

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR BCC MEETING
November 10, 2025

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

SFC CLERK RECORDED 12/04/2025

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1. Opening Business

A. Call to Order: This regular meeting of the Santa Fe Board of County Commissioners Board was called to order at approximately 2:00 p.m. by Chair Camilla Bustamante in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

Roll was called by Deputy County Clerk Jennifer Wilson and indicated the presence of a quorum as follows:

Members Present:

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

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 Bustamante. She 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 Michael Voz of the Growth Management Department.

G. Approval of Agenda

CHAIR BUSTAMANTE: Manager Shaffer, do we have any changes to

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the agenda as provided?

GREG SHAFFER (County Manager): Chair Bustamante, Commissioners, there are no recommended changes to the agenda as presented from staff. I would however note for purposes of our meeting that the initial agenda for today's meeting was posted on November 4th at about 5:42 p.m. and the amended agenda in front of you for approval now was posted on Friday, November 7th at 12:36 p.m. which is more than 72 hours in advance of today's meeting as required by the Open Meetings Act. The only substantive changes between the two agendas was the addition of item numbers 3 and 4 to Matters from the County Attorney Executive Session under 11A and the addition of a new item added under matters from the County Attorney as 11B which is a request to delegate authority to the County Attorney to submit court approved claims in the matter as stated. Thank you, Chair Bustamante.

CHAIR BUSTAMANTE: Thank you, Manager Shaffer. Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Yeah, thank you, Chair Bustamante. For item 12, public hearing, regarding the ordinance or regarding the historical cultural events, I'm just going to ask if, per your facilitation and leadership, if there might be some elders coming to speak and if we can possibly do that closer to the 5:00 as you see fit, please. Thank you.

CHAIR BUSTAMANTE: I appreciate that. Thank you and we will hold as close to that time as possible. Thank you for that. That being said, do we have a motion to accept the agenda as provided?

COMMISSIONER CACARI STONE: I make a motion to accept the agenda as provided.

CHAIR BUSTAMANTE: We have a motion to accept the agenda by Commissioner Cacari Stone.

COMMISSIONER GREENE: And I'll second.

CHAIR BUSTAMANTE: A second by Commissioner Greene. All in favor?

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

CHAIR BUSTAMANTE: The agenda is approved.

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

2. Matters of Public Concern

CHAIR BUSTAMANTE: We will allow three minutes for each individual who'd like to speak. Are there any people in the chambers who would like to speak on issues of public concern today? Okay, we have a few inside. Do we have anyone online, Daniel?

DANIEL FRESQUEZ (Media Coordinator): Chair Bustamante, we did have one person pre-registered. I do not see them online and nobody else is indicating that they'd like to speak.

CHAIR BUSTAMANTE: Okay, if you will approach the microphone and you can pull it down to whatever mouth level you can line up to speak and just be prepared when the other one's done. Good to see you Mr. Martinez.

VINCE MARTINEZ: Madam Chair, my old classmate, not old classmate, former classmate. Former, former. She was very advanced in school. Good afternoon, Madam Chair and Commissioners, I am Vince Martinez I'm the chief executive officer of the New Mexico Rural Electric Cooperative Association that's located here in Santa Fe on Don Gaspar. My association rep represents 15 of the 16 distribution cooperatives in the state as well as the two generation and transmission cooperatives that serve them. Three of our members serve Santa Fe County, Jemez Mountain Electric Cooperative, Central New Mexico Electric Cooperative and Mora San Miguel Electric Cooperative. Therefore, we respectfully oppose the proposed resolution before you this afternoon as it determines the feasibility of creating a publicly-owned electric utility. Electric cooperatives are publicly-owned utilities. We are not for-profit and our customers are also our owners. An elected board of directors govern each co-op and represents its members owners. New Mexico Rural Electric Cooperatives serve 80 percent of the state's land, but only 20 percent of the population. All 16 cooperatives will meet the 50 percent renewable portfolio standard outlined in the Energy Transition Act by the end of this year, five years before the deadline. Eleven of the New Mexico cooperatives, including the three in Santa Fe County, will have an RPS of 70 percent by 2030.

As energy demands across the nation increase at a rate never seen before, the amount of excess energy available for resale on the open market also shrinks at levels never seen before. Therefore, having a reliable and affordable source of electricity from a utility that actually owns and operates its own generation and transmission assets is essential to the future. Thank you, Madam Chair.

CHAIR BUSTAMANTE: Next.

RAFAEL DE LA TORRE: Madam Chair, Commissioners, thank you for the opportunity to be here. My name is Rafael de la Torre, I am the assistant general manager for Jemez Mountain Electric Cooperative as well as the primary electrical engineer. In the best interest and on behalf of the 30,000 plus member owners of JMEC, including approximately 8,400 members within Santa Fe County, JMEC opposes the resolution. Jemez welcomes the opportunity to sit down with Santa Fe County officials and explain in greater detail the reasons for opposition to the resolution. High up on the list for opposition is because electrical distribution systems cannot be carved out or partitioned by county including Santa Fe County. The electrical grid is significantly more complicated than that. It involves transmission lines that must remain overhead as they can't be buried, require substations that require as little as half acre of land to as much as an acre and a spider web of hundreds of miles of overhead and varied distribution and service lines. The system as presently designed, it's optimally designed to have what's called loop configurations and often operates in loop configurations during emergencies to reroute power when the weather goes bad and causes power outages and whatnot.

Attempting to take a bite out of these complicated systems requires huge investments and not to mention the nimbies. Santa Fe County may have to add transmission substation and new distribution lines to feed the portions that lie within Santa Fe County. Even if that was to be the case, you would end up in most cases with

what's called a radio system, which from an electrical perspective is the least desirable with very little reliability.

Last, we must not forget that presently Jemez Rate Base consists of over 30,000 plus members, which means all 30,000 plus members including those in Santa Fe County are used as the rate base for the cooperative. If Santa Fe County was to separate, Jemez will continue to exist, which means a less number amount of members will be born with having to keep the utility going. Even worse, Santa Fe County residents will have even extreme even higher rates than that. In the end, both systems will have a weakened electrical distribution grid prone to widespread power outages had no changes be made in the first place.

In closing, Jemez welcomes the opportunity to sit down with Santa Fe County staff to address any electrical issues you all may have. Thank you.

CHAIR BUSTAMANTE: Thank you. Next.

RANDY COLEMAN: Hello. Good afternoon, Commissioner Bustamante and Border Commissioners. Thank you for this opportunity to speak to you. My name is Randy Coleman. I'm a resident of Eldorado and vice president of Clean Energy Coalition for Santa Fe County known as CEC. I'm speaking to show the support of CEC and myself of the resolution directing County Manager of Santa Fe County to perform a study to determine the feasibility of creating a publicly owned electric utility.

Since 2023, CEC has been advocating for an approach that we believe will not only address the requirements for Santa Fe County to meet its goals for transitioning to renewable energy, but will serve as the basis for the County to future proof itself into the 2030s, 2050s, and beyond. We call this approach our alternative alternate concept or the smarter way, a smart electric grid. We have had the 2024 version on our website for some time. The 2025 version demonstrates the details to make the concept actionable and more importantly it shows the inevitability of the vision of smart electric grid in Santa Fe County.

The concept of the smart electric grid has been presented all over the County and Santa Fe City and the state and even PNM. Across the board, the smart electric grid was generally well received. The discussions with the County staff raised the primary question, the County has no responsibility to deliver power to the grid and to its constituents. What would you have us do? Our response has always been, take on the role of leadership.

The resolution speaks to the establishment of a publicly-owned electric utility. The models that exist and would be the basis of the study and any pilots already show that publicly-owned doesn't mean owning the physical assets of the grid. Don't let the word own deflect from the real spirit of the resolution. This brings us to today. All the whereas have lined up and now there is the threat of greater profits going back to billionaires while the status quo becomes the response to climate change and the needs of the future. This resolution is the opportunity for the county to take a common sense approach to the future and to show leadership and action to making the future happen and to ensure that the energy profits go back to the County for the benefit of residents that then everybody wins except the billionaires.

We have no pride in the authorship and of our concept and recognize that when the real work happens often the changes it will improve the concept. The most important

outcome of today is for the discussions to begin. Thank you.

CHAIR BUSTAMANTE: Thank you. Next.

SERGIO MATA-CISNEROS: Madam Chair, members of the Commission, my name is Sergio Mata-Cisneros and I live in Santa Fe County and I also serve as a local government and community manager for PNM. In Santa Fe County, PNM provides power to roughly 75,000 homes and businesses. And I just want to offer PNM's perspective on the feasibility study you'll be considering later in the agenda about creating a public own utility. We understand why these questions are being raised. Everyone wants reliable, affordable, and sustainable power. However, this study directly affects customers in the county. From our standpoint, moving forward towards a new county-run utility could lead to higher cost, more complexities, and potential risks to reliability for the people who live in the County.

We're here because PNM has a strong partnership with the county and we want to continue building on that. Our goal is to make sure we have accurate information and an open and ongoing line of communication. At the end of the day, our priorities are the same. We want to provide affordable, reliable service to our customers in the county and we want a clean energy future for Santa Fe County. On the clean energy side, we have been making real progress. PNM is on track to be 75, 76 percent carbon-free by the end of 2026 and we're committed to reaching 100 percent carbon-free electricity target by the Energy Transition Act and again ahead of the state mandate and we continue to bring new reliable sources online expanding transmission investing in our energy efficient programs and those are having direct impacts on the customers in Santa Fe County.

Just in the last five years, PNM has invested over \$120 million in and around Santa Fe County to strengthen the grid, improve capacity, and modernize infrastructure and support local growth. We continue to make these investments because we know how critical reliable power is to customers all over the county, including businesses, also for public safety, schools, and hospitals.

We also know there's some questions about the pending Blackstone Infrastructure acquisition of PNM and the facts about this partnership. We left each and one of you a fact sheet about this partnership. There will be no changes to the employees or leadership or headquarters. PNM will remain locally owned and commits to retaining its New Mexico workforce and all our labor contracts. Our headquarters will continue to be in Albuquerque, New Mexico. And we will still remain full under the jurisdiction and oversight of the PRC. And so this partnership also brings 175 million in community benefits that we're happy to discuss. And it's the largest residential credit in the state's history and also to support the modernization and support of clean energy.

So we we're happy to meet with you as you guys are considering this resolution and continue to have a resource and provide any data that you need. Thank you.

CHAIR BUSTAMANTE: Thank you, Sergio. Next.

ALYSHA SHAW: Good afternoon Madam Chair, Commissioners. Thank you so much for considering the resolution today. My name is Alysha Shaw and I work with Public Power New Mexico. We are a grassroots statewide coalition that is working to support community-owned renewable power throughout our state. I want -- I know that hundreds of residents in Santa Fe County have written and called to you in support of this and I just want to thank you for considering this. This is an opportunity to explore what's

possible. This is not a commitment. Your vote in favor of a resolution today will support the exploration of what is possible. You know, research shows that distributed energy resources, small solar and storage resources distributed across a community are actually very safe and reliable. If you look at microgrids, take the US military as an example, they have deployed microgrids across their military bases because that ensures that they never lose power and that they always have a sustainable resource to use for that no matter what happens. Across the country, across the state we have so many examples of communities leading the way towards renewable energy development. Community-owned utilities in our state and across the country on average, according to the Public Power Association of America have about 13 percent lower costs than other alternatives. And the research that our coalition has done shows that the municipal utilities in our state can have as much as 25 percent lower residential monthly rates. These kinds of utilities can be designed to meet the needs of and scale of communities and capacity. If you look at Ann Arbor, they are pioneering something that regulators, utility regulators across the country are so deeply excited about called a sustainable energy utility model that creates an alternative. It's just an option. It's something that people can choose when they want their power and they're installing solar and storage resources on part participating businesses at a scale that's integrated in the community and very similar to the kinds of solar panels that already exist on the County facilities.

So, I want to thank you for considering this. Community resilience centers, resilience hubs, microgrids, these things not only have the potential to, you know, lower costs and support our sustainability goals, but they also have the potential to help us in times of emergency. So, I just want to thank you for being open-minded and considering this and starting a conversation that I hope will last and inform a beneficial future for our communities. Thank you.

CHAIR BUSTAMANTE: Thank you, Alysha. Next.

PAUL CAMPOS: Good afternoon. Thank you so much for being here and for listening to this proposal, it's very important. It's about energy, clean energy and climate crisis. My name is Paul Campos. I'm a former County Commissioner from 2001 to 8. And we started that conversation way back then. And it's really important today more than ever. Energy prices are skyrocketing and we have equity firms that want to buy PNM. PNM really is not the player here today. They're just protecting their investment decision. So, we ask you to consider this, think about it, have the County Manager study the options, talk to the professionals. What we have here is people supporting the status quo. According to JD Powers, they they've done a study of a lot of electric utilities across the country. They have not rated PNM very highly in the Western U.S. They have not. And we know that they have rated some of in the country some of the publicly-owned utilities as the best in the country because they're focused on community service, not sending profits to Wall Street. That's what makes them expensive. And as you know, prices of electricity are going up all over the country. We really need to take local action. Keep the money in the pocket of our consumers. Make our own decisions. It is so important. This is one of the most important I think resolutions that you will consider in a long time. And I appreciate your consideration. Thank you.

CHAIR BUSTAMANTE: Thank you. Next.

SAM HITT: Yes. My name is Sam Hitt. Thank you, Madam Chairman

and Commissioners. I am the head of the Public Lands and Public Power Working Group for DSA the Santa Fe chapter. And we strongly support this proposal and more importantly strongly support taking this first step in studying the feasibility for Santa Fe County. And I know that hundreds of our members have contacted you, have sent emails, text messages, phone calls. This proposal for public power in Santa Fe County has strong, strong support among the populace and we urge you to take this first step and authorize this study. Thank you very much.

CHAIR BUSTAMANTE: Thank you. Next, anyone online?

MR. FRESQUEZ: Chair Bustamante, there are no users online raising their digital hands.

CHAIR BUSTAMANTE: Seeing no further public comment from the chambers and no one online, we are back to our regular agenda. Our public comment session is over.

3. Approval of Meeting Minutes

A. Request Approval of the October 14, 2025 Board of County Commissioners Meeting Minutes

There were no concerns regarding the minutes and Commissioner Johnson moved to approve. Commissioner Hughes seconded and the motion to approve the minutes passed by unanimous [5-0] voice vote.

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

A. Requesting Approval of a Proclamation Proclaiming the Week of November 10th through 16th as Santa Fe Navy Week.

CHAIR BUSTAMANTE: First to start this, the original intent is that we were having a visit from the Navy, some representatives from the Navy, but because of the government shutdown, they won't be here this week. But at this time I would like to acknowledge everyone who has served and if I can I'm going to call it out and if you or a family member served please stand. Okay, Served in the branches of military first. The army anyone who has served in the army. Awesome. [Applause] The U.S. Marine Corps. We have no U.S. Marine. Okay. Commissioner Cacari Stone has family in the Marines. Actually, I have a father-in-law in the Marine. Air Force, do we have anyone who served in the Air Force? Anyone in the Coast Guard or family member? Anyone in the Space Force? Now, I have to tell you, when I was making sure I had a comprehensive list, I had not heard of the Space Force. Where have we been? And lastly, the U.S. Navy. Awesome. [Applause]

This proclamation is to recognize those who served in the Navy. And I'd like to open it up for discussion. I'm not sure what you see up there. One of those people is related to Commissioner Hughes. The other one is related to me. Whoever can guess wins for the rest of the afternoon. You just win. There's nothing, there's no prize. But this matters to me a lot. I'd like for Commissioner Hughes to share a very touching reason why he very much wanted to be a part of this proclamation.

COMMISSIONER HUGHES: Yeah. My brother is on the left. He served in the Navy way back when. He's my half brother. He's way older than me. And he served in the Navy. He didn't see any action or combat in the Navy, but he was in charge of restoring the boiler room, which involved lots of asbestos. And so when he left the Navy, he lived a pretty decent life until he finally came down with mesothelioma which is a horrible, horrible disease. And he died of it in 2011. So I think – and a lot of people suffered from that and. we don't realize that being in the military means being involved in dangerous situations even if they don't seem dangerous at the time and I think that's important that we acknowledge veterans for all they've given the ultimate sacrifice as it is. So that's the story of my brother.

CHAIR BUSTAMANTE: Thank you, Commissioner. And I will just speak for a man who was incredibly proud to have served as a young kid out of Pecos, New Mexico. knew that after World War II when he got old enough he was going to join the military and he chose the Navy because he didn't grow up anywhere near water. Well, the Pecos River, but – and I will say that every time we were reprimanded for being any kind of sassy, it was, Look buddy, I've been around the world and back. So, to this end, I get it. He went around the world and back. And for all of you and everyone who has served in our armed forces anywhere at any time, we're so grateful and we'll acknowledge you today and proclaim this week of November 10th through 16th as Santa Fe Navy Week and thank you all for your service. [Applause]

Further comments?

COMMISSIONER CACARI STONE: Yeah, I want to thank Chair Bustamante, Commissioner Hughes. I'll mostly really recognize and honor everyone who served, those who have passed on, those young ones still getting training and many of you who may even have retired. But I want to just recognize too that I put in my newsletter this week that we have about 7,000 veterans in Santa Fe County. That's probably an undercount. That's 6 percent of our adult population. But our veterans also statewide represent roughly 20 percent of suicide deaths in New Mexico. And we know that many of them are on balance fixed incomes. Some of them may experience food insecurity as we speak. There's economic challenges and there's challenges in getting access to care. So, as we proclaim this, I also want to have a call for action. Thank our community services in Santa Fe County for providing support to veterans through the connector with our city and really emphasize the role of our voluntary network of veterans, the peer-to-peer to support each other.

So, we owe all of you and all of our vets more dignity, respect, and your sustainability and happiness to be home and get services and resources you need. Thank you.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. Thank you, Commissioner Hughes, for sharing that story with us. My uncle is in the Navy, he has retired from service and his father my grandfather was an army veteran. Recognizing the sacrifice of people who served their nation is really important. Tomorrow is Veterans Day, so this is this is timely and you know I think it's as Commissioner Cacari Stone said, you know, you serve for a number of years, but the ramifications of service can be long

lasting. So it's important that we recognize that I think that it being a veteran is an important sort of identity category as a citizen. And on that note, I just want to make a comment that the Blue Bus, the North Central Regional Transit District, has initiated or is about to initiate – tomorrow, well they're closed tomorrow because it's Veterans Day – on Wednesday a fair free service for My Blue, which is the kind of Uber-like app for my blue for veterans. So if there are veterans in the room who are interested in making use of that service, it is a pilot project for that community. So thank you to both of you for sponsoring this solution and I support it.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair, and thank you to the Chair and Commissioner Hughes for bringing this forward. When this was sponsors were solicited, I jumped at it, but you guys were faster, so thank you for beating me to the punch. You know, as Commissioner Johnson mentioned, this is Veterans Day week and Veterans Day tomorrow. And I think this is timely in this aspect. The military has played a great role in both keeping us safe but also providing different levels of training and service and health and nutrition and standards across our country over the last hundred years or so when we recognized our position as global stewards of peace and prosperity. The Navy is one of those aspects and I really thank you for bringing this forward and want to give a big shout out to our veterans especially to those from the Navy this week. So thank you so much.

CHAIR BUSTAMANTE: Thank you, Commissioner. Okay, if there are no further comments, we'll go on to item B.

COMMISSIONER HUGHES: I'd like to make a motion to accept the proclamation.

CHAIR BUSTAMANTE: Sorry felt so good about it. I'm sorry. Yes, we have a motion to accept the proclamation as presented by Commissioner Hughes. I will second that motion.

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

B. Resolution No. 2025-124, a Resolution Directing the County Manager of Santa Fe County to Perform a Study to Determine the Feasibility of Creating a Publicly-Owned Electric Utility.

CHAIR BUSTAMANTE: This is sponsored by Commissioner Johnson and myself, Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. Thank you to everyone who spoke earlier during public comment. I want to say that today we consider a resolution that addresses one of the most fundamental responsibilities that we have, ensuring our community has access to affordable, reliable, and sustainable energy while meeting our climate commitments. How can we do that? This resolution seeks to answer that question. This feasibility study will explore the full spectrum of public power options available to Santa Fe County. There are many options, many scales of development from rooftop to utility scale, and we should know the range of them, their benefits, their costs,

their environmental impacts, their simplicity or their complexity.

A feasibility study is an important step to moving forward immediately so that down the road we are not in the dark about what sort of public electric utility would work best for our County. From comprehensive county-owned utilities to innovative smart grid models, from microgrid serving specific facilities to collaborative approaches with existing infrastructure. Each pathway offers unique opportunities to advance our goals of energy democracy, equity, and its sustainability. We're not reinventing the wheel here. Cuyahoga County, Ohio operates successful microgrids as a county. Ann Arbor, Michigan has pioneered a sustainable energy utility model using parallel microgrids on participating properties linking residential, commercial, and government together. Right here in Northern New Mexico, Kit Carson Electric Cooperative is a community-owned model that shows how local control of generation and storage yields lower costs, stronger resilience, and accelerated clean energy leadership. A blueprint for what Santa Fe County can and should explore. Nearby Picuris Pueblo is developing its own microgrid. New Mexico has seven municipally-owned electric utilities and 19 electric cooperatives so we can learn from our regional counterparts about the hurdles, collaborating with existing utilities, joining regional infrastructure and the fundamentals of operation and service. After learning and assessing our options, I think the reasonable next stage would be to initiate a pilot project on a small manageable scale. We're not setting out to create a new 600-acre solar farm. What we're trying to do is understand our options and ranges for the future, including one that we may not own. And thank you to the gentleman who made the comment before. There are a range of options from total control of a of a select site to something that is a little bit more distributed, purchasing power, etc. Things that serve our community. We need to understand what is the best way to do that.

The goal here is to set the foundation out and from there understand what the building what our building blocks are, what is available to us. I want to thank Public Power New Mexico, especially Alysha Shaw and former commissioner Paul Campos for helping to mobilize community support of this. In just a week, I've received over 50 letters backing this resolution. Clearly, this idea is one that Santa Fe residents can get excited about. And clearly they understand what's at stake.

This resolution simply asked the questions, what options exist for Santa Fe County to take greater control of our energy future? It's time we had the data, the analysis, and the vision to answer that question comprehensively. Thank you, Madam Chair.

CHAIR BUSTAMANTE: Thank you, Commissioner Johnson, you've said it well and I do appreciate the comments that we've had today and I especially appreciate that we have the Utilities in the room. There's been some concern, a number of calls and texts and emails regarding the opportunity to meet and what you said is absolutely true.

We're just looking for a study. This isn't the time to say our heels will be dug in. We're not going to move this can any further down the road because the truth is this wouldn't come up nationally if it wasn't important to people. We received hundreds of emails asking and thanking for getting this done. There have been other attempts to do this. Those attempts in Santa Fe haven't been successful, but the opportunity is to look at what it would take for something to be successful, for it to be meaningful to the people of

Santa Fe County. That's who this is for.

The most important thing to me in looking for guidance and support from our staff is that we don't move forward with these are all the reasons it's going to be problematic. We are looking for a way to satisfy the interest of the community in having public utility. I am not naive to this concept as in 2006, I believe it was, at Northern New Mexico College we received \$300,000 to work on a solar energy research park and at that time there was a lot of concern about how this was just going to go to the utilities and we assured the public that it was not that this research was going to move forward in a way that will not just support the corporate utilities but it was going to support the people who would benefit from it and at that time the money got spent by PNM. I don't think that's what the people had asked for and frankly I was on the other side and heard this. Prior to that in the eight years or maybe nine I spent at Santa Fe Community College we had from Santa Fe County and I oversaw the grant to stand up a microgrid training program. We then received further money from EPSCoR. Now, EPSCoR is an entity that if you're not a tier one or tier two institution, you work collaboratively in the state to get National Science Foundation dollars. So, this was for what I will say a little peanut of a school compared to the bigger dogs that were at the table with us with New Mexico State, the University of New Mexico, and the standout of tech, New Mexico Tech. This was a big grant for Santa Fe Community College to continue to expand on the \$50,000 that Santa Fe County used in the development of developing the microgrid training curriculum and program. We have an islandable college in Santa Fe County. A lot of people don't know that. Not only is that islandable, and what do I mean by islandable, but that if the massive/ the major grid were to get cut off, Santa Fe Community College would be able to continue with the utility having the solar resources on campus as well as serve the neighborhood. There's a neighborhood right next door that would be tied into that grid. This is important for us to think about. This isn't about fighting for something in the interest of anything other than wanting to support what needs to happen for our communities when we look at what the price will be in the interest of not stepping in it with corporate oversight and no control over what the rates may or may not be. I understand that there are benefits when billionaires bring money to our communities. I do. I get it. But I am awfully – someone actually said, I'm awfully woke and I'm wide awake. Wide awake today. Thank you. We need to do this in the interest of resilience. Having an islandable capability and this isn't what we're asking for, but this is part of the charge and why this is so important to move forward is its resilience. If we do have something that were to affect us regionally, we should be able to stand up and say, stand up a utility and say the people who are on life support aren't going to get shut off. I'm sorry, but in the last two years, we have had that happen in Santa Fe County where the utility has not been available for community members to keep their families on life support.

A locally run utility may or may not be able to address that. And that's why I really appreciate the way Ms. Shaw stated it is we are really looking for the potential, right? Explore what is possible, not Commissioners, you need to understand this is what's happened and why it won't or why it may not. That's all fine. And we need to start from there. We need to start from these are the hurdles that we have had that other communities have had and these are the things that could or should be done or would

have to be done and maybe they're not possibly to be done whatever the case may be or what it would take and we don't have the resources but we don't have those answers right now. We are asking for the study to see what is possible. Okay. So, I hope that I've been able to clarify a little bit of what the intent is of this resolution to look at the possibility. The people have been asking for it since 2006 or 7 when I was at Northern and during the time between then and we've seen other efforts that tell you yes, people are interested in this type of utility. What do we do to answer to the community that elected us, spoke to us and elected us?

So on that I would like to hear from the Commissioners or we would start Commissioner Hughes and then Commissioner Greene.

COMMISSIONER HUGHES: Yeah, thank you. This is very interesting, and I also realize, you know, maybe we can't take over the whole County at once, but do we have other examples of microgrids in our community other than the Community College? And if so, and setting up microgrids, what would our role be? I mean, maybe that's the answer that we're looking for. But maybe you could tell me what you envision our role would be in setting up microgrids, either Commissioner Bustamante or Johnson.

CHAIR BUSTAMANTE: Commissioner, I can't really say that I would know exactly what we as a county. I think those are the questions to be answered. I know what was done was in collaboration with PNM in knowing that it would snap back to have a partnership in that capacity is a powerful tool. It's something that says we are as resilient as possible. So, I really don't know, but I know that we would want it to be cooperative. So, that's my answer. Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Commissioner Hughes. The intention of the study is to understand different kinds of models for running a utility. So, some of that could be that the County purchases bulk power. Some of it could be that the County physically installs the infrastructure of a microgrid on something like the package the wastewater treatment plant. I'm forgetting the name of it at the moment. It could be that we when we do a public housing project, we put solar panels on top of that and make sure that that community is resilient. It could be that we develop a utility scale solar. I'm just saying that almost facetiously to show us the range of options here. It could be county facility., we could start with a county facility as a pilot project to understand what it takes to operate to sell power as a utility. And that's what that entity does.

So I I'm sure that's not a fully satisfactory answer, but it gives you a range of ideas, and that's really what we're doing. Again, we're not trying to take over the, you know, all of the power lines or something like that, although, you know, we would want to know the range of options. And the intention really for putting this forward now is that it seems to me like there may be a time five years from now when we want to reference something like this or three years from now or however long where we say we've actually already done this study and you know Legal has determined that the sort of lowest amount of hurdles is in X direction and Facilities says this is these are the best places that it would we could put on new units and connect to this neighborhood that we're trying to develop through growth management. So it really gives us a sort of matrix of potentials and so their conditions of possibility need to be moved forward. We need to understand what those are. And so I'll leave it at

COMMISSIONER HUGHES: And you feel that this resolution covers all

of that? It sort of sounds like you know when you read it, it's like the County take over everything.

COMMISSIONER JOHNSON: But so I apologize if that's how you read it. It was not the intention in writing it. The intention is not to take over PNM or Jemez or any other utility. That would be extremely costly. It would be useful to understand again the range of options and so that is the intention of the this resolution.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR BUSTAMANTE: And, Commissioner, we would be open to any modifications to the language in the resolution that would clarify that in the interest of this being an investigatory resolution rather than the County is going to take over, you know, what would it take for the county to take it all over except to find out what it would mean for this to be a public utility. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you to the two sponsors here. I've thought about this for a bunch of years. To give a little bit of background, I took part in two very high level future of the grid workshops at the Santa Fe Institute over the last probably seven years and it was way over my head but it brought me up to speed in understanding the grid and so when we were talking about AES and when we were talking about different aspects there I got it right. So there was a there was a level of background that I really appreciated in this and I appreciate in what we're bringing forward here.

A little bit of my concern is that you know this came quick, right? And so, as much as I can support this, I'd really like to have time to, as the Chair said, add points to this that really talk to specifics that I know in my, background of this that can get into the specifics. And, you know, a lot of the support that I was receiving in email, and I'm sure you got it, was very specific to a public utility. It was not talking about achieving our climate goals, right? It was talking – and so we have climate goals at Santa Fe County. We want to decarbonize. We want to get renewable and we're doing that in the lead by example aspect very well.

But for me, I would love to be able to talk about this next week at our strategic planning meeting. I would love to be able to have a week or two to add to this so that we could be more specific about the aspects of this. This came last Tuesday without warning, without a discussion and then showed up in our packet last Thursday where we were waiting and waiting to see this. And so there's a level of sort of rush that I wish I had more time to add my two cents to this. And so this is an opportunity for you two to bring it forward for us now to discuss some of those aspects that you might be amendable to amending this in a way that allows us to have all of the things that you've mentioned here but I don't really feel confident that are in this bill.

And so, one in the two sort of macro-level areas that I want to bring up here one is I've spoken to folks from PNM and from Jemez in the past to talk about how using for lack of a better example the what I call the Facebook model. And the Facebook model was where Facebook was able to go 100 percent renewable because they were a new hookup onto the grid. And so if we could use that and create a countywide program that allowed for all new hookups, both residential and commercial, to be 100 percent renewable, that we might be able to expedite our use of renewables faster than the ETA is going to happen. And so we could push the needle and lead by example by creating a

program that allowed for every new bit of growth to be there. So that would be develop a plan for all new hookups to be 100 percent renewable and carbon neutral. Provide SLDC incentives for zero carbon energy use. Provide SLDC incentives for on-site power generation. And provide a clearing house for new hookups to be 100 percent renewable.

That's not in this bill. This is something that I've spoken about, but it is an option. But I would love this exploration using a model that is a part of the PRC's model to work with in this case PNM's and Facebook's solution that maybe the County can be a leader in this as a as a jurisdiction to create something that all new hookups and all new development could be 100 percent renewable.

Additionally, I would love to specifically speak about a position paper that can go into the negotiation strategies of where this and to understand how the private equity purchase of PNM could be addressed but and is going to impact Santa Fe County. So what does that mean to us? What can we do to how do we approach it with the PRC? How do we approach it with PNM and Blackstone? Right? We these are all players in this. And rather than wait a year to get this report, I would rather see that we take little bite-sized pieces at this that starts to talk about what our position should be two, three months from now so that we can have an informed position that it isn't too late by the time we do this in this form of a 365-day study.

So I'm generally in support of this, but I really wish we had more time to digest it and to really add you know, now therefore be it resolved aspects, that we might be able to discuss in open session and add our two cents to this as opposed to feel like we're pressured to do this. I don't see the pressure to do this week. I think we have an opportunity next week with strategic planning and I think we have the opportunity to hear this and pass it in two weeks or three weeks when our next meeting is.

And lastly, I don't know how much this is and I would love to see how much the scope this would be and to have some aspects reviewed by Legal to see if this is even remotely feasible. Right? Are we just is just this a pipe dream? And the first pass should be reviewed to me by Legal and by some level of financial fiduciary responsibility by our Finance and our public planning department

CHAIR BUSTAMANTE: Thank you. Commissioner Johnson. Did you want to address that?

COMMISSIONER JOHNSON: So yeah. You just kind of tossed out three things. All hookups be 100 percent renewable. Is that a synopsis?

COMMISSIONER GREENE: All new hookups, yes.

COMMISSIONER JOHNSON: All new hookups. Yeah, I'm absolutely in favor of that. I don't see how that fits into a resolution like this. It seems like it might be something that would be part of an amendment to the SLDC. So, I'm interested in that. I'm just saying I don't think it goes into this other component.

The second point that you had, remind me?

COMMISSIONER GREENE: Was creating a position statement and understanding the impacts that the private equity purchase of PNM might have on Santa Fe County and might we have a position on that?

COMMISSIONER JOHNSON: I suppose something like that could go into the therefore now, be it resolved section. Though I think the intention is not to, my intention, is not to, you know, say just because PNM is has a letter of agreement a

purchase agreement through with Blackstone that we you know need to do this because of that. So I don't see it as necessarily relevant. I think it's also important. I just don't see how it fits into this particular case because a feasibility study of the potential of the County to do a project of any sort would factor into what changes when the grid shifts to this type of entity. So I don't see that as part of this. I see it as an important thing to understand but I don't see it as part of the resolution needing to specify that in the resolution.

The third thing that you mentioned was the cost. So costs are extremely variable for feasibility studies. This one is not a feasibility study that's attached to a proposed infrastructure project which is typically .75 percent of the total build cost. So anywhere between, you know, a \$100,000 and a million dollars depending on how large because we're not proposing to build anything. We're just hiring a firm to give us the legal landscape and in the legal landscape, the sort of energy markets landscape, the technology landscape, different models from different communities, not asking our own staff to get coal from different places, talk to Ann Arbor, talk to Cuyahoga, talk to what failed in Las Cruces. There was a big push there that didn't end up happening. So, understanding those my estimate would be that we could do a feasibility study for \$150,000, but it I think Chair Bustamante and I are open to a cap on any amount for that. if it were to be over \$250,000, we would see it. I think that's right. Is that right, Manager Shaffer? Because it would be above your signatory authority?

MANAGER SHAFFER: Chair Bustamante, Commissioner Johnson, yes that is correct. What I would likely do if the resolution were adopted given the range of potential options to be looked at as well as the potential ingredients that could go into a feasibility study is I would likely bring that scope of work back to the Board of County Commissioners to look at before we did the procurement to make sure that we understood our mission correctly relative to what the study, what you wanted it to look at. And then we would do the procurement and then we would bring back to the Board the contract for execution so that you could see again the range of cost and the range of ingredients just to be clear. That's how I would imagine this working as a practical matter to make sure that we are in fact looking at those things you want us to look at and then also when we actually have a proposal from firms to consider you can see how different elements of things to be looked at and at what degree you want them to be looked at could be costed out. So I hope that answers your question, but that's how I would envision this working as a practical matter to make sure again we were implementing what it is you wanted us to implement.

COMMISSIONER JOHNSON: To clarify, so that would be internally developing a scope of work and having the Board comment on that.

MANAGER SHAFFER: That is correct.

COMMISSIONER JOHNSON: Okay. So, you know, I think that I would certainly be interested in having discussions about what this entails. I want to take just a moment to address the strategic planning component. The intention was to push this forward before strategic planning because it it's an important issue and one that you know we can leverage community support for to be able to show the community what we're doing. One of my observations about strategic planning at the County is that it is often, you know, we sort of build a bunch of tables and this is not to denigrate that process just

to be clear. We build tables with priorities on them and then we kind of say all right let's we're gonna do those. It's important as Commissioner Bustamante said to inspire the community through this kind of leadership and that is why I made it into a resolution as opposed to part of the strategic planning process.

CHAIR BUSTAMANTE: If I may and thank you, Manager Shaffer. I'm going to reiterate the steps specifically that we are asking and I'd like to make some amendments to that that I hope will clarify, but I'm not sure that the issue of making sure that we have a detailed scope of work. We're asking for an investigatory feasibility study that has a lot of open doors and I believe that we can get the answers that we need with a cap on the amount of money that we'd be needing to spend. In other words, I prefer that we move forward in getting more information than have the opportunity to look at details that could blow it out of the need to just identify what the possibility would be. For example, what we have right now is what the benefits may accrue to the residents of the County. I don't know how or what could be done differently than doing the benefits and risks associated with that. That doesn't seem that it would take a lot of time, but I think it's pretty clear-cut. The costs involved in the creation of a publicly-owned utility and sustainable electric energy utility. So, there are already good examples of the cost of doing that out there.

We have different options and scales of availability for the County to create publicly owned. I would like to add to number three the different options and scales available for the County to create a public utility and energy utility or variations thereof. So to add with all due respect, Commissioner Greene to say I'd like to have more information and then have some real specific recommendations for what you'd like to see done in this particular utility says that you've already given this quite a bit of thought and I think what we're looking for is exactly the kind of information that would be fed in to this type of study. So I would like to add on item three to create a publicly-owned sustainable energy utility or variations thereof. What else could it be? Could it be/would it be a collaborative? Would it be a co-op? And that leaves that open. Would it be very specific ideas to putting solar on everybody's house for every new review? Whatever the case may be, we're leaving that open.

Review of previous efforts for both successful and unsuccessful efforts in this interest both statewide and nationally. That will provide a substantial amount of information. So, I don't believe there are further details that would need to be hammered out. And quite frankly, I don't have a sense that there's a strong interest by County staff to do this because the information that we've received has pretty much been this is why this would be too hard. This isn't what we're looking for. We're looking at how do you possibly do this? And if it's not possible and it is too hard, then let's learn that. Okay? If we needed to have more legal review, I would ask that we would have potential outside legal support to have something that may be more objective because the interest of that we've received has only been on these are all the hurdles that would have to be crossed which we were pretty well aware of.

So how would we move forward on just getting if it's further resolved that the scope of work is items one through and I've added a four. So, I've added information at the end of line three that says, or variations thereof, and a number four that says, to review previous efforts both successful and unsuccessful in the country and in the state in

this interest. I think it's pretty specific. I don't think we need to get into a whole lot more detail. Respectfully. Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you, Chair Bustamante. First of all, I commend you and Commissioner Johnson and putting to this together. It sound like it was a very wide community process. I also wanted to thank everyone who spoke earlier, but mostly the persons and members of our community who took the time to send an email. My liaison and I put them together up through noon today, I received 178 unduplicated emails. Most of them were from district four and district 5. I was very pleased to see some emails from my district. Folks basically support sustainable energy for and by our communities. So I think it's critical to really acknowledge all of you. But because communities are very excited about this, we also want to manage expectations and not make promises we can't keep.

So, Commissioners Hughes and Greene, I did know and agree with your question and some of your comments, but I because I'm new, I spent the weekend really going through researching everything and reading everything. And there's three major things we need to consider with regards to the resolution. So, Chair Bustamante, Commissioner Johnson, I put together a three-part three-step plan as friendly amendment. I'm going to pass it your way because I know you put a lot of time and that again the community is supporting this. So, the three-part plan considers authority and statutory scope because the state statutes really also determine what's we're able to do here. It includes condemnation and asset acquisition considerations, public utility and commission and federal jurisdiction. So, we'll think about this in a three-part plan as a friendly amendment. And we bite this off as parts of ingredients for success for the collective.

And I want to give due respect to the staff because our staff always pulls together great plans and proposes to us. But here's what we might think about if we want to move forward today with the resolution is that step one we have a prefeasibility scan. This could take place and, again I put together something that would reflect what the two of you intended to have this done in a year, the prefeasibility scan would be between January and March and that I did some research would cost about 100K and that would include looking at the legal, technical and financial viability. This phase would include research and evaluation of previous studies and best practices and models, Commissioner Hughes, and lessons learned as well as some guidance here. It would also include meetings with stakeholders, experts, and community members.

Step two could take place and then we bake into this ingredient feedback as we go because we know that because of the community interest that you rallied, I commend you again, we want to report back to the communities and interested stakeholders what we found. So that could happen in April. Step two, we would have a full feasibility study and that scope of work would be again a step-wise iterative approach where we bring in what we had in the prefeasibility scan and put it in the RFP and then we would go to that full feasibility study. These cost between 250 and 600K. It would include the independent consultation, modeling, legal regulatory analysis, best practices, but also would include workshops with different stakeholders and community groups.

Then we get to November/December, and there would be a report back again to the community. We don't wait a year. And it's iterative stakeholder feedback and then there you go. we have, if needed if we really want to look forward for a fully expanded

implementation that could be in 2027 and beyond and these can cost 1 million to multi-million dollars but again I'm proposing a three-step part and that we write that and consider that language today that way we meet some of the enthusiasm of our communities but we built in and bake in some checks and balances is and as we go iterative approach. So, thank you.

CHAIR BUSTAMANTE: Thank you, Commissioner. I appreciate the detail that you put into actually the time that you put into providing the detail that you've put here and I think it's really good information. I think the one thing that we do know is that the entities who have done these studies have done a bit of this and I think this could absolutely be recommendation for the scope of work that we're expecting them to complete. So it's very helpful. I don't have any additional thoughts on it except one thought and it's not it's a flag up in those because we know they're entities who have done this work before that it kind of micromanages their process. But what it can do for us is say we need to see we will see it based on this schedule that we need to see the initial feasibility based on items, you know, that if they're accepted be further be resolved and continue to ask that they provide this information to us as they provide their reports. Does that sound amendable to you Commissioner?

COMMISSIONER JOHNSON: If I understand what you're saying, I am interested in this and I think well, thank you. It was it is helpful to break it down into these in these sectors. I am a little and this is not meant to be glib because maybe this is what we want to do but it's a feasibility study for the feasibility study which isn't and again I'm not trying to be glib about it but I actually think that this is a great timeline that you've laid out. So I'm kind of using that as a way to understand myself. We need to sort of lay some groundwork to do the feasibility study in earnest. And I guess my question for you would be in step two, it seems like we would need maybe need to do a new resolution at that time for that study, right? Because we would we would want to take the data from the pre-study. It's called a prefeasibility scan in step one from Commissioner Cacari Stone. So, that would sort of give us a sort of understanding of some of the things that I think Commissioner Greene had brought up. So, I'm very open to this. Thank you for doing it, Commissioner Cacari Stone. I know that Commissioner Greene has been chomping at the bit.

COMMISSIONER CACARI STONE: Can I just clarify?

COMMISSIONER JOHNSON: Please, please.

COMMISSIONER CACARI STONE: Consider it just a scan and we're looking at the legal statutory considerations talking to stakeholders then we can go into the feasibility study and I think that's really important because of the community enthusiasm we want to balance and we could always amend the resolution that the two of you have put forth if we put a little bit more guidance I think it'll help staff, it'll help our legal, it'll be iterative, but we also report back and we get input, right? And that's so important as we go.

CHAIR BUSTAMANTE: Commissioner Greene. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Chair Bustamante. I just wanted to say my one edit was to change number three under be it resolved to say the different options and scales available for the County to create a publicly owned sustainable energy utilities that would but also the change you made was good enough as

well.

CHAIR BUSTAMANTE: Utilities or variations thereof.

COMMISSIONER HUGHES: Yeah.

CHAIR BUSTAMANTE: Okay. Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you. Thank you Commissioner Cacari Stone. This is, you know, I think actually expedites what we want to get faster, much faster. First off, I think that the prefeasibility scan could probably be done for the \$50 to \$60,000 range. And so that's three bids and not a full scale RFP process. And so if we adopt this, we might actually have these answers by April, right? So if that's our goal to get this like I would love to have answers faster than 365 days and with procurement and all that that can take four to six months just to get this thing to that point and then six months to roll this thing out.

So I would recommend adopting this and again I don't think that I mean if you want this to get done in this year give us two weeks to work this and define what the prefeasibility scan is, whatever that means, but this is a very good start, a scope that keeps it under \$60,000 that allows it to be to three bidders that can be brought together with experts to get us to the answer whether this is a go no-go by the end of March, right? And so that gives us four months more or less and we get to the answers and then at the same time it starts to inform us as to the full feasibility study and we might be able to start working on an RFP and have internal documentation or discussions about how it's progressing. Right? They may just say that this is impossible or this is possible but and how we're going to work through this and these are the parts of things that we need to work through in a full feasibility study. I would recommend this three-part I think this is great. I think the first part it's below \$60,000 bringing all the stakeholders together making sure that all the pueblos that should have a voice in this have a voice in this. All the cities and towns that are impacted by this and including all of the utility operators have a seat at the table so that we know whether we can work through this without an adversarial situation here.

And so I'm personally in favor of adopting this three-part aspect, but I'm also asking for another two weeks, three weeks, whatever, whenever our next meeting is so that we can scope out the other aspects that and we all participate in crafting this instead of doing it here at the dais but we do it in with a little bit of time instead of just three days over a weekend as we had this week.

CHAIR BUSTAMANTE: Thank you, Commissioner. I agree that this is very helpful and I'd like to make a motion.

I'd like to make a motion to accept the resolution as provided with modifications to line one benefits that may accrue to the residents of the County with review and impact of respective stakeholders. That's going to give us the information that you have called for. To add to number three, sustainable energy utilities or variations thereof. Review of previous efforts both successful and unsuccessful. So, a number four in this interest. And to utilize and consider details and other items for consideration during the strategic planning period as they may be provided.

That is my motion. Do I have a second?

COMMISSIONER JOHNSON: I'll second. I'd like to have discussion.

CHAIR BUSTAMANTE: Let's have discussion.

COMMISSIONER JOHNSON: So can you just clarify how would the prefeasibility scan be? Can you just clarify for me?

CHAIR BUSTAMANTE: I will say that the people that I've worked with and I've worked with a number of people who have been working on microgrids understand these processes. So a prefeasibility scan has been done nationally and in the state. People have done this work now for years and I don't you know to whatever end of detail and quasi understanding that we may as nonprofessionals in this field may think we can adapt to creating a work plan for people who do this work every day all day long and that's what they show up to do. I don't think – I would like to have what we want to see and then have their input, you know, to well this is how it's done to get where we need to be because what we're looking at are those things that have been successful and those things that have not been successful. So, as good as this layout is, and it is, it's good, I really think that the final call is this is what we need to see. And for those who are the experienced professionals in this area, they would tell us you're going to get your prefeasibility at this point at this juncture in the review period. That is my take.

COMMISSIONER JOHNSON: Okay. Thank you, Chair. Can you repeat that last element that you added then just so that I can understand?

CHAIR BUSTAMANTE: Number four or the first one benefits that may occur to the residents. Which one?

COMMISSIONER JOHNSON: Let's just go over them all.

CHAIR BUSTAMANTE: Okay. Number one, the benefits that may accrue to the residents of the County with review and impact to respective stakeholders. So that means it would they would be included in this discussion. The costs involved in the creation, number two, doesn't change. The different options available for the County to create publicly-owned sustainable energy utilities –

COMMISSIONER JOHNSON: Plural, yeah.

CHAIR BUSTAMANTE: Plural or variations thereof. And number four, review of previous efforts both successful and unsuccessful in this interest. And number five, to accept the resolution input provided by Commissioner Cacari Stone with the opportunity for additional consideration of other items during the strategic planning session.

COMMISSIONER JOHNSON: Okay, I have it now. Thank you. I'm in support of that.

CHAIR BUSTAMANTE: Okay. I have a motion with by myself, Camilla Bustamante, a second by Commissioner Johnson. Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: I thought we were having discussion.

CHAIR BUSTAMANTE: We are

COMMISSIONER CACARI STONE: I just really want to know Chair Bustamante and Commissioner Johnson. I hear support here from all of us, the BCC. This is worth rallying around. It has merit. It's got community enthusiasm. However, due to the massive potential scope and the complexities, statutory, legal, technical, I think it's critical and I want to identify that of the 173 emails I received, I had at least about 30 of those where community partners are hearing that this resolution is proposing that the County be the owner of a public utility and there's a lot of misinformation. So I think the

more clarity and guidance as the BCC we provide in the resolution is not over managing or stepping on toes of experts. We're giving the benchmarks we want and the steps we want with check in, with community and reports back, with the flexibility to amend as we go based on what we find.

So again, the reason why I'm asking that the clarity in some of what I'm proposing and have prepared for us to discuss be put in item number three, Chair Bustamante and Commissioner Johnson, at least the main highlights so that there's not mass confusion and disappointment.

CHAIR BUSTAMANTE: I understand that to be a friendly amendment to item three to the motion.

COMMISSIONER CACARI STONE: Yes, to add the steps, please.
Thank you.

CHAIR BUSTAMANTE: So that would be very specific and my intent was to keep it very broad because this is good and there may be additional considerations that would come up during strategic planning. So to say variations thereof allows for us to have that flexibility for further considerations.

COMMISSIONER CACARI STONE: I think, Chair Bustamante, what I'm proposing that I think is really critical to support this is that there be check-ins and report backs and that we specify that and that this initial scan look at the legal technical issues and the scope and authority that we didn't get a chance to do prior to this process today.

COMMISSIONER JOHNSON: So, Madam Chair. So would that be what if we added something in that was like, the County will establish some benchmarks for feasibility for the feasibility study period. And those benchmarks would include a period where we reach out to community members and stakeholders and understand the legal landscape.

CHAIR BUSTAMANTE: Commissioner Johnson, that's less specific than what I had proposed., Commissioner Cacari Stone, I had said that we would accept the steps provided and further considerations brought to the strategic planning process. So, I said we would accept this as provided by Commissioner Cacari Stone. That that's what I said. So that was number five. So what you said is more general and if we'd like that I'm willing to take a friendly amendment unless you want to keep the specificity.

COMMISSIONER JOHNSON: So I just want to clarify then that that language is included those benchmarks are included in the resolution as proposed by the amendment to the resolution as proposed by Chair Bustamante.

CHAIR BUSTAMANTE: But we would not be coming back for further vote on each step. But I wouldn't – that's not part of the proposal or –

COMMISSIONER JOHNSON: So zooming out, you know, we want to understand the range of options available for us that includes hearing from the community for in what they want but that is necessarily part of a feasibility study. So we have to understand what the legal landscape is in order to understand what we can legally do. I guess I do see this as, you know, I feel like we can add these things and they will give helpful bumpers to this process. But what we are doing is taking a 10,000-foot perspective to say like this is what Santa Fe County looks like. This is its regulatory environment. This is the technological landscape. This is what the federal government's

doing. This is what's happening on the sidelines with the other players. Help us understand what we can do, what our range of options are. And I think that that is encapsulated in the resolution as amended.

CHAIR BUSTAMANTE: Okay. Thank you. And yes, the details for step one, step two, step three, the specific details would not be included in my amendment because it has specific dollar amounts. That would not be acceptable at this time.

COMMISSIONER JOHNSON: Yeah, I withdraw that.

CHAIR BUSTAMANTE: But we would have a prefeasibility, a full feasibility and an expanded study as part of this and other considerations that would be brought up in the strategic planning session.

COMMISSIONER GREENE: Madam Chair.

CHAIR BUSTAMANTE: Commissioner Greene.

COMMISSIONER GREENE: Thank you. I do appreciate this prefeasibility scan. I still think we need almost the pre pre but we would learn so much more with public input from experts that had gone through the City's – I spoke to a city councilor earlier today that did that participated in the City's study and he said and his answer was, Wow that was a while ago give me a minute; right, you know? But a minute like hasn't – we didn't give him a minute right and he would be great as a resource to understand what failed and what happened there before we go forward and we would learn from that and be able to address it that way. He referred me to another expert that said I can give you 5 minutes right now but this is a much longer conversation. He's willing to come talk to us in the next week or two or three.

CHAIR BUSTAMANTE: Thank you, Commissioner. I think that's good because those are entities that would be included in part of the feasibility study.

COMMISSIONER GREENE: I understand that –

CHAIR BUSTAMANTE: And with all due respect, with regard to your comment that we could have discussed this before, this would have been a violation of the Open Meetings Act to have had us. This is a proposal, a resolution that is on the table that has its first motion and a second, and I'd like to call for a vote. All in favor? Opposed.

The motion passed [3-1] with Commissioner Greene voting against and Commissioner Cacari Stone not voting.

COMMISSIONER GREENE: I think this is so –I'm going to oppose it in its current form right now because this was, you know, I'm supportive of the concept. I appreciate this, but I think that this was rushed through.

CHAIR BUSTAMANTE: To be quite honest, I don't believe that we're understanding the level of scale here. This motion has been passed, but I think we're really trying to get into some details that will come out as part of the study. That's all I'm saying.

COMMISSIONER CACARI STONE: I was not ready to vote, but I heard different things, Chair, and I want to be sure I'm doing my due diligence and voting correctly. So, can we just revisit? So we have a number four number and under number four we will put the general steps identifying step one prefeasibility scan that looks at the

legal technical and authoritative and statutory scope best practices models lessons learned.

CHAIR BUSTAMANTE: That's number five.

COMMISSIONER CACARI STONE: That's number five okay so we can include that language I just want to be sure because if we're going to move this resolution forward I want to have this iterative step stepwise as a guidance in the resolution.

COMMISSIONER GREENE: And when is that due? Do we have a date that we would expect that or is that in the 365 days?

COMMISSIONER CACARI STONE: I propose like through March and then in general a report back in April. In April, we go to the full study, report back in November. I think that's important to put those benchmarks.

CHAIR BUSTAMANTE: We have a vote and we've already have the acceptance. So those details can be put in at the time during strategic planning. I agree with you and I think we did already accept that your/that this will be put in. We already approved it. It will be in there and those details we can make sure are part of the work that we'll do during strategic planning, sincerely.

COMMISSIONER CACARI STONE: I don't think we're going to get to that, respectfully, Chair Bustamante. You know, we've been all meeting with Stephanie who's organizing strategic planning. Strategic planning will be the larger goals and to be accountable as BCC members for something of this large scope and immensity. I want to be sure it's successful that what you're proposing is successful.

So I just again was clarifying because I didn't do my vote yet whether we will include these steps in description.

CHAIR BUSTAMANTE: Attorney Boyd.

ATTORNEY BOYD: Chair Bustamante, I have to confess to being getting a bit lost in the course of the amendments that were discussed and certainly I understand that a vote has been taken to adopt a form of motion with several friendly amendments to it. But in terms of unless there is a line by line reading now to clarify what the record is, I I'm going to have to be going into the minutes and attempting to insert what I think Commissioner Cacari Stone described earlier on in the discussion as item number five. And so it's not my role to tell you how to move this forward, but I'm just letting you know that it's not clear to me how each of these numbers are supposed to read. So, I would benefit from a line by line reading.

CHAIR BUSTAMANTE: I'm sorry. I'm sorry. For clarification, I made the motion and it was accepted and number five reads, to accept the steps or the recommendations provided by Commissioner Cacari Stone with additional considerations for review during strategic planning. That is how it read. That is what would be in the record. It's broad enough and more detail can be provided later.

The motion has been passed. We have one Commissioner who has not been able to vote yet. The details can be put in at that time, but there won't be an additional vote. So, you can abstain if you don't feel comfortable. We already have passed this, but it's up to you.

COMMISSIONER CACARI STONE: I want to be able to vote and know what I'm voting on. And I agree with Attorney Boyd that I wanted to be clear what's in the resolution because that will be permanent moving forward. So again I'm hearing

different things. So can we do a line by line read of what's in number five? Correct. And then I can make my vote.

CHAIR BUSTAMANTE: Five was to accept the recommendations provided by Commissioner Cacari Stone. I will I can't modify it after the vote's been made. Is that correct, Attorney Boyd?

CHAIR BUSTAMANTE: Chair, you can, the Board can entertain a revisit to this resolution at today's meeting. But there has been a vote.

CHAIR BUSTAMANTE: Commissioner Johnson.

COMMISSIONER JOHNSON: Sorry, did you say at this meeting or after this meeting?

ATTORNEY BOYD: At this meeting. I believe the rules become more complicated if you if you revisit the resolution after the meeting. But you can you can amend the resolution at a later meeting as well.

COMMISSIONER JOHNSON: Okay. Or we could break for five and write it out in the way –

COMMISSIONER GREENE: And if I would request a revote because if this is all in those – the way it was restated was much more clear than it had gone back and forth.

CHAIR BUSTAMANTE: There are specific details with regard to the specific dates. I would rather have three months, three months and that's why I left it to steps one through three to just say accept the recommendations provided by Commissioner Cacari Stone, but if we need to be more specific I think getting into the specific details are not considerations. We could spend the whole morning here. I mean afternoon, I'm sorry, afternoon. I don't know how much more detail we would put into this.

COMMISSIONER CACARI STONE: Chair Bustamante, again I think the Commission here is in support of all the merit and I would like the due diligence of being able to have a full vote and the opportunity for myself and Commissioner Greene as well to vote. It sounds like we all agree on the details. We just need a reading of how it's going to read so we can finalize it. I think just this little push and maybe a break and then come back and write it. I'm happy to, you know, hand it over to you electronically and you and Commissioner Johnson since you co-sponsored it for respect for your leadership.

CHAIR BUSTAMANTE: So the previous vote would be cancelled. Is that allowed, Attorney Boyd?

ATTORNEY BOYD: Chair Bustamante, again, you have voted on the resolution. That vote has passed. You all can, I guess you could style it as a motion to amend the resolution or replace it with the resolution to be adopted. Again, that's up to you all in terms of what you decide to do. I agree that there has been a vote. It sounded like it was four Commissioners with only Justin Commissioner Greene voting against, but then again a revised vote is possible.

CHAIR BUSTAMANTE: Okay. So, it's is it enough Commissioner Cacari Stone to say that there would be a prefeasibility, feasibility, and an expanded study. I did mention those three parts. I just did not put them in item five. Is that acceptable? You want the prefeasibility to have specific details.

COMMISSIONER CACARI STONE: It doesn't have to be this level, Chair, I agree. But I think step one prefeasibility scan first quarter including legal, technical, financial, statutory, viability including meetings with stakeholders report back to the BCC. Step two, full feasibility study. Integrate findings from step one, RFP it full independent consultant that the County staff seek that, report back November/December.

CHAIR BUSTAMANTE: The consultants going to be before the prefeasibility scan. The consultant will do that part.

COMMISSIONER CACARI STONE: Absolutely. I think I was looking at consultants if it's a lower amount initial one and then we may need a more I don't know what other consultant for the larger study but that it's two parts.

CHAIR BUSTAMANTE: We can get a full consultant who understands the scope of work.

COMMISSIONER JOHNSON: Chair.

CHAIR BUSTAMANTE: Yes sir.

COMMISSIONER JOHNSON: May I propose that we take a 15-minute break so that myself or you and Commissioner Cacari Stone can just write this out so that no one feels confused and then everyone is going to and then we can take a revote or –

CHAIR BUSTAMANTE: For the record we are going to revisit the previous vote and the details of what will be in the resolution and we will take a 15-minute break.

ATTORNEY BOYD: Excuse me, Chair.

CHAIR BUSTAMANTE: Yes.

ATTORNEY BOYD: Just to be clear, it should be two of you meeting to discuss these changes.

COMMISSIONER JOHNSON: Yes, it'll only be me and –

CHAIR BUSTAMANTE: I'm not, they are.

ATTORNEY BOYD: Okay. Thank you.

CHAIR BUSTAMANTE: So, we're taking a 15-minute break just to work out the details of what will be in the resolution.

[The break occurred from 3:35 - 3:54]

CHAIR BUSTAMANTE: All right, we are back in session. Commissioner Johnson, if you can please read the change the clarifications regarding the information from Commissioner Cacari Stone.

COMMISSIONER JOHNSON: I will do that, Chair but before should we see if there's something procedurally that we need to do?

ATTORNEY BOYD: Chair, I've looked at the resolution 2009-02 in terms of and how it deals with motions to reconsider. They are in order so long as they're called by a member of the Commission who was on the winning side of the motion previously granted. So, if the Board's sense to bring this up for reconsideration, one of the Board members who voted in support of the earlier motion can move that it be reconsidered and at which point if the motion is seconded, you all would debate and decide on whether to reconsider the earlier resolution and adopt the resolution that I understand is about to be discussed and debated.

COMMISSIONER JOHNSON: Okay, I'll move to do that. I'll move to reopen this as someone who voted yes to recon.

COMMISSIONER GREENE: And if I'm allowed to, I'll second.

CHAIR BUSTAMANTE: You didn't vote yes.

COMMISSIONER HUGHES: I'll second that.

CHAIR BUSTAMANTE: We have a motion to revisit this resolution from Commissioner Johnson. We have a second from Commissioner Hughes. All in favor?

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

CHAIR BUSTAMANTE: Okay. we are revisiting now with Commissioner Johnson providing the specific information. Do we don't need to redo the proposal, do we?

ATTORNEY BOYD: Chair, I believe, what I understand you have done just now is to reconsider the earlier resolution. So you can now in essence readopt the resolution. I believe it would be cleanest for you to have a new vote rather than just –

CHAIR BUSTAMANTE: Okay. So, I will make the motion to read the resolution with the clarifications that will be read by Commissioner Johnson with regard to the input from Commissioner Cacari Stone. Do I have a second?

COMMISSIONER JOHNSON: Second.

CHAIR BUSTAMANTE: We have a second from Commissioner Johnson. All in favor? Discussion, discussion, discussion. Sorry. Sorry.

COMMISSIONER JOHNSON: So, Daniel Fresquez does have this, could you broadcast this. I emailed you.

CHAIR BUSTAMANTE: Please read it if you can, please.

COMMISSIONER JOHNSON: I will read it.

CHAIR BUSTAMANTE: Okay. Thank you.

COMMISSIONER JOHNSON: I couldn't mail it to all of you because of quorum. Okay. So, the adjustments would be to the first, be it further resolved statement; Be it further resolved that the following be evaluated: One, the benefits that may accrue to the residents of County with review and impact to respective stakeholders. Two, the costs involved in the creation of publicly-owned sustainable electric energy utilities. Three, the different options and scales available for the County to create or enable publicly-owned sustainable energy utilities or variations thereof. Four, previous studies and models, both successful and unsuccessful, to establish public electrical energy utilities in New Mexico. Five, a phase one wherein the consultant conduct a preliminary assessment of legal, technical, community interest and feedback and financial viability to complete to be completed within 90 days of procurement, with a second subordinated clause of a phase 2 feasibility study assessing that, for instance, independent consultant, load modeling, valuation pathways, legal regulatory analysis, public engagement through workshops, study groups. Six, written reports and presentations after each phase to BCC and the public

CHAIR BUSTAMANTE: Any further discussion?

COMMISSIONER GREENE: Can we put a not to exceed \$60,000 in

phase one so that we can expedite this? So it we have a target that it is a three bid but not a full RFP.

CHAIR BUSTAMANTE: I don't –

COMMISSIONER JOHNSON: The only that I would hesitate is just that we you know now are signaling what the ceiling is. I guess they could listen this meeting though.

CHAIR BUSTAMANTE: I won't take the amendment to the motion unless there's further discussion to really make the case, but I don't see that as something necessary if we knew that there would be a specific scope of work that we expect to be seen.

COMMISSIONER JOHNSON: I don't think we should hamstring ourselves with that. I think that a 90-day contract is not going to exceed that anyway.

COMMISSIONER GREENE: But if it's if you think that you might be over \$60,000, you have to go to a full RFP. And if you limit it to not to exceed \$60,000, you can do it with three bids and expedite it, we could be actually talking about this in April as opposed to approving the RFP in April.

CHAIR BUSTAMANTE: We want to see the full RFP approved to get us through the whole scope of work. I don't want to break this up. My motion is not to break this up into separately paid for scopes of work. They are all inclusive in the scope as provided.

COMMISSIONER JOHNSON: Yeah, I do think it's a phase one and phase two. And so you don't want to split them.

CHAIR BUSTAMANTE: That's the motion. We have a second by Commissioner Johnson. The motion is to have it the way it's read, but not to break out the scope of work to be re-RFP'd at various junctions. It doesn't include that.

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

COMMISSIONER GREENE: Okay, motion carries, onward ho.

COMMISSIONER JOHNSON: Thank you all for bearing with us.

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

5. Consent Agenda

- A. Request (1) Approval of Amendment No 1 to Agreement No 2025-0010-SO with Santa Fe Animal Shelter and Humane to Provide Humane Animal Care and Sheltering Services, Extending the Term for Three (3) Additional Years and Increasing Compensation Rates; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)**

There were no questions and Commissioner Hughes moved to approve the Consent Agenda. Commissioner Johnson seconded and the motion passed by unanimous [5-0] voice vote.

6. Appointments and Reappointments

A. Request Appointments and Reappointments to the DWI Planning Council

CHAIR BUSTAMANTE: Thank you, LeAnne.

LEANNE RODRIGUEZ (Community Services): Thank you, Daniel. That's always very helpful. I forget about that part.

Good afternoon, Madam Chair Bustamante and members of the Commission. My name is Leanne Rodriguez and I am the program manager for the DWI Prevention Program with Santa Fe County.

Today I've come before you to request approval of appointment for new members to our DWI Planning Council. We previously had nine members on that council whose terms expired on October 31, 2025. This request for appointment would be for two of our members to be reappointed to the council and then three new members from the community to the council.

We did do a press release to the community and received applications for the following. Estevan Trujillo from NMDOT who is the ignition interlock program manager. He would be a reappoint. Jonathan Fernandez, also from NMDOT with the traffic safety division, DWI School and pedestrian program manager. Our new applicants would be for Leobardo Almazan who is the vice president of Mission Integration with Christus St. Vincent, Marco Serna who is a special counsel for the administrative office of the District Attorneys of New Mexico and Dr. Kelly Ryals who is a owner, doctor and general dentist with Santa Fe Modern Dentistry.

Although we have only received five applications, our program is continuing to do outreach within the community to fill any positions that are left available after this request for approval. I greatly appreciate your time and stand for any questions that you may have. Sylvia Barela, who is also our consultant for the DWI Planning Council, is also available online should you have any additional questions.

CHAIR BUSTAMANTE: Do we have any questions for Ms. Rodriguez? I really like the way those things that we hang smelled.

MS. RODRIGUEZ: Oh, thank you.

CHAIR BUSTAMANTE: At first, they were really strong and I thought, what am I going to do with this? But then it was really nice. So, thank you.

MS. RODRIGUEZ: Thank you. Yes, those are our car air fresheners for summer prevention campaign and we do still have some available. So I will bring some over for everyone to have. But thank you very much. That was a very important campaign and was very well received within the community.

CHAIR BUSTAMANTE: I'm very grateful for the work that you put into this. It's very important, sincerely.

MS. RODRIGUEZ: Thank you so much. I appreciate that.

CHAIR BUSTAMANTE: Any other comments for Ms. Rodriguez? Hearing none, do we have a recommendation to vote in? Commissioner Hughes.

COMMISSIONER HUGHES: I move that we appoint these five people to the DWI Planning Commission.

COMMISSIONER GREENE: And I'll second.

CHAIR BUSTAMANTE: We have a second from Commissioner Greene. So we have a motion from Commissioner Hughes, a second from Commissioner Greene. All in favor? Motion carries.

Motion passes with a 5-0 voice vote.

B. Request Appointment of One Member from Commission District 3 to the County Open Lands, Trails and Parks Advisory Committee – COLTPAC

CHAIR BUSTAMANTE: Adeline Murthy. And I do know we had two really good applicants, so this was a tough one, but thank you.

ADELINE MURTHY (Growth Management Department): Yes, thank you. Good afternoon, Chair Bustamante and Commissioners. My name is Adeline Murthy, Open Space and Trails Planning Team Leader.

And today I am here before you to request consideration of the appointment of the District 3 representative for the County Open Lands Trails and Parks Advisory Committee or COLTPAC. COLTPAC is a nine-member advisory committee to the Board on matters relating to open spaces, trails, and parks, and members serve three-year terms with the option of one reappoint. One vacancy exists due to the resignation of Jill St. Thomas, and I'd like to take this opportunity to thank her for her service. She got a new position that interfered with the times of the COLTAC meetings. Members are expected to be of diverse backgrounds and bring expertise spanning conservation, restoration, natural and cultural resources, community interests, education, trails planning and construction, hydrology, agriculture, wildlife, water management and stewardship, public administration and finance.

We advertised the vacancy and received two very qualified applications from Jesse Crews and John Grabowska. Jesse Crews is well versed in community engagement, particularly with the young people of Santa Fe County. He is an educator and volunteer firefighter and passionate about promoting quality of life and live livability in Santa Fe County. John Grabowska is a nature filmmaker, outdoor volunteer, and former interpretive planner with the National Park Service. Both candidates are highly qualified and would bring different areas of expertise to the committee.

Staff recommends the appointment of Jesse Crews because he would bring a youth focused lens to the work of COLTPAC and as we all know, youth is an essential part of the diversity of Santa Fe County in the future of the Open Space and Trails Program, but is currently not represented on the committee., So with that, I stand for any questions. Thank you.

CHAIR BUSTAMANTE: Do we have any questions for Adeline Murthy? Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thanks, Chair Bustamante, thank you. Excellent portfolios and letters. And I just have a process question. Since only one person could be selected, it is so terrific to have people want to be on our committees, right, to volunteer and the talent that's out there. What do we do with the folks we can't choose? Do we send them letters? Do we move them forward for other committees that

they might be eligible for? Give them a warm call.

MS. MURTHY: Chair Bustamante, Commissioner Cacari Stone, yes, if there's a very qualified person who we think would really benefit the program but is not selected, I usually encourage them to stay involved with the open space program and keep an eye out for other vacancies on COLTPAC as they arise.

COMMISSIONER CACARI STONE: Thank you. I also think just the courtesy of a call as gratitude for applying is wonderful. When people get calls from people, it matters. Thanks.

MS. MURTHY: Thank you.

CHAIR BUSTAMANTE: Thank you. Any additional? I want to thank you as well. They were both really qualified and I think the decision to recommend somebody who has the connection with the youth is really a wonderful thing and having recently graduated from high school himself I think it would be it's just a nice addition to the COLTPAC.

So, with that being in commission, I mean, in District three, I would like to make the motion to accept/to appoint Jesse Crews as the District 3 COLTPAC representative, if there's a second.

COMMISSIONER CACARI STONE: I second it.

CHAIR BUSTAMANTE: We have a second by Commissioner Cacari Stone.

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

7. Miscellaneous Action Items

A. Resolution No. 2025-124, a Resolution Adopting Projects for Inclusion in Santa Fe County's Infrastructure Capital Improvement Plan (ICIP) for Fiscal Years 2027-2031; Authorizing Submittal of Plan to the New Mexico Department of Finance and Administration (DFA); and Replacing Resolution 2025-080

LEANDRO CORDOVA (Deputy Manager): Good afternoon, Madam Chair, Commissioners. I'll be presenting today, but I do want to thank Carrie Trimlat who did write the memo and help us as we're looking for a new infrastructure planner.

So today I'm here to discuss resolution adopting projects for inclusion in Santa Fe County's Infrastructure Capital Improvement plan for fiscal years 2027 through 2031 and authorizing a submittal of our plan to the New Mexico Department of Administration. Quick summary on July 8, 2025, the BCC did adopt the County's Infrastructure Capital Improvement Plan for fiscal years 27 through 31 via resolution 25-080.

On September 3rd, however, we did receive from Governor Michelle Lujan Grisham guidance concerning capital outlay requests for the executive. That's Exhibit D. And we added that letter as well. This item was added to the agenda so that the Board could consider prioritizing the ICIP projects in light of the Governor's recent guidance. And if adopted as presented, the subject resolution, Exhibit A, would add one more project and formally rank the top three projects among those adopted by the Board in resolution 2025-080 as follows: our top three would then be public housing upgrades for

Santa Cruz, Hondo Fire Station 80, and Aamodt rural water Phase One distribution lines.

And so getting into the background, I'm not going to read the entire letter that the governor sent. We wanted to make sure to include the priorities and the criteria that were provided by the governor and in which we went ahead and analyzed the entire ICIP that was adopted previously to try to come up with a recommendation of a top three that met those criteria to the best of the opportunity. One of the biggest things that was requested is that these projects be able to be, completed at a reasonable phase and that we can complete that reasonable phase within the next year if possible.

The County staff attached the rankings of the projects previously and as we recommend them going forward to, reflect the top three projects on the ICIP as I suggested. One will increase maintain affordable housing within the county which was a big criteria. One will increase public safety matrix and/or wildfire response which is Hondo Fire Station 80. One will further sustainable clean drinking water for the Ammodt Rural water phase 1 distribution. Each of these requests would complete a project or a defined phase and securing additional funding from other sources would not eliminate the need for the state capital funding. It should also be noted that these criteria apply only to capital outlay requests submitted to the governor's office. The legislature has not adopted these specific criteria.

I also mentioned that, there was a deadline of October 24th from DFA for us to enter into their new database our ICIP. So therefore, we did enter in, these top three as a suggestion to the board. They can be changed, however, but they won't be changed in what's being published to the legislature. If we make changes today, we'll have to highlight those changes as we submit the capital outlay request to the Governor's Office or to the LFC. So, I just wanted to make that note., it was an unexpected deadline by DFA.

Looking ahead, County staff will seek the Board's direction at an upcoming meeting regarding which capital projects to submit to the legislature for funding, and staff's recommendations will be based in part on the ongoing conversations we've had with legislators.

The one new project that we proposed was preliminary engineering reports for small applications for waterline extensions pursuant to County policy. This project requests \$200,000 to evaluate the feasibility and requirements for extending existing County water infrastructure to serve small-scale applications. These may include individual residential properties, clusters of homes or neighborhoods not currently connected to the water system. The report will assess potential alignments, capacity, and service options. And I'll say we did alter the memo to remove the last line that was in the draft because all of these should be in accordance with County policies and design standards anyway. At this time staff does recommend adding this project to the ICIP and rating the top three as recommended. And I stand for any questions or suggestions at this time.

CHAIR BUSTAMANTE: Thank you. Leandro. Commissioner Hughes.

COMMISSIONER HUGHES: Yeah. I just wanted to make sure I understood you took out -- now it's just preliminary in engineering report for small applications for waterline extension. You took off the last part pursuant to County policy.

MR. CORDOVA: Yes. Madam Chair, Commissioner Hughes, just that

last part of the last sentence.

COMMISSIONER HUGHES: Okay, thanks, because I think everything's pursuant to County policy. So it was a little redundant there. Thank you very much.

CHAIR BUSTAMANTE: Thank you. Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. Thank you, Leandro. Can you just give me a really brief overview of the idea behind the waterline extension, the small applications for waterline extension, like an example of the type of scale or is it connecting? Is it sort of, you know, sprouting from current County water utility lines or –

MR. CORDOVA: So, Madam Chair, Commissioner Johnson, I think there's been a couple examples of small-scale water systems. Maybe that's maybe even a loose term to say, but maybe five to 20 homes that had come together that were on an existing system. They may be doing a share well. They may have different concerns going forward as to their water supply. And this is a way for us to help analyze how to make those feasible, those connections potentially feasible and/or share the cost with those homeowners in a way that can be spread out over time so as not to overburden them with that cost, but to make sure that we're being fair to those users as we are to everyone else that does have to pay their fair share to connect to our water system. So that I think that's the main purpose is to look at how we help finance those connections more than anything else. And I think County Manager might have more to add.

MANAGER SHAFFER: Thank you Chair Bustamante, Commissioner Johnson, if I could, what I would add to Leandro's description is it's a request by a legislator to be able to assist constituents to get a greater sense of what the actual cost might be to run a water line from a county transmission or distribution line down one street. So, say to serve five to you know, as Leandro said, five individuals, what have you. The idea being that then they would know what they're signing up for. You know, is it a 100,000? Is it half a million? So that we could continue to develop financing plans that would allow the individual to or individuals, excuse me, to pay the cost of that waterline extension. but again it was an effort by an individual legislature to think about how to cover some of those upfront cost before they're you know paying money out of pocket and making a firm commitment when they don't know what the costs are. So I hope that provides a little bit more clarification as to what this money would be intended to do assuming that it is in fact appropriated by the legislature.

COMMISSIONER JOHNSON: Okay. Thank you, Manager. That makes sense to me. Thank you for your explanation as well, Deputy Manager Cordova. This sounds good. I'm interested in this in this last piece. I think the other three are also very important. I don't have any comments on them. Is it possible to identify the legislature? If not, it's okay, but I think it might be even useful for us to know who's supporting that.

MANAGER SHAFFER: It grew out of conversations with Representative Szczepanski relative to some requests that she had received and again we had described what our policy is and options that we would be looking forward – looking to going forward in terms of allowing individuals to potentially agree to a monthly search charge on their bill and how we might package that with the Water Trust Board. So I don't think there's any harm in me you know disclosing that. it was based upon those conversations.

COMMISSIONER JOHNSON: Thank you.

CHAIR BUSTAMANTE: Thank you. Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you, Chair Bustamante.

Thank you, Mr. Cordova. I just have for process as we do ICIPs and priorities for funding. We know we've had contact with our congressional members due to federal budget cuts some of that's not going. How do we coordinate and I guess this is a question for you as well as for the County Manager, how do we coordinate communications with our representatives, senators at the state level and with the governor's office? I have not seen a report to us that says here's who we've met with. As an individual commissioner, I've had meetings with state legislators that overlay with my district. I intend to have priority meetings prior to the legislative session. I think it's important we coordinate communication. So, how does that typically happen when we align our communications and strategies with the BCC, with the staff and our legislative reps?

MR. CORDOVA: Madam Chair, Commissioner Cacari Stone, this year at the advice of the BCC, we have been meeting with our individual legislators early to get their thoughts and ideas to help guide us to this point. We also do have a legislative dinner that we host for our legislative delegation every year and I think we're working on finalizing the date for that. Hvtce Miller, our Intergovernmental Affairs Coordinator, does help coordinate those meetings and I believe the County Manager attends all of those with him. I've been able to attend one or two of those and I can't tell you if they've met with everybody yet, but I think we're still working through that. When we bring back the resolution for priorities, capital priorities, I think that will also help us line up our communication because at that point, if the BCC agrees, we'll all be on the same page and we can all kind of attack at the same with the same purpose.

COMMISSIONER CACARI STONE: I appreciate that. So, what I'm going to ask is that, it's an important process and it sounds like it's worked in the past. Where I see the gap is that as a Commissioner, I'm meeting with the community in District 2. I'm meeting with different HOAs, traditional villages, da da da, ROs community organizations. They're stating what they want and there has to be a synergistic process in which we bring what the community wants with our legislatures versus the staff just bringing it with legislators.

We have to have more integrated conversations. And so I'm looking for a alignment of communications and ideas of how we could do that as soon as possible since the session's coming maybe from you as well as the County Manager and it could be including us in conversations when a legislator is at the table and it's part of our district as an idea.

MR. CORDOVA: Madam Chair, Commissioner Cacari Stone, I appreciate that. I think to take a step back; we started the public outreach portion of this back in the springtime when we solicited public meetings for our ICIP. So we have received lots of public requests for ICIP. We do narrow it down by the deadline as required by DFA and that's why we're continuing to fine-tune our legislative priorities as a BCC so that we all are on the same page. So that's what we hope to complete in the next meeting or two is having everybody at least to the agreement that we can so we're on the same page and we're advocating for the same things. Those individual groups that you mentioned are always going to advocate for themselves and that's great. A lot of times they'll advocate, the money will come to the County. We have a project on the ICIP that

we approved at some point and we can then be their fiscal agent or whatever. But that is a request and there is a resolution from 2019 that lays out how that works. And so anytime I get a request from a nonprofit or on even the individual citizens, we refer them back to that so that it's one process for everybody to follow.

MANAGER SHAFFER: And I think I understand if I could, Commissioner, your point before we zero in on what priorities are in terms of actual asks beyond the top three which again are very specific to the Governor's guidance that we make sure that we've coordinated and put together all of the information from the various sources to include any individual meetings that Commissioners may have had with representatives. So, I think I understand the point you're making and we will do that before we finalize what those projects are.

COMMISSIONER CACARI STONE: That's terrific. And just for the record, I want to be invited to all meetings when it's with legislators that overlay with my district so that I can help represent and have synergies as an elected official. Thank you so much.

CHAIR BUSTAMANTE: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Reiterating what Commissioner Cacari Stone said, you know, I spoke to a legislator from my district and it didn't seem like I was communicated with as to what was going on. And so, you know, we work in tandem and it's collaborative and so if I can't make it, I can't make it, but if I know about it, I will make it. And so, please when the opportunity is there. So to that end when I did have that conversation, one of the one of the projects that had come up and I know I did bring it up the last time we had this conversation a few months ago was to turf another one of the Pojoaque ball fields. And so I would hope that we could get this it's not a governor's priority I understand, but to have that added to Exhibit B to have that available for a variety of reasons. One of them is that I've had one of the one of the legislators that represents part of my district is less than interested in most of these projects and was looking for a project that they could send money to, and this seemed something that was aligned with what they wanted to do. And, something that the community, was a communitywide project. The ball fields there have been incrementally turfed and new lighting and so on, and it's been a few years since we've been working on that. So, I would love to have that available so that I can go lobby for that at the legislature and give them an opportunity to send some money our way on behalf of our common constituents.

MR. CORDOVA: Madam Chair, Commissioner Greene, I hear you. We'll do what we can to see if we it's still possible to add. As I mentioned, the deadline of October 24th from DFA for their database, they've now closed the database. So if we add it, it may have to be something that we do where we carry around the resolution and say, Hey we added this and then that way they know that it has been added by the Board but that's still an opportunity but yes to get it in the database I'll do my best to try to figure out how we might be able to do that but it may not be as easy as in years past.

CHAIR BUSTAMANTE: I thank you for that. I know that certain projects are big and they don't feel like they could have an impact with that and they're less aligned with the legislature. So, thank you.

MANAGER SHAFFER: Thank you, Chair. And we'll add whatever the

Board asked us to put on to the ICIP. Just to go back to that conversation though that particular project was discussed when the ICIP was initially adopted and there was discussion at the time relative to evaluating the need once we know how the new multi-field complex that Okhay Owingeh has developed in the area will impact demand for fields and the likes. So, I just want to reiterate, it's not as if that conversation didn't happen when we adopted the ICIP. If the Board wants to add that now, we can, of course, do that. I would just always offer the caveat, however, that with most projects, we're not going to get full funding from the legislature. So, by putting it on and requesting it, then the Board is going to be committed to making up the difference. But again, that's the Board's discretion relative to what you want to seek funding for and what you want to include on the ICIP. Thanks.

COMMISSIONER GREENE: And if I may, for one other little comment in here. There's the New Mexico or County Road 113 low-water crossing. There is a \$500,000 shortfall for that right now. And while I appreciate that project, I'm wondering if that can be that funding can be sourced from Lodgers Tax Capital Funding for the reason that that's part of the Pilgrimage Trail and it could be highlighted as part of the pilgrimage route to Chimayo. And so it does have a tourism aspect to it and it does have a capital aspect that it might be applicable and to you know – anyway that was a looking at an alternative source for that money.

MR. CORDOVA: Madam Chair, Commissioner Greene, we could look at the statutory allowances for lodgers tax. That may not be unallowable. I'm not the attorney so we'll look at that deeper. I think it has to support an event or a function of some sort. I don't know if it could be used for road, but we will look into it. I appreciate that request.

COMMISSIONER GREENE: Thank you, Madam Chair.

CHAIR BUSTAMANTE: Commissioner Hughes.

COMMISSIONER HUGHES: Yeah, I just wonder are we going to put in requests for all of these on the list or just the ones at the top or that we pick at the top? In other words, can the legislators pick from anything on here?

MR. CORDOVA: Madam Chair, Commissioner Hughes, yes. So the legislators can still pick as they always have in the past anything from anywhere on the ICIP. The top three is specific to the Governor's request. So these would essentially be our top three requests for the Governor's Office where the executive has the ability to give a little bit more than each individual legislator. So I think that was the goal. We did have other conversations with folks within the Governor's Office to help us fine-tune to make sure that we were in the right area based on the guidance that they provided us and I think we're strong in our recommendation that these are good projects for the governor to consider.

CHAIR BUSTAMANTE: Thank you, Leandro. Just in the interest of clarification and I think it really starts as an absolute appreciation for the work that you and the County Manager do in this respect and it has been my experience now since my first year on the Commission that you do a great job in doing it. We have five people on this and I do hear Commissioner Cacari Stone and I've learned that other commissioners have gone to the legislature after we have as a group given our priorities and then said but this is an additional priority that we you didn't hear about that we're all competing with

things in our particular area with a limited and I say limited amount of it's up to the managers such as yourselves to be able to identify what the resources are within the county to be able to support the initiatives that all of our districts say are the highest priority. Right? So, I can honestly say this in the interest of just disclosing where I got caught learning, it was like, Whoops, I got caught learning. But a priority that had been put in regarding a particular road that had some problems and I said, It's really not that bad, and drop it to a lower place because we come on at different junctures of when these things are on the list. And then we hear from a lot of other people as new commissioners to what as to what the priorities are. And so I moved something on the list only to have learned this year, oh, I see what the problem is. And now I understand why it was all that in that place on the list and understood now that the Manager and yourself I'm assuming with Public Works had already started work understanding a bigger picture that we may not be aware of when we meet with various community members who will boost their particular interest to the top and that we all have this. So, I really say this more in the interest I hope it's helpful to our new commissioners that as we learn what the priorities have been and what might have put them there this year, I had to sort of wake myself up and say, Wow, now I really get why that road was so high on the priority list.

To that end, I also have learned from the County Manager that when it's on the ICIP, sometimes there are funds that are operational that will be able to address a specific issue. And I'm grateful for that because otherwise it's wait, we didn't even take that to the legislature and understand that solid county management and the insight that our leadership has knows we can do that with internal funds. And that's oh well then it's not even a worry where it lands on that ICIP. And to that end what I'm going to say that I've learned today there was something on that that I know we received funds for last year and it's scheduled out for 2030 and I went what we got money for why would we wait till 2030 and the good news is it's already underway. So there are a lot of moving parts here and management has a solid idea and it's really it's part of the communication thing. If we're, for example, if I've been too naive to not know what to ask about I'm grateful when someone tells me and I'm you know it's all about the communication chain. So it's really more about an opportunity to share that with new commissioners to say thank you and to understand that you manage a lot of wheels here. You got a lot going on when we all have a top priority that might have been established a while back and the lower priority was more important than we thought. So, thank you for that.

Does anyone have any other comments for Leandro or concerns?

COMMISSIONER GREENE: Can I?

CHAIR BUSTAMANTE: Yes, sir.

COMMISSIONER GREENE: Can I ask that once this is finalized, can you put the legislator districts, Senate and House district on here so that we can help target that and know who they are? Either by name or by district number.

MR. CORDOVA: Yes, I believe Mr. Miller has already done that somewhere, so I think we can achieve that. Yes.

COMMISSIONER GREENE: Great. Thank you.

CHAIR BUSTAMANTE: There isn't anything else, do we have a motion to approve the ICIP as presented?

COMMISSIONER CACARI STONE: I'll make a motion to approve the

ICIP as presented.

COMMISSIONER GREENE: I will second it. But for clarification, is that Pojoaque ball field potential for that's another look at it some other time.

MR. CORDOVA: Madam Chair, Commissioner Greene, I would say that to Manager Shaffer's point, we have not really analyzed this project very deeply within Public Works at this time. We can get a quote for the turf and have a rough estimate. but yeah, I think if we put it in there, we still have a little bit more work to do on our end to prepare this to make it a project. So whatever the will of the Board is, we'll follow through.

COMMISSIONER GREENE: With that amendment, is that friendly?
Madam?

CHAIR BUSTAMANTE: Are you okay with that?

COMMISSIONER GREENE: If possible, of course.

CHAIR BUSTAMANTE: Just make sure it's on the list after they've reviewed it.

COMMISSIONER CACARI STONE: I don't know if you want discussion on it?

CHAIR BUSTAMANTE: It's up to you.

COMMISSIONER CACARI STONE: We can all be adding more things

—

COMMISSIONER GREENE: I know.

COMMISSIONER CACARI STONE: -- at this point and if we're going to do that then we're opening a Pandora's Box.

CHAIR BUSTAMANTE: We could do that during strategic planning and if it is something that we're putting on new I mean I hear what you're saying. It's up to you.

COMMISSIONER GREENE: Either way.

CHAIR BUSTAMANTE: So do we have a second?

COMMISSIONER GREENE: That was my second.

CHAIR BUSTAMANTE: We don't – I'm not hearing support for the friendly amendment.

COMMISSIONER GREENE: I'm fine. Yeah, that's a second.

CHAIR BUSTAMANTE: We have a second for Commissioner Greene.
All in favor?

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

CHAIR BUSTAMANTE: Thank you very much

B. Resolution No. 2025-126, a Resolution Granting the County Manager Authority to Negotiate and Execute All Documents Necessary for the Establishment of North Central Regional Transit District Bus Stop Infrastructure and Signage Along Avenida Vista Grande

MICHELE CASKEY (Public Works): Thank you, Madam Chair,

Commissioners. I'm here to talk about some of the new improvements to the bus service in Eldorado. A couple of months ago, the Board approved a new bus stop to be put at the Vista Grande Library and including signage for commuter parking and they just started servicing that new bus stop in the middle of October. Now, additionally, we're adding well, we're moving the bus stop that's been at the Agora Shopping Center. And so we're going to be building an ADA compliant bus stop and shelter right there on Avenida Vista Grande and Caliente Road. We need an easement there so that they have access for 20 years for this bus stop shelter. And then on the opposite side of Avenida Vista Grande, there's just going to be a bus stop sign. And the location was chosen because of the existing bus service at Agora shopping center but to make this an easier route for them to continue on up to the library to have two now ADA compliant and accessible bus stops. And then also chosen for a place where the road was already wide enough to accommodate this in the right of way and where there were existing crosswalks.

And so we need an easement and a license agreement. And I stand for any questions.

CHAIR BUSTAMANTE: Do we have any questions for Michele?
Commissioner Hughes.

COMMISSIONER HUGHES: Yeah, that's in my district and actually I go to that bus stop sometimes. So the bus is going to stop at the same location both ways, right?

MS. CASKEY: Chair Bustamante, Commissioner Hughes, it is. Yes, on either side of the road and it's right there on the corner of Avenida Vista Grande and Caliente Road. So, more or less on right opposite sides of the road. Yeah.

COMMISSIONER HUGHES: No, but I mean he's going to stop on the same side of the road because if he stops on opposite sides of the road, people are forced to cross Vista Grande to get to their car and that would be dangerous.

MS. CASKEY: The bus service is going to come into Eldorado and the parking structure is going to be on the right side of the road as it comes into Eldorado. So, it's going to stop there. It's going to continue up to Vista Grande Library stop there and then on its way out it will stop on the opposite side of Avenida de Vista Grande from where the shelter is and that that one maybe seems superfluous but NCRDT has done an evaluation of their ridership and so this came from them.

COMMISSIONER HUGHES: On their way back are they going to stop on the both sides?

MS. CASKEY: They stop on, Commissioner Hughes, Chair Bustamante, they stop on the north side coming in and the south side coming out, within minutes of each other.

COMMISSIONER HUGHES: Okay, but both, yeah. All the trips are going to stop both sides. So someone can park on one side, ride the bus in and then come home and get off at the same side.

MS. CASKEY: Yeah.

COMMISSIONER HUGHES: Okay. I just want to make sure because I'm even scared to do that crossing in my car. So, I can imagine doing it as a pedestrian because people come off 285, you know, they're going 75 miles an hour probably on 285 and they're not slowing down. Okay, that's fine.

MS. CASKEY: So, now they'll have three options. Whichever one feels the safest and most accessible.

COMMISSIONER HUGHES: Okay, they can park on either side, but they can also stay on that side. Good.

CHAIR BUSTAMANTE: Thank you. Anyone else?

COMMISSIONER JOHNSON: Madam Chair, Commissioner Hughes asked the question that I was going to ask. It looks like on the site map there's these blue squares, rectangles really, so the bus that's departing from the Eldorado community is on the south side at the La Tienda side of Caliente. So it's close to the brewery, close to Fusion Tacos, it's close to right. Am I interpreting that correctly?

MS. CASKEY: Madam Chair, Commissioner Johnson, I believe it's making a fairly short little loop up there through Eldorado. But yes, on the way out they are on that side of the brewery.

COMMISSIONER JOHNSON: And the flow of traffic, I mean the bus comes in, it stops at the Agora, it goes to the library, comes back, it stops at La Tienda basically, and then it exits Eldorado.

MS. CASKEY: Correct.

CHAIR BUSTAMANTE: Any further questions?

COMMISSIONER JOHNSON: Move to approve.

CHAIR BUSTAMANTE: We have a motion to approve by Commissioner Johnson.

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: Second from Commissioner Hughes. It's Commissioner Hughes's district. All in favor?

Motion carries by unanimous [5-0] voice vote.

MS. CASKEY: Thank you.

C. Request Approval of Santa Fe County Lodgers' Tax Grant Awards to Organizations as Recommended by the Santa Fe County Lodgers' Tax Advisory Board.

LISA KATONAK (Community Development): Hi. Good evening, Commissioners, Chair Bustamante. The Community Development Department is requesting approval to grant Santa Fe County Lodgers tax grant awards in the amount of \$250,000 to 25 organizations for the fiscal year 2026 as recommended by the Santa Fe County Lodgers Tax Advisory Board.

To provide some background, on August 22nd the Santa Fe County Lodgers Tax Board and the Community Development Department released a Notice of Funding Availability for the Santa Fe County Lodgers Tax Grant Program. The notice requested applications for the advertising, publicizing, or promoting of tourist attractions and tourism related events in Santa Fe County. Grant program funding will be available from mid December of 2025 through June 30th of 2026. It is a reimbursable grant with the authorized program areas limited to advertising, publicizing or promoting of tourism

attractions and events in the county. Applicants were asked to clearly delineate how their activities are intended to increase tourism activities and visitors to Santa Fe County. And eligible applicants are limited to government entities and nonprofit organizations that have the required qualifying documents for advertising, publicizing or promoting the tourist attractions in the County. Applications were due to the community development department staff by Friday of September 19th

The total grant funding for fiscal year 2026 is \$250,000 with grant awards to include 12,000 11,000, 8,000, 5,000 and 3,000 dollar awards. The highest grant award provided to an organization is \$12,000 and is considered for organizations that exhibit that they hold multiple events, being two or more events a year, and/or year round programming with matching funds of at least \$12,000 for marketing in their application.

We received 27 organizations applications for review and consideration before the deadline. Twenty-six of those 27 organizations submitted complete grant applications for consideration along with their qualifying documents. There was a total of \$278,000 in funding requests and staff contacted the applicant with the incomplete application to give them opportunity regarding their application ahead of the deadline. And staff informed them of the qualifying documents that were lacking within their application that they were required in order for the Lodgers Tax Advisory Board to move forward for review and consideration. Staff communicated with the organization and asked if they'd like to resubmit and they were unable to provide the qualifying documents or resubmit their complete application.

The LTAB held its regular meeting on Friday, October 17th to review and score applications and provide recommendations for grant funding. And the LTAB evaluated and rated the applications based on a point system with the following evaluation criteria of overall proposal concept, marketing plans, partnerships, financial capability and pre-event budget and attraction projections. The LTAB recommended that applicants scoring less than 70 points not be awarded for funding and only one applicant who submitted a complete application did not meet this threshold.

The LTAB reviewed and scored each application on an individual basis. And in enclosed in your packet material is a list of the applications and organizations and their programs and their funding requests along with the Santa Fe County Lodgers Tax Advisory Board recommendation.

The recommended action is to approve the 25 Lodgers Tax Grant Awards listed within your packet and recommended by the Santa Fe County Lodgers Tax Advisory Committee and I stand for any questions. Thank you.

CHAIR BUSTAMANTE: Thank you. Do we have any questions?
Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Lisa. So a reason why the Fashion Week was cut down was that considered one event?

MS. KATONAK: It was considered one event. Yes. So they are currently going through the nonprofit status to get their IRS 501c3 tax exempt status. So they carried with the Film Institute as a fiscal agent. However, they only have one event.

COMMISSIONER GREENE: Okay. I think they also do some stuff at Indian Market as well. But the other thing that I would like to see maybe in the future is some added benefit and kicker for emergent new organizations, new events to give them

some extra support as well as ones that are not at peak season, right? You know, peak season, you can't sell more hotel rooms that are already booked. But definitely in those lower seasons to try to give people some other criteria for how they're helping our economy.

Second one was Dia de los Muertos, I was happy to see that. I just wanted to say that I went to that this weekend or last weekend and it was beautiful. It was really well attended.

And then lastly,, I'll say it because one of my fellow commissioners is up here, is there a reason why the Canyon Roadwalk didn't apply? We'll talk offline. Okay. Well, that was so I think they deserve some money. So, but anyway, thank you very much for clarifying that and putting this together.

MS. KATONAK: Thank you so much, Commissioner Greene.

CHAIR BUSTAMANTE: Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Lisa, thank you for your work and it's exciting to see many community celebrations and that we're supporting them. My question is, do they have to submit an evaluation, even an evaluation of who came and an overall impact of an event? Because these are great, but I did go to Dia de los Muertos and because we're a supporter and I'd have to say that while the ofrendo and everything's beautiful, it was also kind of a free-for-all and it's a spiritual cultural tradition and the energy was all over the place and you know I commend La Tonya, la Concha Garcia Allen with the Danzantes but in some ways there were more tourists there that I could assess I couldn't tell. It was dark. But I've heard so much around we have to have celebrations on the southside. People want a southside plaza. Can we do something that actually does some parity and equity and investment on these celebrations and start that next year?

MS. KATONAK: Commissioner Cacari Stone, thank you so much for your questions and comments. Once the organizations receive their grant and go through the process of their tourism attraction or their event, they report back to Santa Fe County within 60 days of their last event. So, we're able to obtain information regarding the number of attendees, who those target markets were, how they communicated with the community, the feedback regarding Dia de los Muertos, that is a new event. I believe. it's in its third year. it finished its third year. And so I think that feedback back to the organization would be telling as to how they conduct or organize in the near future and I can share those comments with them as well.

COMMISSIONER CACARI STONE: I appreciate it. I think I think it's that healthy balance of having these events but not commodifying culture and assuring there's equitable access and who gets to celebrate and partake where it's at and how we do it. And just like the Georgia O'Keeffe exhibit, the Tewa Landscape, you know, these artists reclaiming their landscape before Georgia O'Keeffe – what I want to say – discovered them, discovered the landscape. It's kind of like how can we take back our cultural events so that's actually central in the area and localities where our communities live and that's where I think I was surprised we didn't see La Posada here with the city and that takes place on the south side it's gorgeous, it's at the youth center. The Somos is involved. It's all in Spanish and everybody's there and it's with and by and for the community and others are welcome and I'd like to see more of that that we're supporting.

Any creative ways? I'm happy to have coffeesito with you. Bring some people to the table around input around the spiritual sacred parts of Dia de los Muertos that kind of just got free-for-all there. Again, it was beautiful, but it was kind of that element like, oh my goodness, this is all over the place. So, thank you.

MS. KATONAK: Sure. Thank you.

CHAIR BUSTAMANTE: Thank you. Anyone else? I have a question. How are the committee that makes these priorities identified?

MS. KATONAK: How do they identify?

CHAIR BUSTAMANTE: How do they become -- how do they be end up on the advisory board on the Lodgers Tax Advisory Board?

MS. KATONAK: Okay, so the Lodgers Tax Advisory Board members are appointed by the County Commission.

CHAIR BUSTAMANTE: Okay. So then when we have these activities and they identify what would be priorities, are these essentially County sponsored events?

MS. KATONAK: So these are what we would consider County sponsored events via the grant. So it's a reimbursable grant. So they show proof of payment and placement and then the County reimburses them. So they're noted as sponsored events. The Lodgers Tax Advisory Board along with the internal staff committee that is organized with other directors and staff within Community Development and Finance also review these applications in order to ensure that they go within industry clusters or shall I say economic development opportunities within Santa Fe County and the region. And so there's extreme vetting between the internal committee and the Lodgers Tax Advisory Board as to who receives funding. Some of these applications because of the points if they had say partnerships that was not so strong or if there was some component that may have been lacking or a little bit lower on the score it was reflective within the scoring and therefore reflective of the grant dollar amount.

CHAIR BUSTAMANTE: So, what level of oversight does the County have or input on the actual event itself?

MS. KATONAK: Well, that's a good question, Commissioner Bustamante. I work very closely with the organizations as far as the marketing, advertising and promotion because of the funding that is tied to target markets and how they want their information distributed. But in regard to the event itself and how they conduct say Zozobra that's really the organization itself. I can lend a hand or provide input however it is the organization and say the volunteers or the staff of those organizations.

CHAIR BUSTAMANTE: Okay. So the County reimburses, they pay for it, they're the ones who call the details of how they're going to we don't as the County, we don't really have any input or say on how they conduct their particular events.

MS. KATONAK: Correct.

CHAIR BUSTAMANTE: Okay. but otherwise because the lodgers taxes money that's provided us provided us to us from the state that ultimately, they ultimately are accountable to the County.

MS. KATONAK: So lodgers tax dollars are collected via visitors that come into Santa Fe County and stay at our lodging properties or if they stay at short-term

rentals. Once the money comes in and is distributed, it's based on supporting events and tourism attractions within the County and the City is also within the County. So there is a good percentage of organizations that you will see that are reflective of within city limits.

CHAIR BUSTAMANTE: Okay. So upon our approval then essentially it's a County authorized event.

MS. KATONAK: Correct.

CHAIR BUSTAMANTE: Thank you. That explains a lot. Anyone want to make a motion to approve?

COMMISSIONER GREENE: Move to approve.

CHAIR BUSTAMANTE: Motion to approve by Commissioner Greene.

COMMISSIONER CACARI STONE: Second.

CHAIR BUSTAMANTE: Second by Commissioner Johnson. All in favor?

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

CHAIR BUSTAMANTE: Motion carries. Thank you.

MS. KATONAK: Thank you so much, Commissioners.

- D. Request (1) Approval of Agreement 2016-2026-0110-PW with Allied Electric, Inc., in the Amount of \$411,660.44, Exclusive of NM GRT, to Replace the Generator and Transfer Switch at the Public Safety Complex; and (2) the Delegation of Authority to the County Manager to Sign the Purchase Order.**

ROBERT LAMBERT (Public Works Department): Good afternoon, Madam Chair, members of the Commission. I am here to request approval of agreement as a housekeeping issue, the agreement number is 2026, not 20116, an agreement with Allied Electric for the replacement of the generator and the transfer switch at the Public Safety Complex and the delegation of authority to the County Manager to sign the purchase order.

This project comes as a function of our work at the public safety complex, the renovations there on both the Fire and Sheriff's side, as well as the construction of the RECC building in 2023. This generator was actually in the original scope of work, which included the new generator and transfer switch that would serve the entire complex. There is a generator there currently, it's over 20 years old. Due to unprecedented long lead times and supply chain issues, fluctuating costs, we had to delay the generator as a phase 2 function of the project. And so phase 1 is complete and now everything is kind of settled down economically and so we're moving forward with the generator function of the project. So the generator will be serving or the current generator serves the vital emergency services for Fire, Sheriff, 911. We've been in close conversation obviously working with all three organizations or departments in this whole process. So I have their support coming to you with our IT department to get approval for this funding.

The new generator and transfer switch it seems like is part of the evening's electric sustainability zeitgeist, but it ensures a second layer of technology to guarantee

uninterrupted services and it serves 100 percent of RECC. Currently, RECC has a battery backup that was included in the construction scope of that part of the project. However, that has a limited number of hours it can support uninterrupted service. So this transfer switch and the new generator will ensure kind of like a fail-safe on top of the existing support just in case that brownout or blackout last or exceeds the time of the battery.

It's not going to be an in-kind transfer necessarily. It's not replacing one generator with another. It's kind of creating a new connected system within the complex and it offers a uninterrupted service, again.

As a function of the New Mexico administrative code, it says that you the RECC shall have a backup generator capable of keeping the PSAP, public safety answering points, operating until commercial power is restored. So this is an essential function of serving our vital services and emergency services departments. Also the fund the project is fully funded currently but Roberto Lujan the Director of RECC has been requesting additional funding from the Department of Finance Administration to help possibly defray costs but it's not a necessary function and it just I think indicates the support of him and the complex and the other departments in this project.

With that said, I stand for questions.

CHAIR BUSTAMANTE: Do we have any questions for Mr. Lambert?
Hearing no questions.

COMMISSIONER GREENE: I'll move to approve.

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: Motion to approve by Commissioner Greene.
A second to approve by Commissioner Hughes. All in favor?

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

CHAIR BUSTAMANTE: Motion carries. Thank you, Robert.

- E. Request (1) Approval of Amendment No. 1 to Agreement No. 2026-0037-CSD/JL with The Life Link, Increasing Compensation by \$250,000 to Provide Transitional Housing to Survivors of Human Trafficking for a Total Contract Sum of \$432,800, Inclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)**

JENNIFER ROMERO (Deputy Director Community Services): Madam Chair, commissioners Jennifer Romero with Santa Fe County Community Services Department and the Community Services Department requests approval of amendment number 1 to agreement number 2026-0037 CSD with the Life Link to provide transitional housing to survivors of human trafficking. The State of New Mexico Department of Workforce Solutions has awarded \$250,000 to Santa Fe County to support transitional housing for survivors of human trafficking. Santa Fe County currently contracts with the Life Link under this agreement to provide navigation services and flexible support funds for individuals who are experiencing or at risk of homelessness. The proposed amendment number 1 expands the scope of services to include transitional housing for

survivors of human trafficking and increases the compensation by \$250,000 for a revised contract total of \$432,800 inclusive of New Mexico GRT.

The Life Link is a longstanding provider within the CONNECT network, primarily offering housing, case management, and navigation services. The additional funding will support the Life Link's antihuman trafficking initiative, which is recognized for its best practice approach in serving victims of human trafficking.

We request the approval of amendment number 1 to agreement number 2026-0037 to increase compensation by \$250,000 for a total contract sum of \$432,800 and delegate authority to the County Manager to sign the purchase orders. And I believe director Michael DeBernardi is on the line for any questions. Thank you, Jennifer. Are there any questions for Jennifer or the director of Life Link? Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you, Chair Bustamante and Ms. Romero, thank you for all your work you do. I just have a question for you and the director of Life Link. Are we seeing an increase of human trafficking? And what kind of human trafficking? Because I know when I went to New Mexico County's legislative forum, I spoke to several sheriffs around the human trafficking of immigrants from the south and Latinos, but they are saying they can't do anything about it. I just want some insight on what what's happening out there.

MS. ROMERO: And I'm going to go ahead and defer to executive director and I believe he's online.

MICHAEL DEBERNARDI [appearing virtually]: Madam Chair, members of the Commission this is Dr. Michael DeBernardi of the Life Link. We have been in the primary aftercare program for human trafficking victims in the state for about 15 years now and in that time have run the state 505 GET FREE human trafficking hotline as well as the New Mexico human trafficking task force.

I will say that I don't know that we've seen an increase in human trafficking and we work with both sex trafficking and labor trafficking but where the real increase has come is on migrant workers specifically a Chinese population. You may have seen last few years about the illegal cannabis farms and the Chinese working in those places. And so that's a population that we have expanded our services for. Less so Central, South American, Mexican, we don't see much of that. But with the labor trafficking it is East Asian and of course sex trafficking given that New Mexico is a major transportation given the two interstates for trafficking victims across borders we see quite a lot of that as well.

COMMISSIONER CACARI STONE: Thank you. Thank you for your work and for I really support this effort and I just want to say I appreciate it.

MR. DEBERNARDI: Thank you.

CHAIR BUSTAMANTE: Thank you. Any additional questions? I have a question. Dr. DeBernardi, how do we track and measure the success of this program? How do you know specifically who how do people who are being trafficked get identified when they show up to you? And how are we tracking the success of what happens after these dollars have been spent in their interest?

MR. DEBERNARDI: Madam Chair, members of the Commission, that kind of leads us to this. We have been funded by the U.S. Department of Justice for the past 10 years, and under the current administration, they have cut all funding for human

trafficking programming. As part of that, we do a quarterly, very detailed quarterly reporting. So, we keep statistics on every single interaction we have with the survivors. and report it and have been reporting it to the Feds. We also have funding through the state through Victims of Crime Act/CVRC and we do a quarterly reporting to them as well. So one thing we do a ton of is reporting and tracking all services that we offer.

CHAIR BUSTAMANTE: I'm sorry I don't think you understood my question. I apologize. How do you identify who is at Life Link as a person who is being trafficked and how do you measure the success in how you've supported them with the funds that you receive through Santa Fe County? So, how do you identify individuals as individuals who are being trafficked and how do you measure the success of the support that you have provided to them?

MR. DEBERNARDI: Madam Chair, members of the Commission, again the second question I did answer in terms of the reporting that we do. So, we track all services offered, all housing, aftercare discharge etc. In terms of identifying the victims, we do it one of two ways. Again, Life Link has runs the 505 GET FREE that by New Mexico statute is in the law for victims to call. So, we get a number of both self-referrals, referrals through other organizations and some through law enforcement, but we also work very closely with law enforcement, state, local, county, federal, etc. on identification of victims and sending them to us. When we get a self-referral victim, we may provide crisis stabilization services, but before we go into more extensive services, we have them work with law enforcement to at least verify their situation. Our program director Lynn Sanchez has also been certified to identify victims and work with law enforcement to get them the assistance they need.

CHAIR BUSTAMANTE: Thank you. So Jennifer, when they are identified and we're using these dollars, do we get a report that says these are the numbers of individuals that have been supported and this is what has happened with them since we've provided support to them.

MS. ROMERO: Madam Chair, Commissioners, yes. And this money, these funds specifically are in regard to housing. So we should be able to get those the numbers of how many individuals we have assisted specifically with housing assistance.

CHAIR BUSTAMANTE: Housing assistance specifically for people who are being trafficked and we can see the success of what happens once we've provided temporary housing for them. Right?

MS. ROMERO: Yes.

CHAIR BUSTAMANTE: I think that would be important for us to know how successful that is as we approve additional monies for Life Link annually. And I would be very curious to see how much impact not just curious, I think we really need to know what the benefit is, how much are people really getting the services. I trust that they are. I think that to have some firm data on what these dollars are actually doing to support our community would be helpful. But thank you for that. I appreciate the answer to your questions, the answers to my questions.

Are there any additional questions for Jennifer? Do we have a motion to approve?

COMMISSIONER GREENE: So moved.

CHAIR BUSTAMANTE: We have a motion by Commissioner Greene.

COMMISSIONER CACARI STONE: I second it.

CHAIR BUSTAMANTE: Second by Commissioner Cacari Stone.
The motion passed by unanimous [5-0] voice vote.

CHAIR BUSTAMANTE: Motion carries. Thank you very much,
Jennifer.

8. **Presentations** - There were none
9. **Matters from the County Manager**
 - A. **Miscellaneous Updates**

CHAIR BUSTAMANTE: Do we have any updates from the County
Manager?

MANAGER SHAFFER: Thank you Chair Bustamante and
Commissioners. A few miscellaneous updates. First reminder that our next regular
scheduled BCC meeting has been moved to December 2nd at 2 p.m. That's also when
we'll have our last Housing Authority Board meeting of the year, December 2nd at 1:00
p.m. And then the final BCC meeting regular scheduled meeting at this point will be held
on Monday December 15th. Looking ahead we have a variety of continued and special
meetings over the remainder of this week and next week. Friday, November 14th at 10:00
a.m. the Board of County Commissioners will convene as the County Canvassing Board
to canvass the results of the regular local election. Monday, November 17th at 9:00 a.m.
the BCC event, Santa Fe County Water Today and Tomorrow will reconvene and
conclude. Again, this is a continuation of a special BCC meeting that started on October
27th. And then finally, we have two days scheduled next week on November 19th and
November 20th to begin the annual strategic planning process. That's scheduled to go
from 9:00 a.m. to 100 p.m. each day.

In addition, I wanted to alert the Board to legislative action from the special
session. I don't believe the Governor has yet to sign the bill that emerged from the
session. But it did include \$20 million per week as I read it in terms of state support for
SNAP beneficiaries in the event that the federal government continues to be shut down.
That leads me to efforts that the County has been involved in terms of working with the
Food Depot and other stakeholders relative to support for food insecure individuals in the
County. We've worked to meet their needs as they arose, both in terms of providing
storage space for pallets of shelf stable foods at our Airport Road facility to also
potentially offering up additional distribution sites as well as support for their warehouse
operations. We are recommending at the staff level that we be prepared to make available
up to \$150,000 in budget contingency funds to help address any additional issues as they
arise in terms of support for Food Depot as well as potentially other organizations that are
also helping to ensure that our constituents are fed during the during the continued
uncertainty caused by the federal shutdown. Again, those are monies that have already
been budgeted for emergency expenditures, i.e., those that weren't reasonably anticipated
and certainly the ongoing situation with the federal government I think fits that bill. The
expectation would be that those monies would be replenished by the Board at a future
meeting from unassigned fund balances in the general fund. but I did want to make the

Board aware of the fact that we are preparing to move forward in that direction and would be pleased to receive any feedback that you might have either in favor of or not relative to making those resources available again to support the food needs of our constituents depending upon the evolving situation at the federal and state level.

Those are the primary updates that I had for you, Chair Bustamante and Commissioners.

CHAIR BUSTAMANTE: Thank you, Manager Shaffer.

COMMISSIONER HUGHES: Yes, we appreciate putting \$150,000 towards food. I've heard a lot of stories of people going hungry this year. The food kitchens/food programs are not as stable as they were., We hope it's short term the government reopens, resumes food stamps, but I think hunger is going to still be a big problem this winter. So, I'm glad we're putting 150,000 toward it.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner.

COMMISSIONER CACARI STONE: Thank you, Chair. Thank you, County Manager. I just appreciate the efforts of our community services and it's been nice to also collaborate with Commissioner Hughes. We were able to meet with a couple of the city councilors. We discussed collaborative efforts. I was also able to speak this week with Agua Fria Village and some other community communities in District 2 as well as Jill with Food Depot. And I just want to emphasize the press release we did is helpful. I think us staying ahead of the game on consolidated outreach and resources. And under our nose is our HUD housing communities. Many of those folks are on SNAP and might not have transportation. I had provided you that feedback. So, you know, we have one degree of separation with those residents. And I think we should move very quickly on that and then have that discretion of our community services because we also besides Food Depot, we have like Reunity and other nonprofits that are providing 24/7 access to a refrigerator and food, anything people need to take, healthy foods. I trust our community services to maybe help identify other places to put that \$150,000 towards. Thanks.

CHAIR BUSTAMANTE: Thank you, Commissioner.

10. Matters from the County Commissioners and Other Elected Officials

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

CHAIR BUSTAMANTE: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. I'll be brief. So, as I mentioned before, I attended a meeting of the North Central Regional Transit District/aka the Blue Bus, as mentioned before, but I'll mention again. It is, as of Wednesday, there will be fare free MyBlue service, which will pick you up at or close to your home, depending on distance from the route, and take you to your destination for and you can hail that through an app called MyBlue which you can find on any phone store. There is also a proposed and this is in the development stage not initiation but a health route which specifically serves the communities north of Santa Fe County in particular but I think there's a potential for Santa Fe's connect program and the RECC to participate. The health route basically is based on – well there's a couple of different

programs around the country but I'll mention one in Denver where there are social workers, case workers, advocates riding buses, but also hanging around and connecting with unhoused folks who are near bus stops to do health checks with them and then to give them information about how to get to a specific location. The sort of genesis of the this idea is that there's a clinic that's being opened in Española through Presbyterian. So connecting their community with those struggling in their community with housing and with health issues of any sort to be able to use the Blue Bus to make those connections. So really cool service. It's not in place yet, but it is something that that board has prioritized and I think that Santa Fe County – I will facilitate a connection to connect.

And that's actually all I have. I had some interesting meetings with constituents and I want to say I appreciate our discussion about the potential for a public utility through a feasibility study. And I want to thank you all for your support of that and for the robust discussion around it. Thank you, Madam Chair.

CHAIR BUSTAMANTE: Thank you, Commissioner Johnson.
Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you, Chair Bustamante.
Commissioner Johnson, thank you for that health checkup at the bus stops. If you don't mind giving me the link or send it to my liaison Olivia, I'll get it out. That's a great idea. And thanks for your both of your lead on the earlier resolution.

Just some quick updates regarding the food. Commissioner Hughes and I put together a letter to the Governor and our legislative leadership on supporting their efforts. I know it was very quick. I would have liked to do one with all of us. But it's too late cuz they met already and they decided so. But that letter went out with Councilor Cassutt, Councilor Faulkner and Commissioner Hughes and I went out today to the Governor's Office as well as the leadership. So just offering support and I look forward to doing other joint letters between all of us in the future. If we can do it quickly, I don't know if the County Manager can help me figure out how to facilitate that without having a Board meeting, that'd be great.

The other piece is we wrapped up the livability cohorts group with Homewise, the City, several City Councilors as well as the planning commission on the city side. For 2026 we're looking at maybe more focused projects where we could have wins together. And I think this is a great opportunity with the new city elections. We continue to do the long-term supportive housing planning. I'll let Commissioner Hughes give those updates since he's the main lead, but it's really wonderful to bring together the housing experts and folks in our County within our employees along with the community services. I think it's a bridge that has been needed to be made.

I met with Camino Jacobo, Agua Fria Village, continuing coffeecitos and have been looking towards maybe strategizing some connectivity across the county as well and have some other meetings. But since Treasurer Manzanares is online with us, I want to give a shout out to her and her team for excellent work. Chair Bustamante and I sit on the Finance Committee with our County management. And I'd have to say so far what I've heard, they're working super hard, super fast, and making sure we're fiscally responsible and accountable. Thank you.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Real quick. I did have my town hall in person on November 4th in these chambers and hybrid. It was not nearly as bad as we expected. There were a few people opposed to AES who spoke out, but many people also spoke in favor and it was over in an hour, so that's great.

Happy Veterans Day everybody. Just reminder, tomorrow is Veterans Day, of course. Commissioner Cacari Stone and I met with the City Councilors to talk about PSH and other projects and also we heard from Jennifer Lopez about her progress on that. And so I think we're making good progress on the plan to have PSH be a priority for this year.

I just want to mention the Audit Committee is going to meet soon and our audit will be done and we get to look at our finances and that's always fun to see how much money we have left over or how little money we have left over.

I also want to mention just that we are continuing to meet with the road crew to talk about changes to the road adoption policy so that we can adopt roads more easily without breaking any laws. So, we're going to probably bring that up in the next couple of months. And I think that's it.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Greene.

COMMISSIONER GREENE: Great. Thank you very much, Madam Chair., I took part in a very interesting event organized by the United Way of Northern New Mexico. It was based on a new program or an emergent program that identifies a class/a group of our community that we all know called ALICE. And I don't know if you've heard of this program, but it is a national program that's emergent. ALICE stands for asset limited income constrained employed. Old name for working poor. And we all know ALICE and we all work with ALICE all the time. And it is impressive how many people are fall into this class in this community. It is estimated to be about 46 percent of Santa Fe County residents are in that space; it's impressive, right? These are not, you know, these are working poor, right? These are people that are hustling every day but just can't make ends meet. And this program over at the United Way has solutions for us to work through this both trying to do it at the state level and at the local level. And I think we should all try to get a presentation from the United Way to understand how we can help this community as best we can. It was well attended. There was people from the city, from the state, from all over actually New Mexico and it was a really great event at the farmers market.

As I mentioned, I went to the Dia de los Muertos. That was beautiful, a really great celebration. Lots of people from the community and there were a lot of tourists out there. I was surprised by that and it fell on a Saturday, so you couldn't have a better day to have that.

Also want to give a big shout out to Santa Fe County and to everybody that was involved in the Nambé Dam maintenance project. If you found out about that, that was up the Pojoaque Valley Irrigation District had discovered some emergency maintenance that needed to happen. And, with very short notice, we were able to cobble together a partnership of 23 governments and five county divisions. Imagine that. That was within the County that was Growth Management, GIS helped identify all of the low water crossings, Public Works helped identify or put up signs to warn people that this was coming. Emergency Management helped mobilize and get the word out. The Sheriff's

Office was available for traffic control. The Fire Department had swift water and emergency rescue people on call. The County Manager's Office helped coordinate it all and get the message out. And a big shout out to my liaison Ambra Baca, who took the reins of this when we found out about it and made sure that we got this all done. It was pretty impressive. In 48 hours, we were able to get this mobilized. This is going to happen again. They've got a second phase of this that's going to happen in a couple weeks. You'll learn about it in the media. The folks over at Pojoaque Valley Irrigation District, Robert and Ralph, are pros. they were able to do what was expected to be a 4-hour flooding and high pressure water valve fix, they did it in 43 minutes. So really good and managed to limit the exposure risk exposure. Also three pueblos were involved. A big shout out to Gabriel Montoya who's the TA over at Nambe Pueblo. He got the word out and made sure that we were all on board with this. And then 19 acequias were involved in this. And all of the mayordomos had to make sure that their presses were in a safe setting so that when the flooding did come that it didn't blow out their presses. And that was great. And so want to give a big shout out to those folks. That's it.

CHAIR BUSTAMANTE: Thank you, Commissioner. The only thing that I have is an announcement and a request from staff to look at the Grid Modernization Grant Program. It is the type 2 project will fund the project/the resolution that we just passed on the grid evaluation the local utility. So it is a rolling grant. It is NMAC 17.9.588, \$70 million are available to municipalities, universities, governments, state agencies, etc; 70 million is available for the type two projects which is ours. Only 30 million is available. I think we could probably and I've been told that we absolutely qualify and that this is a good fit. So, please look into the Grid Modernization Grant 17.9.588 NMAC. Thank you.

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

CHAIR BUSTAMANTE: Do any other elected officials have any comments?

MR. FRESQUEZ: Chair Bustamante, we do have Treasure Manzanares online

TREASURER MANZANARES: Good evening, Madam Chair, members of the Commission. Thank you for the opportunity. Tax season is up and running. We had a very busy start and so we're looking forward to being in the community on Saturdays now instead of during the week. We're hoping that that is more fruitful for property taxpayers to see us in person at the Pojoaque location as well as Edgewood and Eldorado. So that will be advertised not only in the tax bill but through KSWV. So just want to mention it's time for property tax and we're looking forward to serving everyone in the community. Thank you.

CHAIR BUSTAMANTE: Thank you, Treasurer Manzanares. Okay, we do have matters from the County Attorney, but we have a significant number of people here for the public hearings. And I'd like to see if it is acceptable to the Board that we move to the public hearings and do the matters from the attorney after we've done the

public hearings. Is that acceptable -- first I want to make sure with legal that we can make that type of change,

ATTORNEY BOYD: Chair, of course.

CHAIR BUSTAMANTE: Okay, is that acceptable to the board if we were to move matters from the County Attorney to after the public hearings?

COMMISSIONER CACARI STONE: Yes.

COMMISSIONER GREENE: Yes. I will move to -- I guess it's we don't need a motion to do that.

CHAIR BUSTAMANTE: I don't need a motion, but I see a concurrence on this item with the exception of Commissioner Hughes who's listening to us with his earbud and nodding yes somewhere. Manager Shaffer.

MANAGER SHAFFER: Chair, the Board may want to take a very brief break to get some water and snacks. We do have that as well, just so that you have a little bit of energy to get through the public hearings, but I just wanted to reiterate that to the Board.

CHAIR BUSTAMANTE: Thank you for that. Is that something that the board would like to do? Five minutes. Okay, five minutes. Thank you.

[The meeting was paused from 5:30 to 5:39]

12. Public Hearings

A. Ordinance No. 2025-03, an Ordinance Establishing Policies for Recognizing Historical and Cultural Events at Meetings of the Board of County Commissioners Requiring a Meeting to Celebrate Fiesta de Santa Fe

CHAIR BUSTAMANTE: All right, we have our packet material, Manager Shaffer, Walker Boyd, who will be presenting this?

COMMISSIONER CACARI STONE: Thank you, Chair Bustamante. Thank you, other Commissioners. And I just want to recognize, some of our community leaders here. Some of you weren't here earlier, and I want to say that two of our Commissioners sponsored a proclamation in honor of Veterans Day. And I just want to thank many of you who've served our country that just walked in and who might be online. So I appreciate that.

Today we come together to consider an ordinance and hear public comment that comes directly from the need to reignite and realign the County's commitment to our diverse communities in Santa Fe. This proposed ordinance ensures that we will recognize cultural and historic events such as the Fiestas de Santa Fe, Indigenous People's Day, El Grito, Juneteenth, Jewish High Holy Days, Kwanzaa and many other important celebrations of our diversity, including Santa Fe Pride, to name a few. Within our official meetings here in the chambers with behind us the mural that reminds us of our distinct histories but our shared destinies for the next generation, it reminds us of who we are as children of mixed blood and mixed traditions and races and coming together that this ordinance also recognizes that as a community we are a group of people who agree to grow together. We make mistakes, but we move forward, but we don't move forward

without focus, healing, and dialogue. And I want to thank Crystal Lucero who led with Treasurer Manzanares, the County management team, Commissioner Bustamante, and we had facilitated very deep meaningful session in late September, early October. The ordinance grew out of one of their various recommendations that we will continue to implement and come together and communicate to make next year's Fiesta successful as well as other future inclusion of other cultural traditions. So I will stop there. I don't know Commissioner Bustamante if you want to invite any comments on the technical parts of the ordinance from County Manager or our legal counsel.

CHAIR BUSTAMANTE: I don't unless you have anything that you'd want to share, Attorney Boyd or Manager Shaffer.

ATTORNEY BOYD: Chair Bustamante. I have nothing to share. I've already I think in the past meeting when this was up for notice and general summary I explained the outlines of the ordinance and Commissioner Cacari Stone has done a great job of explaining what I understand to be the sponsor's intent. And I think that as stated previously, this ordinance complies with the law and ensures that the Board would have a binding source of authority to recognize events of its choice in chambers going forward.

CHAIR BUSTAMANTE: Thank you, Attorney Boyd. I do have a question. I learned at our last presentation or our last action item that events such as these that we provide lodgers tax to are in fact overseen or adopted or approved by the County Commission. Does that not make them a County-sponsored event?

ATTORNEY BOYD: Chair Bustamante, I understand the use of funds here from lodgers tax revenue to be for sponsorship and advertising of events taking place throughout Santa Fe County such as Zozobra, for example.

CHAIR BUSTAMANTE: Is that a yes or no?

ATTORNEY BOYD: I'm not quite sure I understand the question.

CHAIR BUSTAMANTE: The question is if the County is providing and has oversight of an advisory board and we're providing lodgers tax via the funds that are coming from lodging in our county and we have an advisory board that makes the recommendations for funding to go to various activities, we as the county; does that make it a County-sponsored event?

ATTORNEY BOYD: Chair Bustamante, your earlier question was whether the County authorized those events and I believe the earlier answer was that no, the County does not decide whether those –

CHAIR BUSTAMANTE: That's not what I'm asking. I'm asking if it's a County-authorized event?

ATTORNEY BOYD: So under that under that framing as an authorized event, no, it's not a County-authorized event.

CHAIR BUSTAMANTE: So it's not a County-sponsored event if we're providing funds from the County.

ATTORNEY BOYD: Chair Bustamante, it is a County-sponsored event.

CHAIR BUSTAMANTE: Okay. Thank you very much. All right. Onward to the ordinance.

COMMISSIONER CACARI STONE: I think I forgot to recognize Treasurer Manzanares as well. So thank you, my oversight.

CHAIR BUSTAMANTE: Thank you. So at this time we're open to public

comment. Is there anyone in the chambers who would like to speak to this matter? Please with a show of hands. How many people would like to speak to this matter? Okay. Three. Do we have anyone online?

COMMISSIONER CACARI STONE: Treasurer Manzanares is.

CHAIR BUSTAMANTE: Does she want to speak to this matter?

MR. FRESQUEZ: She's raising her hand now.

CHAIR BUSTAMANTE: Okay. All right, we will have we will have each individual you can get in line and introduce yourself and be sworn in. And you we have a three minute three minutes on the hearing. So each individual has three minutes and it will be showed on the screen up here.

[The Deputy Clerk administered the oath to those wishing to speak.]

[Duly sworn, Crystal Lucero, testified as follows:]

CRYSTAL LUCERO: So, my name is Crystal Lucero. My address is 1700 and a half Agua Fria Street. And I do understand that I'm under oath.

So to start, good evening, Commissioners. Again, my name is Crystal Lucero and I am the president of the Santa Fe Fiesta Inc. I want to thank you for introducing this ordinance and recognizing historical and cultural events, especially the inclusion of the Fiesta de Santa Fe. This acknowledgement matters. Fiesta isn't just a weekend of celebration. It's a living tradition that has carried the stories, the prayers, and the unity of all our people for more than three centuries.

As you move forward, I urge the Commission to ensure these policies strengthen collaboration and community organizations, not limit access. County buildings and spaces have always been gathering places for service, education, and culture. They should remain open and welcoming to the public just as Fiesta itself is. By passing this ordinance with the spirit of inclusion, the County sends a powerful message that Santa Fe honors its past while embracing the future together.

Thank you for your time and your continued partnership with Santa Fe Fiesta, Inc. and all of us that work hard to ensure that this is an inclusive event for everyone involved. Thank you.

CHAIR BUSTAMANTE: Thank you. Next.

[Duly sworn, Virgil J. Vigil, testified as follows:]

VIRGIL J. VIGIL: Madam Chair, Commissioners, my name is Virgil J Vigil, 2 Paseo de la Luz, Santa Fe.

I just received this resolution. It's a good start. It is. It's a good start. I give you a B, but not an A. It's not there yet. I think you should have included other groups like the Protectiva and also other Hispanic individuals that are from this community that know this community. You haven't done that. But again, you get a B for it. Could have been an A.

But what I'm speaking about now is something more important and that is personnel. Personnel and the failure of individuals that are in areas of responsibility. We have an individual, the County Commissioner, that failed you. He actually failed you and he failed the people of Santa Fe. Him and his associates by denying the Fiesta Council to appear with this jubilee celebration which they have done for many years. Many years they have done that it's a tradition and he knew that. And his concerns should have been brought up to you much earlier. He failed to do that he failed to do that. He didn't bring

those concerns to you. He first, what he did and his associates, they blocked them from coming into these buildings. That is horrible. That is terrible that that happened.

So I think that there is some disciplinary action that needs to be taken here. Now I would suggest that he be fired, but I know that there's some here that don't have that in them. But so my next suggestion would be he needs to be placed in a position that doesn't have authority like he has because we seen that he's not able to use that authority properly with the community. He should have. He's not able to do that. He was an attorney. He was not a manager. They're different. Attorneys work with law. Managements know people. They're specialized in that and that's who we should have hired.

The other problem I had is the way this hiring was done in secrecy. Now, some of you weren't here when it happened. But when you have a closed door meeting and you don't advertise a position, where's the transparency? And you do this hiring under closed doors. That is a problem too to the community because you who are responsible to the people failed them because you weren't transparent doing things behind closed doors.

So you need to have the guts to take corrective action and maybe not fire him but moving to a place him and associates that don't have – don't deal with people. It is obvious he does not have that talent. He might be a brilliant attorney, but that's it. Thank you very much.

CHAIR BUSTAMANTE: Thank you, Mr. Vigil. Next.

[Duly sworn, Elmer Maestas, testified as follows;]

ELMER MAESTAS: Good evening, Commissioners. I am Elmer Maestas and I do understand I am here under oath.

I agree with everything that Mr. Vigil said. It was a shame. It's a black eye on Santa Fe, New Mexico. What happened to the Fiesta Council when they came to your offices and tried to do what they've done for many years and they were not allowed to do that. The Fiestas de Santa Fe are the oldest community celebration in the United States of America. That's why this is such a black eye on Santa Fe to not allow the Fiesta Council people in as they've always been allowed. Something went wrong. Something needs to be corrected. And I do agree with Mr. Vigil. Let's get it corrected. Thank you very much.

CHAIR BUSTAMANTE: Thank you, Mr. Maestas. Next online, if there isn't anyone else from the chambers, do we have anyone online?

MR. FRESQUEZ: Chair Bustamante, we have two people online. Our first speaker is Treasure Manzanares.

TREASURER MANZANARES: Thank you, Chair. Buenos Tardes, Chair member of the Commission. My name is Jennifer Manzanares. I do understand that I am under oath. I want to thank, Chair Bustamante and Commissioner Cacari Stone for their leadership on this matter and as a former Reina de la Fiesta de Santa Fe, mil novecientos noventa, 1990 and as an elected official for the County and very important to my heart a grandmother to the next generation. I really want to thank the ordinance going forward and I do want to encourage more collaboration. And I know that there's some strong feelings in the community that we continue this in going forward with healing and establishing what would be for generations to come and change in leadership that would support our annual fiesta, our traditions and our cultura. Thank you.

CHAIR BUSTAMANTE: Thank you, Treasurer Manzanares. And next.

MR. FRESQUEZ: Chair Bustamante, our next speaker is Chris Mechels.

CHAIR BUSTAMANTE: Thank you.

[Duly sworn, Chris Mechels, testified as follows:]

CHRIS MECHELS: My name is Chris Michelle and I'm 1336 Bishop's Lodge Road and yes, I understand that I'm under oath.

Can you No, am I unmuted?

CHAIR BUSTAMANTE: Yes, please start, we hear you.

MR. MECHELS: Okay. First off, I'd like to say that that the three minutes is absolutely inappropriate. This is a public hearing. It is not a normal hearing. You just arbitrarily established three minutes. There are no reason to support that. You should you – you've shut the public out through this whole process and you're continuing to shut the public out of this conversation.

I'm going to tell you first off that you're addressing the wrong problem. The whole reason that that this occurred was two things which you apparently are unaware of. First off, the reason that they weren't allowed to enter the building was because for some unknown reason that they have decided to block public access. That was not the case prior to this action. And if you hadn't blocked public access, there wouldn't have been a problem. The other thing is, is that the Code of Conduct was changed in 2022. If that had not been changed, that would have not been a problem. You could have easily dealt with either one of these situations and instead you went running off riding a wild horse and now you're doing a totally inappropriate ordinance which is enforced by the – you're building an ordinance that is enforced by the BCC itself. I mean this is this is just silliness. If you wanted to -- if you wanted to do something, which I said you didn't even need to. You just needed to address the actual problem. If you wanted to do something as the County Attorney told you, if you look at the minutes, the County Attorney advised you that normally this would happen behind handled by a resolution, not an ordinance. You chose to ignore that and he chose to not to allow you to get away with this. Ignorance is what you're doing. So along the way, you have violated, as far as I can tell, multiple times. You violated the Open Meetings Act. You violated the Code of Conduct and you violated the Rules of Order.

So you have just run up a list of violating the laws to do an ordinance which is unnecessary because you didn't bother to find out what the actual problem was. I have sent you some written comments which was very difficult to do because you've hidden how you do that which says that you've got to – you illegally advertise this. That can be challenged. You've – you haven't, you haven't allowed act input from actual input for the public in any coherent way. You have just basically made a huge mess and there's no reason to even do it. All you needed to do was the address the original problem and to ask the question which is why is are we blocking public access to this building? If you don't do that then you don't have a problem. So what the heck do you think you're doing? Your ignorance seems beyond understanding. Please revisit this. You're illegal as you can be. And just stop this stuff.

CHAIR BUSTAMANTE: Thank you. All right. Is there anyone who else would like to speak to this matter? Not hearing anyone, we have discussion. Anyone? Commissioner Hughes?

COMMISSIONER HUGHES: Yeah, I think this is a – one of you said this is a good start. I think it is a good start and we ought to be very careful how we

implement it next year and I think yeah, we need to honor the past and the Fiesta does that. Living in Santa Fe is different than living anywhere else in the world and that's very special.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you to the sponsors., I sort of agree that this could have been a resolution, but I'm okay with it as an ordinance. I think it's a little more impactful and more difficult to repeal, but so be it. It is unfortunate that we have to have our buildings closed for security purposes and after COVID and it is unfortunate what happened this past year, but what's done is done and we need to build on this and learn and sort of try to figure out how to make sure that we don't make this mistake again. So my apologies to the Fiesta Council. I don't know if anybody's officially given you that. But I, you know, I didn't have a horse in this fight, but I do feel bad for that aspect. So my apologies.

I do want to show some appreciation to the sponsors for including the Pueblo Feast Days specifically in here. I think that that's something that is just as meaningful and those days are you know predetermined way ahead of time and we can accommodate them and I've appreciated that we've accommodated them this year. And hopefully we can manage to do that. Well, now we're going to be under an ordinance potentially to do this in the future. So, I want to thank you all for trying to incorporate all of these aspects into our new ordinance. Thank you.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. Thanks to the two of you for getting this ordinance together. Thank you to those who attended today. I want to echo the sentiments of Commissioner Greene, you know, what happened was an unfortunate event. I sincerely apologize for a situation that could have been avoided and we are now seeking to avoid in the future because it went against long-standing tradition.

I have a question for the authors of this and this is just more of a clarification. So Section 7 recognition of events by the Board. I think this is what Commissioner Hughes was getting at which is how we follow the rules stated set out by the ordinance. So B, a member of the Board may seek to recognize event at a meeting of the board by proposing a proclamation resolution or other board action setting forth the Board's recognition or approval of the event. So that would mean that in advance of a meeting, say I could propose a proclamation that says such and such group will come on this day and then we would all vote on it. Right? I just want to clarify that. I think that it's pretty self-evident, but I think that is what is intended by it. I think there's a slight risk of a cascade of different kinds of elements, different kinds of presentations, performances, celebrations, but it might be a risk that we should be willing to take. So that's question one. Question two is a member of the Board may request the Board Chair recognize an event. That sounds like then it's actually the discretion of the Chair. Is that what's intended by the ordinance? Because on the one hand we would have a proclamation process where everyone votes on it and on the other we'd have one where the Chair decides. I don't see them as being too much of an issue, but there, you can sort of spiral down the rabbit hole with sort of understanding what sort of – how we might be extending meetings and

perhaps diluting the more culturally salient elements. Just some food for thought.

CHAIR BUSTAMANTE: Thank you, Commissioner. If I may address that. From the Chair position and the way I read items B and C if there is an event and it's been put on the agenda. So item B just asks that with the timing requirement to put it on the agenda that it meets that requirement and it's discussed that this will be on the agenda. That item C and so this is nothing different than what we already do. So item C would be that for example if we would have had the Navy Week this week let's just say and I didn't know really what the intent was but we have a proclamation that was recognizing the Navy was going to be here and if there was something that was in the agenda that said yes and during the presentation we're all going to stand up and do anchors away that would be part of a presentation but that was that would be something that would be defined prior to the agenda or as the agenda is being created prior to the requirement for it being posted and then just the Chair would recognize the event during the time we're going through the agenda. That's how I read that. Is there anything that I'm misinterpreting from that, Manager Boyd?

ATTORNEY BOYD: I'm the attorney; thankfully, I'm not the manager.

CHAIR BUSTAMANTE: I'm sorry, Attorney Boyd.

ATTORNEY BOYD: Chair Bustamante, the ordinance essentially details the three ways that the Board can recognize an event. And so as Commissioner Johnson flagged with respect to option B, that can take the form of an action in the form of a proclamation, resolution, or other vote. Option C I think refers it's it kind of goes from more to less specific. Option C is more in the form of just a recognition in the form of a presentation or some other agenda item to that effect that doesn't call for formal Board action, but again would require the board's action in terms of placing it on the agenda for recognition before the Board at a meeting.

CHAIR BUSTAMANTE: I see. And I also want to clarify, I do know who the manager is and I do know who the attorney is. Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you, Chair Bustamante. And I just want to thank you for your questions and for the our other Commission members for supporting this and thinking deeply and really it does have the three options but at the end of the day the intent is to put the onus and the responsibility on us as elected officials to honor and recognize and be inclusive for Santa Fe County and our constituents are holding us to that and we're also holding ourselves to honoring all traditions including this coming year the Santa Fe Fiestas Cuadriales. So thank you.

CHAIR BUSTAMANTE: Thank you. Any other further comments? Do we have any further discussion regarding where we stand with this particular ordinance? I heard support. I heard have you know not we're not quite there yet but this is a step in the direction that can assure that we have the community events respected by the County as they are brought forth. Are there any comments, questions or concerns? No. Not hearing any. Do we have a motion either way?

COMMISSIONER CACARI STONE: I'll make a motion to vote on the ordinance establishing policies for recognizing historical and cultural events at meetings of the BCC requiring a meeting to celebrate the dia de Santa Fe fiestas.

CHAIR BUSTAMANTE: Do I hear a second? I'll second as the co-sponsor.

The motion passed by unanimous roll call vote as follows:

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

[The Commission met in executive session from 5:21 to 6:30.]

CHAIR BUSTAMANTE: Thank you all. Thank you for your participation.

- B. Case No. 25-5210 Appeal of Case No. 25-5010, Javier Juarez, Applicant, through Lisa D. Martinez, Agent, Requests Approval of Three Separate Variances. The First Variance Request is a Density Variance of Chapter 9, Table 9-11-2: Dimensional Standards TAP RES-E (Residential Estate) of the Sustainable Land Development Code (Ordinance No. 2016-9); the Second Variance Request Seeks a Variance of the Setback Requirements of Section 9.11.2.1 (Setback from NM 599); and the Third Variance Request Seeks Relief from the Setback and Open Space Standards of Section 9.11.2.2.3. The 8.954-Acre Parcel is Zoned Residential Estate (RES-E) Within the Tres Arroyos Del Poniente Community District Overlay. The Property is Located at 3 N. Horizon Lane, Township 16 North, Range 8 East, Section 1 (Commission District 2) [Exhibit 1: Support letter/PMN, dated November 10, 2025]**

MARIE MARTINEZ (Case Manager): Okay. Madam Chair, Commissioners, Marie Martinez, Development Review Specialist for the Growth Management Department. Issue Javier Juarez, applicant. Lisa D. Martinez agent request approval of three separate variances. The first variance request is a density variance of Chapter 9, Table 9-11-2 dimensional standards, TAP residential estates of the Sustainable Land Development Code ordinance number 2016-9 hereafter SLDC. The second variance request seeks a variance of the setback requirements of Section 9.11.2.1 Setbacks from New Mexico 599. Third variance request seeks relief from the setback and open space standards of Section 9.11.2.2.3.

The 8.954-acre parcel is zoned residential estates within the Tres Arroyos de Poniente Community District overlay. The property is located at 3 North Horizon Lane, Township 16 North, Range 8 East, Section 1, Commission District 2.

Summary: the requested density variance is to allow the 8.954-acre parcel to be divided into seven approximately 1.25-acre lots. So the prospective purchaser can make multi-family transfers/family transfers. Chapter 9 Table 9-11-2 dimensional standards TAP RES E identifies the allowed density at one dwelling unit per 2.5 acres for this

zoning district. The applicant's second request seeks to eliminate the required 250 foot setback in the hope that the property would then be regulated by SLDC Chapter 7.3, Table 7- A which is the zoning for this district would allow to be 10 feet from the front property lines and 25 feet from the rear and side boundaries. The third request is the prohibition of SLDC Section 9.11.2.2.3 which disallows the use of the required perimeter setbacks of the property as open space be ignored. In response to sections 4.9.7.4, the applicant has addressed the variance criteria as follows.

SLDC Hearing Officer meeting on May 8, 2025 this request was presented to the Sustainable Land Development Hearing Officer. At the public hearing, one individual spoke in support of the application and two individuals spoke in opposition. The hearing officer memorialized findings and facts and conclusion of law in a recommended order on this request. The Hearing Officer based on the evidence presented recommended denial of the application. The written order in the minutes of May 8, 2025 hearing are as attached as Exhibits E and F.

SLDC Planning Commission meeting on June 18, 2025, the Planning Commission heard the request for Javier Juarez variance of density, 250 foot setback requirements and open space requirements. By majority 3 to 2 roll call vote, the Planning Commission denied the application for variance of density, 250-foot setback requirement and open space requirements based on the evidence presented by the applicant and staff at the public hearing. The Commission concluded that the application does not satisfy the code criteria for approval of the requested variance.

Staff recommendation: variance request one. Staff recommends denial of the request for variance of density. The subject property zoning allows for one dwelling per 2.5 acres which would allow for three lots on this 8.954 parcel through an administrative process. Staff believes the applicant's proposal to create seven lots represent a significant departure from the allowable density and is considered an extreme deviation from the intent and requirements of the Sustainable Land Development Code. If the Board of County Commissioners finds the criteria has been met for density variance request and approves the variance, staff recommends the following conditions be imposed. Madam Chair, may I enter these conditions into the record?

CHAIR BUSTAMANTE: Yes.

1. No Accessory Dwelling Units are allowed.
2. No further division of land.
3. No drilling of domestic wells. All lots will be required to hook up to the County water system.
4. Onsite and offsite roads shall comply with Chapter 7.11 of the SLDC.

MS. MARTINEZ: Variance request number two, staff recommends approval which would allow development within the 250-foot setback requirements which development would still be subject to setback identified in Section 7.3. Without this variance development of the parcel at the allowable density of three lots would be extremely restricted. Variance request number three.

Staff recommends approval to allow the required open space to be accommodated within the perimeter setback within setback areas of the property. Allowing the open

space to coincide with the perimeter setback represents a reasonable adjustment that achieves the intent of the SLDC while offering a more practical and efficient site layout.

Thank you and I stand for any questions. Thank you. Do we have any questions for Marie? Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. So, can you summarize the Planning Commission's denial? And maybe I need you to repeat a little section of this. The Planning Commission made a ruling on this and what was their rationale in the finding of facts and conclusions of law?

MS. MARTINEZ: Commissioner, Madam Chair, the Commission concluded that the applicant does not satisfy the code criteria for approval of the requested variance.

COMMISSIONER JOHNSON: The variance related specifically to the density adjustment and the splitting of yes lots to half the amount of allotted density for systems on septic and is that accurate?

MS. MARTINEZ: Yes, it is, Commissioner.

DOMINIC SISNEROS (Land Use): Madam Chair, Commission members, I also want to note that the Planning Commission chose to vote on all three variances on at once. They didn't choose to vote on the variances individually as the applicant is requesting today.

COMMISSIONER JOHNSON: Well, I think I may have some more questions, but I may wait until after public comment.

CHAIR BUSTAMANTE: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Tell me a little bit about the history of this property. Did the owners of this property, how long have they owned this? I guess I will rephrase my question. Did they own it predating 599?

MR. SISNEROS: Madam Chair, Commission members,, the current property owner or the current property is under a real estate contract. The existing owner, Javier Juarez, I believe owned the property prior to the 2016 ordinance. We can find an exact date of when he owned the property, but I believe it was probably after the existence of 599, but we can confirm that.

COMMISSIONER GREENE: So all of the restrictions have been in place, they've known this. This person didn't buy it and 599 took some land from them when they were – when we were building 599 back 25 years ago or whenever that 20 years ago.

MR. SISNEROS: Madam Chair, Commission members. Yes, that's correct.

COMMISSIONER GREENE: Okay, that is my main question for now. Thank you.

CHAIR BUSTAMANTE: Thank you. Any further questions of the applicant [sic]? Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you for your presentation. I just want to be clear. You're asking us to vote number one the variance request to deny it to support that denial of it, the first request and the request number two and three to uphold the staff recommendation for approval. So it's supporting the denial for number one and approve supporting approval of two and three. Is that correct?

MS. MARTINEZ: Commissioner, yes that is correct.

COMMISSIONER CACARI STONE: Okay. Thank you.

CHAIR BUSTAMANTE: Any further questions of the applicant? The applicant, would the applicant like to speak to this?

MS. MARTINEZ: Their agent is here Lisa Martinez.

CHAIR BUSTAMANTE: Do we have any further statements from the agent or the applicant at land use? And then we will take public comment.

MS. MARTINEZ: Okay. Thank you.

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

LISA MARTINEZ: My name is Lisa Martinez. My address is 3201C Zafarano Drive, number 111, Santa Fe, New Mexico 87507. And I do understand I'm under oath.

Good evening, Madam Chair and members of the Commission. Thank you for the opportunity to present our appeal to the County Commission. This project has been in the works for quite some time and so like I said, we greatly appreciate the opportunity. Again, my name is Lisa Martinez, from B Constructive LLC. And on behalf of Mr. Javier Juarez, who is the current property owner and the individuals who are under contract to purchase the 8.95- acre parcel, which is located at number 3 North Horizon Lane. The following is an appeal of a final decision by the Planning Commission. The decision pertains to a proposed family transfer subdivision and three individual separate variance requests. As has been stated, the property lies within the Tres Arroyos del Poniente Community District overlay and is zoned as residential estate.

On behalf of the applicant, I'm requesting the following three variances associated with density, setback, and open space. Just to give you a brief project background going back to September of 2022, Mr. Javier Juarez and his surveyor, the late Mr. Alan Grace, they presented to the TAC a request for division of land, a variance of density, and a variance of setback requirements. Mr. Juarez and Mr. Grace further met with the Land Use Department and other County departments such as water and wastewater and the state of New Mexico Engineers department for a well permit. Ultimately, an application for ready, willing and able water and/or wastewater services was provided to the County on June 23rd of 2022 and was approved on July 7th of 2022. We understand that this approval has since expired. However, a new application was submitted for reapproval.

On February 14th of 2025, we received a letter stating the Santa Fe County Utilities Department is ready to provide the proposed development with the services requested. They will grant water service to a 12-inch water line at Vista Azul which is approximately 1,620 feet from the development location. In addition, from the same location, there's also a 12-inch wastewater line that will be made available for wastewater connection. Since the connection distance exceeds the 290 feet code requirement mandated for connection to County utilities, we have requested that a condition not be imposed to limit the drilling of domestic wells or installation of septic tanks should connection at this extended distance be cost prohibitive. In addition to addressing the ready, willing, enable process for water and wastewater services and to restart the process for the current proposed subdivision, an additional presentation was made to the TAC on September 5th of 2024. And in your packet are all the documents associated with that hearing. In addition, on December 2nd of 2024, a neighborhood meeting was conducted.

And so your packet should also include all of the documents that were presented at that meeting, list of attendees and notes on the general discussion. Most recently on May 8th 2025, a presentation was made to the SLDC Hearing Officer and a subsequent presentation was made on June 10, 2025 to the Santa Fe County Planning Commission with the three variance requests.

Again, our current request is for consideration of three separate and individual variances. The first one associated with density is a request of the SLDC Table 8-10 to allow seven lots consisting of approximately 1.25 acres to be created from the 8.95 acres. SLDC Table 8-10 illustrates that the density within the RES E zoning is currently 2.5 acres. The applicant's desire is to create these seven 1.25-acre lots for the purpose of a family transfer subdivision. The request for this lot size is not unusual as many 1.25 family transfer lots have been created within this district and in this general area of the County in the past.

In your packet are some aerial photographs depicting the lots that are 1.25 acres or less. They are noted with sort of a reddish-orange dot and then there are also some smalls that were deeded after 2016 which are depicted in yellow. Should this request be considered, the applicant is willing to consider the conditions of approval to include no further division of land and no accessory dwelling units so as to limit additional future development and water usage on the parcel. The proposed density variance we believe is not contrary not considered contrary to the public interest based on the following. the request was presented to the general public in the form of a neighborhood meeting as required by the SLDC and no one in attendance spoke in opposition of the subdivision. Again, the applicant is willing to comply with any and all TAPCD and SLDC requirements to create the subdivision. The infrastructure, roads, sewer, and water lines will be constructed in accordance with code requirements.

The 8.95-acre parcel was created by the construction of New Mexico 599. In 2016, the SLDC was adopted, at which time the small lot family transfer was eliminated from the code. The applicant wishes to create these lots for a purpose of a small lot family transfer subdivision. Prior to 2016, we know that that many 1.25 acre small lot transfer lots were created throughout Santa Fe County. And it's important to note that the creation of these small lots will serve as a form of affordable housing for the applicant's family. Strict compliance with the density requirements for this property would really create an undue hardship on the applicant and the family. We know that the SLDC is designed to protect and promote the health, safety, and welfare of present and future residents of the county and so we feel that the requested density variance meets the purpose and intent of the SLDC as smaller lots will provide affordable housing to family members therefore meeting the spirit of the SLDC.

The second variance which applies to setback has to do with a 250-foot setback from New Mexico 599 highway right-a-way and we're proposing to eliminate that setback. The current property configuration was created by condemnation for the construction of New Mexico 599 prior to the SLDC being adopted. The setback is significant and would take close to 50 percent of the property which would severely limit any potential subdivision that would be proposed. The distance from New Mexico 599 to the property line is approximately 18 feet which leaves an approximate 232-foot setback on the 8.95-acre site and that is why we're requesting a variance to eliminate that setback.

We believe that it's not contrary to the public interest due that there are many structures along New Mexico 599 that do not meet that 250-foot setback. Some of these structures are now within Santa Fe City limits or were incorporated into the Village of Agua Fria Community District Overlay. As we've said, strict enforcement would reduce the potential for development on this parcel and there's no practical reason to impose a setback on this parcel of land as there are other properties along New Mexico 599 corridor that are within the setback and are very visible for New Mexico 599.

We believe that granting this setback variance will allow family members to live within and contribute to Santa Fe County. Therefore, meeting the spirit of the SLDC. The land that was taken by the enforcement of the setback requirement doesn't benefit the County in any way as there are other requirements for open space, trail and landscape requirements for a subdivision which would allow for other sufficient buffering from the subdivision from New Mexico 599. And so we do appreciate the staff's recommendation for approval., but one other thing I would like to point out is that it's important to note that in March of 2020, there was another case that came before the County Hearing Officer and Planning Commission with a similar request for variance from the requirements of Chapter 9 and the Tres Arroyos del Poniente Community District overlay regarding this same setback. Ultimately the Hearing Officer and Planning Commission approved the request citing in part as one of the conclusions of law that the request was not contrary to the public interest. The spirit of the SLDC is observed and that the setback is consistent with the setback of existing structures on neighboring properties.

The third variance has to do with has to do with open space and it specifically states in Section 9.11.2.2. 3 that perimeter setbacks on properties may not be used as open space unless the area meets the standard above or a buffer is needed for adjacent properties. So I want to be clear that we're not proposing to eliminate the open space requirement, but we're rather proposing to utilize the required RES E setback to meet the required 30 percent open space. The RES E setback required by the SLDC in table 7A is 10 feet from the front of the property line and 25 feet from the sides and rear of the property lines. So these are the setbacks that we're proposing and are shown on the proposed development survey.

So we believe that the granting of this variance would allow the development to meet the open space requirements in a manner that's suitable to the property. And it's important to note that the TAP CD requirements for a subdivision do not differentiate between a seven-lot subdivision as proposed from a 70-lot subdivision. The requirements put an undue burden on the smaller subdivisions such as what is being proposed here. Again, we're not proposing to eliminate that requirement, but to utilize the RES E setbacks to meet those space requirements.

In closing, you've heard about the three requests for variance and if an approval were granted, it would serve to maximize the utility of a portion of land that as an expression of the plat's approval would result in exceptional practical difficulties for the future owner if they're not granted. In order for the future buyer to provide each of his children and his family members with a relatively equal inheritance. Again, this will serve as a form of affordable housing for the family and especially if the 250-foot setback from the frontage road if that variance were granted. We do know that affordable housing is a critical issue across the county and equally as important are the benefits to be gained

by having a family close together. This particular family is looking for a stable and secure environment along with an independent home site to be able to care for a family member. And so it will further address the aging in place concept and the importance of having a family community nearby for support and care.

The applicant maintains that the requested variances will not have an adverse impact on the general health, safety, and welfare of the property owners and area residents. We thank you for your consideration and especially ask that you consider this request as we feel that when we when we appeared before the Planning Commission we don't feel that we completely got a fair hearing. There were a lot of questions about process and votes and how many voting members needed to be in attendance to be able to have a valid vote. There was even a recess that was taken to try to figure out if we were on the right path or if we were going to need to table it and come back for another hearing. Ultimately, the Commission voted to table it and let us come back for another hearing and then a decision was made by the County Attorney that the vote was valid and therefore we were not entitled to another hearing. I think everyone felt slighted in that instance because the County Attorney was not present at the hearing and so we didn't have legal counsel which wasn't quite fair to advise and direct and the outcome could have been possibly different because there were a lot of questions there were a lot of inconsistencies like I said there were things that were unclear in the code about procedurally how it should move forward so for that reason we're especially grateful for this particular hearing to represent present the case and I would certainly stand for any questions and again thank you in advance for your consideration.

CHAIR BUSTAMANTE: Thank you. Now we'll open it to public comment. Do we have anyone in favor or against who would like to speak to this matter? We have two people. You may approach the microphone and you will be sworn in by the clerk.

[Duly sworn, Phyllis Baca, testified as follows:]

PHYLLIS BACA: My name is Phyllis Baca, 707 East Palace Avenue, number five – sorry, number 35. And I do understand that I'm under oath.

Madam Chair, members of the Commission. Good evening. My name is Phyllis Baca. I'm partner in PMB Limited Partnership and I'm representing PMB in this hearing. We own the adjacent property 20 Baca Ranch Court which is located to the southwest of Mr. Juarez's property. I am here to provide a detailed statement of support for Mr. Juarez's variance request which I believe has been passed out to the members and the staff. Looks like this particular one. *[Exhibit 1]* Thank you.

I understand that County staff no longer object to the removing the 250-foot setback. So I will limit my brief comments to the density issue. Several of our family members, including myself, were members of the TAP working committee during the development of the plan. There was agreement that the need for each separate property in the area to have its own well predicated the need for larger parcel lots as a water conservation effort. However, there have been significant changes to the subject area. The first was the BCC approval of the development of a 28-acre senior campus adjacent to PMB property. This development by Caja del Rio Holdings LLC required the use of the County water supply. The only way to reach the campus with the County's water supply was to place approximately 2,000 feet of a 12-inch distribution line through two

of PMB's properties at Baca Ranch Court. PMB provided the easement of the project and Caja del Rio Holdings paid for and built the infrastructure. PMB is currently a County water utilities customer at the site with the water feeding a cattle drinking tank.

My older brother Matthew is the operating partner of PMB and he has met with the prospective buyer of Mr. Juarez's property, Gerald Solano. Mr. Solano has requested that PMB provide an easement across our property to his prospective property so he may connect to the county utilities and increase the density of the subject property. PMB's intent if this should come to fruition is to extend a line from the main distribution line on the property to Baca Ranch Court Road. The line will run the length of that road and you can see it as a photograph in the report we handed out to the New Mexico 599 frontage road and then an approximately 1,000-foot easement will be provided to Mr. Solano so that he may extend the line north to the subject property.

PMB supports Mr. Juarez's request for the density change. Thank you.

CHAIR BUSTAMANTE: Thank you, Ms. Baca. Next.

[Duly sworn, Henry R. Anaya, Jr., testified as follows:]

HENRY R. ANAYA, JR.: My name is Henry R. Anaya Jr. and I live on 19 North Horizon Lane, Santa Fe, New Mexico 87507.

And so I guess I'll start off first was that back on 5/5 of this year, I sent a letter in behalf of many of the property owners that live on North Horizon Lane and the reason we did that and I have signatures on it. I actually did it by certified mail to the County Land Use Administrator and it stated and went through all these variances that these people are asking for and then we went through it and said why we didn't agree with some of the stuff. So first thing is that the first time that sign ever went out for that piece of property, it said that it was trust land that was being sold. So I asked that question, was it trust land and was it sold as trust land because if it was sold as trust land then those are different rules for that piece of property that these people are requesting to do. Then also in that thing I asked on this letter that I wrote with the help of these other people, I said where are you going to get this water from? And because us that are property owners have had to put wells and I've been there 30 plus years and I've actually had to redo my well more than once because it broke. It's not cheap. But we I have one well I have 2.5 acres. All the other people – there's only other another piece of land that has some land that's been divided into 1.25 acres and they have one well that they're sharing for that. There's another piece of land also there that al also is doing the same thing. The rest of them all have one well. So like say this other piece of property owners that they're coming and wanting to divide to seven lots. How many wells are they going to put? I don't think one well is going to be they would have to be a really big well to be able to supply water for all these pieces of property.

Then also in this letter that I wrote was what kind of a, you know, because they want to they don't want to come in through the frontage road they want to come in through North Horizon and on North Horizon right now the bus can't even come into North Horizon and make a U-turn there so they stop on the frontage road to be able to drop kids off and on. They used to turn into that lot because it didn't have a fence but then they fenced it once they started looking at selling it. So there's really not a good route for emergency vehicles such as fire trucks, ambulances, because you come in this road from the frontage road and it goes straight back. It divides up, but there's no exit. So that was

another thing I put.

You put these seven lots in there. They're going to be coming back out through North Horizon right where the stop sign's at that goes into the frontage road because they don't want to come in through the frontage road because they don't want to lose part of the property to do that. Then what are we going to do? We're going to just jam up that front road when anything happens. So like I say, there just a bunch of different things that just don't make sense. Even when they first sent this thing out, the letters, the letters didn't go to everybody that were property owners, they only went to a few. And I happened to find out from my family that also lives on that, on pieces of property there, that they had gotten a letter. So, like I say, it's been very confusing this process that they're trying to do. And this last letter that we just got, it's talking about a family that wants to buy it from this Mr. Jimenez. So, I'm not, I'm not sure who really is going to own this property and what they're really planning to do with it. So, that's why like say we don't seem to be very in tune with what they're trying to do.

So like I say you there is a letter that was certified that I sent that states all this stuff. Thank you.

CHAIR BUSTAMANTE: Thank you. Next. Anyone else? Is there anyone online discussion? Any questions? Commissioner Johnson.

COMMISSIONER JOHNSON: Let's see. This is a complicated case. I have a question for Land Use staff. The question is, no one's getting up, so I'll ask it and we'll see who decides.

Let's just say, for example, these I'll be quick about this. Let's just say this lot was parceled up into 2.5-acre lots. And remind us if an accessory dwelling unit could be placed on those and what sort of specifications or restrictions would be placed on that effectively making two houses. one might be a little smaller, but I just wanted us to understand a little bit of the sort of zoomed-out context for land use policy to understand the request of the applicant in their appeal.

MR. SISNEROS: Madam Chair, Commission members, so administratively, the density allows for this lot to be split into three separate parcels at 2.5 acres. Each legal lot would be allowed one dwelling and one accessory dwelling unit. The accessory dwelling unit would have restrictions as far as square footage. It would only be allowed to be 50 percent of the heated square footage of the primary residence, but not to exceed 1,400 square feet. So if the primary residence, let's say for instance, was 3,000 square feet they would still only be allowed a maximum of 1,400 heated square feet. Each accessory dwelling unit would be required also to share the utilities as well as the driveway with the primary residence and not to exceed in height the primary also so that it could look subordinate to the primary residence.

COMMISSIONER JOHNSON: Okay. So, so in that scenario, we would have three driveways, three wells, three utility meters, and six in this case. You know, there could be six dwelling.

MR. SISNEROS: Potentially six dwelling units. That is correct.

COMMISSIONER JOHNSON: Okay, so Mr. Solano wants to purchase this property and he is the one that is making the request to do the lot splitting. Is that accurate?

MR. SISNEROS: So the request is still under the applicant, Mr. Juarez.

but I believe there's terms, you know, for the purchase that the variance to be approved or something like that.

COMMISSIONER JOHNSON: Of course, my bad. Of course the property owner has to be making this request, not some hypothetical owner. Do they have a purchase agreement in place that is known to County staff? Meaning, if this goes through, then the purchases is guaranteed. I've seen other land use cases where it the purchase is contingent on variance approvals and things like that.

MR. SISNEROS: That would be a question for the applicant's agent. I'm not sure if there's any contingency for that type of approval. in order for the purchase to go forward or not.

COMMISSIONER JOHNSON: Okay, that's I'm going to pivot that question to the applicant's agent then.

LISA MARTINEZ: Madam Chair and Commissioner Johnson, yes, there is a purchase agreement in place and it is contingent on approval of the variances.

COMMISSIONER JOHNSON: Okay, thank you. Thank you for answering that. Another question, is there/are there ways that – so I want to say that I am for lot splitting and family transfers in general. This is an interesting case because someone is acquiring it to do that kind of down the road and knowing, you know, has obviously done research on what is required to split the lot against our own land use policy. Are there protections that are possible where, you know, if I read this document which we just got it today, it seems like there's some sort of like hoodwinking in land use transfers and agreements in this region not necessarily specific to this property. So what I'm trying to get at is can we ensure that this would stay within the family? Is that something that is legal under legal at all?

MR. SISNEROS: Madam Chair, Commission members, unfortunately we cannot ensure that it stays with family. That is one of the reasons why the code changed in 2016 and disallowed small-lot family transfers because people were taking advantage of those small-lot family transfers then turning around and selling them. So they did not stay with the family. As of right now that is the reason why there's no longer small-lot family transfers but we still allow for family transfers but they have to go by the zoning of the property.

COMMISSIONER JOHNSON: Okay, thank you. I have no more questions at the moment.
CHAIR BUSTAMANTE:
Commissioner Greene.

COMMISSIONER GREENE: Thank you. On the same thought, there's no way to put a deed restriction on this for a term of 10, 12, 15 years that would require this to stay within the family and not allow for development of this by any other person for that term.

MR. SISNEROS: Currently there are not any tools in the SLDC to allow us to do that.

COMMISSIONER GREENE: Well, there's a variance at stake right now. So, I understand you can't do it, but theoretically, we could put a condition on this that gets recorded on the plat.

MR. SISNEROS: It could be imposed as a condition of approval by the Board.

COMMISSIONER GREENE: So, does that sort of start to answer your question there? Okay.

So, let me ask you so that was related to Commissioner Johnson. I had a similar thought about this. So that was has any hydrology been done on this to prove that it would be acceptable to have an 1.5 acre or 1.25 for a septic tank or a well.

MR. SISNEROS: So the applicants did not go to the State Engineer's Office. They went straight to Santa Fe County Utilities got a ready, willing, enable letter to say that the County is ready, willing, and able to serve these properties as seven lots. But again they are about 1,000 feet away so they would have to go through another property but the applicant did not provide any documentation on any well permits or any hydrology.

COMMISSIONER GREENE: Wouldn't that be required if they were going to drill a well?

MR. SISNEROS: It would definitely be required if they were going to drill a well, but since they indicated that they wanted to go through the utilities, that's why they provided the RWA and no other forms of water usage.

COMMISSIONER GREENE: But didn't I hear that they wanted to do it as a well now?

MR. SISNEROS: That is also what we heard previously to when they applied for the application.

COMMISSIONER GREENE: So the ready, willing and enable doesn't matter or we could make a condition saying you have to tie into County water and sewer.

MR. SISNEROS: That is one of the conditions of approval that with the seven lots if approved by seven lots they would have to tie into the County water. There is no County sewer available in that area, so they would have to go with septic.

COMMISSIONER GREENE: Okay. So given the setbacks from the frontage road, I know one of the areas that somewhat annoys me when I drive by it on the frontage road is directly across 599 from there, right? So there's the old Cottonwood Village. It has a bermed and sound wall along there and I could imagine that these applicants would try to do the same thing on their side. And so I'm wondering if the applicants would be amendable to having instead of a wall built along their property line having it 25-foot setback where the building line is that is on this on the plat that was being proposed with a landscaping requirement in that front area. So we don't have just this loud echo chamber of walls on both sides. Bad enough on the cottonwood side. Maybe the other side could have some landscaping in front of a wall.

MR. SISNEROS: The applicants may be willing to do any type of buffering to for sound barrier. But again that could also be a condition imposed by the Commission today.

COMMISSIONER GREENE: Great. Well, I will ask them in a little bit. The other sort of condition is, you know, given the large setback there, I would be concerned of two-story homes on lots, 1, 4, and 5 and requiring that those homes be either one story or any second story being you know 75 feet back from the street somehow to make it so we don't feel that, right. We're trying to preserve the views or whatever the intent of the 250-foot setback was.

MR. SISNEROS: Madam Chair, Commission members, yes my interpretation or in communication with the applicant or the future, you know, purchaser

that they're not intending to build large homes. Of course, they're going to be custom homes, but they don't want to go, you know, very large. And my feeling is that they would prefer to stay under the 24-foot height restriction and single story. But again, that would probably be a better question for the applicant's agent to answer.

COMMISSIONER GREENE: Yeah. Well, 24 feet is two stories. And so I'm wondering if we could say for those lots that are at least within 75 feet of the road, we don't have large volumes there. And just they've got an acre and a half, an acre and a quarter. There's plenty of space to go horizontal as opposed to vertical.

MR. SISNEROS: Definitely. Yeah. 24 feet with a flat roof could definitely be two story. With a pitched roof, you could definitely, you know, get a one story on a 24 feet height restriction.

COMMISSIONER GREENE: Okay. Well, I'd love to explore the family transfer restrictions, right? If this is truly the intent that they're going to certify, you know, making that, you know, that this isn't just a, you know, lot split and flip sort of thing. So, I'll let the other Commissioners chat for a little bit and see where they're feeling.

CHAIR BUSTAMANTE: Okay. I'm looking at the document. Is there are there any other questions or concerns regarding this?

COMMISSIONER JOHNSON: Thank you, Madam Chair. For the purposes of discussion, I am feeling in alignment with the conditions that you are, that you floated.

COMMISSIONER GREENE: Would you like me to put them into some format? Can I ask the applicant or the agent if these are acceptable or these deal breakers?

MR. SISNEROS: Madam Chair, Commission members, I also want to address, so the actual height limit in the Tres Arroyos overlay is actually 18 feet, not 24 feet.

COMMISSIONER GREENE: Okay, great. That helps a little bit.

CHAIR BUSTAMANTE: Okay. Also, we would hear each – I'm going to ask and it seems to be the clearest cut way to do this is to get a motion on each variance and hear each separately. Okay? So it wouldn't be a matter of the motion to approve the variances. Okay. So if there are no further questions in looking at variance request number one we have any further comments concerns regarding the variance of density and hearing none if we have none. Do we have any –

C,: I am wondering what since this is in District 2, I want to hear what Commissioner Cacari Stone has to say about this.

COMMISSIONER CACARI STONE: Okay. Thank you. Commissioner Hughes. I think with regards to density there are a numerous families, to my awareness, that are honoring what is it 2.5 acre, Dominic, and that if we like start approving 7 per, you know, if we increase that density today I think we're going down a slippery slope because not one all one size fits All I think this sets a precedence for others and I'm aligning with keeping with the staff's recommendation to keep the density at the 2.5 and to not go to the seven units. Because we need to think as a Commission and maybe individually meet with the planning and Alex's team on what the implications could be. Because I think a lot of requests come forward to do this and this is not the time or the evening to open that floodgate without thinking of the long-term implications.

COMMISSIONER HUGHES: And so I agree with that and I think since they can have six dwellings anyway, you know, a main house and accessory dwelling that should meet their needs.

CHAIR BUSTAMANTE: So, am I hearing this to be a motion for variance number one, Commissioner Cacari Stones?

COMMISSIONER CACARI STONE: Yes, it'll be a motion to stick with the staff recommendations to deny the variance as described in number one.

COMMISSIONER GREENE: This is the density specifically.

COMMISSIONER CACARI STONE: Sorry, my blood sugar is going low, so I apologize. I'm following. I'm just -- thank you, Chair.

CHAIR BUSTAMANTE: You're good. Do we have a second?

COMMISSIONER HUGHES: I second. We have a second by Commissioner Hughes. We need a roll call vote, please.

COMMISSIONER CACARI STONE: I think that I wasn't clear enough, but it's staff approving and the staff recommendations to deny the request for variance of density.

CHAIR BUSTAMANTE: Yes, that was clear.

The motion passed by unanimous roll call vote as follows:

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

CHAIR BUSTAMANTE: Okay, variance request number two, development within the 250-foot setback requirement. Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: I'll make a motion to --

CHAIR BUSTAMANTE: Do we have any discussion?

COMMISSIONER CACARI STONE: Oh, sorry. I have no discussion on this. I think that we had it.

CHAIR BUSTAMANTE: Okay. Commissioner Greene.

COMMISSIONER GREENE: Just in the setback. I still recommend that we request a 25- foot wall setback and landscaping along the front of it so that it doesn't just become this echo alley along there. It's a pretty deep lot. If they want to build a house and the wall, it should be back a little bit.

CHAIR BUSTAMANTE: So, I'm hearing some conditions of sound barrier development.

COMMISSIONER GREENE: That if a wall was to be built that it would be 25 feet back. Up to you, Commissioner, but we all drive that.

COMMISSIONER CACARI STONE: Okay. I want to be clear, too, cuz there needs to be parities So, I'm going to ask the land use team. Is this something we typically can require as a condition? Did you just ask for a 25-foot wall?

COMMISSIONER GREENE: It's a variance. We can ask for anything.

COMMISSIONER CACARI STONE: Okay. Again, I want to be sure

we're setting precedents for parity on these cases.

MR. SISNEROS: Madam chair, Commission members, I think it would be totally appropriate for you to impose any conditions regarding any type of buffering, screening, you know, sound barrier as such for this type of variance request.

COMMISSIONER CACARI STONE: You said appropriate or inappropriate?

MR. SISNEROS: Appropriate.

COMMISSIONER CACARI STONE: Okay. Thank you.

CHAIR BUSTAMANTE: Any further discussion?

COMMISSIONER HUGHES: Well, if we're going to deny the request, we don't need to put any conditions on it then.

CHAIR BUSTAMANTE: Not if it's going to be a denial.

COMMISSIONER HUGHES: Yes. Only if we approve it would there be the condition?

COMMISSIONER CACARI STONE: So, I'm moving that we vote on holding up the staff recommendations to approve this 250-foot setback with the conditions of the 25-foot setback –

COMMISSIONER GREENE: -- for any yard walls, yes.

CHAIR BUSTAMANTE: Okay. Commissioner Cacari Stone recommends approval of the allowance of the development within the 250-foot setback with the condition that there will be sound barrier protection at the 250 foot –

COMMISSIONER GREENE: No, at the 25 feet back from the southern property line.

CHAIR BUSTAMANTE: Back from the southern property. Is that your understanding?

COMMISSIONER CACARI STONE: Yes.

CHAIR BUSTAMANTE: Okay, back from the southern property. Do I have a second?

COMMISSIONER GREENE: I'll second that.

CHAIR BUSTAMANTE: We have a second from Commissioner Greene. Roll call, please, on variance request number two.

The motion passed by unanimous roll call vote as follows:

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

CHAIR BUSTAMANTE: Variance request number three.

COMMISSIONER CACARI STONE: Make a motion that we vote on approving to this variance to allow the required open space to accommodate within the perimeter setback areas of the properties.

CHAIR BUSTAMANTE: Do we have any second?

COMMISSIONER JOHNSON: Second.

CHAIR BUSTAMANTE: A motion to approve from Commissioner Cacari Stone. A second from Commissioner Johnson. Any discussion? May we have a roll call vote, please?

The motion passed by unanimous roll call vote as follows:

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

CHAIR BUSTAMANTE: The case is concluded. There are no further items.

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) Performance Evaluation of the County Manager; (2) Breach of Contract Action and Performance Bond Claims Related to Cerrillos Senior Center and Fire Station; (3) *Davalos v Santa Fe County Board of County Commissioners*, D-101-CV-2022-01805; and (4) Submission of Settlement Claim in Class Action CAPP, Inc. et al. v. Discover Bank et al., Case No. 23-cv-4676 (N.D. Cal.).**

CHAIR BUSTAMANTE: We will go into executive session matters from the County Attorney. County Attorney Boyd, we will ask for a change in the order as number one will be last and the rest would follow in order so that we can actually have the potential action and that would allow we'll step out of executive session. We can vote if there is an action item and then we would go back into executive session regarding item one. Does that work for you?

ATTORNEY BOYD: Yes, Chair Bustamante. So, for purposes of this executive session, I'm seeking a motion to enter closed discussion on breach of contract action and performance bond claims related to the Cerrillos Senior Center and Fire

Station, *Davalos v Santa Fe County Board of County Commissioners*, and submission of a settlement claim in a class action lawsuit as more fully described in the agenda and the basis for entering that discussion would be to discuss for attorney client privilege communications to discuss threatened or pending litigation in which Santa Fe County is or may become a participant. And I remind the Board that a roll call vote is required.

CHAIR BUSTAMANTE: May we have a roll call vote, please.

ATTORNEY BOYD: We need a motion.

COMMISSIONER GREENE: Okay. Motion to go into executive session only to discuss the things that the County Attorney mentioned.

CHAIR BUSTAMANTE: We have a motion by Commissioner Greene.

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: We have a second by Commissioner Hughes. All right. now may we have a roll call vote?

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

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

The Commission met in executive session from 7:08 to 8:09

COMMISSIONER GREENE: Madam Chair, I'd like to make a motion saying that we come out of executive session stating that nothing other than the items that we said we were going to go talk about were discussed and we did not make any decisions.

CHAIR BUSTAMANTE: We have a motion to come out of executive session by Commissioner Greene. Do we have a second?

COMMISSIONER CACARI STONE: I second it.

CHAIR BUSTAMANTE: We have a second from Commissioner Cacari Stone.

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

B. Request Delegation of Authority to County Attorney to Submit Court-Approved Claim for Payment from Settlement Fund in *CAPP, Inc. et al. v Discover Bank et al.*, Case No. 23-cv-4676 (N.D. Cal.)

COMMISSIONER GREENE: Madam Chair, I am going to make a motion delegating authority to the County Attorney to submit a court approved claim for payment from settlement fund in CAPP Incorporated et al. versus Discover Bank et al. case number 23-cv-4676 in the Northern District of California.

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: We have a motion from Commissioner Greene, a second from Commissioner Johnson. All in favor?

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

CHAIR BUSTAMANTE: Motion carries. We have no other action items discussed in executive session. We have conducted our public hearings. Are there any announcements? Otherwise, we will entertain a motion to adjourn.

COMMISSIONER GREENE: No. It's a motion to go into –

CHAIR BUSTAMANTE: No, we'll adjourn. We adjourn and then we go back. Oh, yes.

COMMISSIONER GREENE: I would make a motion that we go into executive session and that we adjourn prior to this as no further County business will be necessary other than the executive session to discuss limited personnel matters in the case of the County Manager's performance evaluation.

COMMISSIONER JOHNSON: Second.

CHAIR BUSTAMANTE: We have a motion made by Commissioner Greene, a second by Commissioner Johnson. Roll call vote.

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

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

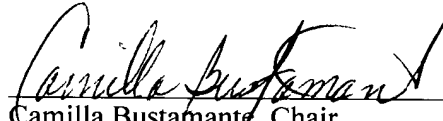
3. Concluding Business

A. Announcements – None

B. Adjournment

The meeting adjourned at 8:11 p.m.

Approved by:


Camilla Bustamante, Chair
Board of County Commissioners

ATTEST TO:


KATHARINE E. CLARK

SANTA FE COUNTY CLERK



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 75

I Hereby Certify That This Instrument Was Filed for
Record On The 4TH Day Of December, 2025 at 04:04:02 PM
And Was Duly Recorded as Instrument # **2072762**
If The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy *Katharine E. Clark* Katharine E. Clark
County Clerk, Santa Fe, NM



SFC CLERK RECORDED 12/04/2025