

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR BCC MEETING
March 31, 2026

Justin Greene, Chair - District 1
Adam Johnson, Vice Chair - District 4
Camilla Bustamante - District 3
Hank Hughes - District 5
Lisa Cacari Stone - District 2

SFC CLERK RECORDED 05/01/2026

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REGULAR MEETING

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1. A. This regular meeting of the Santa Fe Board of County Commissioners Board was called to order at approximately 2:36 p.m. by Chair Justin Greene in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

Roll was called by Bureau of Election Chief Deputy Rosangela Ortiz and indicated the presence of a quorum as follows:

Members Present:

Commissioner Justin Greene, Chair
Commissioner Adam Johnson, Vice Chair
Commissioner Camilla Bustamante
Commissioner Hank Hughes
Commissioner Lisa Cacari Stone

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. O'ga P'ogeh Owingeh Land Acknowledgement

F. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Greene. He acknowledged that this building and Santa Fe County as being in the original homeland of the Tewa people also known as O'ga P'ogeh Owingeh, "White Shell Watering Place." The Moment of Reflection was led by Sara Smith of the County Manager's Office.

Commissioner Cacari Stone requested a moment to remember two very critical leaders in the Northern New Mexico and statewide community. Gilberto Romero, a longtime elder and champion of those suffering from mental illness. He served on the Substance Abuse Mental Health Services Administration nationally and was an advocate at the federal and local level. Commissioner Bustamante also recognized Mr. Romero, noting that he worked with people where they were.

The second person, Commissioner Cacari Stone asked a moment to honor was Sarah Ghiorse, who turned New Mexico Women.org from a \$50,000 organization to over

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millions. "Her fierce leadership and her sensitivities to gender justice were unparalleled... I want to honor her leadership mostly around gender equality and all our social economic and community work that we do in government, nonprofits, particularly the innovation she left on intersectionality and leading gender justice statewide."

[Chair Greene read the agenda captions throughout the meeting.]

G. Approval of Agenda

Deputy Manager Leandro Cordova said staff had no changes to the agenda.

Commissioner Johnson requested that item 5.E be removed from the Consent Agenda.

With no other changes, Commissioner Johnson moved to approve the agenda as amended. Commissioner Cacari Stone seconded and the agenda was approved [5-0] as amended.

H. Years of Service, Retirements, and new Hire Recognitions

MR. CORDOVA: Good afternoon. Chair and Commissioners. I'm going to go ahead and read through our service anniversaries for March, 2026. The following seven employees celebrated their service anniversaries in March. In our adult facility corrections, David Espiricueta Domi, five years. In our fire administration, Matthew Harding five years. And in our senior services, home delivered division, Mona Gonzales, five years. In our admin animal control, Anna Perez, five years. In our administration, Felicita Pinon, 10 years. In our open space, Cedric Griego, 10 years. And in our adult facility or corrections facility, Eric Sena. Please join me in celebrating the accomplishments of those anniversaries.

And now moving on into our new hires from February '26 we have eight new employees. Adina Herrera in our corrections department. William Beall joined our fire department. A, an Angelica Griego, our Health and Human Services, Destiny Jaramillo in our Health and Human Services. Rolando Sandoval in our project and facilities management. Oscar Salgado in Public Works. Andrew Hoskie in our Sheriff's Department admin. Brandt Geist in our Utilities Department, and Daniel Perez in our Utilities Department. So please welcome our new hires. Thank you, Mr. Chair.

CHAIR GREENE: Thank you, Leandro. Thank you. And congratulations to everybody new and continuing with Santa Fe County. We appreciate your work and faith in our team to come work with us. So thank you very much

2. Matters of Public Concern

CHAIR GREENE: We have a lot of people here today, and I'm going to request a two minute time today. I won't cut you off hard, but please try your best to keep it to two minutes and we will try to get to everybody here and we'll move on from there.

If you'd like to approach the microphone, whoever wants to go first. Please self-

organize yourself a little bit if there are groups of people that want to speak together. I think there were some people from Eldorado that wanted to speak together please, go ahead. Please state your name and your address, as you start. And, Daniel a two minute clock for them.

STAEHANIE LEVY: My name is Stephanie Levy and I live at 21 Domingo Road, 87508. I've been a member of Eldorado 285 Recycles for 10 years since the group installed a straw bale vermicomposting composting system the first week I moved here. It was such a great community service, I decided to join up.

So I want to tell you a little bit about our group. We began about 14 years ago and besides installing 280 vermicomposting systems in the Eldorado and 285 corridor, our other projects include special collections of hard to recycle items like razors, pens, and corks, twice a year, road cleanup, educational outreach, and promoting zero waste.

We, in 2016, we won recognition from the New Mexico Recycling Coalition for nonprofit recycler of the year. But by far, the project that makes the greatest impact on the community is running the reuse center at the Eldorado Convenience Center. We provide a service of accepting clean, reusable items, sometimes real treasures for exchange to people who can use them, thereby diverting tons of usable materials from the landfill.

The community appreciates the system, knowing others can use their unneeded extras and the County saves money. We've greatly improved our original model of unstaffed drop-off and pick-up of items during ECC hours. Now we offer a two-hour window three times a week with volunteers regulating and organizing donations and collecting data. Because of the success of this improved model, in 2023 we won an award for Diversion Project of the year from New Mexico Recycling Coalition, and we've even received a letter of appreciation for Deb Haaland for our recycling efforts. With a 14-year history of reliable community service, our group of 20 volunteers will be willing and able to keep the center clean to protect the health and safety of his visitors and volunteer staff.

We are requesting your help to reopen the Reuse Center quickly. Santa Fe County Solid Waste and Recycling Ordinance number 2014-10 states that one of its purposes is to promote waste reduction and the reuse of recycling of materials to further conservation and minimize landfill disposal. Reopening the Reuse Center directly supports this goal and strengthens local sustainability. Thank you.

CHAIR GREENE: Just a few seconds over two minutes. Great. Thank you.

ELIZABETH MCLAREN: Good afternoon, Mr. Chairman and Commissioners. My name is Elizabeth McLaren. I live at 2 Dovela Court in Eldorado. I've been a member of Eldorado 285 since 2015. Eldorado Recycles is committed to the reopening of the reuse center at the 285 Convenience Center.

The center was abruptly closed on August the 29th after a complaint made to the New Mexico Environmental Department about rodents throughout the facility. To discourage rodents we plan the following installation of solar lights around the area, shelving 18 inches off the ground, which will discourage nesting, shift inspections for rodent evidence along with monthly deep cleaning. We have written a manual which outlines our protocols and emphasizes safety. We do not take books, blankets, cushions,

or any upholstered items. Many of the community have benefit in many ways from the resources at the center, which is organized in categories such as building materials, household items, garden supplies, arts and crafts and sports equipment.

A frequent visitor on Saturdays was a middle school teacher who came in looking for things to help his low income students. We were surprised when he picked up crutches, usually languishing in the sports section. He wanted them for the school nurse who always needed them for kids who were hurting themselves. Before Christmas, he gathered up artificial trees and discarded Christmas decorations. The kids had fun decorating the classroom and then they took them home for the holiday. A family burned out by Hermits Peak-Calf Canyon Fire, picked up some basic furnishings and kitchen goods for their temporary housing.

I thank you for listening to it. I've shortened my speech because I thought I had three minutes. But thank you for listening to our request for reopening of the reuse. We hope you will support us in our efforts for sustainability in our community. Thank you.

CHAIR GREENE: Perfect timing. Thank you very much for your comments.

JOE DURLAK: My name is Joe Durlak. I live at 26 Condesa Road in Eldorado. I'm a part of the same recycling organization as the last two speakers. Commissioners, thank you for giving me opportunity to make this comment.

I want to talk about the data that we have collected since the reopening of our reuse center in February, 2023. We have averaged 700 visitors a month in all that time, and we have kept track of the materials that were taken away from the center. We estimate that we have been responsible for diverting 100,000 pounds of material from going into our local landfill. This information should be very convincing that this is a win-win-win situation for everybody.

The residents use our center, they like our center, and I'm going to give you a petition that we've collected with over 100 signatures, these residents, over 1000 signatures. These residents want to have it reopen. It's certainly a win for the County. We are diverting all of this material out of the landfill. We're saving the landfill. We're saving money for the County who has to transport everything and has to have dumping fees, and employees have to go back and forth. And it's certainly a win for the very basic concept of sustainability. Use our resources. Don't throw them away. Try to save them.

We are willing to cooperate with the convenience center. The convenience center has reopened where we are at. They will not allow us back in. We believe that Commissioners have the authority to reopen the center, and we ask for your support. I have some materials to pass out copies of the petitions that we collected, and a copy of the manual that we have developed, which will show you very, clearly, we're very responsible, we're very organized, and we're willing to take the steps involved to keep the center clean, free of any, protect the health and safety of all the visitors and the staff.

We have some supporters I would like to have stand up in the audience just to show you. We have lots of people, a lot of people behind us. I don't know what to do with the materials, but I want to pass them out.

CHAIR GREENE: Thank you so much as well. Thank you, guys. Thanks for coming out and representing. Councilor Ives.

PETER IVES: Good afternoon, Chair Greene and Commissioners. It is a

pleasure to be able to appear before you today. My name is Peter Ives. I'm a City and County resident. I live at one 40 West Zia Road, 87505.

Thank you for your work on that has been done by the County on the Sustainable Land Development Code. I wanted to address several concerns about the code and how it is being applied and interpreted. Laudably, the code notes in part the following, under purpose and intent, the SLDC is designed to provide standards to protect from adverse public nuisance or land use effects and impacts resulting from public or private development within the county. The process of approvals for residential uses are delegated to the Land Use Administrator without any required opportunity for input from neighbors or the public. And while this may be appropriate in some circumstances, there are times when creating an opportunity for public input is appropriate and called for.

Recently a short-term rental or STR was permitted in the County. The applicant originally stated that the resident's non-owner occupied was to have six bedrooms. The code, however, limited the occupancy to 10 overnight guests and 20 daytime visitors. The permit was issued with no input from the public and apparently without sufficient review. The house in question originally had three bedrooms when it was built, and therefore put in a 1,000 gallon septic tank as per NMED requirements.

The five bedroom house requires a 1,500 gallon septic tank. The permit for the STR was issued apparently without these issues being identified or resolved. Fortunately, these issues were identified by neighbors and further action by the STR owner has been required. If adding additional bedrooms to a house also requires a County permit that would be another issue for apparent action.

The STR owner is also proposing to add a pickleball court in a neighborhood that is serenely quiet. The code identifies such a use as an active-leisure activity, which would require a special use permit, a conditional use permit, I'm sorry. Such a CPU [sic] generally requires both public hearing before a hearing officer as well as the planning commission. This makes total sense. However, staff interprets the code to consider an STR a residential use and a pickleball court in a quiet residential area, as a use of right avowing that the reference to the code to active leisure activities applies only to commercial uses. To be made a pickleball court at a residence without considering that such a use would be a nuisance and wholly disruptive to the neighborhood, seems inconsistent with the status, purpose, and intent of the SLDC.

County staff has indicated that raising issues relating to approving a pickleball court in a quiet residential neighborhood is relegated to post-approval neighborhood appeals and complaints. I would urge the Commission to examine those issues and provide opportunities for a hearing for neighbors to be heard on such intrusive and disruptive uses such as an STR and certainly a pickleball court.

And in closing, I would just like to give a shout out to County employee, Dominic Sisneros, who has been, tremendously helpful and responsive in answering questions and is always on point and timely in his responses. Thank you.

CHAIR GREENE: Thank you. And thank you for acknowledging Dominic's great work.

PATRICK FINLEY: Good afternoon, commissioners. My name is Patrick Finley. I live at 1801 Camino de Cruz Blanca in Santa Fe. I'm a retired environmental engineer and environmental lawyer. I'm here to comment on the subject of a pickleball

court and I particularly was interested in your comment. Commissioner Cacari Stone, on landscape. You talked about bringing the community out of the community. And here present, I think there's a large portion of the community. It is in the vicinity of this proposed pickleball court. And there's nothing that will bring a community out of a community other than something that is hated by the community, such as a pickleball court.

So what are we really talking about when we say pickleball court? Let me suggest it is this. [a recording of pickleball playing ensues] Now, those are two players playing. Pickleball courts often have four players. When you have a party house and you invite others to be in that party house, likely you're going to have a tournament. You're going to have beer on ice and this pickleball court is going to be going like that. You know if I play it here for 45 seconds, you might say, I get the idea. No, you don't. Not until you've heard it for hours next to your bedroom of my friends, 75-feet away.

Please engage yourself with those who have permission to be able to grant or deny this permit and help bring a little sanity to this community. Thank you very much.

CHAIR GREENE: Thank you so much. Come on up.

FREDERICK DIEHL: After hearing all that, I need a drink. But anyway, good afternoon, Mr. Chairman and members of the Commission. Thank you for the opportunity to address you today. And for the record, my name is Frederick Diehl and my wife and I reside at 19 Sunrise Vista in the unincorporated area of Santa Fe County.

I'm here to register my concern that our new neighbor at 18 Sunrise Vista, due to purchasing a single-family three-bedroom home immediately next to our home, is an out-of-state corporation that has been issued a Santa Fe County permit to turn this single-family residence into a non-owner occupied short-term rental. But not an ordinary STR, rather, an STR party house for up to 10 overnight occupants and up to 20 people during the day. This STR includes converting the garage into an entertainment center complete with billiard table, game table, sound system, and a bar. In addition, the STR is preparing to install in the back portal, a six person dry sauna, cold water plunge, and a large hot tub. Furthermore, this STR is seeking a County permit to build a pickleball court. Possibly with lights just below the portal and only 81 feet from our bedroom. Given the notoriety of the noise emanating from pickleball courts, due to the types of paddles and plastic balls used for the games, we find ourselves, the immediate neighbors in the direct line of fire from this intrusion activity on this court would be allowed from 7:00 a.m. to 10:00 p.m. This STR along with our house is on a small hill facing many dozen homes built opposite us in the small valley and hills opposite our properties. They also are in direct line of the pickleball regarding intrusive noise and night lighting.

It would seem that not enough thought went into the permitting process for this particular STR given that instead of a nice place to stay while visiting the area, it has become a destination in itself owned and operated by a company whose owners live on the East Coast and who own various STRs in other states. In fact, they own another similar STR off Tano Road, which has lately come under scrutiny by Santa Fe County for being out of compliance in at least four areas as a result of citizen complaints.

So I'll wrap it up by saying, please take a look at this. Please grant us the relief necessary. Thank you very much. And I'm going to pass around this picture for you. It's yours to keep, do whatever you want with it, but it shows the distance between our

houses taken from the street beyond in Sundance.

CHAIR GREENE: Thank you very much.

MARY DIEHL: Good afternoon, Mr. Chairman and members of the Commission. Thank you for the opportunity to address you today regarding the 18 Sunrise Vista, LLC STR. For the record, my name is Mary Diehl. I reside at 19 Sunrise Vista in the unincorporated area of Santa Fe County with my husband Frederick Diehl.

I appear before you today because I believe that our quality of life and our property values will be forever negatively impacted by the proposed pickleball court and this party house STR. I urge you to recognize that there was no foresight that possibly dishonest out of state investors would buy a house in a peaceful residential area and convert it into a five or six bedroom party house as verified by the contractor at the house.

The commercial business that bought this house has proclaimed that a pickleball court and all the amenities that they have installed are absolutely necessary in order for their business to achieve maximum profit. I respectfully submit that the STR for 18 Sunrise Vista, LLC, be permanently revoked as it defiles the codes that quote protect the peace and enjoyment of the surrounding neighborhoods, unquote, as stated in the Santa Fe County Codes. The County SLDC does provide a process and a rationale for not approving a pickleball court. In particular, we have been told by the County that the noise standards in Section 7.1 are enforceable performance standards for all land use. It is clear from multiple scientific studies that the noise levels of pickleball will greatly exceed the standards set by the County in the SLDC, and therefore the development should not be permitted due to the clear presumptive violation. Thank you.

CHAIR GREENE: Thank you very much. Come on up.

PAM LELAND: Good afternoon, Mr. Chairman and members of the Commission. I am also here to talk about the commercial short-term rental at 18 Sunrise Vista. My husband and I live at 7 Crossroads Court in Sundance Estate, Santa Fe County and are residents of District 1.

I appear before you today because I believe that our quality of life and our property value will be negatively impacted by this commercial STR. And I urge you to impanel a group to review and advise on the impact of residential pickleball courts on immediate and surrounding neighbor. Ask yourself these two questions: Would you want to live next to a neighbor with a pickleball court in the backyard? Would you buy a home next to a house with a pickleball court?

We moved from the bustling San Francisco Bay area for the possibility of more land, more privacy, and certainly more peace and quiet. Our dream came true when we found Sundance Estates in 2015. It is still true today, but we are highly concerned about the future if the County continues on the current development path of allowing or even encouraging commercial STRs to the detriment of existing homeowners. Our lots are big, and we currently enjoy our pinon trees, endless views, day or night, and quiet surroundings. Adjacent developments are similar. No one has pools, tennis courts, garage billiard halls, outdoor saunas, cowboy pools, or egregiously loud pickleball courts. But that is precisely what this particular out-of-state corporation is trying to slip by the meager protections provided by existing land development code constraints.

Our HOA submitted a petition of concern to the County signed by 31 of our 61

homeowners. As more neighbors learn the details of the project, additional signees have asked to be included on petition updates.

Please don't allow the commercial STR party houses to invade our peace and quiet and destroy our property values in this idyllic place. We will only have negative impact on the quality here. The County ordinances should protect the current tax paying homeowners and not the out-of-state for-profit corporations. Thank you.

CHAIR GREENE: Thank you very much. What's your name? I'm sorry,
MS. LELAND: Pam Leland.

CHAIR GREENE: Thank you very much. Come on up.

SUSAN PEIRCE: Commissioner Greene, Commissioners. Thank you for the opportunity to speak. For the record, my name is Susan Peirce and I reside at 18 Vista de Aguila in unincorporated Santa Fe County, tangential to 18 Sunrise Vista.

Most of what I was going to say has already been said, so I will keep this very short. But 18 Sunrise Vista is part of our five house subdivision, a very small, quiet rural area where we have really enjoyed having a peaceful life. We share a road, we share wells, we share a cul-de-sac for fire egress and access, and there's a shared driveway between the Diehl and this STR. None of us were informed before the fact that this was going to be an STR and we only found after the fact that it was approved. And one of the five lots was not even told about the STR. They were surprised a few weeks ago when they found out.

Its septic system is engineered for three bedrooms. It relies on all the shared private infrastructure and every stage when we've tried to get information, for the most part, homeowners have been excluded from the process. Commissioner Greene was the only one to call me back and actually discuss this with me, and I'm very grateful.

These additions will intensify noise and activity directly harming our quality of life. To think that 20 people a day would be allowed to go there and engage in all this outside activity and also have the garage door open and have the music blaring and people drinking because there's a bar, it just seems incredible that this could be allowed in a single family residential neighborhood that's zoned RES-E.

And that brings up the question of STRs. Inherently it's a wonderful idea, but a commercial scale STR allowed in a residential area seems completely inappropriate. And to cut out the voices of the people who live there, we actually have no process. We were told, that's it: your letter tells you what's going to happen. There is absolutely nothing you can do. And as far as the pickleball court is concerned, we were told that, we should endure the noise first and attempt to prove violations after the fact and unreasonable and inequitable burden that denies us the right to the peaceful enjoyment of our homes and due process. Thank you for your consideration.

CHAIR GREENE: Thank you very much. Come on up.

ROGER PEIRCE: Mr. Chair, Commissioners, everybody stole most of my thunder, so I'm going to try to keep this short and to the point. I do have, an addition about what has been said about the pickleball court is they're also proposing to light the court. And what we've seen from research is that the typical lighting scheme would be bright lights on 20 foot poles. So people all over Sundance would see this. And just because it says from 7:30 a.m. to 10:00 a.m. doesn't mean that they're, going to stop and there's no way to control that. So I'm also opposed to the pickleball court.

There are some points that we would hope that you would consider: to pause the approval of this permit; to provide formal hearing through the SLDC land use process that so impacted residents can be heard; investigate and address the existing code violations associated with these properties and reevaluate their status as an STR; revise the current code so that there are protections in place for homeowners allowing input before and throughout the process; distinguish between owner-occupied STR and non-owner commercial STRs run by out-of-state investors who have no vested interest in their neighborhood's wellbeing; do not permit this commercial scale STR in family residential and RES-E zoning; and, finally protect all Santa Fe County residents by not permitting private pickleball courts in residential neighborhoods. Please look into this. Thank you very much.

KARL KLESSIG: Chairman and Commissioners, my name is Karl Klessig, 90 Sundance Drive, Santa Fe. I'm here representing the HOA Board and all 61 member lots owners in the Sundance Estates. The subdivision, which is adjacent to and totally in the line of sight of 18 Sunrise Vista. We're all affected by this, not just the people that are next door, though. We are adjacent to and we feel very strongly as we have unanimously voted as a board to oppose this proposed business that is being approved and we have filed a formal complaint to the County in this regard.

The County is well aware that the land in question is designated residential and that the plat that the County approved and recorded forbids commercial activities in this residential area, which the County appears to have ignored when it permitted a short term rental, which the county defines in its ordinance as a commercial activity.

There are many issues involved with this property and two important points I would like to make. First, we're dealing with this company that has totally and consistently ignored the laws, building permits, processes, everything, not only in this property, but the other one that's already done without a permit over Tano Road. And they've finally, the County has put citations in place. The citations say, clean up your act and you're fine. But this is a company that is totally ignoring the laws and business activities. The second thing is the impact on the neighborhood, as you heard. The Sustainable Land Development Code should consider the spirit of the use, which is to preserve the designated residential areas instead of an STR facility. They're – encouraging a commercial property that is deemed mini resort. This is not an STR, this is a resort hiding under an SDR and we should have it stopped. We plan to actively go against this and prevent this travesty from continuing. Thank you.

CHAIR GREENE: Thank you very much. Come on up.

ROSEY ROSANBALM: Good afternoon, Mr. Chair and Commissioners. I am Rosey Rosanbalm, formerly vice chair of the County Ethics Board, and currently president of the Las [inaudible] HOA, whom I will represent today. I live at 8t Punta de la Casador, which is less than 500 feet from the proposed pickleball court at 18 Sunrise Vista. Today I would be employing a cheap audio visual aid to help make my point. [Mr. Rosanbalm hit a ball with a pickleball paddle as he spoke] My HOA and I personally share all the concerns that have already been expressed, specifically regarding excessive water usage, inadequate septic system, and insufficient parking space for 10 to 20 guests. All of these deviate from SLDC guidance and the fact that we are here now on protest of pending County approval of this pickleball court that will absolutely create

excessive noise and annoying noise again in violation of SLDC guidance and it is opposed by every neighbor and surrounding HOA makes one question of the County's motivation for such an approval when the only fiduciary is an out-of-state LLC focused on profit.

Bottom line with this approval you will disenfranchise the existing long-term residence, cause physical and mental distress and drive a reduction in property values with absolutely no upside for anyone except the LLC.

So I abhor two: corruption and blind injustice. I hope my demonstration gave you a very brief perspective of a typical pickleball game from my good friends' rear portal which faces the Sangres and has provided them refuge and tranquil peace for the last 20 years and it's only about 70 feet from the proposed court.

I urge you to reconsider to consider the effect that noise for hours on end every day would have on your life, health and wellbeing, and make your decision in favor of the county and its long-term residents and avert this blind injustice. Thank you very much.

CHAIR GREENE: Thank you for that demonstration. That was poetic. Okay, is there anybody else in the chambers that would like for us to speak? Seeing none do, Daniel, do we have anybody online?

DANIEL FRESQUEZ (Media Coordinator): Mr. Chair, we have Chris Mechels online.

CHAIR GREENE: Fabulous. Mr. Mechels, if you could, keep yourself to two minutes today, that would be, appreciated.

CHRIS MECHEL: Hello, Mr. Chair and members of the Commission. I must say you just lost control of your agenda, you just let all these people run over and just let 'em go on and on and on. You could have just had one spokesman and if you actually look at how to run meetings, that's what you should have done.

Anyway, the issue I'm raising with you today and with all of you board members is that you continue to violate the Rules of Order. An ongoing problem is that the chair won't allow public members to speak to members to action items on the agenda. I am going to call your attention as I have in an email, that there is a resolution 2013-120, that's 2013-120, which specifically calls out the public to – to encourage the public comments should be invited. That's 2013-120. I refer you to the Rules of Order, which you continue to violate, 2025-144, which under the rules of order, #3, the chair's duties is to recognize public comments on items before the board. Do you get? Resolution 2013-120, 2025-144, both of which call to allowing public members to speak on items before the board and the chair decides not to do that.

So I can understand the chair not doing that because he's not keen on getting public comment. But how about the rest of you? You've also got an obligation to the rules of order, which you apparently don't take seriously. Any one of you at this point should say, point of order, and can stop until you go back to following the rules again. I can understand the chair, he doesn't like getting input, but you folks are also very guilty, so please get legal. Let the public and get involved. It's their right. Thanks.

CHAIR GREENE: Thank you Mr. Mechels. Is there anybody else online?

MR. FRESQUEZ: Mr. Chair, there are no other users online.

CHAIR GREENE: Thank you very much to everybody being here in person and online. I really appreciate your comments. We will look into them. As a matter to, help our Sheriff. Commissioner Johnson, the item that you wish to have pulled from the consent agenda is, are you okay hearing that now?

[Chair Greene read the agenda item captions throughout the meeting.]

5. E. Request Approval of Purchase Order with Clearview AI, Inc., in the Amount of \$17,100, Exclusive of NM GRT, for a One-Year Pilot Subscription to Clearview AI, Inc.'s Software

CHAIR GREENE: Please, welcome.

UNDERSHERIFF KEN JOHNSON: Good afternoon, Mr. Chair, members of the Commission. So the Sheriff's office is looking to purchase a one-year subscription to the Clearview AI as a tool to assist with our investigative, measures at the Sheriff's office. And this tool is currently being utilized by multiple agencies throughout the state of New Mexico. It is useful in assisting, in investigations and identifying potential suspects, witnesses, and gathering information that may assist in the clearing of cases. So it utilizes a public database where over 70 billion publicly available images are stored. And, that's, it gives us a reasonable identification of potential suspects that could assist. Now with our investigative techniques, we would not just utilize this as the only measure, we would use it as a tool to aid in our investigations and assist us as the investigation progresses. So with that, I would stand for any questions that you may have.

CHAIR GREENE: Thank you, Commissioner Johnson.

COMMISSIONER JOHNSON: Yeah, thank you, Undersheriff Johnson. I pulled this from consent. It's a relatively small item, but I think that its implications are quite profound and I'm very skeptical of the use of AI for this sort of identification and the potential misuse that it might entail.

So I have a couple of questions, with that as my sort of opening statement. Are there different vendors? I understand that this is under the threshold so we may not have had to have gone through procurement. Why was Clearview AI chosen? What about this system is particularly special? Are there other operators in this space?

UNDERSHERIFF JOHNSON: We have chosen to go with Clearview AI because it is, currently being utilized by other law enforcement agencies in New Mexico who have given it high reviews and currently is being utilized by the Pojoaque Pueblo and members of our office have gone down there to observe it and they believe that this system, is going to be a useful tool for the Sheriff's Office.

COMMISSIONER JOHNSON: So very briefly, what are some of the use cases that are proposed?

UNDERSHERIFF JOHNSON: So this would assist in cases such as criminal investigations, major crimes, general investigations that would help us gather intelligence, certain cases for child exploitation, violent crimes, theft, narcotics trafficking, weapons trafficking, missing persons fraud and organized crime.

COMMISSIONER JOHNSON: What kind of assurances do you have that the AI company, Clearview, doesn't store data about from body cameras or suspect

interviews or witness interviews? Are there assurances that the company provides for that sort of thing?

UNDERSHERIFF JOHNSON: It is, again, it's a database that utilizes public images. That's what we have been assured, so it's, public information.

COMMISSIONER JOHNSON: So I understand that it's public information for the recognition of official recognition – what assurances do we have that the footage that it is matching against isn't stored by Clearview AI and sort of falls into the mix?

I'm worried about it because of the sort of, you know, way that people who fall into systems, sometimes have trouble getting out of them, criminal justice system, even just by being a bystander in such a system. So misidentification of a, you know, person who knows or has been part of a crime or a victim of a crime still being sort of looped into those networks. And, I think the potential for misidentification is a big concern to me.

UNDERSHERIFF JOHNSON: So again, it's just a tool. It's one aspect of our investigations. We utilize numerous softwares and different tools that aid in our investigation. So again, we wouldn't use just this one tool to positively identify a person. We would use other measures as well to ensure that we're making the right identification.

COMMISSIONER JOHNSON: Okay, thank you for those answers. I'm very cautious about AI identification. I think it's a slippery slope, and I am not in favor of this. Thank you.

UNDERSHERIFF JOHNSON: And just to give you a little more, we're working with our Legal to develop a policy to ensure that the strict usage is being followed, there are audit measures in place that should relieve anybody's concern that it's being used improperly.

COMMISSIONER JOHNSON: I appreciate that. And I think, I'm not trying to close the door on it as a future potential, but for now, I'm a no. Thank you.

CHAIR GREENE: Thank you, Commissioner Johnson. I saw that County Manager Shaffer had his hand raised.

GSS [virtually]: Thank you, Mr. Chair. Just to directly respond and underscore Commissioner Fulton Johnson's question and underscore what the Undersheriff was articulating. The images, that the Sheriff's Office uses as part of their investigation don't become a part of Clearview AI's, database. So again, any images that are used as part of the investigation those are private and remain the property of, again, of the Sheriff's Office.

So I did want to just underscore that answer, however that impacts, deliberations that are obviously to the Board. Thank you.

COMMISSIONER JOHNSON: Thank you, Manager Shaffer. I would just respond by saying that I'm not sure that AI companies have proven themselves as reliable in upholding those commitments. I mean, think about copyright protection, et cetera. So I, respectfully am suspicious of any agreement, that company would propose and I would want to see more information if I were to vote yes on it. Thank you.

CHAIR GREENE: Thank you, Commissioner Johnson? Yes, Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you, Chair Greene, thank

you. Certainly I support the Sheriff's Office, being more efficient and effective in promoting our public safety. I thank Commissioner Johnson for raising this. I think Clearview, right, I want to be – I think that what is needed is setting the parameters and the policy first, the regulatory guidelines on the use of AI for law enforcement within our county prior to actually using it. I think this will be critical to both protect you and how you use it, but to protect our residents. So there's not over profiling. This company was also sued because they were. I guess the question is, are we guaranteed they're not sharing within the same database of the ICE system and do we have guardrails of a firewall where we're not helping ICE grab images of our County residents to help do their job because we have a commitment not to corroborate with the ICE unless it's severe criminal activity.

So those were some of my questions. I know the amount is small and I don't know if it'll be a game changer if we can – or a breaker for you if we hold off on developing those policies first with Legal so that you are guaranteed a process and a protocol on how to best use AI. Unless you are already using AI apps now, but this would be a good moment to pause and get that in place. So those are my thoughts.

CHAIR GREENE: Thank you, Commissioner Cacari Stone.
Commissioner Hughes.

COMMISSIONER HUGHES: Along the lines of Commissioner Cacari Stone, when are you going to develop your policies for the use of this?

UNDERSHERIFF JOHNSON: We're in the process of working with Legal right now to get that policy developed and it should be done shortly.

COMMISSIONER HUGHES: Okay. So we could potentially table this or postpone voting on it until we see the policies.

CHAIR GREENE: And I saw that, County Attorney Walker Boyd, raised his hand. Can you unmute him.

WALKER BOYD [virtually]: Good afternoon, Chair and Commissioners. I would just note that the Undersheriff is correct. We're working on drafting a written policy. We understand that it's important to have both, accountability to ensure that Sheriff's deputies are, if a contract like this is approved and the service becomes available, that Sheriff's deputies get approval from supervisors before they use it, and that there are audits, of use of the system to ensure that there's no, improper use of the system by Sheriff's office employees.

So we understand those to be the priorities and certainly I'm listening and we'll be taking notes if the Commission has other ideas, additional ideas for what the policy should contain.

CHAIR GREENE: Thank you Walker. Just to follow on your comment, I think part of it has to do with our internal policies, but part of it has to do with the, I'm sure it's 753 pages of terms of service that we would sign, and we probably have to put that through AI or a lot of legal time just to see if it fits with our resolutions and our privacy concerns here, that I think that Commissioner Johnson and all of us up here probably have. Commissioner Bustamante, did you have something?

COMMISSIONER BUSTAMANTE: No, I completely agree and I'm grateful that you brought this up and the importance of it. I am amenable and I think that we certainly, if you are amenable, Chair, that this would be tabled until the policies and

procedures are written. If they're going to be done very soon, then what would be the purpose in just passing this today, if we can make sure that information that we're concerned about is available and reviewable.

CHAIR GREENE: Commissioner Hughes.

COMMISSIONER HUGHES: I just wanted to say that, in spite of us all being concerned about this is also a very important tool for law enforcement to use. We just want to make sure it's used in the right way. And I'm sure that's the intention of the Sheriff's Office as well.

CHAIR GREENE: Commissioner Johnson.

COMMISSIONER JOHNSON: I want to just respond to that. And I thank you. Undersheriff Johnson. I trust the Sheriff's department. It's not that. It is that we should do a little bit more due diligence about the company that we choose in the terms of service. My skepticism remains, but I'm happy to reevaluate this with a fresh set of eyes. So if someone wants to make a motion to table, I think I'd support that.

COMMISSIONER HUGHES: Well, I'll make a motion to table it.

CHAIR GREENE: And I'm going to second it if with a friendly amendment to guide, both Procurement, Legal and the Sheriff's Office and Risk Management because I think they were leading the charge on, to screen all available companies in this space as well as the internal use policies, as well as the terms of service use policies of any contractor, so that we can have some sort of assessment matrix that we know that we're touching, and protecting our citizens in this. Is that friendly?

COMMISSIONER HUGHES: Well, is that possible for you to do what Justin Greene just proposed?

UNDERSHERIFF JOHNSON: I believe it is, yes, sir.

COMMISSIONER HUGHES: Okay, then it's a friendly. I accept that amendment then.

CHAIR GREENE: Thank you very much.

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

UNDERSHERIFF JOHNSON: Thank you for your consideration.

3. Approval of Meeting Minutes

A. Request Approval of the March 10, 2026 Board of County Commissioners Meeting Minutes

Commissioner Bustamante moved to approve the minutes as presented. Commissioner Cacari Stone seconded and the motion passed by unanimous [5-0] voice vote.

4. Consideration of Commissioner Proclamations, Resolutions, Recognitions, and /or Other Items)

[The Clerk's Office provided numbers for the resolutions and the ordinance throughout the meeting.]

A. Resolution No. 2026-040, a Resolution Repealing Resolution No.

2000-180 , Which Sponsored and Supported an Annual Marching Parade on Airport Road in Celebration of Cesar E. Chavez

COMMISSIONER CACARI STONE: Thank you, Chair Greene and fellow Commissioners. Thanks for considering this resolution. This resolution does not reject the farm workers movement. Rather, the movement has had many great, great individuals and collectively they've built countless organizers, families and community leaders, many of them women whose contributions have not always been fully recognized.

This resolution comes in response to taking care of business of what's on the books with the County, along with the City, and to address a call to support and to fund and sponsor an annual parade on Airport Road in celebration of Mr. Cesar Chavez himself. This resolution comes at the time when we're all aware of the *New York Times* investigation and the deeply troubling allegations regarding sexual abuse, rape and misconduct of women in the movement. And it affirms our commitment to truth, gender equity and accountability of government in centering the decisions and those who are survivors. We have a very strong community services program that address trauma informed, services and treatment. We have supportive housing initiatives, looking at trauma informed to those who are mentally ill. We have model programs in our detention center addressing trauma informed, and for too long we haven't centered the recovery and the acknowledgement, that sexual assault survivors have experienced. And this just reiterates our commitment as a County to that. That we don't take a code of silence along with what has been the norm nationally, and that we don't dismiss those who do speak out, but rather we act and we say what's truthful and it's what's right, and we believe them.

This reflects our commitment to complacent systems that have enabled abuse, and it puts the County to continue to commit to supporting survivors, to foster safety safe environments for all, particularly children, women, LGBTQI, and those who are most vulnerable to sexual assault and rape, and ensuring our policies reflect the highest values. This is a broader commitment to governance that centers people, dignity and justice.

So I thank you for considering supporting this repeal of a resolution that was on the books. The City of Santa Fe governing body is doing the same. Thanks.

CHAIR GREENE: Thank you, Commissioner Cacari Stone. Are there any other comments from the Commissioners? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I just want to thank Commissioner Cacari Stone for bringing this forward, and for anyone who would have the understanding of why it would be best to recognize the overall efforts of the farm workers movement is also the recognition that, it was actually one of the victims, if you will, Dolores Huerta, who came up with, "Si, se puedo." And I think that doing this is something that is actually right in line with what needs to be done. She asked to not be recognized instead of, but I think this is very clear along the lines of si, se puedo: yes, we can. And thank you very much, Commissioner.

CHAIR GREENE: Thank you, Commissioner Bustamante.
Commissioner Johnson.

COMMISSIONER JOHNSON: Yeah, briefly. Thank you, Commissioner

Cacari Stone and thank you Commissioner Bustamante. I was going to mention Ms. Huerta, but, I think that it's important that we acknowledge her here, even though – and the Farm Workers movement as an incredible social movement, very important for labor rights, for racial justice and so in light of troubling revelations, it's important that we do this, but we spotlight that movement and it's continued importance. I'm in favor of this. Thank you.

CHAIR GREENE: Commissioner Hughes.

COMMISSIONER HUGHES: Yeah, I agree. This is very important and it's certainly unfortunate that Cesar Chavez behaved the way he did. We should recognize the workers' movement in general and not one individual. Thank you.

CHAIR GREENE: Thank you, Commissioner Hughes. And I too, want to thank Commissioner Cacari Stone for being proactive about this. It is sad to know that people felt like they had to live in the shadows with this over them for so long. And they felt like the movement was more important than spotlighting the crime. I hope that people feel like we're in a new space and a new time in this society where people can speak out, and not feel that there will be stigma and persecution for opening their voice. These are two totally separate issues. The movement was something that helped the, farm workers, the union movement, the Chicano movement. But these crimes are completely uncalled for, illegal and immoral. And Cesar Chavez should not be the leader of that movement any longer. Yes, Commissioner.

COMMISSIONER CACARI STONE: Thank you, thank you all for your support. And so I'd like to make a motion to approve the resolution that repeals what's on the books. And I also forgot to thank Attorney Boyd because I sought his guidance on this and it was very helpful.

The motion is to approve the resolution, repealing the existing resolution 2001-80, calling for a celebration of Cesar Chavez, but reframing it as recognizing the Farm Workers Movement and all those who are part of that movement.

CHAIR GREENE: Thank you. We have a motion from Commissioner Cacari Stone.

COMMISSIONER HUGHES: I'll second it.

CHAIR GREENE: thank you, Commissioner Hughes.

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

CHAIR GREENE: Mr. Chair, I'm sorry, I held my tongue, but I hope that we will always recognize these types of concerns and issues at all levels of government. This isn't the first and only time that we have been exposed to this type of issue. And I'm doing everything I can to just acknowledge that we should acknowledge this is a problem societally and at all levels of government. Thank you.

CHAIR GREENE: Thank you for bringing that up, yes. This is not unique, sadly. And we definitely need to make sure that, these things, these crimes go get stopped if people feel supported and, yet movements can live, for their good work.

**B. Introduction of Resolution No. 2026 - ____, A Joint Resolution
Recognizing the Value of Periodic Joint Meetings Between Santa Fe**

County and the City of Santa Fe and Establish a Framework for Conducting Those Meetings.

CHAIR GREENE: Again, Commissioner Cacari Stone, thank you so much.

COMMISSIONER CACARI STONE: Thank you, Chair Greene and thank you, Commissioners.

This is just an introduction and I'm especially seeking each of your savvy feedback comments. This resolution went forth on the City side from Mayor Garcia. It was introduced last week, March 25th and is going through committees as we speak, and it'll go through. It went through the Public Works Utility Committee on the city side, March 30th. It'll go through the Quality of Life Committee tomorrow, April Fools' Day, and the Finance Committee, April 6th. We hope to have feedback tonight from each of you. This joint resolution really reflects the need and the acknowledgement that we have cross-jurisdictional communities and then across departments, our best service is when we work cooperatively with the City of Santa Fe and we put people first. The challenges our residents face, housing, water security, wildfire risk, homelessness do not stop at the City or County lines and neither should our cooperative solutions. Santa Fe County and the City of Santa Fe, as you know, we share overlapping responsibilities, giving kudos to what we already do, examples of cooperation include the Buckman Direct Diversion Board, the Santa Fe Solid Waste Management Agency, the Regional Emergency Communication Centers, and the MPO Metropolitan Planning Organization just to name a few.

While our staff work cooperatively every single week, across all our departments, this allows the governing body to prioritize just very critical issues facing our communities, including affordable housing, homelessness, water, water security, and the list goes on.

This resolution basically lays the framework for how to set up a joint working group rather than – I've gotten feedback from many of you over the last year and looked at former resolutions, for example, that Mayor Gonzales had put forth former resolutions that Commissioner Hansen had and previous joint meetings have followed a little bit more dry, processes where, Commissioners have walked away not feeling – and City Councilors that we actually achieved action. We did more talk than action was what I heard.

I'm leading this only to do the lifting and the behind the scenes work to get this moving forward for us. But the vote and the input really relies on us as a board. The cooperative, the way it's written is to really look at the state of the art that we have more of an action working group. That we as joint governing bodies identify and it would be up to us as a Commission to name and prioritize what topics we want to achieve. We would have a minimum of two meetings per year. One meeting would introduce what we would prioritize what the other meeting would tackle a very important swirling issue facing our communities. And Commissioner Johnson and I could speak to, and I defer to Commissioner Johnson, that a working group model where we do analysis, we get community feedback; we have objectives, goals, and anticipated outcomes. And we hold ourselves true to achieving an outcome. It's been working with the Area 1B. We've been

able to move very quickly. That cooperative and co-leadership is not around a top down. So it's not just the chairs or anybody who sets the agenda, but we would bring the expertise from amongst us. For example, if it was housing, it might be Commissioner Hughes. If it was water, and issues around public lands, it could be Commissioner Bustamante. We would bring to the working group the expertise needed with our City government.

We would share where we would meet. If we wanted a larger working group then two of us, then we would have to call for a full board meeting. We could do that as well. So this again, is just laying as an introduction and with that I stand for your discussion and feedback and I will take a lot of notes.

CHAIR GREENE: Thank you, Commissioner Cacari Stone. Commissioners, comments or questions. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Commissioner, would this prohibit or would it, change any way that we currently work with the City? So if there are things that are, that we're working on, would we have to work under this resolution? Is there anything within this resolution that would mandate that we're working with a working group or an action group that it's requiring that, if we're already working on a particular initiative, would it require the action group?

COMMISSIONER CACARI STONE: Thank you. That's a great, Chair Greene, Commissioner Bustamante, that's a great question. No. This is just in addition to, for example, the Buckman Direct Division you're on or the Water Policy Advisory Committee, this is in addition to leverage and accelerate cooperative action, for example, around housing. We may rely on the expertise of those, let's say if we wanted to do water sustainability as an issue, we would rely on the expertise of those on the Commission as well as the City.

We could also, through a working group, as this is introducing, bring expertise to the table, but it's not to supersede what's working already.

COMMISSIONER BUSTAMANTE: And it wouldn't supersede what's working already, but if there are new initiatives it wouldn't have to fall within this profile.

COMMISSIONER CACARI STONE: Not necessarily, no. This just allows us to start meeting jointly.

COMMISSIONER BUSTAMANTE: The other acknowledgement is water is one thing that's shared, but anything that is about an ecosystem impacts all of us. So whenever we have these jurisdictional issues, even energy, wildfire obviously, air quality, all of those that we tend to have political boundaries and meanwhile our constituents are experiencing this across all political lines. So I would want to include that. It doesn't need to be stated here, but it says such as and not limited to and if there are already initiatives that we're working with another Commissioner on, it doesn't require a working group to start surpassing any kind of, I would say not necessarily public involvement, but not creating concern with open meetings and creating quorum.

COMMISSIONER CACARI STONE: I'm taking note because I think, and I'll defer to County Manager Shaffer and Attorney Boyd, let's keep hearing everyone's feedback because we might want to include a caveat that sets the parameters that this doesn't compete or supersede the working groups, the comments you made. Thank you.

CHAIR GREENE: So just to clarify. So if it's a solid waste issue, it should probably go to SWMA before it goes to its own independent working group. If it's a water or shared water resources, maybe it goes to BDD. But BDD is a slightly different animal in that. So I think there's a discussion to be had as to how those things work.

COMMISSIONER BUSTAMANTE: In the interest of full disclosure, Commissioner Johnson and I have already started working on a collaborative or unified water authority discussion. It's very early in those phases. It's very much exploratory, but there have been weeks of work that have already been accomplished here and the legislation that's identified the Regional Water System Resiliency Act is the authority that enables this. It's enabling legislation, but it's not about making something happen overnight. It's about getting, public input on its appropriateness, et cetera.

CHAIR GREENE: Great. Thank you, Commissioner. Commissioner Hughes.

COMMISSIONER HUGHES: I think the only change I would make to this is perhaps not require there'll be two a year. I think there'll be two this year because we haven't done it in a while and maybe next year. But at some point, I would hate to do them, just to do them. So I think maybe the trigger should be an agenda or a certain number of agreed items that we need to work on that triggers the meeting rather than just, oh, it's. November we got to have one. I think, yeah, obviously we'll probably do it twice this year, but maybe in future years it should be more dependent on what's on the agenda than just two a year.

CHAIR GREENE: Thank you, Commissioner Hughes. Just as a comment, I remember attending the last City-County meeting in these chambers 12 years ago or something, and maybe it was just 10 years ago and there was full intention of having another one, and here we are 10 years later without it. So I think there's a level of having an obligatory update, whether there's action items, maybe less, but building on those relationships and collaborations. Sometimes it just could be are both of our Community Services Departments coming and giving us reports and maybe there's less issues and things are collaborative without these working groups, but having these joint meetings have some value for relationship building. But we can decide on that. Yes, Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Chair Greene. Thank you, Commissioner Cacari Stone, for working on this. It's important. It's a great framework. I see Commissioner Hughes's point, but I also see Chair Greene's that it may be useful just to have something outlined on the calendar where we can anticipate that. And I like the idea of CSD mutual departments sharing info and then having an open session where the public can observe us all deliberating on these issues. So open to a number of different paths there. I will say to Commissioner Cacari Stone's point, I think the Area 1B working group has been really positive and good. It's been interesting and fun even to work with our City colleagues and it shows the residents that we're all working on behalf of them, all of our mutual constituents overlapping and not. And I also to Commissioner Bustamante's comment, we have been exploring these ideas with the other City Councilors so I think that it really is a productive mechanism. Yeah, I think my only comment would be that, and maybe I'm just not reading this closely enough, but it seems like we should establish the, topics in advance of the meeting and not have a meeting to

decide the topics. For instance, in this water discussion, one of the meetings could be spearheaded by Commissioner Bustamante and us to keep quorum rules and then the November meeting is about that, just as an example without any heft behind it. So is that contemplated and maybe I'm just missing it, Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Yeah, so let me see if I understand your question is to ahead of time assess both governing bodies on the priority topics before we get to a meeting, so then we'd have it already established.

COMMISSIONER JOHNSON: I think that's one way to do it or to have sort of teams of two on each side propose that the meeting be about this or that or what have you. I think both would work. I just want to make sure that we don't have 16 people or however many there would be in a room throwing out ideas. We just have a focused topic like fire or water.

COMMISSIONER CACARI STONE: Absolutely. Thank you, Chair Greene, Commissioner Johnson. I had looked at best practice models for this and it was recommended that a survey of priority topics be given to both governing bodies through like staff, so that we're not doing the, meeting the quorum and all that. But, that could be done. Again, this is written more generally and I know County Manager is online, he and I have been in these meetings back and forth, and I don't know if Mr. Shaffer wants to offer any other insights or comments to what's been said. I know that we set up a meeting in November because we are thinking about the budget cycle: should we really put resources towards this topic as an outcome? And that would give us more leverage for impact, right? If we actually invested between the City and County, County Manager Shaffer, do you have any other comments?

MANAGER SHAFFER: Thank you, Chair Greene and Commissioner Cacari Stone. So I think there are a couple of different questions there. First, with regard to Commissioner Bustamante's question about whether or not this resolution is restrictive, it was not my understanding that that was its intent. I think that could be further underscored if the Board chose by adding a potential new paragraph eight that says nothing in this resolution requires the City and County to collaborate on issues of mutual interests through joint meetings of the bodies or action working groups. So that it just underscores again that this was not intended to restrict the manner in which the City and the County collaborated on issues. So that was one thing that I heard in the discussion.

Separately with regard to the development of topics and such, certainly that could be done through a survey-type process. But the resolution contemplates that the agendas for any joint meetings would be approved by the governing bodies, i.e., the Board of County Commissioners and the City Council in advance. And so it is contemplated that there would be that advance work before you get to the meeting. And I think that could be an avenue to address the second point that I heard Commissioner Johnson making, which is, let's not have a meeting to talk about what we want to work on. And so I think you have the opportunity to do that through the joint agenda setting process, and again, how the respective governing bodies get their topics together, I think that could be decided between the governing bodies relative to how you develop ideas that you want to make sure are addressed at any given meeting.

To sum up, I think you can underscore that this isn't restrictive in nature through

the addition of, some language that makes that point expressed to the extent that it's not already. And then secondly, the mechanism of having jointly approved agendas, helps ensure that, it does meet the needs of both governing bodies since you both have to approve the agendas for a joint meeting. So I hope that addressed the, questions and the concerns that had been raised.

CHAIR GREENE: Great. From my part here, I am thankful that both Commissioner Cacari Stone and the Mayor have picked up on this. This is something that Commissioner Bustamante and I had proposed in various forms last year. But due to some other previous folks that were in office, there was less than solid traction over at the City. So I'm happy to see that the City is looking collaboratively at the County and that we are looking at the City as a good equal partner in this.

I do like the framework, this was something that I had brought up earlier and Commissioner Cacari Stone had spoken about previously, if I recall, that we would have these working groups that would be in areas of expertise or particular interest for Councilors and Commissioners.

I like the idea of two meetings this year. I think scheduling the first meeting for June makes sense that we could get some prep work and ideas of a work plan and ideas of who would want to be assigned to things could be prepared before the June meeting. That would give the City some time to approve this and for us to start doing some work plan work. And then we would have six months to have the first presentations sometime in November or December. I think that's a, good steady drumbeat. There's a lot of work to be done and a lot of topics to be covered. So I don't think it'll be one meeting a year for a while.

In terms of topics that I'd like to see added to this very specifically, housing. And we're building lots of housing, but we're also building the wrong types of housing. We need to start building -- I saw it as supportive housing maybe it was in an earlier draft. But the idea that we work on workforce and housing holistically.

Secondly, the City and the County are going through various stages of our update of our general plan and our land use code. I think those two areas should have some collaborative presentations so we can align and so that we're kind of developing in one voice. Additionally, I think since we both have planning commissions, I think it would be a great resolution, addition to this resolution to have both the City and the County's planning commissions get reports from the others planning and land use and, growth management departments so that those topics can be understood comprehensively from both outside of the City and the County's perspective and inside the City from the City's perspective.

Another body that used to exist that may be a better format for this was the RPA, the Regional Planning Authority. That has been defunct since 2012. And I think that may be, if not, quote unquote a working group I think there is an opportunity to have maybe two councilors, two Commissioners, two planning commissioners from the City, and two planning commissioners from the County to make up, a new version of the RPA so that we have a real comprehensive look at our growth patterns, inside and outside of the City and in that near city area. Not so much in the rural areas, but in just in that peripheral area that the RPA envisioned back in those days.

I'm in support of this. I look forward to hearing it as an item, maybe in two weeks

and maybe in four weeks. And I look forward to supporting this. Yes, ma'am.

COMMISSIONER BUSTAMANTE: Mr. Chair, just since you opened the door to potential topics, I would also, suggest that economic development is something that, we don't have enough for people in their thirties, twenties, late twenties, thirties, forties. We don't have anything going. And I think those are the areas where, you know, looking how to retain younger people and keep the community thriving.

CHAIR GREENE: I agree. I think that working through our liaisons, let's put together a laundry list of these things that we might be able to discuss and, maybe in this first six months of work plan we'll have to decide to put a few things off for future rounds of this, but, we should definitely try to find three or four or five items that we can work on for the first six months and then know what we might want to work on in the next six months.

COMMISSIONER CACARI STONE: Thank you, Chair Greene. Thank you, Commissioners. I think this is again just introducing the framework. We don't want it to be too prescriptive. The topics were just examples. So I think it's written that we would generate the priorities from both governing bodies and that could be done upfront by staff. The piece I think and I just want to note that I'm looking to put towards Legal to helping amend is to add and the language that would underscore that this resolution doesn't like is not requiring the working groups, but rather gives us a framework for organizing ourselves and coming together that we would use to accelerate as a lever and as a tool. And not to replace or supplant.

That would be the main language change because we would need to now bring it back to see the input they got from the two committees and then it needs to go to both joint governing bodies again. This process really is an exercise of what it takes to work cooperatively. It's not as easy as it sounds, right. But I appreciate that it's a new day, some new relationships we're developing with the city and it's certainly not a novel idea. It's been brought up again. So I'm glad we're able to revisit this together. Thanks.

CHAIR GREENE: Thank you, Commissioner. Thanks for getting this. And we will put it on our agenda when we're ready in the next few weeks. We look forward to that.

I know we're at about the time that we take a break, but I am going to go one step further before we take a little break.

5. Consent Agenda

- A. Request Approval of Memorandum of Understanding No. 2026 - 0273 - CLK Between the Office of the Secretary of State and Santa Fe County for Costs Incurred in the Administration of 2026 Primary Election .**
- B. Resolution No. 2026-041, a Resolution Requesting a Budget Increase to the General Fund (101) in the Amount of \$991,039 to Recognize Revenue from MOU No. 2026-0273 - CLK**
- C. Request Approval of Amended Proclamation Proclaiming February 2, 2026 , as "Mexican American Chicano /a Heritage Day"**
- D. Resolution No. 2026 -042, a Resolution Requesting a Budget Increase**

- to the Law Enforcement Operations Fund (246) in the Amount of \$15, 357 for Honor Guard Distribution Program .**
- E. See Page 10
 - F. **Resolution No. 2026-043. a Resolution to Authorize the Disposition of Fixed Assets of the Fire Department Worth Less Than \$30,000 in Accordance with State Statute.**
 - G. **Request (1) Approval of the Purchase of One 4 X 4 Mini Pumper Utilizing the Cooperative Educational Services Agreement with 411 Equipment, LLC in the Amount of \$470,832, Inclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)**
 - H. **Request (1) Approval of Project Assignment No. 1 Under Agreement No. 2025-0287-PW with RL Leeder in the Amount of \$288,640, Exclusive of NM GRT, for Parking Lot Improvements at the State Health Building; and (2) Delegation of Authority to the County Manager to Sign the Project Assignment Form and Purchase Order(s).**

Commissioner Bustamante moved to approve the consent agenda as amended.
Commissioner Johnson seconded. The motion passed by unanimous [5-0] voice vote.

[The meeting recessed from 4:10 to 4:25]

6. Appointments and Reappointments

A. Request Approval of Appointment of a District 1 Member to the Health Policy and Planning Commission

COY MAIENZA (CSD): Good afternoon, Chair Greene and Commissioners. Coy Maienza, Health Services Division Manager within the Community Services Department.

I'm here before you today to request approval of appointment of a District 1 member to the Health Policy and Planning Commission. The Community Services Department requests approval of the appoint appointment of Dr. Laura Elliman to the Health Policy and Planning Commission to fill the District 1 representative seat.

The appointment is for a three year term commencing March 31, 2026 through March 31, 2029. The Health Policy and Planning Commission provides guidance and recommendations to the Community Services Department and the Board of County Commissioners on the provision of healthcare services in Santa Fe County. The HPPC utilizes findings from the health needs assessment and priorities identified in the County's Health Action Plan.

The HPPC consists of nine members appointed by the Board. Members are expected to represent diverse backgrounds and healthcare experience and must reside within Santa Fe County. Each commission district is represented by one member with the remaining members serving at large. HPPC membership and appointment require requirements were established in resolution 2020-100 and later amended by resolution

SFC CLERK RECORDED 05/01/2026

2026-027. A current HPPC membership roster was included as ex Exhibit C for reference.

Following a vacancy for the District 1 representative seat. The County issued a press release seeking applicants. One application was received, including a letter of interest and resume. A subcommittee was formed to review the applicant, the application and conduct an interview. The applicant, Dr. Laura Elliman, has extensive education and professional experience in healthcare, including work in public policy, strategic planning, health system strategy, and community health.

Based on the applicant's qualifications and the review process the HPPC Chair Steven Berkshire, in coordination with CSD staff recommends Dr. Elliman's appointment to the district one seat. Dr. Elliman's letter of interest and resume were included for your review. And our recommended action is to appoint Dr. Laura Elliman to the HPPC as District 1 representative. I stand for any questions.

CHAIR GREENE: Thank you very much, Coy. Commissioners, do you have any questions about this? Hearing none – I appreciated the resume and the interest in this. I guess it's my district, so I will say I make a motion to approve Laura Elliman.

COMMISSIONER CACARI STONE: I second it.

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

B. Request Approval of Reappointments and Appoints of Members to the Santa Fe County Valuation Protest Board

BRITTNEY LOVATO (CMO): Good afternoon, Chair Greene and Board. Brittany Lovato, Constituent Services Liaison for Commissioner Camilla Bustamante for District 3.

Today I am bringing forward the appointments and reappointments for the office of the Santa Fe County Assessor's Valuation Protest Board. The Santa Fe County Manager's Office is requesting approval from the County Commission to appoint two new members and reappoint two members to the Santa Fe Valuation Protest Board.

The Santa Fe County Valuation Protest Board is established and governed pursuant to state statute section 7.38.25 NMSA 1978. It consists of volunteers appointed by the Board of County Commissioners and employees of the Taxation Revenue Department. The board hears and rules on property tax valuation protests and includes three members and three alternates. Two members and two alternates are appointed by the BCC. The other member and alternate are appointed by the director of the Taxation and Revenues property tax division. The term of the board of County Commission appointees, one member and one alternate must demonstrate experience in the field of property valuation. The other member and alternate do not require property valuation experience. Board members appointed by the Board of County Commissioners must not be employed by the State of New Mexico, a political subdivision or a school district. They must not hold an elected office and must be registered voters in Santa Fe County. They are appointed at large and are not limited on consecutive terms. They're paid \$80 a day for each day of active service.

Board members appointed by the BCC serve two year terms. The term for today's

appointments and reappointments will commence April 13, 2026, and end April 13, 2028. All current appointments expire on April 12, 2026. The following individuals have served on the board since April, 2024 and remain eligible for reappointment. The current board members are Peggy Fino, who is serving the primary member, requiring valuation experience. Suzanne Taylor as the alternate member requiring experience and Mark Winne as the primary member not requiring experience.

Santa Fe County issued a public notice on October 22, 2025, requesting volunteers to serve on the board. Staff received letters of interest and resumes and all mandatory forms from the following applicants: Don Walter and Carol Hamilton for the position of the board member requiring valuation experience and Mark Winne, Peggy Fino and Suzanne Taylor for the position of board member not requiring valuation experience.

Staff recommends the following appointments to the valuation protest board: Don Walter as the primary member requiring valuation experience. Carol Hamilton as the alternate member requiring valuation experience. Mark Winne as the primary member, not requiring experience and Peggy Fino as the alternate member, not requiring experience. Staff believes that these appointments balance the competing interests of continuity and fresh perspectives, and I stand for any questions and I know we also have Jennifer Romero, the operations manager from the Assessor's Office here as well.

CHAIR GREENE: Fabulous. Thank you, Brittany. Commissioner, any questions about these appointees. Hearing none, what is the pleasure of the Board?

COMMISSIONER BUSTAMANTE: I'll make a motion to approve those recommended by the body.

CHAIR GREENE: Thank you. Got a motion by Commissioner Bustamante.

COMMISSIONER JOHNSON: Second.

CHAIR GREENE: And a second by Commissioner Johnson. All in favor.

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

Commissioner Hughes noted for the record that his vote for the Consent Agenda was in the affirmative.

C. Request Approval of Reappointments and Appointment of Members to the Santa Fe County Lodgers' Tax Advisory Board.

LISA KATONAK: Good afternoon, Chairman Greene and Commissioners. The Community Development Department requests approval of the reappointment of four board members and the appointment of one new member to the San Fe County Lodgers Tax Advisory Board. The appointments are for two year terms, commencing April 1, 2026, and ending April 1, 2028.

The San Fe County Lodgers Tax Advisory Board is governed by the Santa Fe County Lodgers Occupancy Tax Ordinance, which was originally adopted in 1985, and subsequently repealed and replaced with Ordinance 2023-2. The LTAB provides recommendations on the use of lodgers tax revenues, including review of semi-annual

budgets, supporting the marketing, advertising, publicizing, and promotion of tourism attractions in the County. The LTAB also reviews and recommends grant applications for lodgers tax marketing and advertising grants, as well as the Tourism Event, Facilities and Attractions Grants known as the TEFA. The LTAB consists of five Santa Fe County residents appointed by the board. Two members representing the lodging industry. Two members directly involved in tourism related industries and one board member at large representing the general public. Members must reside within Santa Fe County and LTAB members serve two year terms and may be reappointed for up to two additional successive terms.

The terms of all five LTAB members expired on February 26. The following four members have served on the LTAP since February of 2024 and have expressed continued interest in serving for an additional term. Jennifer Girgus, director of Sales and Marketing for Four Seasons Resort Rancho Encantado, representing the lodging industry. Rich Headley owner of Beer Creek Brewing Company for tourism related industry representative. Jennifer Kolker, owner of Kit Fox for tourism related industry representative and Richard LaVallee business outreach currently for regional development corporation as the at large representative. The Community Development Department advertised one vacancy for a lodging industry representative on January 11th. Eligible candidates include individuals working within Santa Fe County lodging properties or short-term rental operations. Staff received a letter of interest and resume and all required forms from Mr. Jacob Halverson representing Two Casita Santa Fe Vacation Rentals. Mr. Halverson seeks appointment to serve as the lodging industry representative.

Recommended action is to approve the appointment of Jacob Halverson and the reappointment of Jennifer Girgus, Mr. Rich Headley, Ms. Jennifer Kolker, and Mr. Richard LaVallee to the San Fe County Lodgers Tax Advisory Board to serve two year terms commencing April 1st, 2026 and ending April 1, 2028. I stand for questions.

CHAIR GREENE: Thank you, Lisa. Commissioners, any questions for Lisa? Seeing none, what is the pleasure of the Board?

COMMISSIONER BUSTAMANTE: I'll make a motion to approve, and I meant to do this for the previous one as well, thanking them for their volunteer time.

COMMISSIONER CACARI STONE: Second it.

CHAIR GREENE: Thank you. We have a motion by Commissioner Bustamante and a second by Commissioner Cacari Stone. All in favor.

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

D. Request Approval of Appointments and Reappointment of Members to the Santa Fe County Planning Commission

MICHAEL VOS (Growth Management): Good afternoon, Chair and Commissioners. Michael Vos, Land Use Administrator with the Growth Management Department. The Growth Management Department request approval of the reappointment of one at large member and the appointment and a District 2 representative to the Santa Fe County Planning Commission.

The Sustainable Land Development Code section 3.3 establishes a seven member planning commission to decide land use cases that include such things as variances and conditional use permits. One member must reside in each commission district to ensure geographic representation and the two remaining members serve at large and can reside anywhere in the county. Planning commissioners serve two year terms and may be reappointed for up to two additional consecutive terms for a total of six consecutive years.

The list of current planning commission members with their areas of representation and term expirations are shown in the staff memo. Members representing Commission District 2 and two at large members have terms that have expired.

In December, 2025, the Growth Management Department issued a public notice seeking letters of interest and resumes from interested residents to serve on the planning commission. We received seven letters of interest and resumes. One applicant withdrew after moving forward for appointment to another advisory board that which you just acted on. The remaining applicants are listed in the memo. I will note that you may be aware the solicitation was originally for only at large members, which was prior to staff knowing that the current district 2 representative was not going to continue. So we were fortunate to have two qualified district 2 representatives submit names through that solicitation.

These recommendations that we're making bring significant planning experience and a range of expertise to the commission, including transportation, land use, entitlements, long-range planning and sustainability. Staff did share the letters of interest and resumes from district two with Commissioner Cacari Stone for review and recommendation as well. Staff is recommending that the Board approve Jessica Griffin as the District 2 representative, John Neunuebel as a new at large representative, and the reappointment of Daniel Pava as an at large representative. And I'll stand for any questions you have.

CHAIR GREENE: Thank you, Michael. Any questions or comments from the Board?

No. I've got a question. How many terms can people serve?

MR. VOS: Chair Greene, members of the planning commission can serve three consecutive two year, up to three consecutive two year terms for a total of six years. My understanding is that if you take a break, you may be able to return at a later time, but it's six in a row.

CHAIR GREENE: Okay, great. Thank you.

COMMISSIONER CACARI STONE: I'd like to make a motion.

CHAIR GREENE: Please.

COMMISSIONER CACARI STONE: Thank you for the work, first of all, and we get really excellent applications. So I know it was hard and congratulations. I'd like to make a motion to approve the appointees and reappointment of members to the Santa Fe County Planning Commission.

CHAIR GREENE: Excellent. A motion from Commissioner Cacari Stone. Do we have a second?

COMMISSIONER BUSTAMANTE: Second.

CHAIR GREENE: Second from Commissioner Bustamante. All in favor.

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

CHAIR GREENE: You've got a full Planning Commission. Thank you very much, Michael.

7. **Miscellaneous Action Items**

A. **Request Authorization to Publish Title and General Summary of Ordinance No. 2026-___, An Ordinance to Establish a Procedure for the Disposition or Change of Use of Real Property Under the Open Space, Trails and Parks Program.**

ADELINE MURTHY (Growth Management): Good afternoon, Chair Greene, Commissioners. The proposed ordinance before you establishes a procedure for the disposition or change of use of County owned real estate under the Open Space Trails and Parks program. And today the Growth Management Department is requesting authorization from the Board to publish title and general summary of the proposed ordinance, thereby initiating the ordinance adoption process.

So a bit of background about the ordinance resolution 2009-206, which is Exhibit B in your packet, governs the acquisition of open space properties. However, there's no policy that governs the disposition or change of use of open space properties. In certain circumstances, a property may no longer serve or align with the goals of the Open Space Trails and Parks program. And this proposed ordinance would establish a transparent public process to guide decision making when a proposal is made to dispose or change of use of an open space trail or park property. Members of the county Open Lands Trails use of an Open Space, Trail and Park properties. Members of the County Open Lands, Trails and Parks Advisory Committee or COLTAP, in coordination with staff, drafted this ordinance and voted on December 16th to recommend it to the Board. It was brought forward to you all on March 10th when staff sought guidance on whether the proposal should be returned for consideration and if so, as an ordinance or a resolution, and the Board directed staff to bring the proposal forward as an ordinance, which we are doing today.

Staff also after that presentation on March 10th subsequently revised section 4 C, which is the section about the COLTPAC review of the proposal based on the Board's comments to clarify that all COLTPAC recommendations will be transmitted to the Board for consideration following formal COLTPAC review and that all county initiated proposals will be reviewed by COLTPAC prior to Board consideration.

And some highlights of the proposed ordinance are included in the memo. They include that any requester may submit a proposal for the disposition or change of use of a property. COLTPAC will then review that proposal and determine at a public meeting whether or not it merits formal consideration, and if so, it'll transmit a written analysis and recommendation to the Board. After reviewing COLTPAC's, recommendation the Board will hold two public hearings prior to voting on the proposed property disposition or change of use. The Board may then approve conditionally, approve or deny the proposal. And if the property is sold, proceeds from the sale will go towards the Open

Space and Trails and Parks program.

To conclude in deciding whether to authorize publication of the title and general summary, the Board is not adopting the ordinance at this time, but rather initiating the formal ordinance adoption process. State law requires publication of title and general summary at least two weeks prior to the meeting at which the ordinance is considered for final passage.

Staff recommends that this ordinance come back to the Board for public hearing and potential adoption on April 28th. So today staff recommends that the Board authorize publication of the title and general summary of the proposed ordinance before you. Thank you. And I stand with for any questions.

CHAIR GREENE: Thank you, Adeline. Any questions from the Commission? Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I think this is worded confusingly just in terms of when they're going to bring it to the Board. I think if it meets the terms merits of formal consideration, then it will bring it to the Board. But if it doesn't meet that, and I'm afraid that's maybe a problem because I think they ought to bring it to the Board whether they like the idea or not. And is that your understanding too, Adeline? Do you feel like it's a little bit confusing or do you feel it's clear that it comes to the Board either way.

MS. MURTHY: Chair Greene, Commissioner Hughes. I think the idea there was, so the COLTPAC review process, which is described in section four, it's quite lengthy. And COLTPAC was just wanting to have some sort of discretion if an outlandish proposal is brought forward, do they have to go through this lengthy review process? So that's where that's coming from. If you prefer for all proposals to go through that process, then that language could be struck. Alternatively language could be added that requires COLTAC to come to the Board regardless, but maybe not do a formal review and explain to the Board why a formal review is not conducted, but leaves it up to you to decide whether or not you want to move forward with a more in-depth review process.

COMMISSIONER HUGHES: Yeah. What's your feeling that the COLTPAC would prefer?

MS. MURTHY: Chair Greene, Commissioner Hughes, I think they would probably prefer to avoid having to go through this lengthy review process and instead maybe just come forward to the board and explain why that wasn't done for every single proposal. Does that make sense?

COMMISSIONER HUGHES: Okay. Then maybe what we could do is number C.6 where it says COLTPAC shall transmit its recommendation to the Board, but that's only if it merits formal consideration. We should say they should transmit all decisions to the Board or something like that. I do understand. One way would be to remove most of section item 3 in section 4. But if a preliminary view – yeah, maybe number 6, COLTPAC shall transmit re recommendation to the Board whether or not it received a formal review.

MS. MURTHY: Yes, that makes sense.

COMMISSIONER HUGHES: And that way it's clear, but that still gives them the chance to just say this doesn't merit formal review, but here's our decision.

Hopefully this doesn't come up very often. Are others okay with that change? Yes. Okay.

CHAIR GREENE: Got that. Yes. Okay. Does that need a motion to do that, or is that an edit that can just be in line in this? Does that need a motion to actually get that, or is that just that they can make those suggestions and it'll be edited for the publication?

RACHEL BROWN (Deputy County Attorney): Mr. Chair. I would encourage when guidance is given to staff that a motion be made encompassing whatever revisions are discussed.

CHAIR GREENE: Great. Commissioner?

COMMISSIONER HUGHES: I want to make a motion that we approve authorization to publish general title and general summary, an ordinance to establish a procedure to dispose or change or use of real property, with the one addition under C.6 that it say, COLTPAC shall transmit its recommendation to the Board, whether or not it received formal review along with a written analysis for all proposals. Take out that have undergone formal review.

COMMISSIONER JOHNSON: Second.

CHAIR GREENE: We have a motion from Commissioner Hughes, a second from Commissioner Johnson. Is there any discussion?

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

CHAIR GREENE: Go put it in the paper. Thank you.

B. Request Approval of Agreement No. 2026-0280-GM, the Land Use Restriction & Permanent Severance of Development Rights Agreement Between Santa Fe County and Rancho Viejo Limited Partnership to Permanently Restrict Development on 6,780 Acres as Permitted by Section 12.14 of the Sustainable Land Development Code.

HERBERT FOSTER (Growth Management): Thank you, Mr. Chairman and Commissioners. They're pulling up a presentation.

Thank you again. Happy to recommend approval of the land use restriction and permanent severance of development rights agreement under the TDR program. I'm going to call it the TDR Agreement for short. As you said, this would permanently preserve 7,600 acres of land in Santa Fe County for ranch land. The property itself is located east of the Rancho San Marco subdivision and just west of the community of Eldorado. There's over 2,000 acres of state land immediately to the east. Otherwise, the property is surrounded by suburban subdivisions and undeveloped property. The total property consists of 6,960 acres. That total acres is divided into two areas. The first area we call the sending area, that is the 6,780 acres that would be permanently protected. The agreement does allow the owner to make certain improvements in the sending area that support cattle, ranching, fences, water tanks, and so on. The rest of the land is what we call the floating development areas. There are nine of them. Each of them consists of 20

acres for a total of 180 acres.

The TDR ordinance allows a landowner to reserve development rights for future development of dwelling units. So the applicant is requested and that there be nine floating development areas included in the agreement. So for each of these nine areas, they would be allowed to build one house and one accessory dwelling unit and other accessory structures. We call them floating development areas because at such time, if and when the owner would want to build a home, they have to come back with a plat and they can relocate some of these floating development areas. That's why we call them floating.

Right now the total property is, it consists of 27 lots. We have a lot consolidation plat that meets all the requirements that's ready for signature pending your approval of the agreement tonight. What that agreement does is take all the 27 lots and consolidates them into four. And we have what we call as sending area plat, which together with the TDR agreement, when it's recorded and if approved by the Commission, would then permanently protect the property in the sending area.

The agreement contemplates a roadway to connect the community of Eldorado and New Mexico, 14. It also contemplates a trail north and south. So the agreement reserves the ability to preserve the right-of-way pending an alignment study. So the agreement doesn't commit the County to build a trail or build a road. It's just reserving the ability to carve out that right-of-way if and when the road is needed. And if the trail were to be ever to be developed. Both of those again would be determined by the County and if funded by an alignment study and so on.

Now, the basic process for the application I want to summarize that staff has found the property is eligible as a sending area. The land use administrator and the property owner have signed a non-binding qualification report. And if approved tonight by the Board, the property would be certified. So the property is found eligible, it's qualified, and then it's certified by the Board. And again, if approved this afternoon, the property owner would be eligible to receive 332 TDR certificates. The owner is entitled to sell the certificates at whatever price they can. They can set, they can donate them. They can put them under their bed mattress if they want to.

Again, if approved this afternoon, we would take the lot consolidation plat, the TDR sending plat and the TDR agreement have those documents recorded at the Clerk's and it's a done deal.

One other final comment about the agreement, it can never be rescinded. This is a permanent agreement so the land would be permanently protected in perpetuity. That is the presentation. I'm happy to recommend, finally, approval of the TDR agreement. We call it the Rancho Viejo TDR agreement. And I'm happy to answer any of your questions.

CHAIR GREENE: Thank you, Mr. Foster. Commissioners,
Commissioner Hughes.

COMMISSIONER HUGHES: Yes. On your picture, your map do those little squares indicate exactly where the floating development areas are? Are they just examples of where might be floating?

MR. FOSTER: Those are again, and thank you for putting that out, the map not to scale, but those are roughly where they're indicated right now on the sending area plat. Keeping in mind we call them floating. So at such time if and when the builder

or developer wants to build a home, they can relocate them, if and only if they submit another plat. They can build those now if they wanted to.

COMMISSIONER HUGHES: Okay. And what are the black lines? Are those roads or trails or what?

MR. FOSTER: Those are roads. Please try not to pay attention to the dark black lines along – they're roadways. Those black lines along the sanding area don't represent paid roads by any means. It's just the way the map turns out. I'm afraid.

COMMISSIONER HUGHES: Okay.

MR. FOSTER: You can see that the property, the sending area surrounds the AES site.

CHAIR GREENE: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Chair Greene. As they are floating, would it be possible for nine of them on 180 acres to be clustered in the northwest corner or the southeast corner? Speaking very abstractly, but in theory they could be, could they be dense? There's 180 acres, so it's not very dense, but –

MR. FOSTER: That's possible.

COMMISSIONER JOHNSON: Okay, just curious about that. No further questions.

MR. FOSTER: Again, all of the development would have to be subject to approval of a development permit and meets all the zoning requirements for setbacks and building height and so on.

COMMISSIONER JOHNSON: Understood. Thanks, Mr. Foster.

CHAIR GREENE: Commissioners? Yes, go ahead.

COMMISSIONER CACARI STONE: Thank you, Mr. Foster, just a quick question. So the owner who receives the 332 TDR certificates can trade, sell to anyone, correct?

MR. FOSTER: Correct.

COMMISSIONER CACARI STONE: And they trade cell for data center site?

MR. FOSTER: As long as that data center is located in one of the eligible zones and the TDR program has what we call the sending area like this and then the receiving area. And TDR certificates could only be redeemed for additional density in the mixed use zone, in the general commercial zone, and the industrial zone, and in certain planned development districts. So it's depends on where that development would be located.

COMMISSIONER CACARI STONE: Okay. And then your map has in the gray – the proposed AES site; right. So around it could be the sending area is the area that's preserved.

MR. FOSTER: Correct.

COMMISSIONER CACARI STONE: Okay. But if it's permanent and the 320, 232 TDR certificates, do we still oversee approval of what, how that land is used? Or is it just between the buyer or how who it's traded to?

MR. FOSTER: The buying and selling of the TDR certificates is entirely the business of the owner and seller of those certificates. The Commission would approve a development project that would be a receiving area for the added density. If that

development requires approval. It's possible that sometime in the future, if say for example, I own 4 TDR certificates and I want to apply them to my property in the eligible zone, and if I can work my development application, so I don't need to have approval by the board with or without the TDR certificates, then that's the case.

In other words, the fact that a development requires TDR certificates doesn't mean that it necessarily has to be approved by the Board if it doesn't already.

COMMISSIONER CACARI STONE: But we still have oversight of how it's developed?

MR. FOSTER: Correct, through the, either the Sustainable Land Development Code.

The Sustainable Land Development Code requires a public hearing for that project, then it would come before you.

COMMISSIONER CACARI STONE: Okay. I saw in this – thank you for your work on this. In the memo there was a summary of background, but I didn't really see an analysis of the implications. Are there any takeaways for any potential implications? I mean it went background to recommended action, and I just was looking for a little bit more of how do we think about the future implications or considerations?

MR. FOSTER: Considerations in terms of the potential use of the property?

COMMISSIONER CACARI STONE: Its impact. This is new, our TDR program, we want to get it going. So I was just looking for more of an analysis. So I don't know if you have any takeaways.

MR. FOSTER: There's been plenty of takeaways in, in the application. I know it's been quite, quite a process. We've learned a lot about the TDR program, specifically on the demand for TDR certificates and so forth, but it's not a topic of this application here. The takeaway I would add, if I may, and I'm so sorry, I keep on forgetting the protocols. Mr. Chairman and Commissioners.

CHAIR GREENE: No formalities here.

MR. FOSTER: Thank you. I know that's the normal protocol.

This represents, I think, a milestone for the TDR program and the County. It meets all of the requirements. The owner has met all the obligations in the application and agreed to all the provisions of the agreement. And I think it again, represents a big milestone for the County to literally put us on the map for TDRs.

COMMISSIONER CACARI STONE: Okay. Thank you, Mr. Foster. I think for, just if this comes to us again, I'd like to see more of an analysis of implications/considerations. Like you just mentioned it: what's the pros, what's the cons? How does it advantage the County? We're just looking for more of those expertise that you have in your portfolio on these staff memos.

MR. FOSTER: Understood. And, Mr. Chairman, Commissioners I'm preparing a presentation for the Commission next month and to recommend the value of a TDR, more on the demand side, on the receiving area side, and some recommendations for improving the TDR program to make it better.

CHAIR GREENE: Thank you. So a couple questions. We've had trouble with the TDRs in the past, and there was an issue with water rights I think that might have been one of the aspects that was hanging it up. Explain how the water rights on this

property is either being severed or remaining on the land. How does that work here?

MR. FOSTER: Mr. Chairman, Commissioners, water rights are not a part of this agreement. They're not being retained whatsoever. It's my understanding that the owner does not have water rights or at least irrigated water or irrigable water rights. I'm not a water rights person. There are none – water rights are not a subject of the agreement.

CHAIR GREENE: So there was a well or Mr. Thompson, these are yours; is there a well involved in this that they're keeping on there?

MR. FOSTER: I'll let the owner speak to that.

WARREN THOMPSON: Commissioner Greene. Commissioners, there are several wells on the property that serve an agricultural purpose to water the cattle. The floating development areas are restricted to a .25 acre-foot for domestic purposes per dwelling unit. And the advantage that we're getting in terms of water is the 332 that are removed so that we won't be withdrawing that water from the aquifer. And if you add the additional dwelling units, then I think it's about 168 acre-feet of water that are being permanently preserved by doing this. But it doesn't affect the TDR count as it would with irrigation water,

CHAIR GREENE: And you would be able to, additionally, you get to sell these TDRs, but do you get to sell the water rights to somebody in the neighborhood?

MR. THOMPSON: No, sir. You only get the, that right from the state for use on a specific residence. You can't take that and use it somewhere else.

CHAIR GREENE: Okay. And then these would go to receiving areas, correct?

MR. FOSTER: Mr. Chairman, Commissioners, correct.

CHAIR GREENE: And in those receiving areas, each one of these is worth 5, if I'm correct, additional units in density bonus.

MR. FOSTER: Mr. Chairman, Commissioners, that's correct.

CHAIR GREENE: I know that at one point we were we were trying to kick start this, and this is definitely not a kick start, this is a rocket launch. It's 300 of these equals 1,500 new homes in receiving areas if they can find a home for these. And then there's some small players that have been working on agricultural land, like real agricultural land, not ranch land. And I think Commissioner Bustamante and myself have been interested in trying to preserve agricultural land at a higher value and that certain land has higher value to preserve than other land. So escarpment land, ridgetop land and agricultural land that is irrigated and easy to grow on. But the current program values everything all the same,

MR. FOSTER: Mr. Chairman, you're correct. We have, I mentioned a presentation will be coming before you on how to tier TDRs, how to expand the TDR program. And at such time the TDR bank has funds it would be up to the Commission on which development rights to purchase and at that time you could set a priority for irrigated agriculture.

CHAIR GREENE: It looks like Mr. Thompson has the bank right now, right? He's going to have 300 units. Good for you. We're going to be coming to him. That's great. To get this program off the ground is great. I think if we adjust the quote unquote value of these, I think there's some property rights issues in this, at least for the

ones that Mr. Thompson is now severing. So I think we need to be careful with that. But, I think good job. We got it over the finish line. I want to give a shout out to Robert Griego in the back over there. I don't know what you – I think you're just watching just to see it get over the finish line. I don't know what role you're playing here, but it's always great to see your face here. So thank you for being here. Thanks.

MR. FOSTER: Thank you, Mr. Chairman and Commissioners. I also owe Robert a great deal of gratitude for getting this started and helping us through the process here.

CHAIR GREENE: Excellent. Commissioners, what's the pleasure of the body? Commissioner Hughes?

COMMISSIONER HUGHES: First of all I want to say, I think this is great because he's designating all the land surrounding AES as ranch land, and that will protect people in Eldorado and other places from the little bit of smoke that might come from AES or whatever. So I think it's very good. And even if AES doesn't happen, I guess we're doing this.

So I will move to approve agreement number 2026-0280-GM, the land and use restriction and permanent severance of development rights agreement between Santa Fe County and Rancho Viejo limited partnership to permanently restrict development of 6,780 acres permitted by section 12-14 of a Sustainable Land Use Development Code.

COMMISSIONER JOHNSON: Second,

CHAIR GREENE: We have a motion by Commissioner Hughes, a second by Commissioner Johnson. And under discussion, one more question. The AES land, is that covered by this? Are they severing from that land? Or if AES does not go forward, that is developable land?

MR. FOSTER: Mr. Chairman, Commission, they're not related.

CHAIR GREENE: They're not related. So if AES doesn't go forward, the 600 acres or whatever it was of AES could come forward with 30 units or whatever the –

MR. FOSTER: The two are not – they are independent.

CHAIR GREENE: No, no, I'm just making sure. They are not related and we're not severing from that land.

MR. FOSTER: Correct.

CHAIR GREENE: It is still potential for development in that island?

MR. FOSTER: That is correct, yes.

CHAIR GREENE: Okay. Thank you very much. We have a motion and a second.

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

CHAIR GREENE: Congratulations. You got it over the finish line. Great job guys.

- C. Request (1) Approval of Agreement No. 2026-0131-PW with Hasse Contracting for Construction Services for the Avenida Vista Grande Bridge Reconstruction Project in the Amount of \$1,047,528.50, Exclusive of NM GRT; and (2) Delegation of Authority to the County**

Manager to Sign the Purchase Order(s).

ERIN FEEHILY (Public Works): Good evening, Commissioners. Chair Greene. I'm here to request to approve the agreement with Hasse Contracting for construction services on the Avenida Vista Grande Bridge Rehabilitation project. Designed for the bridge rehab was based on the findings of the 2017 preliminary engineering report, which recommended rehabilitation work to the five-cell concrete box culvert crossing due to noticed deterioration of the concrete walls, parapets and need for scour countermeasures at the outflow.

WSP was awarded the contract for design services in January of 2025 and completed the design documents this past summer for the project. The construction work will extend the life of the structure through the removal and replacement of degraded concrete and reinforcement bars, epoxy injection of existing cracks in the concrete, water repellent treatment of exposed concrete surfaces, and the installation of new concrete apron at with gabion baskets at the outflow. Additional work on the street level will include removal of vegetation, asphalt repair of the shoulders, and replacement of guardrails.

Construction's expected to be completed this fall and it will be phased so that the work is only performed on one side at a time. So we'll maintain one driving lane in each direction during construction, so they'll minimize the disruptions to traffic. And Hasse Contracting submitted one of the four bids received and provided the lowest responsive bid of \$1,047,528.50, exclusive of NMGRT. And I'll stand for your questions if there are any.

CHAIR GREENE: Thank you very much, Erin. Questions from the Commission? Is there a bike lane on this?

MS. FEEHILY: There's no changes to the actual road. It really is just the bridge structure. We're doing some work with the guardrail and then those shoulders there just to remove the vegetation to avoid future deterioration of the parapets. That was a big issue with water infiltrating in there. So no bike lanes, no change to the actual lanes.

CHAIR GREENE: Does the existing roadway accommodate bike lanes?

MS. FEEHILY: I do not believe so. In this area it's at the approach of 285 were the left-turn lane is. So it's pretty tight there. That's the reason why we are able to keep traffic open is because we will be minimizing that left turn lane.

CHAIR GREENE: Okay, great.

COMMISSIONER CACARI STONE: I motion to approve agreement #2026-0131-PW with Hasse Contracting for construction of services for Avenida Vista Grande Bridge reconstruction project. The amount of over just one point million dollars exclusion of NMGRT and delegation of authority to the County Manager to sign and purchase.

COMMISSIONER HUGHES: I'll second it.

CHAIR GREENE: We have a motion from Commissioner Cacari Stone and a second from Commissioner Hughes.

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

CHAIR GREENE: Motion passed. Go build the bridge. Thank you

D. Request (1) Approval of Agreement No. 2026-0019-PW/TJ with Souder, Miller & Associates, Inc. for Professional Engineering Services for the Chupadero Water System and Roadway Improvements Project in the Amount of \$886,933.78, Exclusive of NM GRT: and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s) and Associated Change Orders.

CHAIR GREENE: Ira, welcome. I should address you as the mayor of Chimayo. We decided a couple weeks ago, so this is now you're going to become the mayor of Chupadero.

IRA ROYBAL (Public Works): Thank you for that introduction, Mr. Chair. Thank you, Commissioners.

Today the item request is for approval of professional engineering services agreement with Souder Miller Associates to complete the design phase for the Chupadero Water Association system and roadway improvements project. I have some additional context. Santa Fe County is currently moving forward with acquisition of the Chupadero water system earlier than anticipated. While this may raise questions, that effort is a separate item from today's request and is managed by Santa Fe County Utilities. So today's request is specific to the design system and roadway improvements.

I'd like to start off with why the project matters. So today the project matters because we are in acquisition of the Chupadero water system. Currently, the infrastructure has deficiencies and does not meet the County standards. And we want to ensure, safe and reliable drinking water, regulatory compliance, and improved roadway safety and drainage.

The agreement will include design services and engineering services only, not construction. It is specifically for water storage, upgrades, transmission and distribution lines, valves, hydrants, and SCADA, roadway reconstruction and drainage improvements. We anticipate the design services to take approximately one year.

Upon completion of design, we intend to proceed with procurement of construction. The procurement process was through RFP and Souder Miller and Associates was selected based on the highest ranked firm. There are two funding sources for the design, state special appropriation in the amount of \$487,281, and 2021 GOB funds in the amount of 460,629 47. So today's request is for the approval of the agreement with Souder Miller and Associates in the amount of \$886,933.78. Exclusive of GRT for the professional engineering services for Chupadero Water System and Roadway Improvement Project, and also the delegation of authority to the County Manager to sign the purchase orders and approve the associated change orders. And with that, I stand for questions.

CHAIR GREENE: Thank you, Ira. Commissioners, any questions? Thanks. Is there in this design or specifications of the design, do we have right-of-way for a turnaround anywhere in there? I know that the road can get pretty tight. Is that something that we're looking at?

MR. ROYBAL: Yes, so that's definitely something that is included in the

design services to identify easements for the road and for the water. As far as a turnaround, the road in its entirety will be evaluated. That will be something that is discussed, but at the moment, I haven't had the opportunity to go over that specific.

CHAIR GREENE: Okay. And the community is aware of this and is there going to be any community engagement to discuss this, they know their road best?

MR. ROYBAL: Yes, and yes. So the community is informed. I've been working with a community member named Benny out there. He's a very engaged community member. He's been a great support in getting the word out getting just public awareness of what's going on. We also do intend to have a public meeting as we get close to construction. So yes, and yes, there is community engagement and they're aware.

CHAIR GREENE: Great. Thank you. It would be great to have a sort of kickoff meeting to discuss potential options, some design options, to understand if turnarounds and some other aspects are requested by the community. We talked about transportation being involved early. I don't know if there's a bus that goes up there, but you never know. Fire, a whole bunch of other issues in there as well. Thank you.

Commissioners, any other questions?

Since this is in my district, I'm going to go have a good day and make a motion to approve agreement number 2026-0019-PW/T with Souder, Miller and Associates for the Chupadero Water System and roadway improvements projects in the amount of \$886,933.78 exclusive of GRT and delegation of authority to the County Manager to sign the purchase orders and associated change orders.

COMMISSIONER JOHNSON: Second.

CHAIR GREENE: I got a motion by myself and a second by Commissioner Johnson.

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

CHAIR GREENE: Motion passed. Go build a road or design a road.
Thank you.

- E. Request (1) Approval of Agreement No. 2026-0133-PW with Tri- Star Solutions Ltd Co. in the Amount of \$989,230, Exclusive of NM GRT, for the Construction of the Greater Glorieta MDWCA Sewer System Upgrades; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order.**

MIKE HART (Public Works): Chairman, Commissioners. This is a request for approval of an agreement for the low bid for the Greater Glorieta sewer system. This is 2,700 linear feet of new sewer line along with 15 manholes that will be inserted as a cast in place pipe. So there'll be no excavation or disruption of road services other than the replacement of the manholes and I'll stand for any questions.

CHAIR GREENE: All right. That was a short presentation. Thank you very much. All right. Excellent. Commissioners anybody out in Gloria got some questions; your community? No. All right.

COMMISSIONER JOHNSON: Thank you, Mr. Chair. I would move to

approve agreement number 2026-0133-PW Tristar Solutions in the amount of \$989,230 exclusive of NMGFT for the construction of Greater Glorieta MDWCA sewer system upgrades and delegating the County Manager to sign the purchase orders.

COMMISSIONER CACARI STONE: I second it.

CHAIR GREENE: We've got a motion from Commissioner Johnson, a second from Commissioner Cacari Stone.

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

CHAIR GREENE: You can build a wastewater system. Thank you.

F. Request (1) Approval to Procure Construction Services for the Valle Vista Isolation Valve Replacement Project; and (2) Delegation of Authority to the County Manager to Negotiate and Execute the Contract and Sign the Purchase Order(s).

BILL TAYLOR (Purchasing): Chair Greene, Commissioners, Bill Taylor Purchasing Division. I just wanted to brief the Board with this procurement. We are asking for delegation of authority to the County Manager to sign an agreement. We did compete this project request for quotes utilizing the state price agreement. We sent it to three contractors on that price agreement. Received three quotes, TLC Contracting Services was the lowest, most responsive. They did provide two resolutions or solutions. One both of those cost proposals were the lowest responsive. And we'll let Brandon, the project managers, Jason, answer questions regarding those solutions. But the contract amount that we will be going forward with while we're negotiating finalizing the contract. And it's basically scheduling of the project with TLC, but the total contract amount will be for \$469,366.96 exclusive of tax. Any questions on the procurement? Otherwise, I will turn it over to Brandon and Jason to answer any questions about the project.

CHAIR GREENE: Thank you. Bill. Commissioners, any questions? You guys might be let off the hook here. All right. Is this District 3 or 4 or 5 or 3?

JASON CRICHTON: I believe it is Commissioner Hughes' District, if I'm not wrong, the Valle Vista subdivision.

CHAIR GREENE: Oh, okay, great.

BRANDON DELGADO: Yeah. So I have a couple things. Good evening, Mr. Chair, Commissioners. Jason and Bill are here to request approval to procure construction services to replace isolation valves in the Valle Vista neighborhood as well as the existing PRV. As you're all very aware last month there was a significant water leak in this Valle Vista neighborhood subdivision. Multiple isolation valves were found to be non-operational by our Santa Fe County Utilities Department. So the issue that this brings up is that our utilities guys, when there is a line break which does happen they're not able to isolate any of the neighborhood into kind of smaller zones so less people are affected. So they have to shut off water to the entire community. This is about 285 homes that are affected when they have to turn off the water. So our approach is going to be replacement of isolation valves. And this will enable our utilities department to

effectively isolate water surface zones within the subdivision. This will help with future line breaks. It'll minimize shutdowns and community impact when future water leaks occur. This will also improve system control for our utilities department, reduce water loss and allow us better emergency response. Funding will be through an approved BAR that was actually just approved at the March 10th BCC meeting. And as Bill stated, we'll be utilizing the statewide price agreement.

We are here to request today to approve the procurement of construction services for the Valle Vista Isolation Valve Replacement Project, utilizing SWPA #30-0000-23-0084 and delegate authority to the County Manager to negotiate and execute the contract and sign all necessary purchase orders and associated contract documents.

I'll now take this time to turn it over to Jason Crichton. He is our Santa Fe County Deputy Utilities Director. He's going to go over some of our communication strategies and timelines that will be implemented for this replacement isolation valve project. Thank you.

JASON CRICHTON: Thank you, Brandon. Good afternoon, Mr. Chair and Commissioners. I'd like to briefly outline our communication plan for the upcoming valve replacement project in Valle Vista. This project, as you were aware, is critical to improving the system reliability and reducing the scale and duration of future water outages. However, we recognize that the construction process itself will create temporary disruptions to residents because of that, a clear and timely and transparent communication is our top priority.

The communication plan uses multiple outreach methods, including email, phone calls, County website, press releases, mailings, electronic traffic signs, social media, door knocking, door hangers, and to a lesser extent texts and community meetings all which ensure residents are well informed. The plan is structured around early phased communication with the start of the plan being the first day that we establish the start date for the project, and then intervals of four weeks, two weeks prior, one week prior, and two business days prior. Messaging is also coordinated across county departments and will be ongoing throughout the project itself.

Our intent is to avoid shutting off the water to the community. However, given the age of the system, a shutdown may be necessary. If that occurs, we have a contingency plan in place. In summary, our approach is to communicate early, communicate often, and make information easily accessible and understandable. We want residents to feel informed, prepared, and supported from start to finish. Thank you. We stand for questions.

CHAIR GREENE: Thank you, Jason. Commissioners, any questions?
Yes, sir.

COMMISSIONER HUGHES: I just want to make a motion to approve this unless somebody has questions.

CHAIR GREENE: I just want to, if I may, really quickly, just to ask does this affect the housing authority housing over there? It does. So if we can work with the housing authority to make sure that we have communications over there very directly and bilingually. Second, I don't know. Since you guys are mostly public works I know that we have some signage that can be road signs that we can use if it's possible to put a road sign. So people drive in and drive out and they see it.

MR. CRICHTON: Yes. Chair Greene. That is a part of our plan to have road signage.

CHAIR GREENE: Okay. Yeah. Great.

COMMISSIONER JOHNSON: One additional question for discussion, is the communication intended to be bilingual?

MR. CRICHTON: Yes.

COMMISSIONER JOHNSON: Okay. Thank you.

COMMISSIONER HUGHES: I make a motion to approve to procure construction services for Valle Vista Isolation Valve Replacement Project, which is very needed, and 2) delegation of authority to the County Manager to negotiate and execute the contract and sign purchase orders.

COMMISSIONER BUSTAMANTE: Second.

CHAIR GREENE: We've got a motion from Commissioner Hughes. A second from Commissioner Bustamante. All in favor say aye.

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

CHAIR GREENE: Go put some valves in. Thank you.

G. Resolution No. 2026-044, a Resolution Authorizing the Disposal of Specified Solid Waste Without Paying Service Fees in Santa Fe County.

ELIZABETH HOUGHTON (Sustainability): Good afternoon, Chair and Commissioners. My name is Elizabeth Houghton, Sustainability Specialist with the Community Development Department, and this is Les Francisco, Solid Waste Superintendent with Public Works.

We are here to request your approval of a resolution authorizing the disposal of specified solid waste without paying service fees in Santa Fe County. This resolution continues community offerings that the Board has supported since 2022, and there are four key areas of focus this year. First, we are proposing free tire recycling at six collection centers during the month of May. A grant from the New Mexico Environment Department will reimburse up to \$10,500 in tipping fees. Providing free tire recycling to the community will help reduce illegal tire dumping, which poses a significant fire and environmental hazard. Second, we are proposing 12 free green waste disposal days from April through September at our Stanley, Jacona and Eldorado collection centers. Given New Mexico's acute wildfire risk, diverting green waste away from open burning and into proper disposal is a meaningful public safety measure. Third, the resolution delegates authority to the County Manager to approve additional free disposal days this spring and summer capped at \$200,000 from the Environmental GRT Fund, which currently has an uncommitted balance well above that amount.

Finally, we are proposing free residential solid waste days on April 18th and September 19th at all County collection centers. Time to support Keep Santa Fe Beautiful, Great American Cleanup and Toss No Mas events. Costs are expected to be minimal as the Santa Fe Solid Waste Management Agency has agreed to waive tipping fees

associated with both of these events. Taken together these initiatives support illegal dumping reduction, wildfire risk mitigation, and community engagement in keeping Santa Fe County clean.

Staff recommends approval and we stand for questions.

CHAIR GREENE: Thank you, Elizabeth. Commissioners, any questions? I will put the same question I put to the last folks if it's possible to use some of those roadway signs so folks in neighborhoods can somehow get one more vehicle – Oh, look this weekend. Les, anything you wanted to add to this? Thank you commissioners. How do you feel?

COMMISSIONER CACARI STONE: I'm ready.

CHAIR GREENE: I will make the motion to authorizing disposal of specified solid waste without paying service fees in Santa Fe County.

COMMISSIONER HUGHES: Second.

CHAIR GREENE: Thank you very much. I got a motion by myself and a second by Commissioner Hughes. All in favor say aye.

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

H. Request Approval of Amendment No. 1 to Agreement No. 2024-0215-PW-BT Between Santa Fe County and Esencia Holdings, LLC, Modifying Financial Contribution Terms.

MR. CORDOVA: Mr. Chair. Commissioners, good evening. Staff requests approval of amendment #1 to agreement number 2024- 0215-PW-BT between Santa Fe County and Esencia Holdings LLC to modify the developer's final contribution terms for the Avenida del Sur road improvement project. The amendment authorizes the developer to directly fund additional engineering design and surveying services required after issuance of the notice to proceed to the construction contractor in an amount not to exceed \$90,000. Adjustments, it adjusts the remaining developer's contribution balance of \$1,045,496.99 to be paid in two remaining equal installments.

I'm not going to give you the entire background on Esencia. I think you all have been pretty well educated on the development. However, on March 25, 2024, the Board of County Commissioners did approve agreement #2024-0215-PW-BT establishing the partnership between the County and the developer for the design and construction of the Avenida del Sur road improvement project. Under the agreement, the developer is responsible for the design and engineering costs. The County is responsible for procuring a construction contractor and the developer agreed to contribute a fixed sum of \$2 million toward construction of the road improvements, inclusive of eligible engineering survey, geotechnical, environmental, archeological, and right-of-way mapping costs, which are deducted from the total contribution.

So what amendment #1 does it allows a developer to directly pay the consultants and engineering firms for these additional services that were identified in an amount not to exceed \$90,000. And it adjusts the remaining developer's contribution balance to be distributed evenly across the remaining two installments.

And so at this time, I'd like to recommend approval of amendment #1 to the

agreement and I stand for any questions.

CHAIR GREENE: Thank you, Leandro. Are there any questions from the Commission? Hearing none. Does anybody want to move this along? Commissioner Hughes

COMMISSIONER HUGHES: I move approval of amendment #1 to agreement # 20-2024-0215-PW-BT between Santa Fe County and Esencia Holdings LLC modifying financial contribution terms.

COMMISSIONER CACARI STONE: Second it.

CHAIR GREENE: We've got a motion from Commissioner Hughes, a second from Commissioner Cacari Stone. All in favor say aye.

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

CHAIR GREENE: Thank you very much, Leandro. Great job. Excellent. We have moved through our miscellaneous action items and we're now onto presentations.

8. Presentations

A. Presentation Concerning PFAS Characterization in the La Cienega and La Cieneguilla Areas and Potential Next Steps

TRAVIS SODERQUIST (Utilities) Thank you, Chair. I am not going to be presenting. I'm just here to introduce the Intera team, but thank you for that. This presentation is going to be given by Intera to go over briefly what their findings were. They did their more extensive summary of what they found in the previous study that they did for characterizing the PFAS contamination in La Cienega and La Cieneguilla. This will briefly touch on that, but it'll be primarily going over what the potential next steps are for the PFAS contamination. And with that, I'll bring INTERA up.

KAREN FLORES: Thank you, Travis. Thank you, Chair Greene and Commissioners and Santa Fe County staff members for allowing me to be here today. My name is Karen Flores. I'm here representing Intera Incorporated, along with my colleague Mr. Joe Tracy. I stood before you in September of 2025 to present our initial findings for the PFAS contamination in Santa Fe County investigation. I stand before you today to discuss the potential path forwards and recommended steps to continue this important investigation.

So first I want to talk about our project goal, and that is to understand the magnitude and extent of PFAS impacts in La Cienega and La Cieneguilla and evaluate potential PFAS sources. Now, I don't want to rehash my entire presentation from September, but I do want us to come to the recommended path forward with a shared understanding. So with that, I will briefly touch on hydrogeology, PFAS distribution and our conceptual site model, as well as current mitigation and remediation options and activities, and then we'll get into the recommended path forward.

So to briefly remind you all the study area for this investigation includes the historic communities of La Cienega and La Cieneguilla. Those are defined here mostly represented by the land parcels that show distinctly La Cienega to the north and La

Cienega running from the northeast down to the southwest area of the study boundary. Also of importance include the aviation support facility outlined in green, the Paseo Real Water Reclamation Facility land application area, the Paseo Real Water Reclamation facility, and the Santa Fe Regional Airport. Unfortunately my animations aren't quite working for this. So I will have to go without the map that is shown beneath the cross section on the right hand side. What you would've seen there is some flow paths that represent our groundwater preferential or the flow path of groundwater in the region. You would also see a groundwater divide that runs between the communities of La Cienega and La Cieneguilla, and that the flow paths are running in kind of opposite directions on either side of the groundwater divide. You would notice in La Cieneguilla that the groundwater flow paths follow loosely the Santa Fe River. I would also be able to identify for you gaining and losing reaches of the Santa Fe River. In the northern section of the study boundary area, you would see that section is a losing reach of the Santa Fe River, which indicates, or which is an area in which the flow of the Santa Fe River is infiltrating into the subsurface at that location. Further downstream, midway through Cieneguilla you would see that the Santa Fe River is actually in a gaining stretch. So there is water coming from the subsurface and adding to the flow of the Santa Fe River there. So the cross section that you see on the left hand side there is from [inaudible] shows the path along the Santa Fe River that I was just describing in the losing reach. So those dark arrows that are trending downward and to the right indicate infiltration of water from the Santa Fe River into the yellow zone, which is the permeable Ancha formation. This formation is where most wells within La Cienega are completed and where drinking water comes from for most of those residents. As such, during our study, we sampled numerous drinking water wells, and so the majority of our data does in fact come from the Ancha formation. The brown layer underneath is the Tesuque formation. It is less permeable and obviously deeper than the Ancha formation.

Now I'll move over to the cross section on the right hand side that runs north from the Santa Fe River adjacent to the Paseo Real Water Reclamation Facility to the National Guard site to the south. One important thing to note there is the clay layer, the gray layer that occurs within the Ancha formation. That is what we call a perched zone. You'll note that the wells that penetrate that zone from the aviation support facility have a red number next to it that indicates the sum of detected PFAS. Those levels of PFAS are the highest encountered in this study. So it's of great importance to understand what is happening at that perch zone, where the lateral extent of the perch zone, and then equally important is what happens to groundwater with potential PFAS contamination outside of that perched zone.

MR. FRESQUEZ: Mr. Chair, I apologize for interrupting. Would you like me to open the PowerPoint version so the animations?

MS. FLORES: Yes, if you can, that would be great.

MR. FRESQUEZ: Just give me 30 seconds, please.

MS. FLORES: Thank you so much.

I won't harp on this very long, but I will just show you that purple line is the groundwater divide. You'll see the flow path arrows for groundwater moving in different directions on the La Cienega side of the groundwater divide as, and then along the Santa Fe River for the Cieneguilla side.

And next I'll talk about PFAS distribution. So this map is a culmination of the data that we collected during our sampling investigation, as well as existing data in the area. And this map represents the sum of detected PFAS. The darker colors are for higher concentrations of PFAS.

Next I'm going to talk about the maximum contaminant level exceedances that we saw in this investigation. The maximum contaminant levels are designated by the EPA for six different PFAS compounds, and were codified as federal MCLs in 2024. So right there, you'll notice that there are no MCL exceedances in the community of La Cienega. And for the remainder of the path forward in investigations, we recommend they're focused on the community of La Cieneguilla.

Next I'm going to zoom in on the upper portion of MCL exceedances. The Greene ovals indicate areas needing additional PFAS analysis to inform our investigation. The largest circle is about 1.5 mile extent from the area where there's the largest PFAS contamination identified to the uppermost level or section of the community of La Cieneguilla. There's an opportunity to understand further what is happening to the west of the La Cieneguilla community and then further delineation of the PFAS plume to the south.

Next, I'm going to outline our conceptual site model based on all of our understanding kind of culminated and put together. First I'll talk about aqueous film-forming foam that was stored and potentially leaked into the subsurface at the Army Aviation Support Facility. And then in addition to that, adjacent to the Aviation Support Facility is their land application of biosolids at the Paseo Real Water Reclamation Facility. So to the right hand side of the conceptual site model, you'll see red and purple arrows downward into the formation. This represents the idea that AFFF and PFAS from biosolids have the potential to infiltrate the groundwater in the Ancha formation and then potentially flow downstream to the community of La Cieneguilla. Additional known PFAS sources include the wastewater effluent that's released into the Santa Fe River at the Paseo Real Water Reclamation Facility. Those are the pink arrows lining the Santa Fe River. As I mentioned, that area is a losing stretch of the Santa Fe River, which indicates that the water coming in that area can penetrate into the subsurface.

Possible unreported. PFAS includes septic tanks, which are widely used in the community of La Cieneguilla. There is potential for AFFF usage or other PFAS containing compounds at the Santa Fe Regional Airport. And then any of that could be further moved downstream down gradient through stormwater runoff and potentially other unknown sources.

So there is active mitigation measures occurring in La Cieneguilla. Andrew Hautzinger and his team at NMED have used the MCL Exceedance map that you saw on a previous slide as a way of identifying property owners who have exceedances in the MCLs to qualify for point of use and point of entry treatment systems for their homes. So that's actively happening. An active installation is occurring in La Cieneguilla.

Drinking water sampling is also occurring in La Cienega. We are grateful to have strong communication between our organization, Santa Fe County, as well as NMED. And so we are working on establishing a data sharing agreement so that everyone is working together as we continue these investigations.

One thing to note about the point of use and point of entry systems is that these

are often used as a short term solution and aren't always a long term option for continued use. One of the reasons for that is the treatment systems themselves have a time limit on the duration of use possible. They also require continued maintenance and upkeep for those systems. Depending on the system, there may be a waste stream associated with it that requires additional work to get rid of and to dispose of.

So now I'll talk a little bit about our recommended path forward. The first proposed action is to install a network of monitoring wells targeting differing depths. So some locations identified for those wells include at the Santa Fe Regional Airport, where that 1.5 mile data gap exists. This will help us to determine what is happening in that region. And the idea of targeting differing depths will allow us to see not only what's happening in the more permeable layer of the Ancha formation but also the Tesuque formation and where possible the perched zone that had the highest PFAS contaminations that we saw in this study. Being able to identify the lateral extent of the perch zone, as well as the vertical extent of PFAS contamination within the Ancha and the Tesuque, and how the PFAS is communicating between those two formations. Another proposed action is the collection of additional groundwater samples. So I identified previously there's potential to further identify the PFAS contamination to the west of La Cieneguilla and there's additional sampling that can occur within the community of La Cieneguilla to the south.

Finally, next is the collection of additional surface water samples coupled with sediment samples. Unfortunately, we saw a significant amount of PFAS contamination within the Santa Fe River. The furthest downstream that we sampled is the circled location that you see on the map. We would like to extend that and collect both sediment and surface water samples along the Santa Fe River to further investigate the Santa Fe River as a potential transport source for PFAS.

Vadose zone sampling and modeling is suggested at the Paseo Real Water Reclamation Facility land application area where PFAS has been identified in the soil. Understanding the leaching potential of PFAS in those areas could help inform mitigation and remediation activities that may be needed in the future.

I do not expect you to remember my present presentation from September, but if you do, I mentioned multiple times that the data that we collected was essentially a snapshot in time. It didn't give us a full understanding of potential PFAS contamination plume migration. It didn't give us an idea of seasonal variability and so we proposed doing quarterly sampling of a subset of wells within La Cieneguilla to include wells in the southern portion of Cieneguilla that had non-detects. So understanding and using that as a potential kind of bellwether for movement of the PFAS plume.

And then we propose an ecological risk assessment. The community of La Cieneguilla is historically known for our agricultural practices, so understanding the impact that PFAS has on environmental receptors could be critical for this community.

And finally, we have a septic study that is proposed. The influence of septic systems is unknown. And so further delineating and identifying the potential for contamination from septic systems containing PFAS is instrumental to further understanding the contamination there.

I want to thank you all for your time and for allowing me to be here to speak to you again and for considering additional work for this really important study. With that I

stand for questions.

CHAIR GREENE: Thank you so much. Commissioners, questions.
Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: First I want to thank you and I want to thank your team and everyone who's been working on this. We've seen each other quite a bit over the last year plus.

The question that I have specifically about the exceedance just northwest of the airport, how is that exceedance identified?

MS. FLORES: I'm sorry, can you repeat that question?

COMMISSIONER BUSTAMANTE: Yeah. When I look at the map on the PFAS distribution, and I hadn't seen this particular map before and it says aerial extent of total PFAS, just northwest of the airport, how were those identified?

MS. FLORES: Those come from reports put out by the aviation support facility as well as the work that the City of Santa Fe has done at the Paseo Real Water Reclamation Facility.

COMMISSIONER BUSTAMANTE: So that's from the City of Santa Fe itself.

MS. FLORES: City of Santa Fe, and then Department of Defense.

COMMISSIONER BUSTAMANTE: Thank you very much. I don't have any other questions.

CHAIR GREENE: Fabulous. Commissioners? Yes, please.

COMMISSIONER JOHNSON: Just briefly and thank you Chair Greene. Thank you for the presentation. Thank you for your expertise. This is very sobering, but also very helpful and we can understand our situation better through science. I have maybe a basic or even dumb question. Does PFAS run off from the airport into the river and move downstream in a faster, at a faster rate? I know you had a snapshot on time caveat but is that something that might be possible to track if through future studies?

MS. FLORES: Possibly, which is a very science answer for you. There are means for tracking flow paths and modeling the flow paths. There's also ways to use the hydrogeology of the environment to identify how fast that transport may happen. We don't yet have enough data to do something like that.

COMMISSIONER JOHNSON: Okay. Thank you. Yes, it seems like we need to keep studying this issue. Absolutely.

CHAIR GREENE: Commissioner Hughes.

COMMISSIONER HUGHES: I just wondered if you have given any consideration to, and this is obviously after you've done all your studies, but the cleanup of the groundwater. I know New Mexico has the basic principle that would keep the groundwater clean and will make it clean and I know we clean up a lot of gas leaking gasoline tanks that way. Have we considered anything to clean up this?

MS. FLORES: Thank you for that question. Commissioner Hughes, I was remiss to not mention remediation in one of the previous slides that I had. All of the data gaps in the proposed path forward that we've identified will help better inform potential remediation options.

JOE TRACY (Intera): And Mr. Chair and Commissioner Hughes, one thing I just wanted to add. As we talk about next steps they're truly next steps. So we

have about a million half dollars of grant money from NMED that we've received, spent about a half a million dollars on the work to date. And we want to put in the million dollars we have remaining into good work to fill in some of the data gaps. Part of that will also be to narrow down as Karen was saying, to, into some recommendations for how to remediate those areas. But we want to fill in those gaps, get more information, do some additional sampling, monitoring wells, those types of things. So the next steps for us would be to go through a procurement process and initiate that next step, part of which we'll get at remediation.

COMMISSIONER HUGHES: Okay. Thanks.

CHAIR GREENE: Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you, Chair Greene. Thank you for your presentation and your work.

I'm just curious so the Santa Fe Airport's going to expand, right? It was just in the paper yesterday. They got additional monies. How are we working with the City once more development or digging is done how might that impact, since it's an area we still don't know a lot about from your presentation, what's your suggestion?

MS. FLORES: So that's a great question. Thank you, Commissioner for that question. We are currently – we have a memorandum of agreement with the City of Santa Fe. I've had connection and communication with the interim director of the Santa Fe Airport as well, to help further these studies gaining access to drill monitoring wells at the Santa Fe Airport is not something to be taken lightly. We are prepared and ready to continue to work towards that goal with the understanding of the importance of those monitoring wells in the installation.

COMMISSIONER CACARI STONE: And then with your recommended path forward, it seems that, would there be a priority list? And I guess I was thinking while we're looking for more data, the monitoring of a subset of wells with community residents and also paying for that, what's the possibility of starting that sooner pending the request from or demand or interest of community members?

BRIAN SNYDER (Public Works): Mr. Chair and Commissioner Stone, could you repeat your question? I think I grasped the concept. I could repeat it for you. I guess it was your, so we've done analysis on wells being strategic on the wells that we've sampled informed by science to basically create a grid across this area to help inform how is water moving what are the contaminant levels, concentrations, those types of things.

Was your question to say how do we expand that to additional wells? And I think, so what we're looking at is we've created, I'll call it a net around the area to define the bounds, and now we want to fill in some of the data gaps within that net. So those monitoring wells that Karen had brought up earlier in the presentation are part of that effort to do that, to fill in some of those data gaps as well as continued follow up data analysis and sampling on the wells that we already have. I'll call it a baseline for that we sampled through this process as well as some were sampled earlier as well, so that's, so hopefully I'm answering your question.

Our intent is not to expand outside of that area, but it's also remain within the grided scientific approach to try to fill in the data where we actually need data, not necessarily – if we have a neighbor's data, we probably don't want to get the next door

neighbor's data because it's immediately adjacent to that. But be strategic on how we spend the money.

COMMISSIONER CACARI STONE: Thank you, Brian. I appreciate it.

CHAIR GREENE: Great. Yes, ma'am.

COMMISSIONER BUSTAMANTE: This isn't a question for your presentation. I don't know if there are any further questions. I would like to recognize both Andrew and Shelly who have been present in the community, and I think it would be very important to hear, and just very briefly, if there's anything that you feel is most important to the community members that you've been working with. And Shelly isn't acknowledging herself, but from the beginning has been present to, at all the meetings and hearing, the stress of the community. And Andrew has come in as a very strong comfort and he's in the back. And I don't know if there's anything that either one of you would want to share, because these are the front facing people to a very concerned group of people. So I don't know if there's anything that you all would want to share in this regard. If you can go to the microphone, please. And I'm grateful.

ANDREW HAUTZINGER: Commissioner Bustamante, Chairman, I'm Andrew Hautzinger, [standing away from the microphone] – I'm with the New Mexico Environment Department, and I'm here on an ad hoc basis, so I, I don't have vetted communication to share with you, but If I could just very quickly hopefully my boss isn't watching me on the on the remote.

I think one of the most rewarding parts of the of the work I've been doing over these last six, nine months is, has been connecting with the community who have this great thirst to be heard and then starting to provide some path forward as Karen properly articulated. We think these PFAS filters are certainly effective, but only in the short term that we all at this in the scientific community and the regulatory community and in the legislative and other communities, we owe these individuals who have been contaminated with PFAS a long-term solution, which really means a regulated public water source. So that's the long term and that's what I'm hearing from them. But they are really loving that they're getting some short-term relief. The story I get is how would you feel, Andrew, if you walked into a house and you didn't trust the water? Right? I mean that that's fundamental.

COMMISSIONER BUSTAMANTE: Thank you. Shelly, did you have anything you wanted to share?

SHELLY MOELLER: Hi, Chair and Commissioners. My name is Shelly Moeller. I'm a contractor with Santa Fe County. My background is public health. I started this project to serve as a communications liaison for the community to bring them information about the impact of PFAS on human health. A lot of that work has been done. We've done a lot of education with the community around this, and I think where people are now, I'll just back up what Andrew said is there's a lot of questions about options moving forward for sustainable clean drinking water. I think these steps that Intera has suggested to continue the study and learn more are really critical in understanding potential options for sustainable drinking water.

COMMISSIONER BUSTAMANTE: Thank you. And thank you, Shelly. And thank you, Andrew.

Mr. Chair, something that has also been illuminated in this process and as they

were put into the recommendations, the short term, right, people want to know that when they get up to their spigot or their spout or their shower, wherever, that water is going to be clean. That needs to be immediate, which is what we've addressed. The long term, which Commissioner Hughes addressed, these are forever chemicals. This isn't something that we can address and probably for the short term, maybe be being 10, 20 years short term. What does it really mean to do any kind of remediation or mitigation of this contaminant? That being said, the other thing that is super important in understanding the implications of this contaminant is how we're working with people downstream. That stands out and I mean downstream of the county. These are folks there should be continued – and I'm really directing this more to the state as we continue with this larger issue. As well as a recommendation to the state and asking the Board's support and advocacy is we now have filters at houses and those filters, the cool thing is at the tap, you can go now and not find PFAS in your water, but guess what? Those filters are not managed as hazardous waste. They go into your trash can. So when we look at this long term, and when I say, I don't know if it's the EIB, the Environmental Improvement Board. I have intended to contact one of our, specifically a senator or a representative, someone. How do we get this regulated? It stands silly, it stands absurd to say, all right, we've taken care of it at this spigot at your water faucet, but you're going to take that and you're going to throw it in the trash, and that's going to go off to our lined landfill. But nonetheless, with hazardous materials, you're not allowed to put hazardous waste in a lined landfill. It has not been deemed. This is an early enough problem in the world's list of issues, right? This isn't even addressed at the national level. And I will say in our meeting in DC there was discussion about this. It's not regulated. It's not regulated by EPA. It's not regulated by NMED. Those canisters full of PFAS. So now it's condensed, if you will. So it's more, there's more of it and it's going into it, into the trash. And what does that mean to everyone who will potentially be a party to that water downstream?

So I say this because we have great wheels on this bus, but wheels hold air and they will go flat. And that means that things will become problematic if we don't answer this sooner than later. And in the upcoming legislature, whatever it's going to take is that we find some way to say we can't just throw those canisters into the trash anymore.

Thank you sincerely, and I needed to take that opportunity to share that with my colleagues on the dais.

CHAIR GREENE: Thank you, Commissioner. So a question or two. One is related to the disposal field that the city used their solid sort of, whatever the you call what's left over, poop and other solid stuff is that; have we sampled what's on top of the ground there to know if there's at the surface a lingering impact that maybe that's a source that can be remediated as opposed to trying to drain an aquifer and take it out of the aquifer. But before it gets into the underground area, have we sampled that to know if that's one of the sources?

MS. FLORES: Thank you for the question, Chair Greene. Yes, that has been sampled. The City of Santa Fe has a sampling program that they've implemented at the Paseo Real Water Reclamation facility, including the land application area. PFAS has been identified in some of the soil samples taken there, and they have done a larger study where they did some samples at depth to further characterize what's happening subsurface. And so they have identified PFAS subsurface, but were unable to penetrate to

the depths that they had intended to.

CHAIR GREENE: Okay. And then a land use question, we got Alex Ladd here about three weeks ago we approved HIPICO's new master plan over there, and that was right in the center of one of these circles. Were they using well water? Was that part of their proposal? Not only is it for the folks that are coming as a tourism destination to make sure that they have the systems in place to make sure that everybody's drinking safe water for tourists that may not know better as well as the animals. They're a horse storing whatever barn and I'm wondering what best practices and awareness we can make sure that community is not impacted.

MS. FLORES: So sampling was done in the vicinity. We have taken great care to try to not identify single sampling locations that were done in this study. However, there has been contamination found previously in that area. And I can speak to there are, I think, three wells at the HIPOCO facility and they are completed at various depths.

CHAIR GREENE: Okay. I would just hope that we're making decisions for folks here knowing about water and groundwater quality if they're going to be, supplying a development with groundwater and especially when it's tourism related, right? You don't want to be like people coming here to visit in their RV hooking up and not having adequate systems for their water in their RV or things like that. Yes, Brian,

MR. SNYDER: Mr. Chair and Commissioner's full disclosure, that site and those wells are wells we've identified as part of the data gap and we have not been able to gain access to those wells, to sample those wells, but we would like to collect information on those wells for this study, then to your point, Commissioner Greene to be able to share with any, anybody that's going to use the, that water.

CHAIR GREENE: So just for future reference, when one part of this organization is making a decision and they're coming to us for approvals and you can't get access for sampling their wells and they're going to be using wells to build a development on ask around here to say, we need, as a condition of this, we need to access your wells. Anyway we're a big organization all doing lots of things at different times, but if we communicate together and say, oh, thanks, there's an opportunity here.

Thank you so much. I've learned so much about the La Cienega area, PFAS, hydrogeology, this is amazing. Thank you. Anything else? You guys are amazing. Thank you very much for putting this together. Thank you for the whole team here.

MS. FLORES: Thank you.

**B. Presentation Concerning Comnet/Sacred Wind Communications
Broadband Equity Access and Deployment (BEAD) Award for Santa
Fe County Project Area Units.**

MR. CORDOVA: Mr. Chair, can I introduce them from here?

CHAIR GREENE: Please.

MR. CORDOVA: Thank you. So purpose of this agenda item is to provide the New Mexico Office of Broadband Access and Expansion or OBAE, Comnet/Scared Wind Communications or SWC and Redinet the opportunity to present information in advance of a potential request for Santa Fe County to provide broadband

equity and deployment or BEAD program matching funds. SWC, OBAE and Redinet will present the project proposal and standby for any questions or clarifications. Both the presenters and the County staff would appreciate feedback from the Board, including questions and information that the Board would like to see in conjunction with any future request for County matching funds.

So I'd like to introduce our presenters with SWC. We have John Tapia and John Champayne. We also have the general manager of Redinet, Gerald Baca and the Deputy Director of OBAE, Alex Trujillo with us today. So at this time I'll go ahead and turn it over to I believe it's Alex first. Thank you.

MR. FRESQUEZ: And, Mr. Chair, if I may, just to point out, if you need to use a laser pointer, please use the mouse that's on the podium.

ALEX TRUJILLO: I don't have a presentation. So thank all of you guys for giving me a few minutes here before you see a presentation about the Office of Broadband's Award to Comnet and Sacred Wind for our BEAD grant for Santa Fe County. I thought I would give a quick explanation of what this program is, and I apologize. I came here at two o'clock because I wasn't aware of what the timeframe is, so I might be a little tired. It's been a long day.

BEAD is a federal program that was developed about six years ago. It was \$42.3 billion to deploy broadband throughout the United States. Its goal was to get broadband to every home in America. Here in New Mexico, I was part of a team that developed the application and submitted it to the federal government. We secured a little over \$675 million for the State of New Mexico to in fact provide broadband to every home that was unserved. So after many years of going back and forth with providers, the federal government, nations, pueblos, and tribes, county governments, local governments, we established the final map. And that map was approved in 2025.

Santa Fe County had a final number of 1008 homes that were unserved and underserved. This was a challenge for a number of reasons. These homes were unserved and underserved for a reason, and that is they're very difficult to reach and very costly to reach. For example, the total cost to deploy broadband to these homes is approximately \$30 million. That's significant. It's our fifth most expensive build per home and our total grant for the entire state. So I just wanted to point that out before you see this presentation.

We had a very difficult choice on our hand. This is our, the seat of our capital for this state. It's probably one of our most important counties. And so we wanted to make sure that we had a provider here that had a mix of fiber and license fixed wireless. We only had one proposal in the county, and that was for LEO. Okay? LEO is low earth orbit satellite. That is a service that can in fact provide 120 to every home, and maybe in the next few years it can provide additional speeds. But we were very concerned that it couldn't support any future growth in some of these areas. So per our plan, we reached out to provide to another provider and we solicited them to provide a proposal under our terms of agreement. And that was Sacred Wind and Comnet. And that's what you're going to see here. They provided us with a proposal that includes 100 miles of fiber that touches all of your districts. Okay? In addition to that, it has over 16 towers that they're going to build. This is key, important infrastructure that we at the office will work with you to support and leverage going forward, depending on what level of investment you're

willing to make.

We additionally will help work with you to provide some investment to support this project because we know how important it is. And I think outside of this public meeting, we can sit down and determine what that looks like together. But we do support this strongly. And, I'll stay here and answer any questions you guys may have after we see the presentation. Thank you guys for your time.

CHAIR GREENE: Alex, thank you very much. Really appreciate it. It's been a pleasure working with you to try to get this, at least this far and let's see if we can get it over the finish line.

MR. TRUJILLO: And thank you all. I really appreciate it. I'm not normally the guy who speaks publicly. He does a way better job. Thanks you guys.

CHAIR GREENE: JT, JC and Gerald, please do the honors.

JOHN CHAMPAYNE: I'm up next. Let me get a little bit height on this. I was going to start with a good afternoon, but I think it's officially evening. So I would like to start with a good evening, Mr. Chair and the fellow Commissioners. I now have a new respect for what I would call meeting stamina. I've been here since 1:30 and I'm amazed at how much has happened and to still have the mental integrity at this point is amazing.

For the record, my name is John Champagne. I'm an executive of Sacred Wind. I'm actually in charge of planning and development for our new projects. And my presentation is threefold. I want to give you an executive summary of what we were awarded. I want to ask you for some specific help to make the project even better. And then based on your help, I'm going to tell you what I plan on doing next to take this thing to the finish line.

So probably to start to give you a two-minute resume. Sacred Wind is a 20-year-old company. They're headquartered in New Mexico. We are headquartered in New Mexico. We have an office in Yah-Ta-Hay, which is north of Gallup on the Navajo Nation, and we also have an office in Farmington. We have services in Gallup, Farmington, the Navajo Nation, obviously, Albuquerque. We're doing a large fiber build right now in Truth or Consequence. We have a lot of infrastructure in Sierra County and we also are working on projects right now going down through Radium Springs, Hatch touching Doña Ana County in the rural areas to the north of the county. Bringing it closer to home for you in Rio Arriba County we have fixed wireless assets in Alcalde, Dixon. We have assets in your county at the Pojoaque High School. I'm sorry, I missed Hernandez. We also have assets in Hernandez in that area. In that area we elected not to build fiber. We're actually building fixed-wireless broadband with speeds up to 400 mbps. We're using Redinet, Gerald's the general manager of Redinet. So instead of over building, we're using him to give us transport from our sites back to the internet. We are one of Redinet's largest customers and you guys are one of the owners of Redinet. So we're very in, we're very involved with Redinet. Right now, we're currently standing up a tower in Chimayo. So if you look at the Rio Arriba Community Center, there's a big hole behind, there's a 15 by 15 by 6-foot hole that got dug two days ago. We're putting up a tower. That tower is going to be for fixed wireless broadband. We're going to be providing broadband to the students. Then we're going to swing to people that live in the area and that affects Commissioner Greene because just across the street from our tower

is District 1. And then we also are working with Rio Arriba County. They have a public safety need. We're building the tower robust enough for them to put their public safety equipment on it. Both myself and the public safety are going to be using Redinet. Redinet has fiber to the site.

So we do have experience with working with counties to tweak our assets to make them more attractive to work with counties. And then right now we're in the process of scoping another tower at Glorieta at your fire station has money for fixed-wireless broadband. You have a need for a tower there. So we're in the early stages of scoping that tower that has nothing to do with BEAD I just wanted to throw all that out. So I think we have a pretty good resume. We have a lot of experience with taking federal money and state money, not screwing it up. We've done a lot of large complicated projects both with state and federal money. and I think that's one of the reasons I'm very proud to say that OBAE reached out to us.

I'm going to skip this slide. I just gave it to you just as a brief overview on Sacred Wind. I have an hour and a half of material. I'm going to cut it down to 20 minutes and I have a lot of information that will, you won't have to take notes. I'm going to hit the high points. You could read through the other points and we would love at some point to have a Q&A if you want to call us or ask us questions in the next couple of weeks, we'd love to entertain any questions.

So what is the project? Alex leaked the numbers. I'm going to be using approximate numbers for speed. It's a \$30 million award. The government, in particular, the NTIA is giving us \$22.5 million. We have to come up with a 25 percent match, which is approximately \$7.5 million. And if you look at these magenta lines, you're probably like, what the heck are these lines? They're not my district lines. I only know my district lines. The federal government took every county and broke it up into something called a Project Area Unit. I'm not making this up. Your county was broken up into six PAUs. We bid on five of the six PAUs. PAU 1 is that piece missing at the top? There was really nothing tangible there. There was about 12 premises. There was no way we could come up with any credible design. So we are covering five of the six PAUs and to try to give you a better framework, you're like I'd like to see some kind of a district summary. We tried to put it into district speak for you. So this slide right here is trying to take our project and giving it to you in district speak.

We have 16 tower locations, 125 miles of middle mile fiber. The fiber serves three purposes. The first purpose is to connect 16 towers that are going to serve 600 people that live there. The second purpose is, if I connect you, you got to get to the internet. We're going to connect fiber to the state network so I can get to Albuquerque, which is our internet drain. And then the third reason we built a fiber, by luck, 400 homes that we're passing are within 500 feet of the fiber that qualify for BEAD. So if they're close enough to the fiber, we're putting them on fiber. If not, we're hitting them with our towers. So if I don't have time to read it all, but if you can look at this, it's five strategic clusters and we tried to humbly put the districts. There's a little bit overlap District 2 and 4, there's a tower that's right on the district line, so we can get some very detailed KMZ maps. If you want to get down to where exactly everyone is in the maps, we can come back and give you a detailed map of your particular districts here.

Here's the report card. So there's 125 miles of fiber. If you see that red line , that

red line is the fiber optic cable that we're building. And then if you squint and look at the red triangles that's the 16 towers. And if you're asking about technology and speed on the wireless side, we're using some very expensive equipment called Toronto Gen2. It's the state-of-the-art company on wireless equipment. They're based out of California. We're going to be putting one gigabits of wireless to all the homes. We have to provide a minimum of a gig of speed, very hard to do in wireless, but we're using the latest equipment that literally came out about five months ago. On the fiber side, we're using a manufacturer called Adtran, and we're using a technology called XGS Pon. The X stands for 10. The G stands for gigabits. So I just told you we're going to be providing 10 gigabits on the fiber side. So if you squint and read all those PAUs, there's about 1100 homes that were eligible. We were able to get to about a 1,000 and of the 1,000 we're hitting a little over 600 of them with wireless and a little less than 400 with fiber. So this is your executive summary report card. I have to do this to make the grant happen. This is my minimum requirements to meet the grant. Now, once I do this, I'm going to talk to you about 10 other things that we can do with this fiber asset. But this is it. If I don't do this, I don't collect a check. We don't get to go. So this is what the project is really about, is fulfilling this requirement right here.

So you're asking, you're building 16 towers, you're covering a lot of areas. Are you covering anything besides what you have to cover for the grant? The answer is yes. I'm covering 42,000 homes. I'm sorry, 47,000 homes. So I'm covering 600 that I need for grand compliance, but the RF goes everywhere. And I had to put so much RF to get those homes because as Alex said, they're spread out like fairy dust. I'm covering 47,000 more homes. So once this project is built, we plan to sell some and pursue some of those 47,000 homes and provide service. Now, the difference with these 47,000 homes is they have something right now. It may not be great, but it's better than nothing. But we can go and look at where the service is not that great and we could offer a competition. So if there's someone that has a monopoly with poor service, you allowing us to go and compete in these areas is good for the consumers. And then on the fiber side, it's not quite as good a story, there's about 4,800 homes that are within 500 feet. And you're probably asking what, why do you keep mentioning 500 feet? 500 feet is the magical number that if I have to spend more money than 500 feet to get to a home off my fiber, it's not economically feasible. So we use 500 feet as our wet thumb to gauge proximity for economic viability. So this is not part of the project. I'm telling you, this is an add on that we will pursue with our own money. So the 400 turns to 4,800 to 600 turns to 47,000. And if you squint, the blue is where the wireless is, and the yellow is where all the fiber to the home is. And you can see the yellow is very close to the red. Those yellow dots are within 500 feet of the red lines.

Changing subjects. We're building fiber passing by a ton of county properties. Here's 28 community anchor institutions. This is the lion's share in the populated areas. But John Tapia and I drove this whole market. You have tons of fire stations, polling booths, all kind of odds and ends. So we would like to go back and make sure that we know where we can cover wireless or fiber and we want to give you wireless service at a gig where we can and then where there's fiber we want to give you a bundle of fiber, which is a 12 pair of fiber so that you could use it for your own purposes to connect your own buildings. So this was our first pass. If you look, there's nothing outside of the center

because there's a lot of small multi-purpose buildings that you have that we would add to this as part of the design process.

This is a summary of kind of what I said. I'm going to go ahead and skip this page because I have a better definition of it. But again, the red line is the fiber build, the red triangles or towers, and in the purple lines are what you absolutely don't care about, the project areas that we had to abide by.

So getting into the project benefits I beat this one into the ground. You have a small amount of people that are within the BEAD areas. You have a larger amount of homes that are within the non-BEAD areas. This is a summary of what we can address with this build this chart. Get now we're getting interesting. You're like what about the County? You're talking about the people.

Wireless assets will do two things for you. The first one is, I drove the area. You have cellular networks spotty spotty coverage. And probably the most important thing about cellular is if someone needs to make a 911 call, there's no such thing as a landline. They'll pick up a cell phone to make a 911 call. And you guys have examples in the county where people have died because they're not in the cell coverage area and they don't have cell coverage. My company has a division called MANAGER SHAFFER Carrier Managed Services. We are like the glorified contractor for all the large cell carriers. So we help them put equipment where they have holes by placing towers and transport. And if you read my notes, carriers want a tower, they want power, they want fiber, and they want a road. The nicer the package is and the easier it is for them to go and put equipment, the more likely you're going to get them to hit. So once we get this project to the next stage, we're going to go to all the carriers, use our existing resume, and we're going to solicit to see if we can get any carriers on any of these 16 towers. The good news is if they weren't on a tower, they will give us 50,000, \$100,000 to make the tower robust. So there's a, there's an incremental investment of cell carriers putting up money to build a slightly beefier tower so that your public safety's improved and your quality of life's improved. We will make that a top priority when we get to the next step. We can't go to carriers right now and ask them to co-locate on stuff that's now speculative.

And then the one that's important for your county is public safety. You have these analog public safety equipment you're putting in next gen digital equipment. You have holes where you don't have equipment. These 16 towers are an opportunity for you to look at all of them and say, I want to go on four of the towers and I don't want to pay for it. I want you to let me squat on these towers with a \$0 lease. If I'm building a 40-foot tower and you want 60 feet, I'll build a 60-foot tower. If I'm building a tower and you like, can you move it across the street? As long as my coverage of my wireless is there, I'll move it across the street. Digital radios, guess what? Digital radios can actually communicate through fiber. Oh, I'll give you fiber and you could actually connect your equipment on your own fiber on a tower that I'll jiggle the engineering requirements. But I need you to tell me what it is. So these are two profound benefits. These two alone are probably almost worth you putting up with the pain of working with us.

Here's the other miscellaneous benefits. We'll build fiber in front of all your buildings. So right now you're buying commercial service from a telephone company. If you build your own private network, you don't have to pay the telephone company. The

network's more secure. You control your own destiny. We're going to give you fibers to give you that choice. If you want to get off of the telephone company, but you don't want to build it yourself, we'll build a managed service network for you but we'll hold your hand and put in the equipment and help you manage it. So we would do either of those if you're interested.

And then I've already talked about the Redinet synergy. This network is not competitive. It's complimentary to Redinet. And there's a couple of things in it that will help lower Redinet's operating cost. And then the last bullet is for you to decide. But there's a lot of economic benefits between taxes. OBAE requires us to preference local vendors. We do that anyway. So there's going to be \$30 million of money going to contractors, local manufacturers. There's going to be a sales tax benefit. So that one's harder to quantify. I would never insult you by trying to do it, but you probably have some intelligence to do a rudimentary analysis of the financial benefit from just pumping \$30 million into the economy.

So now you ask, I'm moving to part two. What would I like from you? Instead of beating around the bush, I put it on a chart. I need a match. I need the \$7.5 million – just as Alex said, 1100 homes is very very expensive from a capital standpoint. It's also not pragmatic from an operating standpoint.

If I have to put up \$7.5 million to get 1100 customers paying 65 bucks a month, I can put it on a cocktail napkin for you. It doesn't pencil out. I need some type of a match to help me offset that the project from day one has a lot of tentacles for success, but it's not really attractive enough for us to invest in. And then I told you the other two things I need. I need your public safety to tell me what do you want, what do you need? Where? Do a design sit down with us and tell us what you want. And then I need you to do the same thing with fiber. What locations would you like fiber? What locations would you like wireless? And then unfortunately for commissioner district 1, there's some tough right-of-way permitting that's standing in front of us, i.e., Hyde Park and the Santa Fe Trail. We need an honest assessment of our design for you to tell us what do to get permitting to build these structures? If we have to color something decoy colored or put a fake tree on it, is there no way in heck we can't do it? We can take that information and run it through our next iteration of design. So some towers we have are areas that may not get permitted. We didn't have the time to do that, but we need an honest assessment of what you think we can or can't get permitted.

So this is my ask of you right here, and then this – I'm repeating myself three times. This is my value proposition for you. I will not repeat this slide, but this is a slide you're interested in. If you give me what I'm asking for, this is what I'm going to give you back in return. We think the way we design the network, if we had more than a week to design it, there's some design efficiencies. So we think we can cut some mileage. When you bury fiber, it's either dirt, rock or granite. We had to make some general as assumptions. We can go back and do some soil studies and hopefully where we thought there was more rock than there was, there's less rock and we can actually plow to get our price per foot on our 125 feet of fiber in granite is it's like a ton of money. Plowing 125 feet with a plow is about a fifth is cost. So we think we can granularly look at our design to get some of the – we can take the \$30 million down a little bit and not take anything out. And then if you guys want any tower changes, if you want any we ran a fiber through

town, we arbitrarily picked a street. If you have a building that's two blocks over, we can redirect our fiber two blocks and run in front of your building. We didn't have enough time in a design process to granularly look at where your buildings are and move our fiber a block or two blocks to make it more convenient for you. We'll have the time and a redesign to do that.

And a bullet I missed is we will work with the cell carriers like our lives depend on it to try to get them to bite on some of the design as well. And then once we're done with that, if needed, we can de-scope a part of the project. If part of the project is really expensive and we're struggling to get it into budget, we can come back to you and say we'd like to partially de-scope. We're going to probably have to de-scope a little bit for right-of-way permitting. But if right-of-way permitting comes in, we have the ability to do some minor de-scoping. And then the last one that's the most important for you is we've got permission at the board level we will be putting up a match. So some of the funding, we will cover some of the 7.5 million. Exactly how much is going to partially depend on, once we re-scope the project, we'll be able to see what the financial metrics look like for us. But we're going to be in at least a couple of million on the match. So we will put up a part of the match.

I apologize, I went really quick. I could have given you three hours, but I tried to get in everything in my time allotment. If you guys have any questions, by all means ask me if you want to do any side conversations. If you want me to, I can pull up a KMZ and you can see your house on it. So if you're like, where exactly are these again; we can pull up KMZs and have private conversations with you and bring it down to a level that you can see everything in your districts.

Thank you very much for your time. I truly meant I have a new appreciation for meeting stamina. That was a genuine comment. So that's it. Thank you.

CHAIR GREENE: Great. Thank you, John. Commissioners, do you have some questions here? This is a countywide pretty much solution to solving some of the gaps in our in our coverage. It's pretty robust and it has added value in dimensions that previous proposals didn't have. They're going to give Santa Fe County some fiber. They're going to give us access to some towers. It's an intangible thing to have access to a tower for a cell phone company, but our constituents are going to be like, Oh, wow. Holy cow. Cell coverage is better than it used to be. Because there are going to be a few more towers around in areas that there weren't before.

I appreciate you guys coming here, sticking this out and putting this together. The folks from OBAE, Santa Fe County ComNet, Sacred Wind, we're all trying to put together a public-private partnership that works for Santa Fe County, works for you, works for the state. Anything?

COMMISSIONER JOHNSON: Yeah, thanks, Chair Greene. Thanks for your presentation, Mr. Champagne. I think we should investigate this. I echo what Commissioner Greene said about supporting increased access to broadband infrastructure of various sorts. I think the fixed wireless solution is – my recollection is that it's not something that we heard before, and I have it at my own house. I think it works well. So I'm in favor of this. We need to obviously explore a little further, but thank you for coming out and thank you for the presentation.

MR. CHAMPAGNE: I probably missed 30 more seconds. I'm looking at

this slide. I have three names under my name and I didn't explain it. Ethos was acquired by, ATNI International a little over three years ago. ATNI is on Nasdaq, call symbol ATNI. They have owned ComNet since 2004. So they looked at Sacred Wind and ComNet and Sacred Wind are like sisters. They have the same rural broadband difficult projects. So ATN made a strategic investment, bought them, put them with ComNet, but they didn't give them a common name because we have some stuff on the Navajo Nation. Sacred Wind is a local telephone company, so we kept their names, but all of our employees are co-mingled. And then when we market, when you market a consumer product, you never use your own name. You come up with a consumer product marketing name. So Ethos Broadband is our consumer marketing name. ComNet and Sacred Wind are basically the same company, but we kept both names because we had to for some regulatory reasons. And they're both a 100 percent owned by ATNI on Nasdaq. So I should have mentioned that. And we put all three logos in there and I slipped. I forgot to mention that on the intro. I apologize. We have too many names. I know. So it's not, I'm not in charge of marketing, so it's not me.

CHAIR GREENE: Commissioner.

COMMISSIONER CACARI STONE: Thank you, Chair. Thank you for your presentation and for your time. I think we just have to really look at it as a County in terms of financial risk. What's our return on investment? Do we own some of the infrastructure? Do we hand over the money, but you own it and gain the profits? There's a lot of questions, so I'll just defer that maybe for future we look into this a little bit more with our County management, but thank you so much.

MR. CHAMPAYNE: Totally understand. I was hoping that this would give a full presentation so that you guys can take that to the next level of discussion. Thank you very much.

CHAIR GREENE: Yeah. This was intended as a two step process. Not to put the ask all together today, but to actually get it in a comprehensive way. And just to answer your question, and Alex might have a answer there we would be getting a couple a dozen or two dozen strands of fiber that we would be able to add to our Redinet network and to share with community anchor institutions, whether it's the school district, whether it's the City of Santa Fe, whether it's Española or any of the anchors up there. Gerald Baca is our general manager for Redinet and he can answer some questions in that space as well.

GERALD BACA (Redinet): Thank you. Commissioner Greene. We, Redinet has already started engaging with Santa Fe County IT department to strategically look at which anchor institutions are close within the design area, the early design area that has been proposed by Sacred Winds, ComNet. And we're continuing this communications to make sure that if this is moved forward, we can enhance the infrastructure that is at the anchor institutions in each of your districts where it makes sense and where it saves money because we're no longer paying the incumbent internet companies. And it would just be a wide area network that would be managed by the County or in assistance from ComNet.

CHAIR GREENE: Or by Redinet. An example is we spend about \$150,000 a year on a third party to do this because we lease it from a different third party that owns the asset. We might be able to own it ourselves and reduce that to a much

lower number.

COMMISSIONER CACARI STONE: Thank you, Chair. Thank you. And I think also in future in terms of before we take any other further steps as we check out with Navajo Nation and how things are going there since you guys have worked with them extensively.

CHAIR GREENE: Alex, did you have something else you wanted to close with?

MR. TRUJILLO: Just real quickly? About three weeks ago we received our final agreement from the federal government from an organization called NIST. Once we're done negotiating that agreement, we're going to start our negotiations with each one of the carriers. I only bring this up because there is a clock ticking, like a shot clock since we're all in March madness. So I would like to offer, all the resources of the Office of Broadband. We do have the staff of about 30 people some of them technologists. And we'll dedicate whatever time or resources to sit down with your teams. I personally will take the time so we can find out how we make sure this makes sense for your county. Okay.

CHAIR GREENE: Thank you so much. Thank you guys. Thanks for sticking with us here. Appreciate the information. Did you have anything you wanted to add?

COMMISSIONER BUSTAMANTE: No, Chair. I just want to say the devil's in the details. In my district there are going to be people who want cellular but they don't want towers. So onward ho.

CHAIR GREENE: Yeah. That's complicated.

MR. CORDOVA: Mr. Chair. Just also if I may. I want to say yes, we do still need to make, to vet out a lot of the proposal and also identify what it is the County needs versus what's being proposed. So I just want to state that we haven't really, we've started that, but we have some work left to do. Thank you.

CHAIR GREENE: Fabulous. Thanks.

C. Presentation Concerning Water Policy Advisory Committee Findings and Recommendations Regarding the Pursuit of a United Santa Fe County-City of Santa Fe Water Authority.

CHAIR GREENE: Excellent. Andrew and Peter, please take it away.

ANDREW HARNDEN (Growth Management): Good evening.

COMMISSIONER CACARI STONE: I'll be the chair for now. You can continue, Andrew. Thank you. I'm just sitting in for Chair Greene. You can continue, please. Thank you.

MR. HARNDEN: So I guess Chair Fulton Johnson setting in for Chair Greene and the Commission. Good evening. Staff presents the Water Policy Advisory Committee February 12, 2026 letter of findings and recommendations regarding the pursuit of unified Santa Fe County and City Santa Fe Water Authority. And this letter is Exhibit A in the staff memo.

These findings and recommendations are advisory in nature and are submitted to assist the Board of County Commissioners in considering the next steps towards

coordinated water governance and long-term regional water resilience. The four recommendations are; 1) support for a future resolution to adhere to New Mexico statutes annotated 1978, Statute 62-20-3(C) to pursue the establishment of a unified water authority between Santa Fe County and the City of Santa Fe. The second recommendation and the letter from the Water Policy Advisory Committee is to advance further legal financial governance and operational analysis necessary to evaluate formation of a unified city county water authority. The letter's third recommendation is to coordinate engagement with the City of Santa Fe, relevant agencies and the public to ensure transparency and informed participation. Fourth recommendation of the letter is to continue WPAC involvement in an advisory capacity as this effort moves forward.

Staff anticipate the Board of County Commissioners and City Council will have initial discussion on the unified water authority. Staff will wait for direction from the Board regarding staff's role for supporting discussions and collaborative activities with the city stakeholders and the community. Exhibits B, D, and E to the memo include information on the legal framework and steps for establishing unified or regional water systems, as well as the County's and Water Policy Advisory Committee's previous research and analysis on the subject.

Today, this evening, Water Policy Advisory Committee chair Peter Gowen is here and will provide a brief overview of these exhibits in the package. Recommended action: no action as requested, at this time, this item is presented for discussion and direction.

COMMISSIONER CACARI STONE: Thank you, Andrew. And we'll recognize Peter Gowen.

PETER GOWEN: Members of the Commission. My name's Peter Gowen. I am the current chair of the Water Policy Advisory Committee. Andrew has explained what the recommendations of our letter are. So the big picture is we're suggesting that the County explore the possibility of establishing a unified water authority with the City. I can get into the history of that if you want, but I'm primarily here to answer questions that you might have not seeing any enthusiasm for the history. I'll stand for questions.

COMMISSIONER CACARI STONE: Thank you, Mr. Gowen. Not to speak for Commissioner Bustamante, although I'll yield the floor to her in a moment, this is a way for us as a Commission to discuss this issue. If there are lingering questions as Commissioner Bustamante mentioned, she and I have, and Peter was in a meeting with us earlier today in having initial exploratory conversations with the City of Santa Fe, with the mayor and with entities that have successfully combined. So the City of Albuquerque and Bernalillo County have a unified water authority. They went about it in a different process and absent a history lesson today, I think our hope is to do this with grace. Theirs was forced on them for various reasons. But there are benefits to the economies of scale. Benefits to rate payers although we would need to specify those as we move down the path. And I think actually we are having an issue of this in the 1B area where the divergent water utilities are causing complications in annexation agreements. So a unified water authority would streamline those. And we could provide clean water for the citizens of Santa Fe.

So if the Commissioners have any questions or comments, I would welcome that. In absence of Chair Greene, I'll conduct the round robin if there is one. Commissioner

Bustamante.

COMMISSIONER BUSTAMANTE: I'm open to hearing questions from the other Commissioners, and I appreciate Peter, your leadership on this. If you could just share with the group the exposure that you had to these notions and how you all came up to agree with this. I'm not going to be shy in saying that I support this, but what I truly want to see, and I will put it out there completely and openly, is to really see this critically evaluated by our community members. And there were a new number of presentations provided to the WPAC to get to the point where you were prepared to provide the letter. Is there anything that you'd want to share with regard to the policy committee's?

MR. GOWEN: Actually I think it begins back in 2014. That was when the first incarnation of Water PAC. It initiated its first work product was a white paper concerning basically a water authority. And those materials are in your package. Those were presented to this Commission in August of 2014. They were recommendations from that white paper. And you adopted resolution 2014-103 supporting and approving those recommendations. Those recommendations are included in the staff report, but basically the summary was an encouragement to work with the City to create a regional water authority.

One of the work plan items in our work plan for 2025 was to explore joint agreements with the city with regard to water matters in our evaluation research, that's when I found out about that resolution 2014-103. And I raised a question as to whether or not that was current, whether or not that represented current policy of the Board of County Commissioners. In June of last year we were advised or basically instructed by staff not to pursue the joint powers agreements. I think I'll leave it there.

But at our January meeting of this year, Commissioner Bustamante, who is our liaison, asked what our status was for that work product. And I had to relate that we've had been told to back off that. And Commissioner decided that we shouldn't back off on that. So it was brought to us at our February 12th meeting. I went through each of the individual factual findings, asked if there were any objections or any comments on each. I think there's four. Went through the same thing with regard to recommendations. And the important thing to know is that the motion to approve that letter was unanimous. So we've had prior to that, we had a presentation from the manager of the Albuquerque, Bernalillo Water Authority. We learned about their experience. That was a shotgun wedding because one of the parties didn't want anything to do with it, but it was driven by legislative enactment. But listening to the advantages that they achieved by having that water authority, they sold it to us. I think I'll leave it there. And if you have follow up questions, I'm more than happy to respond.

COMMISSIONER CACARI STONE: Thank you, Mr. Gowen, and I'll hand this back to Commissioner Greene in just a moment. I just want to point out that in the packet for the presentation, Exhibit B is the enabling legislation, which is passed in 2023, which details in really legible language, I might add, how the City of Santa Fe and the County of Santa Fe would go about jointly creating an authority. That authority would have bonding authority. And given the bond rating of Santa Fe County and the City of Santa Fe, it would also start with start in good standing.

Yeah that's all that I have to add. Thank you for the background for WPAC's

recommendations via the letter. I hand this back to Commissioner Greene if others have as chairman.

CHAIR GREENE: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes. Thank you. So I will give a longer stretch of history on just even discussions about the responsibility that the city may have with regard to water issues in the county. And I think we just heard a presentation a little earlier that really puts an exclamation mark on what the ramifications are to have city wastewater. And I'm going to say that I was old enough to remember when we were told not to play in the Santa Fe River any longer in La Cieneguilla. I have cousins in La Cieneguilla, I'm from the area.

That being said, I stood in front of I think the first mayor was Debbie Jaramillo, after that, I stood in front of a number of different mayors saying, what can we do to stop what's happening downstream? And it was always various discussions, conversations. I had one mayor say I'm not the mayor of La Cieneguilla. And then learning about a joint water authority. So it goes all the way back into the 1900s and getting into a place where Bernalillo County and Albuquerque have something now that is actually commendable, like AAA bonding.

I think that it became very clear that, and I'll say there are a number of reasons and I've already stated that I'm in favor, but I, again, this isn't a decision made by staff. This isn't a decision made by those only of us in the room. We are elected to represent the people. And I think that what I really look forward to is putting the biggest picture out there for all of our constituents, both city and county, to understand what it means to be able to have water seven generations ahead. We talk about 100-year water plans, and I'm sorry, once you hit, once you're over 60, a 100 years just doesn't seem like all that much after all. And I think the opportunity is to acknowledge that where we are in a year that Colorado doesn't even have snowpack, that we can do better by way of having an entity that can address these in a more comprehensive manner.

That being said, again, this is going to be up to the will of the conversations that we have, the legislation, the enabling senate bill that has made this possible, actually calls for a minimum of two meetings. I think we can acknowledge that there'll be more than that. And initially this is just exploratory. This is not about, we're going in, we're signing documents. As much as I would love to see that we're not there.

So what does it really mean to have an entity that is looking at what water issues under one microscope and not two separate labs bringing what they have found and then letting two different decision making entities make the call in their particular jurisdiction. I feel a little bit, and I kind of liked my assessment, so apologize if this is just stupid, but, I feel a little bit like the Budweiser Clydesdales with the blinders on because people say what about that development over there? Where's the water going to come from? Where's the water coming from? And we had that three day event and we had good answers and we still hear it and I can direct people to a website all they want, but we can do better.

So I appreciate the time, effort, and energy and I open it to give it back to the Chair to see if there's anything else that people want to know.

CHAIR GREENE: Thank you. Commissioner Hughes, do you have anything? Commissioner Cacari Stone?

COMMISSIONER CACARI STONE: Thank you for your work and your

presentation and to Commissioners Bustamante and Johnson for bringing this forward as well. Just a quick question. Where do the four pueblos come in terms of being part of the regional authority and how would we incorporate that so it's not just City and County, but also looks at the sovereign nations. And I guess it could go to either the Commissioners or to you.

MR. GOWEN: That's yet to be decided. This whole thing is an open question. It is going to be driven by the elected officials for both entities and nothing's been decided yet.

COMMISSIONER BUSTAMANTE: If I may top that one, to top it off with whipping cream, because it's absolutely true. We have mutual domestics. So at this point it's two entities going in, but as Peter said, that's to be decided who wants to enter or not, if it makes sense to do it at all. So that's the answer to that one.

CHAIR GREENE: Yeah. And I agree with Commissioner Bustamante to cast a wide net and look at the full spectrum of this and then dial back to what is feasible. Santa Fe County. I don't know if it's our biggest water asset, but it probably is going to become our biggest water asset, is the Pojoaque Basin Regional Water System. And that has Santa Fe County is just one partner of five partners in that. And so if we're going to have that interconnect, we're going to be working in partnership with four Pueblos as well. And so I think that there's definitely some opportunity to work regionally and to look at all these assets, to look at wastewater, to really look at the system. And it's not going to be something that we accomplish this year, right? I'd be impressed if we can get this, if we decide to go down this path, in 18 months, right? I think the beginning of this, I think we would be starting to make some decisions in 18 months and then standing it up in 24 or 30 months and so on. But it's a great conversation to have and I appreciate the research and the study.

MR. GOWEN: Yes, the purpose of the letter was to start the discussion.

CHAIR GREENE: Perfect. Commissioner.

COMMISSIONER CACARI STONE: I would just request also since Albuquerque Bernalillo County has done this for so long, a presentation on the lessons learned and successes so we can learn from our neighbors. And I think that would be very helpful to me as a BCC member and I guess looking here at our two Commissioners as well as you to, and welcome that in the near future actually, so we can keep the momentum going here. Since I go look back at the 2013, 2014 or 2025, I think this is, again, we have a good window of opportunity with cooperation with the City. Let's keep taking advantage of that and moving the education forward. I also want to be sure I understand and not necessarily for this presentation, but I will be asking, a little bit more to be briefed on what's the divide between our county management and staff not wanting to put this forward with the BCC. I need to understand the nuances behind that since I started in 2025 and I want to know what the pushback is a little bit more. So thank you.

CHAIR GREENE: Thanks. You don't have to answer that unless you have an answer.

MR. GOWEN: Oh, I have no answer for that.

COMMISSIONER BUSTAMANTE: TBD. I see staff smiling out there, but TBD. I will say and disclose it got buried. But I'm not asking anyone why or where or how, and I think there will be an opportunity to get that out. But I think it's very

important, and I think we heard from in the meeting today that staff wasn't in favor even at the Albuquerque county. So there are a lot of what ifs, right? We have unions, we have a lot that really needs to be addressed. So the answer is we don't know yet, and we will maybe, maybe not.

MR. GOWEN: I think it's fair to say that staff was concerned about getting ahead of the Commissioners on this. So I'll leave it at that.

CHAIR GREENE: I would say we have to come along together, right? We will lead when we have questions and they will lead when they have potential things to educate us on. Leandro.

MR. CORDOVA: Mr. Chair, Commissioners, I don't believe Staff was ever trying to say no or push back. I believe there was some discussion between members of the city staff and our county staff, and we heard some concerns that were voiced to WPAC. So I will definitely look into it further. We'll get to the bottom of that, but I truly don't believe our staff was trying to say, no. That's not our role and we know that.

COMMISSIONER BUSTAMANTE: And we appreciate that. I'll just say, hearing from BERNCO we're apt to continue to hear this, so it's okay. It's okay because there will be pushback and that's all right. That's part of the process.

CHAIR GREENE: And I would say that we also have to bring our constituents and our residents to get along with us. This is a big, it's a big heavy lift and water is the biggest, heaviest question out there. So thank you. Thank you very much. Thank you Andrew.

D. Presentation Concerning the Santa Fe Business Incubator Final Report and Program Activities for April – September 2025.

CHAIR GREENE: Dana, first off, welcome to the Incubator. We're very excited that you're here and look forward to hearing your report. And Juan, we're happy you're here too and look forward to hearing your report; you're not so new though.

JUAN TORRES: Thank you very much. Mr. Chair, Commissioners. My name is Juan Torres, I'm the Economic Development Manager. Very quickly we're here to get the presentation from the Business Incubator associated with agreement number 2025-0308CDD/F. Since 2019, Santa Fe County has contracted with the business incubator to provide professional services, business outreach, data tracking, training. And yes, we are joined by Dana Catron who's the new CEO and president, and she will deliver the report. Thank you.

DANA CATRON: Mr. Chair and Commissioners. My name is Dana Catron and like Juan said, I'm the new president and CEO of the Santa Fe Business Incubator. I've been on the job now for I believe, eight, this is my eighth week, so I started in February. I wanted to thank you for your continued investment in SFBI. What I'll walk through today, and I'll try to make this quick, I know everyone is tired, is how that investment is translating into measurable outcomes. I'm a KPIs person, and so I like to see how your investment can result in success for the entire county.

So really quickly, the executive summary at a really high level, this contract enables us to provide business development, business creation, expansion support, and workforce programming to residents of Santa Fe and Santa Fe County. What's really

important here is it's not theoretical, right? We're seeing really measurable outcomes, like I said, tied directly to this county investment. So today's report is going to cover the full FY25, the first half of FY26, and then I'll be presenting the final FY26 data at the close of this fiscal year.

Really quickly just to address organizational stability and continuity during this transition. Marie Longserre has been the only president and CEO prior to me for the past 29 years. She retired last month, and so I've been very excited and very fortunate to take her place. And I realize I have incredibly large shoes to fill. I do want to emphasize that this transition has not resulted in any disruption in services to our clients or tenants. And we are stable, accountable, and very growth focused as we move forward.

Some performance highlights. I also like charts, so new companies, jobs created full-time positions. These are all in the report, but this is really where our impact shows and where your investment shows. So across FY 25, in the first half of FY 26, we've supported 13 companies and those are resident tenants at the incubator. Created over 40 jobs and helped companies secure over \$26 million in investment. We're also sustaining over 160 jobs locally. So this investment enables a lot of different things. It's not just programs, right? We are infrastructure plus programming, plus what I like to call ecosystem coordination, which I'll talk about in a minute. We are a 30,000 square foot incubation facility, one of the only wet labs available to startups in this region. For those of you familiar with the bioscience space, there is a major gap in availability for wet labs for startups. And that creates a problem when we're trying to recruit more bioscience companies to this region. And so we're very fortunate to have this facility and offer those services. We do have light manufacturing and fabrication capabilities as well as pre incubation programming. We are set to grow and broaden the capacity of our programming, and we're looking forward to doing that in the next couple of months. We are also a core partner for the Santa Fe Small Business Navigator program, which is funded through the city via ARPA funds, and again, provide space, facilities and programming in support of that.

Business creation, like I mentioned, we have supported many different startups, but one of the things we really try to do as an incubator is graduate those startups. We want to see them grow up and go out into the real world. And so that's going to be a big focus as we move forward, is how can we accelerate the time to graduation and open up availability of our facility to more businesses.

Workforce impact, that's another big priority for us. 40.5 new FTE jobs during this reporting period. Wages are a big thing. Our startups pay up to 160 K for salaries, so they are high wage salaries that we are able to provide in our community. Additional workforce engagement includes a lot of the different programs and events that we both run and support. So veteran programming, a lot of the tribal business programming, and we're getting more into youth programming via STEM. We're already partnering with NCGR on their programs every week. They come every Wednesday evening. But we are looking to scale what we're providing to the youth and to our south side community for again, for our youth entrepreneurs.

Business expansion, so again, supporting company growth in Santa Fe. We're able to provide them with capital readiness preparation, investor connections. I've been very connected in my previous roles with the national labs. New Mexico Angels the General

New Mexico Innovation ecosystem. And so that's one thing we'll be plugging our clients into more. Again, access to shared lab infrastructure. And again, \$26 million in combined investment for our clients is a pretty big deal because that is, again, all being invested here in the Santa Fe community.

Infrastructure and facility: I'm not going to read through this entire list, but again, I will emphasize the fact that we are really one of the only facilities that offers wet lab space to startups and companies in this region. The picture here is our shared bench space. That's where you can almost think of it as like lab coworking. Maybe you don't need a private lab, you just need to do some one-off experiments. We have facilities and infrastructure to support that.

And then for me, regional support and partnerships are absolutely the cornerstone of any successful incubator. And we are really proud to have a pretty broad range of partners that are established and that we're also cultivating as we move forward. Again, I'm not going to read the whole list, but, aligning with these partners reduces duplication. We don't want to recreate the wheel if one of our partners is already doing something really well, we want to be able to funnel our clients to them and vice versa. And it just strengthens outcomes across the entire ecosystem.

Strategic planning and program evolution. I also love strategic plans. We haven't had one in a while, so we have initiated the strategic plan process for SFBI. We are in the process of reaching out to stakeholders and getting the kind of guts of that plan in place right now. We hope to have that in place by summer of 2025. We're working on that pretty quickly. We're also redesigning our council of business advisors to make sure that it's both a value add for our advisors as well as our clients. And so doing surveys, talking to them, making sure that, again everyone is getting what they need in both roles. And then again, milestone driven advisory council, KPIs. I like to be able to measure things and show funders and investors, like you, that your investment is having a good ROI.

Deliverable snapshot, again, I won't read through those, all of those. But for this reporting period we were able to graduate 14 clients. We had 13 new clients startups working with a lot of different businesses across the county.

And with that, thank you. And I'm happy to stand for any questions.

CHAIR GREENE: Thank you, Dana. Welcome, once again.

Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I want to welcome you. I'm so grateful with someone of your experience coming to work at the incubator. Back when I was at Los Alamos, I worked with the economic development arm of Johnson Control and was very much there at the earlier days and Marie has been great. But I know that you come from leadership at the Arrowheads Center, which is recognized or has been recognized for many endeavors.

And I'm grateful to hear that you have a new focus and strategy for carrying something that we know is a complete asset to this area. I'm grateful for your leadership. Thank you for being here.

MS. CATRON: Thank you, Commissioner Bustamante.

CHAIR GREENE: Commissioner Hughes.

COMMISSIONER HUGHES: Yeah. Just thank you for your presentation. I listened to most of it on this, so I did hear it all, but thank you very much.

MS. CATRON: Thank you, Commissioner Hughes.

CHAIR GREENE: Commissioner Johnson.

COMMISSIONER JOHNSON: Briefly not to beat a dead horse, but the economic development is really important, so we appreciate the presentation. I think the programs look really great. I took a look at your website during it as well, and I'm really proud to be a support of that. Thank you.

MS. CATRON: Thank you. And we're redoing the website as well

CHAIR GREENE: COMMISSIONER CACARI STONE.

COMMISSIONER CACARI STONE: Thank you for you, President Catron. Thank you, Chair. You sparked my interest when you talked about the youth programming via STEM. And we are going to, we have this bright, new, shiny, youth, multi-use facility that we purchased. And we want to think outside the box beyond our category of clinical services that we're looking to provide. We're looking at prevention. We're looking at creative ways. What do you see as the opportunity to have a pipeline from the youth that get engaged with the center because they're higher risk? I would like us to incubate an idea that goes right from that center for higher risk youth and their family's right to an incubator to get them engaged and have them have an opportunity, a dream for their future.

MS. CATRON: Yes, thank you, Commissioner Cacari Stone. So that's one of our focus areas, right? Is how do we start creating those pipelines for youth. One of the programs we just got funded by the Go Local Campaign through the city is to create a youth entrepreneurship program to help. These are younger entrepreneurs, right? So we're looking at the 18 to 40. I'll address younger students in a minute, but trying to get them excited about entrepreneurship, about creating a business and then giving them the tools and resources that they need to be successful. And one of the things that I always when I'm coaching businesses is if you're going to fail fast, right? And so we like to be able to teach those kinds of business concepts while they're in a safe space.

Now for the youth, and we're looking specifically at the youth of south side, we serve the south side. Obviously we serve the entire city, but we are in really close proximity to a lot of schools on the south side. And we're coming up with really creative ideas on how to get them excited and get them engaged in entrepreneurship. So one of the things that we're going to be doing, this hasn't been announced yet, but I'll announce it now. We're going to have a workshop around 3D printing, but it's not going to be your typical, this is how you use CAD and then 3D print. We know kids like to be hands on and they like to take things apart. And so what we're going to do is we have some kind of defunct 3D printers that don't work. So we're going to have a workshop around what makes up a 3D printer and let them get their hands dirty, let them get into those printers, and then teach them, okay, now this is how you put it back to together. And then this is what you can do. And then while also teaching them, business skills and why entrepreneurship could be a viable pathway for them as a career. And again, just to kind of instill that excitement at a young age so that they have something to look forward to when they're out of high school or college or whatever.

And so that's what we're trying to cultivate. We're trying to make the space, and I invite all of you to come and visit us, we're trying to make it more exciting and inviting. And so again, opening it up to the community, having more events there. And then,

again, developing more programming specifically for our youth entrepreneurs.

COMMISSIONER CACARI STONE: Thank you. And I would encourage you to connect with our community services folks. Have you?

MS. CATRON: No, but they are on my list.

COMMISSIONER CACARI STONE: And talk about linking what we're going to have in our new multi-use youth center and to connect with some of our STEM programs funded with our universities. I know I've worked with Dr. Caruthers and Dr. Peach and Dr. Tony Popp from there. And I think there's really an opportunity to look at our Spanish speaking youth. The bottom line is we all know they're leaving the area because there's not opportunity. So I'm really concerned about that.

The other thing is, how can we incubate and grow the childcare workforce? We know that the YMCA is actually kicking out all their tenants on the south side. It's six agencies because they're going to have a childcare center. But can we incubate more of the childcare workforce to support people to start their own business and navigate that? I think that's an area where we could feel in Santa Fe County. I'm very interested.

MS. CATRON: Definitely. And to that point, we prior to me leaving Arrowhead, we were looking at doing accelerators specifically around childcare providers. So how do you get, what permits do you need, what do you need to do? All of the things from start to finish so that we can start creating that workforce.

COMMISSIONER CACARI STONE: Oh, thank you Chair. I guess I'm just asking, we give you – we contract out 25,000 to accelerate and expand some of these more deeper incubated business ideas with youth STEM, youth engagement as well as childcare. What more would it take to expand that from the County?

MS. CATRON: I can come up with a proposal for you.

COMMISSIONER CACARI STONE: And you don't need to answer today.

MS. CATRON: We would be happy to look into that. That's something I personally would love to spearhead because I struggled with childcare when my kids were little.

COMMISSIONER CACARI STONE: So let's do, and I think we had a lot of connections that we made and Commissioner Bustamante was part of the governor's cabinet and she had a convening and we made a lot of great connections. And we have Councilor Cassutt who's really supportive of this as well. So hopefully we can support that. And particularly the Spanish speaking community. Thanks.

CHAIR GREENE: Thank you, Commissioners and thank you Dana. I do want to reiterate the childcare business. There's a lot of providers out there that don't, that are good providers, but they don't have the business skills that seems to be this gap. I was trained as an architect, but nobody trained me how to run a business, and I had to go back and get my MBA for that. We can go through an incubator accelerator program to learn how to take any skill or trade and turn it into a business. And with all this money flooding into childcare, we need to fill those positions there.

We've said this before in the past to Marie and to the incubator about really addressing the Spanish speaking community. And I hope next year when you give this presentation that you have very targeted accelerator programs, incubator programs for those underserved communities, whether it's childcare, whether it's restaurants, whether

it's small business contractors teaching them how to take advantage of Santa Fe County's developer assistance program that we pay to build affordable housing. So it's a partnership to get small local businesses to take advantage of some of the programs that we have. But it turns out that most of the times we're giving it to large companies that come from out of state. and we would like to have some local businesses take advantage of the programs that we have set up there.

The irony of the STEM program is NCGR is your partner there. And Commissioner Cacari Stone, you know who we bought the youth facility from? NCGR. And so they're now located there, so they moved from our building to their building. It's funny how this town works here.

And then I challenge you a little bit to look at programs and outreach into the greater Santa Fe market space. So Santa Fe, you're in the City of Santa Fe, that's no problem. That's wonderful. But looking at further locations in Santa Fe or in the County how you might be able to run a program in Española or in partnership with Northern in partnership in different communities so that the outreach is more broad based than people coming to you, but you going into the communities. And I look forward to hearing about that and working with you in your strategic planning if you want.

MS. CATRON: And Chair Greene, just really quick on the both of those points, those are both being integrated into the strategic plan. My background is from land grant institutions where we serve the entire state. And so I don't know how to not serve outside of my immediate proximity. And so that's where we're really going to leverage our partnerships so that we can ensure that programming is getting out to all corners of the county.

And then bilingual services, that will be a priority for us in the strategic plan. And we do already have one staff person who is bilingual and can support that.

CHAIR GREENE: That's great. Further questions and comments. Thanks for sticking with us today. Welcome to the Incubator in the Santa Fe, and we're super excited you're here.

MS. CATRON: Thank you.

9. Matters from the County Manager

MR. CORDOVA: Mr. Chair. I'll be pretty brief. I think I just wanted to touch on and remind everyone if I need to, that this week is our yearly pilgrimage and our Public Safety Department has worked very hard to be prepared, not just Public Safety, the entire County. So I also wanted to touch on quickly the press release that we did with our Bee and do not be a litter bug. Just really important to remind everyone the importance of cleaning up after yourself as you are taking your pilgrimage up north. So thank you. I think that's all we have for the sake of time.

CHAIR GREENE: Thank you, Leandro.

10. Matters from the County Commissioners and Other Elected Officials

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

CHAIR GREENE: Who wants to go first? Okay, we'll start from there. Commissioner Hughes?

COMMISSIONER HUGHES: Yes. Very briefly. I'm having an Hour with Hank next week, April 7th at 5:30. And on the same day as 1:00 is the ribbon cutting for section 6 of the rail trail, and we'll have that on 285 where it will soon cross into District 4.

Commissioner Bustamante and I are working on the living wage. We might copy what the City's doing or something similar and we'll bring that forward for discussion in the next month or so. Maybe longer than that.

And then Commissioner Johnson and I are working on an ordinance or whatever is needed to protect prairie dogs. I heard that, I don't know if it's true, but I heard that a bunch of prairie dogs were plowed over to support development of affordable housing in our district, so in District 5. So we want to require they move the prairie dogs before they plow them over.

And finally, the Eldorado Area Water and Sanitation District brought up a lot of concerns they had over the bulk water station in District 5, while it's actually in District 4, at the Honda bulk water station, because we'd have to pipe the water through Eldorado to get to that. And but I don't think it's going to be a problem, but they're discussing it and that's it.

CHAIR GREENE: Excellent. Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Chair Greene. As Commissioner Hughes mentioned, we are working together on one issue regarding prairie dogs. We also, we heard from some folks talking about the Eldorado Transfer Stations reuse center, we're also working with them on that. I've mentioned my work with Commissioner Bustamante and with Commissioner Cacari Stone on the water authority and Area 1B respectively. We had the 1B meeting, I believe, since last meeting, can't recall exactly. That was great. We're meeting about it tomorrow to just wrap this whole thing up. We're getting real close, y'all.

I had a community meeting with the folks from Cañoncito, Commissioner Bustamante joined me. Commissioner Hughes was briefly there until we kicked him out for quorum reasons. I'm just kidding. But we had a great conversation. Staff, I want to thank staff who's still here, if there are any, who showed up and really explained situation with the crossing presented plans for the bridge that will go there. And Public Works, shout out already dealt with the tree that was mentioned at that meeting, and we heard a lot of great community feedback more to come.

I also attended a meeting for Cañada de los Alamos' community plan. They're working on that. That looks great. Thanks to staff. Joseph at least is here he was a great MC.

Some of us sit on MPO. We saw a presentation that included many different elements, but thought about density and traffic. It was very interesting. And I hope that it informs our process going forward. We also heard an update from the City regarding their general plan, which was, I thought, useful to hear.

And I attended No Kings. I saw Commissioner Greene there just to touch on every commissioner. It was a great turnout and it's important that we – well, I'll just leave

it there. It's important that people go to that. Thank you.

CHAIR GREENE: Fabulous. Thank you, Ms. Commissioner Johnson. Commissioner Bustamante, please.

COMMISSIONER BUSTAMANTE: I'll be brief. I attended a mutual domestic meeting in Galisteo which was very informative. I think it's important, and you've mentioned it before, we've actually said it in here before, but I want to say it again, to really support our mutual domestics that are looking to strengthen themselves and really want their autonomy from other water systems. As well as acknowledging those who may want to become or want the County to work instead of the mutual domestic. One of the questions that came up during the meeting was very good. It's a question I've had for a long time. I think I might have known the answer once upon a time. I think there are people in the room who probably know the answer, but the question that I was not able to answer was why the OSE is the one that allocates water rights but does not have any monitoring requirement.

People are supposed to provide their usage to the OSE, but there's absolutely no – what do we call it when they don't follow up to make sure that –

CHAIR GREENE: Enforcement.

COMMISSIONER BUSTAMANTE: Enforcement, thank you. It's a age thing. But there's no enforcement. People have water rights and they can use it every day, all day long. And that question came up at the mutual domestic meeting because they recognized that there were people who were using water for purposes that are draining right out of their same aquifer. That being said, the other issue that came up was – one other thing that I'm working with Commissioner Hughes on would be the oil and gas exemption. They have put in through Congress to be exempt from polluting laws that oil and gas would be exempt from any environmental regulatory work. And they have asked for those of us who attended the meeting with the Governor of Washington State that people who are interested consider bringing something forward. So we're looking at that as well. Other than that, I have nothing else.

Oh, lastly, sorry, I was asked to pass this on. The La Cienega Valley Library. Spring Plant Swap is Saturday April 12th from 11:00 a.m. to 1:00 p.m. So if you have plants you want to trade with someone else, there will be a plant swap at the library in La Cienega.

CHAIR GREENE: Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you, Chair Greene. I'll just highlight the Area 1B working group because it's going to be coming to each of you very soon. And, let me just give you a history. I asked Olivia Padilla to send you the link to the shared Dropbox resource Commissioner Hughes, Greene and Bustamante so you have it. It lays out all the historical documents as well as the policy options that we're considering. So you can just have that for your reference as you need. This is a crossroads we hope to cross the road and get to the next step. We started in January with an initial meeting with the Mayor Garcia and County Management and two city councilors. January 27th we were able to, as a Commission, appoint the two of us on the working group. We had our first meeting February 16th and did our living lands tour of the area to actually look at the land. March 12th we had a second working group in which we asked the County Manager and the Deputy City Manager to do an analysis on three policy

options. One, taking no action. Two, dropping the presumptive annexation and people would have to petition in to be part of the city. The third one was an original, was the idea of the carve out that just reiterated itself since 2023. That analysis considered cost to the City. It also considered continuity and consistency in terms of what jurisdiction is what. Then we had the community forum March 19th. We had about 82 people. It was online and in person at the Food Depot. I'm tired, not the Home Depot, Food Depot, but that was good because we actually had people do discussion groups. I did an analysis of all the notes and we're meeting tomorrow with the Mayor, the other two working group members, legal counsel, county management, city management, and we're going to debrief and look at the outcome. Overall, I think the community either favored dropping annexation and being able to petition in. There was a lot of discussion and concern around particular land owners and the development they might do on that land, which we are not at that point. And we look to have a compromise or an agreement on what draft joint resolution would look like at the end of our meeting tomorrow, and we want to move forward quickly.

There is no wrong door. There is no perfect door. No matter what we choose and go forward with to bring to you. There's going to be someone who doesn't like it. But at the end of the day, our focus has been on looking at the history of what Area 1B residents themselves has asked for, to be listened to, and we've listened to them. So I just wanted to give you those highlights. And thank you for joining us on the Food Depot for popping in. I'll leave it at that. I've been busy.

I also asked Olivia Padilla to send each of you my impact report. I'm doing an annual impact report to be accountable to what I've done, but we share things here. But I also wanted each of you to know what I'm doing as your colleague for District 2 and overall. So thank you.

CHAIR GREENE: Thank you. I liked your impact report.

For District 1, I took part in the ribbon cutting of the Bennie J. Chavez Senior Center about two weeks ago. It was really well attended. We had a great lunch on St. Patrick's Day. It was great to see the family as it may be back together up there. People had been going to El Rancho and to Española for their senior services, and we're very excited to be a part of that space. Thank you to Public Works for getting that project done ahead of schedule and on budget. That's pretty impressive.

I attended the property tax sale that the state of New Mexico Property Tax Division held in this room. It was pretty amazing actually that they narrowed it down to only one property. And that one property was probably going to go to auction anyway. It was a bank owned property, so we did the bank probably a solid by getting them out of the property. It was a really fortuitous solution there. Nobody lost their property, per se. And they narrowed the list down from 150 properties down to one. And this room was packed house over here was really well attended. The last property sold for \$170,000. And that was great, but the whole project in tax bills paid off, netted the County \$1.5 million. And again, nobody lost their property to an unpaid tax bill. And so we did a great job of reaching out to people to make sure that they knew how they could address their tax bills there.

I attended the RDC in LANL's community conversations up at Cities of Gold a couple weeks ago. It was great to hear of the impacts of Los Alamos National

Laboratories, the Regional Development Corporation, and a bunch of organizations that are working in the area to work on economic development.

I attended the Cuatro Villas Mutual Domestic Water Association board meeting about a week ago and have organized a technical assistance team from NMED to meet with them next week and to help them get really just get themselves strategically organized and beyond where they're at right now. They serve four communities up there and we're there to help. But they definitely need a lot of help.

I'll be attending Protect Tesuque meeting next week as well to discuss some of the solutions that are being proposed by the state and the county and the pueblos and the resort and the community up there. And we will see if we can come to maybe some good solution that we finally move past some of the angst and issues that people have had with what's going on up there with the water discharge and how it's used.

I will be, tomorrow is the inauguration of a new mayor up in Española, 5:00 p.m. at the mission. I will be up there and I'm excited to I got to meet the new mayor about a week ago, and I'm excited for new energy and an opportunity for Santa Fe County to work to make to work hand in hand with Española to make the north more robust and better place for everybody.

And then also Friday is Good Friday, and this Sunday is Easter. I hope everybody has a really wonderful, peaceful holiday. Friday I will be walking and be one of the pilgrims up to Chimayo. Hope to see you up there. And hope everybody has a safe and peaceful Easter, and I look forward to seeing you in a couple weeks.

B. Other Elected Officials

ROSANGELA ORTIZ: Thank you, Chair Greene. So our Clerk and I would like to remind everyone that we do have an election coming up. We have early voting starting on Cinco de Mayo, and then we have expanded early voting on the 16th of May. And then, of course, the last opportunity to vote will be election day. This election will be the first time in history of New Mexico that it's going to be a semi-open primary. So we're going to have about 29,000 voters that will be eligible to vote for the first time because they have not declared a major party.

So we want to make sure that everyone checks their voter registration, that way they're prepared to vote. Sample ballots will be available on our website and we want you to visit [Santafe.vote](https://www.santafe.vote) for any details. Thank you.

CHAIR GREENE: Thank you, Rosangela. Excellent.

11. Matters from the County Attorney

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed**

Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including: (1) Settlement Agreement Resolving Board of County Commissioners of the County of Santa Fe v. Town of Edgewood, D-101-CV- 2025-02858; and (2) In Re: The Joint Application of Public Service Company of New Mexico, TXNM Energy, Inc., and Troy Parentco LLC, Docket No. 25-00060-UT (N.M. Pub. Reg. Comm'n).

CHAIR GREENE: So we're going to go to our county attorney. Either Rachel or Walker can lead us into executive session, please.

RACHEL BROWN (Deputy County Attorney): Chair Greene Commissioners. I'd ask that you move into executive session pursuant to NMSA 10-15-1 H of the Open Meetings Act, and specifically subsection 7, which allows for executive session to discuss threatened or pending litigation and which Santa Fe County is or may become a participant. And the two specific items for the executive session are, one, the settlement agreement resolving Board of County Commissioners of the County of Santa Fe versus Town of Edgewood. And the second is, In re: the Joint Application of Public Service Company of New Mexico Energy Incorporated. And Troy Parentco LLC.

CHAIR GREENE: Excellent, thank you very much.

COMMISSIONER JOHNSON: So moved.

CHAIR GREENE: We've got a motion by Commissioner Johnson.

COMMISSIONER BUSTAMANTE: Second.

CHAIR GREENE: Second by Commissioner Bustamante. Roll call please.

The motion to go into executive session passed by unanimous [5-0] roll call vote as follows:

| | |
|---------------------------|-----|
| Commissioner Bustamante | Aye |
| Commissioner Cacari Stone | Aye |
| Commissioner Hughes | Aye |
| Commissioner Johnson | Aye |
| Chair Greene | Aye |

CHAIR GREENE: We are in executive session. Folks that are waiting here, I'm going to basically say, what do we think we need here? 45 minutes? No more than 45. Yeah. Okay. So we will try to be back here just after.

[The Commission met in executive session from 7:48 to 9:32]

CHAIR GREENE: Here we are everybody. Thank you very much. We

are back. And to come out of executive session, can I get a motion to come out of executive session please?

COMMISSIONER BUSTAMANTE: So moved.

COMMISSIONER JOHNSON: Second.

CHAIR GREENE: Motion from Commissioner Bustamante. Second from Commissioner Johnson.

The motion passed by 4-0 voice vote. [Commissioner Cacari Stone was not present for this action and arrived shortly thereafter.]

CHAIR GREENE: We are out of executive session. And just to say that we only discussed a few things that were listed on there, and I think either Attorney Boyd or Attorney Brown are going to give more specifics to that

B. Potential Action on Items Discussed in Executive Session

11. A (1) ATTORNEY BOYD: Chair Greene, I will do my best from a remote location. Chair and Commission members you have an action item on item 11, A1 in today's agenda, which is the settlement agreement, resolving Board of County Commissioners of this county of Santa Fe versus town of Edgewood, D-101-CV-20 25-02858. And by way of background, short background, this litigation concerns a joint powers agreement between the County of Santa Fe and the Town of Edgewood for fire suppression, fire prevention, rescue, emergency medical services, and emergency medical services effective July 1, 20 2005. The Town under that JPA for nearly two decades paid the equivalent of the County's 0.25% county area fire protection excise tax on taxable gross receipts within the town for those services which amounted to hundreds of thousands of dollars per year. In FY 2023, the Town calculated its obligation and paid \$658,000 for fire and EMS services.

The Town stopped paying in FY 2024, and the County ultimately elected to sue the town about its substantial and growing delinquent payments under the JPA. After the County filed its lawsuit it participated in mediation with the Town of Edgewood and the settlement agreement before you all is the result of that mediation.

Under the settlement agreement, the parties agreed to walk away from their claims. The County agrees to dismiss all of its claims in the lawsuit. Edgewood agrees to dismiss all of its counterclaims, and the Town of Edgewood agrees to terminate the JPA effective June [connectivity issue] the County agrees to continue providing fire and EMS services under the JPA until the date of termination. And also agrees to work in good faith with the Town of Edgewood to ensure a smooth transition to replacement fire and EMS services for the town.

With all that said, I am seeking a motion to approve the settlement agreement and I stand for any questions.

CHAIR GREENE: Thank you very much.

COMMISSIONER BUSTAMANTE: I'll make a motion to approve the settlement agreement resolving the Board of County Commissioners of the County of Santa Fe versus the Town of Edgewood D-101-CV-2025-02858 for the settlement and

mutual release of the agreement.

COMMISSIONER JOHNSON: Second.

COMMISSIONER CACARI STONE: Second.

CHAIR GREENE: Okay, I think I heard Commissioner Johnson first. We have a motion from Commissioner Bustamante, a second from Commissioner Johnson. All in favor say aye. Aye.

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

CHAIR GREENE: We have a settlement agreement.

ATTORNEY BOYD: Thank you, Chair Greene. And I will need your signature on that hard copy, which Rachel can provide you.

CHAIR GREENE: Yes, I will take care of that before I leave tonight. Thank you. And then yes, go ahead, Walker.

11.A(2) ATTORNEY BOYD: And then on item two from the executive session the joint application of Public Service Company of New Mexico we entered executive session in order to discuss whether the Board of County Commissioners would seek to intervene in that proceeding. And no decision having been made. I'm just making sure that the minutes reflect that the Board did not instruct me to seek to intervene on its behalf and that the Board would be addressing or seeking to, to set forth its positions regarding that matter in a different way at a meeting in the future.

So thank you. And that's all I have.

CHAIR GREENE: Thank you, Attorney Boyd. Sorry you're not with us. You're here in spirit. So thank you very much.

Moving on the agenda. We are going to skip around a little bit in here.

13. Public Hearings

- A. Case No. 25-5161 - Appeal of the Planning Commission's Denial of Case No. 25-5160. Gilbert and Rosalba Baca, Applicants, Request a Variance from Chapter 9, Section 9.12 (Village of Agua Fria Community District Overlay), Table 9-12-3: Dimensional Standards VAFCD TC (Traditional Community) of the Sustainable Land Development Code to Allow a Three-Lot Subdivision on a Parcel Consisting of Approximately 0.77 Acres.**

[Duly sworn, Destiny Romero, Case Manager, provided her report as follows:]

DESTINY ROMERO: Destiny Romero, 240 Grant Avenue and I am under oath. Thank you, Mr. Chair and Commissioners. Destiny Romero Building and Development Review Specialist Senior.

The property is located at 2232 and 2235 Ranchito de Baca. The property lies within the Village of Agua Fria Community District Overlay, Commission District 2. The property currently has one single family dwelling and one accessory structure. Ranchito de Baca is a private road which takes access via Caja de Oro Grant Road. The property is served by the City of Santa Fe Wastewater and Agua Fria Community Water Association.

Following denial of the variance by the Planning Commission on October 16, 2025, final order recorded on November 20, 2025. The agent worked with Santa Fe County staff to submit the variance appeal application within the required 30 days on December 19, 2025.

The applicants have addressed the variance criteria and staff has responded to the applicant's comments as contained in the memo. Staff finds that the request for density variance is contrary to the public interest. The minimum lot size of 0.33 acres per dwelling unit when served by public water and sewer already represents a significant reduction in lot size from the base density of 0.75 acres per dwelling unit within the AWA Fria Community District overlay. Clearly, the Board of County Commissioners and the Agua Fria residents carefully considered these densities when adopting the community plan and the SLDC. Allowing even greater densities could set a precedent that would be inconsistent with the express wishes of the Agua Fria community and the SLDC.

Staff does not find that existing circumstances or conditions of the property are unique in a manner that justifies subdivision below the minimum lot size of 0.33 acres. Other properties within the overlay are subject to the same dimensional standards. It was suggested during the Planning Commission hearing that the lot may have originally been greater than one acre and it is only as small as it is now due to eminent domain by the County, either for the adjacent roadway or for trails to the north. Although no evidence definitively showing this has been submitted. The applicant has stated that the law requires compensation be provided at fair market value for such a taking and that the applicant was compensated. Staff realizes that this was not the owner's choice, but since compensation was admittedly provided and accepted for the property, a variance request should not be granted that would treat the property as if it remained as large as it was previously.

The applicant also argues that the cost of home ownership creates a hardship for the Baca family. However, if the cost of home ownership were considered an extraordinary and exceptional situation or condition of the property, the intent of the variance process, which is to provide a mechanism to assist property owners navigate unique and rare circumstances with their land, would be completely defeated.

Further, although the high cost of residential properties in some areas of Santa Fe County is an unfortunate reality, there is nothing peculiar or exceptional about the financial difficulties facing any party and applicant's position and staff firmly believes that this argument on its own is not an acceptable basis for a variance and does not meet the extraordinary and exceptional situations test of the variance review criteria.

Staff does not find that approval of the variances would be consistent with the spirit of and intent of the SLDC. The purpose of the SLDC and the Agua Fria Community District overlay is to balance traditional settlement patterns with sustainable growth management by establishing minimum lot sizes to protect community character, infrastructure, capacity, and natural resources. Allowing any density greater than the established 0.33 acre minimum standard would undermine these provisions and extend density beyond what the BCC and the Agua Fria community determined to be appropriate.

The agent for this request stated during the Planning Commission hearing that

everything around the lot is smaller. While there are some parcels in the area that are smaller than the minimum 0.33 acre requirement, six of the seven parcels that touch or are within 50 feet of the applicant's property are larger than 0.33 acres. For ones that are smaller, they may predate the County's current ordinance and at least one law appears to have existed pre-code in 1981.

Further, the applicant recently purchased the property only a few years ago, so the applicant should have been aware of the applicable density limitations in place at that time. Although, the applicant may intend for these laws to go to family members, the small lot family transfer provisions no longer exist and have not for quite some time.

While staff appreciates the applicant's intent to provide housing opportunities for family members, substantial justice must be weighed against maintaining the integrity of adopted land use standards. In this case, this weighing and balancing favors denial of the variance request.

Even without the variance, the applicant is still able to subdivide the property into two lots instead of the desired three meeting the spirit of the intent of SLDC to allow a reasonable amount development of the property.

On September 11, 2025, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a recommended order on this request. The Hearing Officer, based on the evidence presented recommended denial of the applicant's variance.

On October 16, 2025 this request was presented to the Planning Commission. The Planning Commission having reviewed the application, staff report, and Hearing Officer's recommended decision found that the application should be denied. Specifically, the Commission found that the financial hardship caused by high property values in Santa Fe County was the primary basis for applicants seeking a variance. Further, the Santa Fe real estate market does not qualify as extraordinary and exceptional situations or conditions of the property that might result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. Based on the evidence presented, the Commission determined that the application does not satisfy the code criteria for approval of a variance and denied the application by a majority four to one vote

Building and Development Services staff has reviewed this request for compliance with pertinent SLDC requirements and find that the facts presented do not support the request for a variance. As stated above, staff does not believe applicants have made a showing that any of the variance criteria of SLDC 4.9.7.4 have been satisfied.

Staff recommends denial of the requested density variance of Chapter 9, Section 9.12, Table 9-12-3, dimensional standards of the Village of Agua Fria Community District overlay traditional community to allow the creation of three residential lots on a 0.77 acre parcel.

If the Board of County Commissioners finds that the application has met the variance criteria and approves the request staff recommends the following conditions at a minimum be imposed. Mr. Chairman, may I enter the conditions into the record?

CHAIR GREENE: Please do.

MS. ROMERO: Thank you. To be clear, staff's identification of these conditions is not intended as an indication that staff approves or would approve the granting of the requested variance. Staff's position is that this application does not

comply with the SLDC and does not satisfy the variance criteria of Section 4.9.7.4 and that no conditions, regardless of how carefully crafted can change that non-compliance. These conditions are presented simply to inform the Board of County Commissioners of recommended conditions if the evidence presented convinces you that approval of the variance is in fact warranted.

Chair Greene, Commission members, Exhibit N was provided by the applicant and their agent without updating the report explaining the documentation. Staff would like to reserve the right to respond after the agent's explanation of these documents if necessary. Thank you. I stand for any questions.

CHAIR GREENE: Thank you, Destiny. The conditions were those you're going to be handed into the record.

COMMISSIONER BUSTAMANTE: They're in the list.

CHAIR GREENE: They're in the list, okay. Great. Questions from the Commission early on right now? None. Okay. Is the applicant here? If you'd like to give a little presentation, that'd be great.

BENITO MARTINEZ: Please and thank you, Mr. Chairman, members of the Commission, ladies and gentlemen, staff.

[Duly sworn, Benito Martinez, testified as follows:]

BENITO MARTINEZ: Benito Martinez, 1194 Hansen Lane, agent and I do swear to tell the truth.

Mr. Chairman, members of the Commission, with respect to the extraordinary and exceptional situation of the conditions in the property, Exhibit N is several documents that relate to the eminent domain and or taking of property from Mr. Jose Nabor Baca, who is Mr. Gilbert and Rosalba Baca, who are present here today, the applicants. For the purpose of extending the trail network for Santa Fe County and tying it into the City of Santa Fe Trail network all the way in to the east, there was property that was taken. There is a deed that is part of Exhibit N from Jose Nabor to Santa Fe County, totaling 1.3 acres. In addition, the Calle del Oro Grant Road was widened and a bridge was transferred originally from the San Ildefonso Pueblo's capital outlay revenues were utilized for a bridge that was to be built in the San Ildefonso Pueblo, and the tribe decided not to allow the County to build so that resource was transferred. This is back in the '80s. I was not able to identify exactly what date and time as records were not kept very well back in the 1980s. Nor any sponsors of that particular. However, Mr. William Mee, president of the Agua Fria Village Association, who could not be here tonight because he has surgery, he has authorized me to let you all know that. He was a primary witness on our behalf, has testified in the past. It's part of the record, previous, in both neighborhood, Hearing Officer and Planning Commission testimony that the bridge revenues from Capital Outlay were brought to the Agua Fria Village and the bridge that now houses the Caja del Oro Grant Road was built there.

A portion of the Baca property was taken for that purpose. And also the Gas Company of New Mexico placed a substation meter in the Baca property also. So for several purposes, 1.3 acres was taken from this original site leaving 0.771. In my professional opinion, this meets the extraordinary and exceptional condition. If this was not taken, we would have adequate property to meet the densities, and we would not be before this Board at this time.

In addition, you are sitting in front of this fresco done by Frederico Vigil and it speaks of the substance of the Baca family. Having arrived here in the 1600s. Mr. Baca's herencia, the traditional historic Spanish community of the Agua Fria Village, was established in 1640. The reason that is so very important, is that the Santa Fe County Sustainable Land Development Code, what are we trying to sustain? If it's not for the families that have been here for hundreds and hundreds and hundreds of years. I know that economics cannot be examined in the variance criteria. I think we need to take a close look. My recommendation, Commissioners, is to take a very close look because each and every one of you Commissioners has traditional communities in your districts, and these types of situations are going to come before you. There should be a precedence.

While we are wondering where the water is going to come from for the thousands of apartment complexes that have been approved by both local government, city and county. Within eyeshot of this subject property is a 400 unit apartment complex that met the criteria for subdivision, met the criteria for affordable housing and retained additional densities. They had more units they were able to build because they offer some at a lower cost of rent. There are 30 new homes that are being built on Caja del Oro Grant Road. Coincidentally, the same water in the same pipes is going to serve this additional lot. We are going to be approved administratively for two. One additional lot we're told is going to put burden on the water and the traffic. And again, these apartment complexes have been built using the same water and the same roads. We're asking for one additional lot for the Baca family kids that are in college right now to have a place, not to build a home, but to put a manufactured home. They can't afford to build.

And so the history and the genealogy of Martin Baca, the direct descendant. This is what we're about. You are sitting in front of this fresco with key dates of the Guadalupe de Hidalgo Treaty. These are the people that we want to keep in our communities, otherwise they're going to move to Rio Rancho. These are the results of this type of decision that is so very important. Once again, and I remind you, Commissioners, please, Mr. Chairman, you all have these traditional communities in your district's properties around this area. All of this property was Mr. Baca's at one point in time.

The subject property and our request of a variance is a simple deviation from the code. It is a deviation that can be approved by this Board considering that there has been no opposition by anyone through the neighborhood associations, all of the mailers that we've done, not a single one. We've got conditions that we will meet. I met with the engineer from the city sewer. There are conditions that are going to be met. Conditions for the fire and so on. We stand ready to meet those conditions and we wish to set a precedent, hopefully through your vote to approve the approval of these three lots and where due to extraordinary, exceptional situations, they have been met. The County of Santa Fe took 1.3 acres. We cannot identify whether that was ever compensated. I did not testify. I did not identify to land use that compensation was received. I said it should be anytime that local government executes. There are four limitations to the bundle of rights of fee simple and title of ownership of property, and that is to police, that is land use policing in a regulatory fashion, escheat, taxation and eminent domain. Eminent domain was exercised by the County. If it had not been, we would have enough land to create more than three lots. We believe this meets the definition of extraordinary, exceptional,

and very peculiar. And I will ask Mr. Baca and Ms. Rosalba Baca if you have anything to add. I stand for questions. Mr. Chairman, members of the Commission.

CHAIR GREENE: Thank you very much. Commissioner, any questions early before we go to public comment? No. Okay. So this is a public hearing. We will open up public hearing portion of this to the folks that are in the room. Is there anybody here that wishes to testify in on behalf of this or against this? Seeing none in the room. Is there anybody online that would like to speak for or against this? There are none, okay.

Thank you very much. Okay. We will close public hearing and we will go to the Commissioners. Commissioners, is there any anything? Michael, are you looking to say something?

[Duly sworn, Michael Vos, Land Use Administrator, testified as follows:]

MICHAEL VOS: Michael Vos, Land Use Administrator, 240 Grant Avenue. And I understand that I'm under oath.

Now that the applicant was explained the contents of their Exhibit N a little bit more, I would like to provide some additional context from staff's perspective on this variance. There's a PowerPoint presentation and this also relates to exhibits that we put in Exhibit O to the record.

Starting, the property to the north of the Bacas' property is owned by Santa Fe County. It was granted to Santa Fe County by the federal government by through a patent filed in 1971, and the property was surveyed in 1997. This, on the screen now, is a current aerial of the County's property per that 1997 survey and with a green outline showing the Bacas' current property overlapping it. So the Bacas' property for this subject variance was previously County land.

In 1999, the Bacas in their Exhibit N, provided a survey identifying that the Baca family believed that their property boundary extended to the river. That's what the statement at the top says from the surveyor. And they deeded – they created the survey. The surveyor identified an overlap between what the Bacas said was their property and what the documents that the County had said was the County's property.

The Bacas then deeded themselves this overlapped property. The Bacas' Exhibit N includes a 2005 plat that split a piece of property by north and south and a quitclaim deed, which I believe that they're saying that they gave an acre and a half to Santa Fe County. That's what this quitclaim deed did indeed say and do, was to give the north half of this property to Santa Fe County. However, what's missing is that in 2002, the Baca family sued Santa Fe County for quiet title to this land. The County defended that suit made counterclaims, and in a 2004 order, the district court sided with Santa Fe County and said that this land was not the Bacas' property, but it was Santa Fe County's property. The decision was appealed to the Court of Appeals, but ultimately led to a stipulated dismissal with prejudice in 2005. 2005 is when the deed, the quitclaim deed from the Bacas to Santa Fe County was filed at or around the exact time that the appeal was dismissed. On the same day, the County also quitclaimed by deed the south half of the property to the Baca family. So they gave us land, we gave them land, as potentially, and I cannot really definitively say this, as a potential settlement to the lawsuit.

Following that, there's a 2006 plat. The title of this plat is that it was a plat done for a settlement. It was approved by the land use administrator then making these two lots legal lots of record.

So staff would argue that our findings also based on all these historical documents, the Caja del Oro Grant Road has remained in the same road has remained in the same location over many years. There's no evidence that we took land for expanding that roadway based on these survey boundaries. Based on these series of exhibits an argument that they gifted land appears to be inaccurate and irrelevant to the variance request. If eminent domain was used, compensation is usually paid so the owners would accept the change to the property.

This lot 0.77 acres was the current size as what the County gave to the Baca family in 2005. It's what the size was when the current owner from the family purchased it recently. The only real hardship argued is the financial difficulty in buying a home, which does not satisfy the variance criteria. And if it did, it would defeat the purpose of the variance process and ultimately, the SLDC's rules. If this becomes a precedent, the next person is going to come in and say, it's expensive. I should have an extra house. I should have an extra two houses, and it becomes a slippery slope. I don't know where that would stop. The existing density is based on a lengthy planning process for the Agua Fria community and is a reduction from the typical three quarters of an acre size of the traditional community zone.

So staff really stands behind our recommendation of denial. Which was the action that the Planning Commission took. And I think if there's an appropriate mechanism for changing these lot sizes and finding what's appropriate, it's through the planning processes and amendment to our codes to determine what is the smallest, most appropriate lot sizes, not granting variances that could become a slippery slope to kind of anything goes. Thank you.

CHAIR GREENE: Thank you, Michael. Commissioners? Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you for the presentations of staff and for the applicant. My question, it seems like the property, it was mentioned that it was purchased by staff, but it seems to have been purchased by a family member; is that accurate? And if so, what date was that?

MR. VOS: The applicant would speak more to the date, but I believe it a family member passed and it may have gone through probate.

COMMISSIONER JOHNSON: So they obtained it through a probate process. So it wasn't purchased, it was passed down. And is, are those effectively the same thing according to the code?

MR. VOS: I would ask the applicant to comment on that.

COMMISSIONER JOHNSON: Okay. Thank you.

MR. MARTINEZ: Thank you, Mr. Chairman, members of the Commission. Mr. Jose Nabor Baca did pass and there was some communication between family members, Mr. Gilbert Baca and Rosalba Baca ended up buying out and acquiring the property, subject property in question, due to that probate and court order based on the compensation of the property.

COMMISSIONER JOHNSON: Thanks.

MR. MARTINEZ: It's been in the Baca family for generations.

COMMISSIONER JOHNSON: Understood. Thank you, Mr. Martinez. We have seen this kind of thing before and it is unfortunate when families, when a sort of

an elder passes and families are dividing land between a couple of different people and one, one buys them out. In this case they are seeking to sort of re-divide it and redistribute it to their family. Is that accurate?

MR. MARTINEZ: That is accurate, Mr. Chairman and Commissioner, I do have a comment, however, on the staff comments. If we can pull that exhibit back up.

COMMISSIONER JOHNSON: What are you referring to?

MR. MARTINEZ: Relative to if eminent domain was exercised? The presentation that was just made by the Land Use Administrator.

COMMISSIONER JOHNSON: We'll see if we can pull that up. Why don't you proceed with your comment having seen the document.

MR. MARTINEZ: I'd like to take a look at it, Mr. Chairman, Commissioner. It is the first time that we've seen this. If any eminent domain was used by the County, compensation is paid. So owners accept the changes or the change to the property that does not make sense. If is the key word, if any eminent domain was used, compensation is paid. It is a presumption. So it is not identified that any compensation was paid or if eminent domain was exercised.

COMMISSIONER JOHNSON: So the claim is that there was I eminent domain, but there's not evidence of that. And you refer to non-payment as an indicator for the lack of eminent domain process, due process in eminent domain proceeding taking?

MR. MARTINEZ: Yes, Commissioner and Mr. Chairman, for forgive me for interrupting you. Go ahead. I'm sorry.

COMMISSIONER JOHNSON: No. And so I guess I feel confused about the land swapping, is how I'll say it, that was presented by the staff. Do you or the applicant have a comment on that? Another question I suppose that's related to that is, is why – was there an intention for the Baca family to deed part of the land to the County through this quitclaim proceeding that Mr. Vos showed through a series of plats? Is this new information to you? I guess I would want to understand better how those proceedings occurred and it doesn't –

MR. MARTINEZ: Okay. Mr. Chairman, Commissioners, it is extremely important to recognize that when the King of Spain granted property to the Village of Agua Fria that were small holding claims and exceptions. These were long strips of land, and you'll see it on the plat, our Exhibit N, that shows the old lot lines of those small holding claims.

Coincidentally, the reason they were long and narrow running north and south was so that their animals could feed through the Santa Fe River for the water. Small holding claim 1244, 689 and 435 were there prior to a government patent. And so there seems to be and with emphasis, yes, this is the first I have been able to even review this information, which is a bit troubling. The County had time to share this with me. I know it's part of their exhibit. However, the delineation of the properties owned by the Bacas' seem to conflict with the government patent and then the quitclaim deed for the 1.3 acres to the County as part of the settlement, I'm not aware of.

And so I think that at this point in time we still have consideration for you to consider our request of variance. And once again, no environmental, no physical, no opposition.

So I will – I tend to request a continuance if this is the case, unless we are to be

considered in favor

COMMISSIONER JOHNSON: Understood.

MR. MARTINEZ: Because we have not had an opportunity to research this.

COMMISSIONER JOHNSON: Understood. Thank you, Mr. Martinez.
No more questions right now.

MR. MARTINEZ: Thank you.

CHAIR GREENE: Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Yes, thank you, Chair Greene.
Thank you, Mr. and Mrs. Baca for bringing this forth. We appreciate your perseverance, acknowledge as your District 2 commissioner, your lineage and your heritage, and I understand that. Mr. Martinez, thank you for coming forth and advocating. I also acknowledge extensive work and research on behalf of our staff.

I have more questions than not, and I did, if I got flagged a little bit, when I did see the same language of eminent domain was used, if eminent domain was used, there seems to be – my druthers here is to table this, and I'm just putting this out there, Chair Greene and Commissioners. And I wanted to ask legal, and maybe we – is there a possibility to have an external review on the history of this land? Because I heard a lot of different inconsistencies and changing dynamics and purchasing and swapping. And again, I appreciate the staff. There's a lot of complexity here. But I would like to have possibly a review on the history of the sale, purchase and this "if" eminent domain existed. It seems to be that that opened the door for some gray area here, and I'd like to have a conclusive evidence around what the history really is. Thank you.

CHAIR GREENE: Thank you, Commissioner Cacari Stone.
Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I would just say that if the Commissioner is making a motion that I would support that motion, I see a lot of dialogue here. There are a lot of articles of evidence, exhibits, if you will, but I don't see the documents that show the land swap.
Which one, which exhibit is specifically – was it the warranty deed? I have the survey plat and warranty deed but where it was warranty deeded back and the eminent domain documents. And if this is the first time that the agent has seen those documents, it doesn't seem appropriate that the agent would not have had that information in advance.

So I just want to say in that regard, it is Commissioner Cacari Stone's district and I would support her take on it.

CHAIR GREENE: Okay. Hold that motion for a second. Commissioner Hughes?

COMMISSIONER HUGHES: No, I just wanted to say I support that also. It's Commissioner Cacari Stone's district and if she wants to table it, I would be fine with that.

COMMISSIONER JOHNSON: I agree with that as well. I think that if indeed eminent domain was used, and especially if it wasn't compensated, that would be especially relevant information for this case. I'm trying to flag for you all what we need to see in order to make an informed decision. And I think, I'm very sympathetic to that argument, to be honest.

If it is not the case, I think we would need to approach it from a different lens. If the transfer happened in the way that documents appear to show and there was not certainty in them from the staff side, we will have another discussion about it.

But for me, I just wanted to flag for the applicant that I see that line of reasoning and I think that it is worth pursuing. So, thank you.

CHAIR GREENE: Thank you very much. Director Ladd, are you standing there to – would you get sworn in and testify.

[Duly sworn, Alexandra Ladd, testified as follows:]

ALEXANDRA LADD: Alexandra Ladd, 240 Grant Avenue. And I understand I'm under oath. Thank you.

Mr. Chair, members of the Commission. I just wanted to clarify that Exhibit O that was provided by staff was provided to the applicant on March 25th. What was not provided was the slides with our analysis of what those documents meant. And so I just want to be clear that those documents were provided.

CHAIR GREENE: Okay. Thank you very much. For Land Use or Growth Management pros here I had a question. Somewhere in here it said that a typical lot in the traditional village is three quarters of an acre, or is it as small as a third of an acre?

MS. ROMERO: Mr. Chair. Commission members, when served with community sewer and water, it can go down to 0.33 if it is not served by community sewer and water 3/4 of an acre is the smallest lot.

CHAIR GREENE: So this is served by community sewer and on water. So it can go down to 0.33.

MS. ROMERO: Mr. Chair. Commission members, that is correct.

CHAIR GREENE: Okay. So then with a 0.33 sized lot, it's allowed a unit and an ADU; correct?

MS. ROMERO: Mr. Chair. Commission members, that is correct.

CHAIR GREENE: So effectively a two lot 0.33 or whatever you get to when you divide 0.77 in half would be four units, two primary units, and two ADUs would be allowable.

MS. ROMERO: Mr. Chair. Commission members, that is correct.

CHAIR GREENE: Okay. And with the conditions that staff has put forward, you are saying, Well, if we go this way and allow three lots, the condition would be that it would be no ADUs allowed. So it would be effectively just three units.

MS. ROMERO: Mr. Chair, Commissioners, yes, sir, that is correct.

CHAIR GREENE: Okay, thank you. So just to start the conversation right now, are your clients amenable to the conditions as set forward that you would have three lots but there would be no ADUs?

MR. MARTINEZ: Thank you, Mr. Chairman, members of the Commission the Baca family says yes. that they are amenable to do three lots as described with no additional units.

CHAIR GREENE: Okay. Thank you. I just wanted that to understand the water use, the sewer use, that use and the ultimate use of this property. However, I do think we're going to work on this and it won't be resolved tonight. But you know, soon or we'll see.

COMMISSIONER JOHNSON: Well, I see where you're going with that.

And so if they intend to install a mobile home, a manufactured home on that site here's where I reveal, I don't know I, off the top of my head the ADU specifications. But if there were three units and not additional dwelling units, I'm inclined to just do the split tonight. But I would defer to Commissioner Cacari Stone as it is her district. And I'm also open to listening to additional evidence.

COMMISSIONER CACARI STONE: It's good that, Chair Greene, and thank you Commissioner Johnson, it's good that you are amenable to this and the conditions. But I still, what I heard tonight was a gray area around the history and for me it's really important because we have other land owners in Agua Fria Village who might take, who would also would like the same opportunity. They have a complex checkered history of heritage land being passed on, land acquired for trails or the river trail. And I want to be sure that we're being fair to everybody. But because I think what the crux here is you're really just making the case around part of the land was taken away and you would've been given the opportunity to have what you wanted to have if you had that still had that land. That's what I heard and what I'm seeing here, is that correct?

MR. MARTINEZ: Chairman, members of the Commission, Commissioner Cacari Stone, yes. And if I can interject something else. Back in the day when I was in this building, when we were converting mapping from paper to digital, we hired with the Commission's approval, a title examiner. You have a title examiner that works for Santa Fe County that could be so useful, and it's only being used by the Assessor's Office at this point. But yes, it is a gray area and it is very important because of these conflicts in these small holding claims, the Guadalupe de Hidalgo Treaty, these bearings, these property lines are not thoroughly described until a licensed surveyor comes in and there are believe it or not, many properties that are still not, and that are in the same position that they were when they were a small holding claim. I hope that answers the question, but yes, there is some gray area.

COMMISSIONER CACARI STONE: Again, I think that we heard some new information tonight. We are hear that you're amenable to the conditions, but I think we need to have clarity on this. What I see still as a gray area in terms of if eminent domain is used, I'd like to relieve our land use people, they've done extensive work. They've done extensive work, and I commend them. These are very complex cases, so I want them to hear that.

But I'd like a review around the land swap and this if the domain area and some clarity on it, and then bringing it back so we can make a final decision.

MR. MARTINEZ: Thank you, Mr. Chairman, members of the Commission, Commissioner Cacari Stone, thank you for that comment.

COMMISSIONER JOHNSON: Since we are going down that path, I would also request, Mr. Martinez mentioned a large apartment development nearby. I would like to know, just as a point of information, in the next hearing on this case, how many, what is the equivalent density per acre so that we can understand the sort of small holder perspective and the, larger development perspective on that. And seems –

CHAIR GREENE: It looks like Director Ladd might know the answer to that.

MS. LADD: Mr. Chair, Commissioner Johnson, that apartment building, I believe is in the City, so it's not part of the Agua Fria overlay, and that's one of the points

that staff is making is that a lot of planning and thought went into that overlay in those zoning requirements.

COMMISSIONER JOHNSON: I hear that. And thank you for clarifying that it's in the city limits.

CHAIR GREENE: Mr. Martinez, yes.

MR. MARTINEZ: May I make a comment relative to that. Mr. Chairman, members of the Commission, whether it be City or County, these are local governments that are serving the same constituents with the same water and the same roads. Local government is local government is local government. And so I think the County and City should work together on these issues and not say, it's City or it's County or otherwise. Thank you.

CHAIR GREENE: Thank you. Let me ask one more question very quickly. Is the Agua Fria Village water system on a well or is it using BDD water? So it is the same water.

MR. MARTINEZ: Coincidentally, Mr. Chairman and members of the Commission, the Agua Fria Village and the reason the name Agua Fria is it is the oldest, continually used agricultural community in the northern continent. That goes back to 3000 BC because of the water. They are a series of wells that are serving the constituents within the boundary.

CHAIR GREENE: So it's not the same water though is the answer to that. It's not using City, County, BDD water when the City hooks up a bunch of apartment buildings. Yeah, sorry.

COMMISSIONER CACARI STONE: I was just – it's the Agua Fria Village community –

CHAIR GREENE: Right, but I just didn't know what the source of that was. It's from wells, it's not BDD interconnections.

MR. MARTINEZ: Thank you.

CHAIR GREENE: Okay. Thank you.

COMMISSIONER CACARI STONE: Yes, thank you, Chair. I just want to add to what Ms. Ladd was saying, these codes exist for a reason, even though I think we have some conflictual goals here. We want to preserve the rural nature of this community. That's why it's a traditional village. There are certain regulations and if we start opening that Pandora's box, it's going to change the whole landscape, peoplescape of the village. So at the same time, we want people to maintain their lands and continue the heritage and lineage, but we have to find a healthy balance.

And at this point, let's just get the clarity on the information we need and bring it back and we need to move forward with the decision. I just want to assure you though, please hear tonight, Mr. and Mrs. Baca, that my colleagues here and I understand the importance of keeping your land and having that land also being available to your children and grandchildren. I think that's critical. But we have to also have parity in what's fair to the traditional village and what they've agreed to and expect us to assure people comply with. I've gotten many complaints from Agua Village residents who are landowners about their neighbors trying to fudge on the density, doing this and doing that. And I think there has to be a clear line in which we make a decision that we maintain and preserve the integrity of the density so that it aligns with a traditional

village and Sustainable Development Code. So it's a very touchy balance we need to meet. We understand that. I understand that.

CHAIR GREENE: Thank you. Any other comments? Are we going to entertain a motion? Commissioner Bustamante/

COMMISSIONER BUSTAMANTE: Not to belabor the topic, but we do have the SLDC, Sustainable Land Development Code, but we used to have family transfers, and that was in the interest of allowing family and density was not the issue. It was about being assured that family would have a place to live, and that was specifically in the traditional communities so that family could stay close together and that the irrigable land would be, the houses would be clustered and then the irrigable land would be accessible. It's a flip on what was said. I think that there is a case for having family, but the family lot transfer does not exist anymore at all by that code. So I agree with Commissioner Cacari Stone and moving forward and whatever she wants to do, I would support.

COMMISSIONER CACARI STONE: Chair, can I ask Commissioner Bustamante, when did that change?

COMMISSIONER BUSTAMANTE: In the 1900s. I think that I have people in -- I have two people from La Cienega who could tell me, but it's been a while. When the Sustainable Land Development Code was adopted 2016, the family transfers were removed from that.

CHAIR GREENE: 2016 is when the SLDC was adopted. I don't know if that was part of that.

MR. VOS: Chair and Commissioners, the SLDC when it was adopted in 2016 is when the small-lot family transfer provisions went away. There are still family transfer provisions, but they require you to meet the lot sizes, so you can't do the smaller lots since 2016.

CHAIR GREENE: Very quickly, please.

MR. MARTINEZ: First time 1981, was when the first code was developed -- and then was revised in 2016. So in 1981 created basin fringe, homestead and so on. Those had the family transfer in them. Thank you.

CHAIR GREENE: Thank you. Commissioner Cacari Stone, do you want to move this?

COMMISSIONER CACARI STONE: Thank you everyone for the discussion and for the evidence presented by our staff and by the family.

I'm making a motion to table the decision on case number 25-5161, the appeal of the Planning Commission's denial of this case until we get further information and that further information requested is clarity on the history on the eminent domain, if it was used or not used, and more history on the land swap. Thank you.

COMMISSIONER BUSTAMANTE: Second.

CHAIR GREENE: Thank you. We have a motion to table by Commissioner Cacari Stone and a second by Commissioner Bustamante. All in favor say aye.

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

CHAIR GREENE: I guess the only question is motion to table till when would've been a good part of that?

COMMISSIONER CACARI STONE: When can we get this information? Will Legal be pulling it or how do we get more history?

CHAIR GREENE: Do we think 30 days is enough? Next meeting is two weeks away. The meeting after that is four weeks away.

COMMISSIONER CACARI STONE: That would be in late April, early May.

MR. VOS: Staff would request the first meeting in May.

CHAIR GREENE: The first meeting in May.

COMMISSIONER CACARI STONE: So that's reasonable.

CHAIR GREENE: More or less six weeks from now. Okay. Wonderful. Thank you very much. You got some work to do, but I think you can do it. So thank you. Thank you very much.

12. Public Hearings on Proposed Ordinance and Resolution

A. An Ordinance No. 2026-01. An Ordinance Repealing and Replacing Ordinance numbers 1995-10, 2001-1 and 2015-6 to Update the Rules and Regulations for County Open Spaces, Trails and Parks.

CHAIR GREENE: Adeline, welcome back. Thanks for staying up late.

MS. MURTHY: Thank you. Good evening, Chair Greene, Commissioners. As stated, the proposed ordinance before you is to update and modernize the rules and regulations governing Santa Fe County owned and managed open spaces, trails, and parks. The Board authorized publication of title and general summary on March 10th and the ordinance is now before you for consideration and potential adoption after a public hearing is conducted.

I'll just briefly state the proposed ordinance for the record. The purpose of this ordinance is to modernize the regulatory framework to reflect evolving recreational uses, emerging technologies, environmental conditions, and community needs. COLTPAC recommended updates to this ordinance in particular to address e-bike usage on County open spaces, trails and parks. And a trail subcommittee was formed to draft proposed changes and engage user groups for input. In conjunction with COLTPAC's work staff conducted a comprehensive review of all ordinances governing open spaces, trails and parks. In addition to addressing e-bikes, staff proposed several changes to the ordinance, including removing redundancies, strengthening protections for natural and cultural resources, expanding opportunities for responsible community use and clarifying enforcement procedures.

On February 4th, COLTPAC voted to recommend approval of the proposed ordinance to the Board. Based on the Board's comments at the March 10th meeting, staff made one change to the proposed ordinance to clarify that electronic personal mobility devices are allowed on all regional trails, including non-paved regional trails such as the rail trail. The Board also requested that staff conduct outreach to the Attorney General's Office and Governor's Disability Commission regarding provisions in the ordinance that relate to personal mobility devices. Comments were received from Amira Rashid, who is

the ADA coordinator with the New Mexico Attorney General's Office. And I met with her last week to discuss those comments. So there's one that could be a suggested change in the ordinance, but it was not received until after it was signed by legal. So I'd like to describe that to you briefly. And Amir's comments are included in your packet as Exhibit C. And the majority of her comments related to design standards for facilities within the realm of open spaces, trails and parks, which are definitely important, but outside the scope of an ordinance that deals with rules and regulations. It's something that the Board may want to consider to engage in a separate policy initiative for accessible design standards. Amira did tell me she wanted you all to know that she would be willing to assist with such an initiative. So one comment that she did provide specifically related to rules and regulations in Section 4U4, which states that roller skates, roller blades, skateboards, bicycles and motorized vehicles are not allowed on tennis or pickleball courts or animals. She recommended to exempt service animals and accessible motorized wheelchairs from that provision. So I would recommend adding the language as a new sentence at the end of that section that states service animals and single-rider motorized vehicles adapted for use by persons with disabilities are exempt from this provision.

And that is all. So staff recommends adopting the proposal ordinance with that change and any others the Board may deem appropriate. Thank you. And I stand for any questions.

CHAIR GREENE: Thank you, Adeline. Commissioners, do you have any early questions for Adeline? Hearing none. I do have one question about amplified music. There's lots of people that have suddenly decided they really like watching movies on their iPhone, but without headphones. Any concern about that?

MS. MURTHY: Yes. So that we discussed that in Section 4P.2, which states disorderly conduct, including amplified sound or other activity that interferes with the quiet enjoyment of other persons in the immediate vicinity is prohibited except as allowed by a special use permit.

CHAIR GREENE: Okay. I guess that's in the eye of the beholder, but, okay. Commissioner Hughes.

COMMISSIONER HUGHES: If we adopt the ordinance today, how would we take into account her other comments on regarding people with disabilities?

MS. MURTHY: I would defer to Legal on that question, but I would say that the motion would be made with the change that Amira recommended.

COMMISSIONER HUGHES: I mean she has other comments in here that we aren't addressing in that one change.

MS. MURTHY: So those are in a different category. They deal with design standards, whereas this ordinance deals with rules and regulations. So I would recommend bringing that forward as a separate policy.

COMMISSIONER HUGHES: Okay, a separate policy.

CHAIR GREENE: This is a public hearing – oh, yes.

COMMISSIONER CACARI STONE: Chair Greene, I just wanted to thank you for going the extra mile to talk with Amira and really getting the perspective of people with lived experience. And I really like her addition and I agree with you that one section just to add that language. Appreciate it.

MS. MURTHY: Thanks.

CHAIR GREENE: Thank you. We'll go to public hearing.

COMMISSIONER BUSTAMANTE: Sorry. What's a pickleball shoe?

MS. MURTHY: Does it say pickleball shoes?

COMMISSIONER BUSTAMANTE: There's tennis shoes, which I'm very familiar with, but pickleball shoes is something that, that's very new to me. On U --

CHAIR GREENE: It's a more expensive tennis shoe.

COMMISSIONER JOHNSON: There are indeed pickleball shoes.

COMMISSIONER BUSTAMANTE: -- on tennis courts or pickleball courts except tennis or pickleball shoes.

MS. MURTHY: That's a great question. That looks like it's a holdover from the previous version of the ordinance.

COMMISSIONER JOHNSON: There are pickleball shoes, just like all court shoes that are designed to not make marks or ruin the court.

COMMISSIONER BUSTAMANTE: Makes sense, thank you.

CHAIR GREENE: Thank you for clarifying that. So this is a public hearing. We will open it up to public comment and open the public comment period here. Is there anybody in the chambers that wishes to speak for or against this? See none and then anybody on line? Daniel says, no. Thank you very much. We will close public comment and any other comments or questions by the Commissioners?

COMMISSIONER JOHNSON: Move to approve.

COMMISSIONER BUSTAMANTE: Second.

CHAIR GREENE: We have a motion by Commissioner Johnson and second by Commissioner Bustamante.

COMMISSIONER JOHNSON: To clarify, move to approve what the recommendations from staff that Adeline mentioned and in the language that she used. It's specifically relative to U4.

CHAIR GREENE: Okay. Motion from Commissioner Johnson. That's a friendly, I take it. And a second from Commissioner Bustamante. This is an ordinance, so we need a roll call, please.

The motion passed by unanimous roll call vote as follows:

| | |
|---------------------------|-----|
| Commissioner Bustamante | Aye |
| Commissioner Cacari Stone | Aye |
| Commissioner Hughes | Aye |
| Commissioner Johnson | Aye |
| Chair Greene | Aye |

CHAIR GREENE: Excellent. Thank you very much. The ordinance passes. This is our first one this year. Thank you. Thank you, get home safe, please.

- B. Resolution No. 2026-045, a Resolution Repealing and Replacing Resolution Nos. 2001-117 and 2015-123, the 2015 La Cienega and La Cieneguilla Community Plan Update, and Amending Resolution No.**

**2015-155, the Sustainable Growth Management Plan, to Adopt the
2026 La Cienega/La Cieneguilla Communities Plan.**

COMMISSIONER BUSTAMANTE: Mr. Chair, if I may ask that since we've heard this before and with some concurrence from Nate that we would be just hearing the changes since instead of Nate having to go through the whole package, if the Board is amenable to that.

CHAIR GREENE: I love that. Thank you.

COMMISSIONER BUSTAMANTE: Just give us the new information. Okay. Thank you, Nate. Thank you, Chair.

CHAIR GREENE: Of course.

NATE CRAIL: Hi, good evening, Commissioners. Chair Greene. I'm Nate Crail, Senior Community Planner. As requested by the Commission at the December 15th public hearing, planning staff worked with the community members to develop the five-year project priority list. And you can find this on pages 157 through 159. There are two different priority project lists to reflect the two primary communities in the planning area, La Cienega as well as La Cieneguilla. And these include ranked priorities one through five. The particular project such as, phase one, PER, et cetera, as well as the details and background, the related goal as well as estimated cost.

We worked with the LCVA, the La Cieneguilla Land Grant as well as county and state agencies to make sure all these proposed projects work with all the various projects, particularly the PFAS and other water-related studies in that, in the planning area.

These priority projects are ready for inclusion in our County and State capital planning processes. But it's important to note that these do not commit any County funds as the community plans are advisory only. Another important note for these lists is because capital planning is an evolving process, the community work with the aid of staff will update that these lists every one to two years as necessary as projects get funded or priorities change.

An important note is that future community plans will include this type of list too. To expedite capital planning processes for all the other communities in the County.

If adopted this community plan and resolution, that primary implementation would be first the overlay amendment process to SLDC, Section 9.8, as well as the capital planning process for the projects identified in this as well as the long-range implementation matrix.

The recommended action is considered approval of the subject resolution amending the SGMP to adopt the 2026 community's plan. And I of course want to thank the community members who were participated throughout this planning process, as well as the two community members that are present this evening. And I stand for any questions. Thank you.

CHAIR GREENE: Thank you, Nate. Commissioners, any early questions for Nate?

COMMISSIONER BUSTAMANTE: I guess my question would be, the one that I asked the community member I spoke with in advance is, do you feel that the community has come to some concurrence? And I'm assuming because you're here with the list, that there is concurrence on what the priorities would be for that community And

to remind people of why this happened was because we got to the ICIP component, we got to the legislative session, and there had not been anything brought forward for the legislative session. So we went back. And do you feel at this point that you'd be comfortable that there are a list of priorities that this community could work on?

MR. CRAIL: Chair Greene, Commissioner Bustamante, yes. I would say that there not only are concurrence among the community, but we've added a lot more detail for the five projects for each community so that they're much more – especially as some of these projects are going to be multi-phase. And because of our capital planning process, we identified, project one is phase one of this particular project and we really elucidated the exact details of all these project more so than what we had in the previous iteration of the plan.

COMMISSIONER BUSTAMANTE: Thank you for your good work, Nate. And thank you for those of you who met with our community members and the community members who insisted on being here at five o'clock, despite what I said, regarding the time. Thank you JJ and Carl.

CHAIR GREENE: Thank you. No other early questions about this. This is a public hearing. We will open it up to public comment. Are there folks from the community, folks that want to speak for or against this in the chambers? Please come forward and testify. Do we need them sworn in?

[Duly sworn, Carl Dickens, testified as follows:]

CARL DICKENS: Carl Dickens, 27347 West Frontage Road, Blue Horse Ranch in La Cienega. This is my third shot at writing a community plan. First one was done with Commissioner Bustamante 35 years ago. This when we started it and finished it, and second rendition was about 10, 12 years ago. This has been the most efficient, best planning process that I have experienced so far. I mean that very sincerely. Nate and Joseph and the staff were just understanding and appreciative and really got to know our community. I just want to say thank you to them and thank you to you. Thanks.

CHAIR GREENE: You're very welcome. And thank you for acknowledging our staff's good work and Commissioner Bustamante's history and good work.

[Duly sworn, J.J. Gonzales, testified as follows:]

J.J. GONZALES: My name is J.J. Gonzalez. I live at 54 Entrada, La Cienega, Santa Fe, New Mexico.

Thank you Commissioners, Justin Green Chairman, Commissioners. We fully support this update of this community plan. I want to thank the Commission for allowing us to proceed with this update. I want to thank Nate Crail, Joseph Scala, Brett Clavio, Alexandra Ladd, land use people that really helped us out and we have a lot of supporters in the community that participated in this update. There's probably 50 or 60 people that participated. We had meetings for about 18 months and culminating in this thing tonight. And thank you very much for your consideration. Thank you.

CHAIR GREENE: You're very welcome. Again, thank you for the acknowledgement to staff. Is there anybody online that would like to speak to this?

MR. FRESQUEZ: Mr. Chair, there's nobody online.

CHAIR GREENE: Excellent. Thank you very much. We will close the public comment period. Any comments from the Commission or questions about this? I

do have a one little question: is there a reason that we have to call it the five-year plan? If you are concerned about the quote unquote commitments or the inability for the County to commit? Couldn't it just be a generic medium term or short term, and then a statement saying it is foreseen that this is, will take anywhere from five to 10 years to get these done.

MR. CRAIL: Commissioner Chairperson Greene, I think that was the recommendation from Commissioner Bustamante back in December so we went with that timeline. For example, our ICIP process is a very rolling capital planning process. And five year short term --

CHAIR GREENE: Okay. And I like this and I hope that that we're able to update the community plans that seem to be good, but maybe missing this one spot that maybe we could help all of those communities put together their five priority projects if this is a new type of aspect that we're incorporating into this so that we have these into community plans. Sometime in the new future, like you don't have enough work to do, but yes. Anyway. Any other comments or questions from the Commission?

COMMISSIONER BUSTAMANTE: I'd like to make a motion.

CHAIR GREENE: Please.

COMMISSIONER BUSTAMANTE: To adopt the community plan and repeal the previous plans as listed.

COMMISSIONER CACARI STONE: I second it.

CHAIR GREENE: Excellent. We have a motion by Commissioner Bustamante and a second by Commissioner Cacari Stone. This is a resolution, so all in favor say aye.

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

CHAIR GREENE: Good job, La Cienega and La Cieneguilla. Thank you very much guys. You have a new community plan.

14. **Informational Items/Reports** - No concerns were raised
 - A. **Community Development Department, February 2026**
 - B. **Community Services Department, February 2026**
 - C. **Growth Management Department, February 2026**
 - D. **Finance Division, January 2026**
 - E. **Human Resources and Risk Management Division, February 2026**
 - F. **Public Safety Department, February 2026**
 - G. **Public Works Department, February 2026**

15. **Concluding Business**
 - A. **Announcements** - None were presented
 - B. **Adjournment**

Upon motion to adjourn by Commissioner Johnson and second by Commissioner Hughes, Chair Greene declared this meeting adjourned at 10:55 p.m.

