counties and school districts received from forest management activities.

In response to this decline, SRS was enacted in 2000 (P.L. 106-393) to stabilize payments to counties and to compensate for lost revenues. In October 2008, SRS was reauthorized (P.L. 110-343) and amended to continue on a sliding payment scale. Most recently, SRS was reauthorized retroactively on March 23, 2018 for FYs 2017 and 2018. In FY 2017, SRS provided \$256 million to over 700 rural counties, parishes and boroughs across the nation. SRS expires at the end of FY 2018.

The expiration of SRS will create dramatic budgetary shortfalls if Congress fails to renew this long-standing federal obligation to county governments. Enactment of a sustainable long-term program to share revenues generated from the management of designated federal lands with forest counties and schools will ensure that students receive essential education services and rural communities have critical funding for roads, conservation projects, search and rescue missions and fire prevention programs.

### KEY TALKING POINTS



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- If not reauthorized for FY 2016 and beyond, the expiration of the Secure Rural Schools and Community Self-Determination (SRS) Act at the end of FY 2018 will create dramatic budgetary shortfalls for over 700 rural counties across the United States. When the authorization for SRS lapsed in Fiscal Year 2014, federal forest payments to counties decreased by over 80 percent on average.
- New legislation should be enacted that provides forest revenue sharing payments to counties and promotes active natural resource management for the stability and well-being of forest counties and communities. NACo encourages Congress to act quickly to reauthorize the SRS program, a critical safety-net for forest counties, improve federal forest management practices and address the wildfire funding crisis.
- While the Senate and House of Representatives continue to discuss options for funding the SRS program, NACo will continue to urge leadership in both chambers and on both sides of the aisle to work together to enact a long-term, sustainable solution.

For further information, contact: Jonathan Shuffield at 202.942.4207 or [jshuffield@naco.org](mailto:jshuffield@naco.org)



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