

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
February 25, 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 04/15/2025

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BOARD OF COUNTY COMMISSIONERS
MEETING

February 25, 2025

1. A. This meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:02 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 Richard Roybal of the Public Safety Department.

Commissioner Cacari Stone requested a moment of silence to appreciate the life of 12-year old Vicente Mendoza.

G. Approval of Agenda

CHAIR BUSTAMANTE: We do have recognitions for two others that we will do during the recognition of employees. Okay, Manager Shaffer, do we have any changes to the agenda other than what I mentioned with regard to recognition of those

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who will be recognized?

GREG SHAFFER (County Manager): Chair Bustamante, Commissioners, no. There are no recommended changes from staff to the agenda as presented, which I would not have posted last Tuesday at approximately 6:30 p.m. Thank you.

CHAIR BUSTAMANTE: Thank you, Manager Shaffer. Do we have a motion to approve the agenda as provided?

COMMISSIONER JOHNSON: Move to approve.

CHAIR BUSTAMANTE: We have a motion to approve by Commissioner Johnson. Do we have a second?

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: Second by Commissioner Hughes.

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

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

CHAIR BUSTAMANTE: Manager Shaffer.

MANAGER SHAFFER: Thank you, Chair Bustamante, Commissioners. I appreciate the opportunity to recognize several employees who are experiencing significant anniversary milestones with the County as well as one team member who retired or who will be retiring this month and some new hires.

Starting with significant anniversaries, I want to acknowledge that the following employees are recognizing five consecutive years of service to the County during the month of February. Devin Baldwin of our Community Services Department, Ira Roybal in the Public Works Department, Oscar Salgado in the Water and Wastewater Division in the Public Works Department, Dana Henderson with our Corrections Department.

I also want to acknowledge that Dr. Mel Olivares is celebrating his tenth year anniversary with the County. He's the medical doctor in the Adult Detention Facility, and finally Ignacio Dominguez is celebrating his 15th year with the County currently serving in the Office of Emergency Management. So we want to celebrate those team members for their commitment to the County and our community.

I want to also acknowledge that Elizabeth Peterson with our COSSAP program, or engage, relative to our Community Services Department will be retiring at the end of this month. We wish her all the best in her next chapter of her life.

Looking at the new hires during the month of January, I want to acknowledge that we have two new County Commissioners who are scored as new hires with the rest of the new employees, so welcome Commissioner Cacari Stone and Commissioner Fulton Johnson. We also have three individuals who are joining our Corrections Department. Javier Araiza, Lesvia Guevara, and Randall Wilcox. And in our County Assessor's Department we welcome Bryan Mendoza. In the County Clerk Department, Gary Reid.

We have several volunteer firefighters who are showing up on the list as new hires. While they're volunteers, that signifies that they have achieved a level of certification that qualifies them for our volunteer stipend program. They're either qualified to fight interior fires, wildland certified, or have their EMT basic or above. I appreciate the volunteer services of these individuals: Jane Jacoba, Steven Riemer, and Oscar Payan, John Seidner.

In the Legal Department we welcome Walker Boyd as County Attorney. In the Sheriff's

Department, Brendan Baca. Also in the County Assessor's Department, Danon Welch. And then finally, in the Land Use Department we have Marvelous Echeng.

So again, I wanted to welcome all of our new hires and celebrate those who've been with us for five, ten or fifteen years and wish Ms. Peterson all the best in her retirement. Thank you, Chair Bustamante.

CHAIR BUSTAMANTE: Thank you, Manager Shaffer, and thank you all for your continued commitment to serving the public of Santa Fe County. Are there any comments or statements from the Commission? No. Thank you all for your good work and we appreciate that very much.

I. Recognition of Employees for Awards, Accreditations, Recognitions, and Other Accomplishments

CHAIR BUSTAMANTE: Manager Shaffer. Go ahead.

MANAGER SHAFFER: Thank you, Chair Bustamante. I want to begin by recognizing 11 employees who earned certifications through the New Mexico EDGE program this year. New Mexico EDGE is a fabulous program that is offered in partnership with New Mexico Counties. Its goal is to foster better government through education. So approximately two years ago or thereabouts, Santa Fe County partnered with New Mexico EDGE to offer an accelerated pathway to County employees to achieve certificates. Amongst other benefits, if an employee pursues and receives the certified public supervisor certification that qualifies that employee for any supervisory position at the County, even without any prior supervisory experience.

It's just another way in which we try to continuously invest in our workforce and grow our own, so to speak, in terms of helping train our team members to continue and further their career and provide better government through education. So I want to recognize the following four employees who earned their New Mexico certified public official certification. They are Michael Carr with the Public Works Department, and if you're present, please come forward. I'd like us to get a good photo with the County Commissioners if we can because I know they want to celebrate this achievement with you as well. William Donahoo in the Community Development Department, Roberto Lujan in our RECC Department, and Julie Lynch, also with RECC.

We have three employees who earned the New Mexico public supervisor certification. That includes Emma Felt in the County Manager's Office, Ivan Berry in the Assessor's Office, and Katharine Clark, County Clerk.

Finally, we had one team member who earned both a certified public official and certified public supervisor certification and that's Lucy Felt of the Finance Division. And we had three employees who earned specialized certificates: Jennifer Wilson of the Clerk's Office earned the New Mexico certified advocate for public ethics and New Mexico certified human resources professional certificates, Gabrielle Schultz of the Clerk's Office earned the New Mexico certified advocate for public ethics certificate. And finally Victor Vigil of the Treasurer's Office earned the New Mexico certified human resources professional certificate.

So all of those individuals were invited to attend today's meeting. If you are present, if you could please stand up and come forward so that we can all recognize your achievement.

[Photographs were taken.]

CHAIR BUSTAMANTE: Congratulations to all of you. I spent quite a bit of time in higher ed both as an instructor and as a dean and I always did that because there is nothing more beautiful to me in this life than a person who seeks to improve themselves. It is amazing. So I am so grateful for all you standing up and recognizing that the good work that you do in your community can always be better, and that you're doing something for yourself in the interest of helping others. So thank you very, very much for your work on yourself and your willingness to serve those in our community. Very grateful. Any other comments from the Commissioners?

MANAGER SHAFFER: Chair Bustamante, there's one other accomplishment that we wanted to recognize. This is both a recognition of work that the County did, but also to honor our design and build team was awarded the eagle award of excellence from the New Mexico Chapter of the National Association of Industrial Office Properties in the small civic public project category. This was for the new Regional Emergency Communications Center construction project.

So the National Association of Industrial Office Properties, its mission is to provide the real estate development industry with a visionary, beneficial and responsive association serving developers, owners, investors and commercial real estate professionals. The awards of excellence honor outstanding achievements in commercial real estate including innovation and community impact. Presented annually, they recognize exceptional projects, companies and individuals across categories, like office, industrial, and mixed-use developments.

So again, we want to congratulate both our design-build partners and County staff relative to this award, and Rod Lambert is the project manager for this project and would like to step forward and perhaps say a few words about the award and the plaque that would commemorate it.

CHAIR BUSTAMANTE: Thank you, Mr. Lambert. I see this beautiful eagle nest to you.

ROD LAMBERT (Public Works): Good afternoon, Chair Bustamante and members of the Commission. I'm Rod Lambert from the Santa Fe County Public Works Projects Division. I was the project manager on the Regional Emergency Communications Center. Our architecture firm, Southwest Studios, and our construction firm, Jaynes Construction. One of them, I'm not sure which – maybe both, actually nominated this project for this award, and then we were notified that there would be the award ceremony on December 9th. So my supervisor, Curt Temple and I drove down and were pleasantly surprised to receive the award in the small division category, and that's for projects under \$10 million.

It's kind of regional. There were a lot of Albuquerque and Santa Fe projects, but it was also farther reaching throughout the states. So we were honored and blessed.

CHAIR BUSTAMANTE: Thank you. Thank you very much. Are there any comments? Would you please hold that up for us? Anything else, Manager Shaffer?

MANAGER SHAFFER: No. Thank you, Chair Bustamante.

CHAIR BUSTAMANTE: Thank you.

2. **Approval of Meeting Minutes**
 - A. **Request Approval of January 28, 2025 Board of County Commissioners Meeting Minutes**

CHAIR BUSTAMANTE: Do we have any comments, concerns, changes, or a motion to approve the meeting minutes from January 28th?

COMMISSIONER JOHNSON: So in reviewing the minutes it seems that the posted version was every other page. If you take a look, it goes from page 5 to 7 to 9. So I would move to delay the approval of the minutes until all of them are posted, because they cut off mid-sentence. So they're not complete for the record as they stand.

CHAIR BUSTAMANTE: We have a motion to table.

COMMISSIONER GREENE: And I'll second that to table these.

CHAIR BUSTAMANTE: Motion to table the minutes until we get the pagination correct, by Commissioner Johnson. A second by Commissioner Greene.

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

3. Consideration Proclamations, Resolutions, and/or Recognitions

A. Presentation of Certificates of Appreciation Honoring Two Santa Fe County Sheriff Deputies

CHAIR BUSTAMANTE: Commissioner Cacari Stone

COMMISSIONER CACARI STONE: Thank you. I'd like to invite Sheriff Mendoza, Undersheriff Johnson and Major Gonzales to the podium here, as well as our recognized deputies Rudy Vallejos and Levi Abeyta. Feel welcome to come up with your family.

This certificate of appreciation is awarded by the Santa Fe County Board of County Commissioners to Deputy Rudy Vallejo and Deputy Levi Abeyta. While we are sleeping our law enforcement is awake, 24/7. They do not rest. They never get a chance to exhale. Hopefully they do from time to time. But they're busy saving lives. They're busy making sure that we're safe and that the total community is safe. Sometimes when we save lives we give families respite to be with their loved ones for a little longer, even if they pass.

The child who passed that we acknowledged earlier is truly grateful for the moments and the heroes that saved him, and he had time to be with us family and his brother was saved and is still alive. On January 27th deputies Abeya and Vallejo arrived at a fully engulfed house on fire in District 2. They broke windows. They inhaled smoke from the home and they themselves suffered from smoke inhalation. They pulled the one child from the home, rescued the other, and turned things around and turned off the propane so that the rest of the family and the community could be safe.

Both deputies were assessed by paramedics and monitored in the hospital. Here I present the recognition to Deputy Levi Abeyta and to Deputy Rudy Vallejo. On behalf of Santa Fe County we proudly present the certificate of appreciation in recognition of your bravery and unwavering dedication to your profession. And I don't know if Sheriff Mendoza wants to make a comment on behalf of brave deputies.

ADAN MENDOZA (County Sheriff): Madam Chair and Commissioner Cacari Stone, I just want to thank you for the recognition and acknowledgement of these two deputies which I personally and this department are super proud of for going above and beyond and their selflessness and reacting. If anybody gets a chance, and we'll try and post the video, but to just see the video from the lapel of this heroic action and how these deputies sprung into action and relied on their training, relied on teamwork, to

rescue and make sure that these children were safe. And I don't want to go without recognizing another hero and that is Mr. Vicente Mendoza who passed for his donation of organs and his continuation of life. I want to recognize that also. But if it's okay, Madam Chair and Commissioners, if I can open up – pass the mike to these two deputies for just a word.

LEVI ABEYTA (Sheriff's Office): Good afternoon, Chair and Board. I'm Deputy Abeyta. I was the first person on the scene. Just a little bit about the actions of what happened that night. I arrived on scene first. I was the closest one to the fire, informed out dispatch, RECC, that the home was fully engulfed in flames. When I arrived I ran immediately straight to the trailer and when I got to the trailer I started calling out, Santa Fe County Sheriff's Office. Can anyone hear me? Anyone inside? Didn't get any response.

From that moment I started doing a perimeter check around the house and located an open door. That door was covered in blood, which we later found out was the oldest son, Efren, who had punched out the window to be able to get out of the house. He was able to exit the house but he was still at this time missing, within all the smoke. At that time I didn't know that he had gotten out and so I actually went inside partially through that door to see if I could see anyone near the door, just in the near vicinity and that's when I started suffering from smoke inhalation. It's not worth another person to go down and be another person to have to save.

I backed out, kept calling and I heard a voice in the distance. That voice in the distance was Efren. He was able to extract himself from the house and he was standing on the far side of the property where all the smoke was going. I kept calling out to him. I did eventually find him and escorted him back to safety where my unit was, to where paramedics and other deputies who were arriving on scene could find him. Once then, I ran back to the house, started breaking out the windows and Deputy Rudy Vallejo arrived on the scene.

We came up with a plan and opened up the front door. Couldn't find anybody. We tried to go inside but the roof was already collapsing on us and the flames were coming right at our faces and smoke as well. From there we backed out of that portion. Deputy, right, started going around to the opposite side to just double-check, just see if I could see anything now. The smoke was just really, really bad.

At that time I told Deputy Vallejo to check one window that had been overlooked due to the smoke because you just can't see in those types of situations. I ran around to the back, turned off the propane; let the firefighters know what the situation was and what was going on. As I came back Deputy Vallejo was able to, gratefully, open up that window to pull the child out to safety, Vicente, and just got him to paramedics at that time.

RUDY VALLEJO (Sheriff's Office): Good afternoon, Board. I want to thank you for recognizing our efforts to save Vicente. I want to really thank you for recognizing Vicente's heroism. I've said it many times that the hero of this story is not myself; it's Vicente and his parents. I want to thank the lord our god for keeping us safe, putting us where we needed to be at that time. To give up your child to save other lives, it takes the love of god, I believe.

I was asked that question, if I could give up my son for complete strangers. My answer's always no. Estrella Akiri and Alejandro Mendoza gave up their son. Vicente gave up his life and he saved many people to include a child in California. I just want to

thank you guys for recognizing him during this and I want to thank my wife for supporting me. This isn't my first critical incident. They do take – it's hard, and I am very grateful that I have a loving wife that supports me and stands by my side. My 11-year-old son now recognizes the sacrifices his dad makes as a law enforcement officer. And administration that looks out for their deputies and takes care of us mentally and ensures that we are okay to go back to duty. And thank you for recognizing our efforts, not just of mine and of Deputy Abeyta but of the Sheriff's Office as a whole. Thank you.

CHAIR BUSTAMANTE: Thank you. Does anyone have any comments?
Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. This is an amazing moment of recognition and it's also a very somber moment because we didn't get everyone out alive but that child and his family offered organ donations which I hope we all do for the unfortunate situation. But gentlemen showed, running into a burning building is really a feat of heroicism that we have to acknowledge, we are acknowledging here is amazing. And I hope that if there's anything that Santa Fe County can provide to you, because if this is your first critical incident, maybe yours as well, I hope that you rest well and you're able to absorb this through training and therapy and whatever you need to be able to not have to live this in memories. These are very traumatic experiences and I hope if there's anything Santa Fe County can do to help anybody – you two, but anybody that responded to any of these sorts of situations, please seek the assistance that we can provide to help you anyway we can. And thank you so much for doing what you did and getting back up on the horse and being back at work soon thereafter. So thank you. Glad to see – thank you, Sheriff, and thank you, Madam Commissioner for recognizing this.

CHAIR BUSTAMANTE: Thank you, Commissioner Greene.
Commissioner Hughes.

COMMISSIONER HUGHES: I just wanted to add my thanks. I was a search and rescue volunteer and I experienced minor trauma. You experienced major trauma and I appreciate the bravery and that you will take the time to get better. But thank you very much for doing that.

CHAIR BUSTAMANTE: Thank you, Commissioner Hughes.
Commissioner Johnson.

COMMISSIONER JOHNSON: Just to echo the sentiments of my colleagues. Thank you from the bottom of my heart. A courageous act and it's inspiring. I really want to thank the department for the support that they give to their officers. You guys are truly – we can tell just listening to you, a team, and keep up the good work. We really appreciate it. And thank you to Commissioner Cacari Stone for recognizing them. It's important to do so.

CHAIR BUSTAMANTE: Thank you, Commissioner Johnson.
Commissioner Cacari Stone, did you have anything else? I would like to also thank you. I appreciate – it's not lost on me and I think about you all often that when you get up in the morning, every time I see a person in service, hat you don't know what you're going to faced with that day. And I could never share the gratitude that I have in my heart for everything you do, just leaving the house, and for your family members who understand that when you leave the house that you're going to come back home safely. It's a question every day. And I'm so grateful for your good work. Absolutely could never say it enough. So I echo the gratitude in this room and Commissioner Greene's words and their support. It is difficult to do this work. We're so grateful for your service. Thank you.

SHERIFF MENDOZA: Madam Chair, Commission, thank you again for the recognition.

CHAIR BUSTAMANTE: Thank you. It may seem like a minor formality but I'm giving you a virtual hug. I feel like that's what I should do. Thank you very much.

COMMISSIONER CACARI STONE: Madam Chair, we do have one more recognition. Thank you so much

CHAIR BUSTAMANTE: Thank you. Please.

COMMISSIONER CACARI STONE: This is both a moment of reflection and recognition. I'm going to invite Chief Black and Assistant Chief Blay to come forward, please. Thank you.

This is a moment to honor the life of Santa Fe County Fire Department Engineer Justin Sena. This is the anniversary of Justin Sena's passing on February 19, 2024. And as we just witnessed, being in the front lines meaning sometimes sacrificing your own wellbeing in life, and in this case, this was a long and difficult battle for Justin Sena who suffered from behavioral health/mental health challenges. Again, we recognize that many of our firefighters are more likely to die from depression, burn-out, PTSD or taking their own lives than from a fire.

Justin's commitment to service began at an early age. As a teenager he volunteered with the La Cienega Fire District. He was selfless and sacrificed a lot. To protect his own community he became a full-time firefighter who rose to the rank of engineer. His unwavering dedication to others was evident in every aspect of life in responding to emergency, assisting patients, or standing shoulder to shoulder with his fellow colleagues and responders.

His life in service reminds us not only of the physical demands placed on firefighters but on the job's immense mental and emotional toll. His passing is a solemn reminder of the struggles that too many first responders face in silence. Let's break open the stigma of the chain of this silence and today, not only do we recognize Justin's life and service along with his family, Jacqueline and his daughter Addison and Brooklyn, but other firefighters, and as a County and as a community may be stand together to support you and know that you do not suffer alone.

My own grandfather was a firefighter and died a tragic death due to alcoholism. So we know that this plagues our community and our families and we stand with you to promote your mental health and wellbeing. And I offer to invite you if you want to make a comment in his memory. Thank you.

CHAIR BUSTAMANTE: Thank you, Commissioner. Chief Black.

JACOB BLACK (Fire Chief): Madam Chair, Commissioner Cacari Stone, thank you for recognizing Engineer Sena. I know his family wishes they could be here if they were able to and they truly would be honored to have this and his life and his legacy be remembered and honored here today. Engineer Sena who was a dear friend and family member to all of us in our department and his life truly was marked with a life of dedication and service as he volunteered, as he rose through the ranks, as he gave selflessly to the community, to his brothers and sisters and the members of our department. He also worked countless nights as an ER tech, serving the community in our local hospitals as well.

He truly gave of himself over and over and over again. And yes, this was a tragedy and we will continue to honor his legacy by serving our members and our

responders and acknowledging the hardships that they face every single day, both physical and well as mental health. We are committed to serve and take care of our members to make sure that they have a life outside of our department and after retirement so that they can enjoy the community and the life that they've earned through their time of service. Thank you for taking the time to honor Engineer Sena and to recognize his life.

CHAIR BUSTAMANTE: Thank you, Chief Black. Thank you. Do we have any comments from the Commission? Seeing none, thank you again, Commissioner Cacari Stone, for recognizing the service of these individuals.

4. Consent Agenda

- A. Request (1) Approval of the Purchase of One Brush Truck and One Tender Utilizing the Cooperative Educational Services Agreement with 411 Equipment, LLC in the Amount of \$797,774, Inclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Public Safety Department/Jacob Black)**

COMMISSIONER GREENE: I move to approve the Consent Agenda as presented.

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: We have a motion to approve by Commissioner Greene, a second by Commissioner Hughes.

5. Santa Fe County Board of Finance

The Board of County Commissioners recessed and met as the Board of Finance from 2:29 to 2:55.

6. Appointments/Reappointments

- A. Request Appointment of Three Members to the Arts, Culture, and Creative Economy (ACCE) Council from Commission Districts 1, 2, and 3**

LEILA SHABADI (Economic Development): Good afternoon, Madam Chair and respected Commissioners. We are here today to request appointment of three members of the Arts, Culture and Creative Economy Council from Commission districts 1, 2, and 3. This item is being presented to the Board of County Commissioners to request the appointment to the Arts, Culture and Creative Economy Council. These members will fill the three vacant seats for districts 1, 2, and 3, serving for 18 months.

At its meeting on December 9, 2024, the Board adopted Resolution No. 2024-167 which established the purpose and activities of the Santa Fe County Arts, Culture, and Creative Economy Advisory Council.

Pursuant to Resolution No. 2024-167, the ACCE Council will consist of eleven members: two members from each Commission district and one at-large member. The ACCE Council members will serve without compensation and will meet monthly, or

more often if necessary to discuss and advise on arts initiatives within the County. These meetings will comply with public notice, open meeting laws, and other County policies. Decisions by the ACCE Council will be made by a majority of the members present at the meeting.

Appointments to the ACCE Council were presented to the Board at its regular meeting on January 28, 2025. At that time, eight members were appointed: one from District 1, Anthony Moore; one from District 2, Nancy Sutor, one from District 3, Kenny Box, two from District 4, Carla Sanders and Brian McPartlon, and two from District 5, Mariah Burns and Jennie Cooley, and one at-large member, Michael Lancaster. Exhibit D lists their names and districts. This request seeks to fill three vacant seats for Districts 1, 2, and 3.

This request is to fill three vacant seats for districts 1, 2, and 3. Staff solicited letters of interest from the general public through a press release issued on February 6, 2025 and received 18 résumés and letters of interest for these three districts. Thirteen individuals were determined to be qualified based on the criteria in Resolution No. 2024-167, and of these eight candidates are from District 1. One of them declined, Julie Shelton Snyder. She just some days ago declined. Three are from District 2 and two from District 3.

We are here to request appointment of three members from the candidate list to fill these vacant seats for District 1, 2, and 3 on the ACCE Council. These members will serve for 18 months alongside the eight members appointed on January 28th. Now may I ask Commissioner Greene and Commissioner Bustamante and Commissioner Cacari Stone to introduce the committee members for their district? And I stand here for questions.

CHAIR BUSTAMANTE: Thank you, Dr. Shadabi. So it is my understanding that we have each of us one appointment from the list that you provided. Am I understanding this correctly?

MS. SHADABI: Yes. Actually, one from District 1, Anthony Moore. One from District 2, Nancy Sutor. One from District 3, Kevin Box. And two from District 4, Carla Sanders and Brian McPartlon. Two from District 5, Mariah Burns and Jennie Cooley and one at large, Michael Lancaster.

CHAIR BUSTAMANTE: So Manager Shaffer, do we entertain each one as a motion from each district, or our Attorney can inform us. So each Commissioner makes an appointment. Should we do that as a motion and we would all accept and vote on that, or would they just appoint their recommendation?

WALKER BOYD (County Attorney): I would need to look up the resolution language to understand whether it's a Commissioner making the appointment or whether it's the Board itself, but for purposes of making the appointment here, if you all are going to allow a Commissioner from a given district to choose the representative from that district and agree on an at-large member. I don't see why you call can't deliberate and make a motion for all six of the appointments and then pass the motion, instead of –

CHAIR BUSTAMANTE: We can do it in one motion.

MR. BOYD: But whatever the mood of the Commission is. If you want to take the districts one by one that's also possible, but it seems more efficient to me, given the numbers, there's a few districts with only one applicant.

CHAIR BUSTAMANTE: Okay. So in the interests of time we would just

take the recommendations from each district. Then we will start with District 1. The recommendations from District 1.

COMMISSIONER GREENE: Thank you, Madam Chair. After reviewing these and hearing from some folks that were able to give some input as well, my selection is going to be Mr. David Lindblom.

CHAIR BUSTAMANTE: Okay. We have a recommendation from District 1, David Lindblom. Recommendation for District 2?

COMMISSIONER CACARI STONE: Yes, thanks, Madam Chair. In addition to Nancy Sutor, I've reviewed three additional applicants and I'm recommending Pablo Ancona for District 2. Thank you so much.

CHAIR BUSTAMANTE: We have the recommendation for District 2, Pablo Ancona. For District 3, after reviewing applications, the additional recommendation or appointment would be for Pamela Sullivan for District 3. District 4?

COMMISSIONER JOHNSON: Thank you, Madam Chair. Mine are complete.

CHAIR BUSTAMANTE: We're complete with District 4. And District 5? No more District 5. Paul.

PAUL OLAFSON (Community Development Director): Madam Chair, Commissioners, I just wanted to make a correction that it was mentioned that the at-large position was being appointed but that has already been filled. So I just want to put that on the record.

CHAIR BUSTAMANTE: Thank you. The at-large has been filled. Thank you.

COMMISSIONER HUGHES: So I make a motion that those three people be appointed.

COMMISSIONER JOHNSON: Second.

CHAIR BUSTAMANTE: Motion by Commissioner Hughes, second by Commissioner Johnson.

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

CHAIR BUSTAMANTE: All three are appointed.

COMMISSIONER GREENE: Thank you for reopening it and allowing the time to solicit some more applications.

CHAIR BUSTAMANTE: Very good. Thank you for moving forward. Thank you, Commissioner.

67 Miscellaneous Action Items

- A. Request (1) Approval of Agreement No. 2025-0249-CORR with Jaynes Corporation for Construction Services of a Twelve-Pod Recreation Yard at the Adult Detention Facility in the Amount of \$2,014,623.52, Exclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s) (Packet Material Added)**

CHAIR BUSTAMANTE: Thank you, Bill Taylor.

BILL TAYLOR (Purchasing Director): Thank you, Chair Bustamante,

Commissioners, for hearing our presentation today or request. It's an action item. We have an agreement with Jaynes Corporation. It was listed in the announcement by the Chair, 2025-0249-CORR, for the construction and installation of 12 recreational pods at the Santa Fe County Adult Detention Facility. This is utilizing a job order contracting project delivery method. The Board in November of 2020 authorized and approved the County to utilize either design-build or the job order contracting project delivery method for this project. We have Jason Crichton from the Correctional Facility to answer any specific questions regarding the pods and the recreation yards, and with that, Chair Bustamante, Commissioners, we'll stand for questions.

CHAIR BUSTAMANTE: Do we have any questions for Bill or Mr. Crichton? Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you. I noticed, and you had mentioned, I think it was in here, that the pods are 12 by 12? Twelve feet by twelve feet? I just want to clarify.

MR. TAYLOR: Chair Bustamante, Commissioner Cacari Stone, they're actually a little bit larger. They're a little over 180 square feet. Each.

COMMISSIONER CACARI STONE: Okay. Thank you.

CHAIR BUSTAMANTE: Thank you. Any other questions? Commissioner Hughes.

COMMISSIONER HUGHES: I've seen them and they are rather small. More like cages, but they're something, anyway.

CHAIR BUSTAMANTE: Any other comments, questions or concerns? Do we have a motion to approve?

COMMISSIONER HUGHES: I'd also like to point out that we're spending \$2 million. It's an important project but it is \$2 million. And I'll make a motion to approve.

CHAIR BUSTAMANTE: We have a motion to approve.

COMMISSIONER HUGHES: Do you want me to read it?

CHAIR BUSTAMANTE: It's up to you.

COMMISSIONER HUGHES: I approve 7. A.

CHAIR BUSTAMANTE: We have a motion to approve item 7. A motion by Commissioner Hughes. Do we have a second?

COMMISSIONER JOHNSON: I'll second.

CHAIR BUSTAMANTE: We have a second from Commissioner Johnson.

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

7. B. Resolution No. 2025-025, a Resolution Adopting the Santa Fe County Open Space, Trails and Parks 2025 Work Plan

CHAIR BUSTAMANTE: Adeline Murthy.

ADELINE MURTHY (Growth Management): Good afternoon, Chair Bustamante and Commissioners. Today, I am presenting the Open Space, Trails and Parks 2025 work plan and request your approval of that plan.

In 2019 the Board of County Commissioners unanimously approved Resolution No. 2019-4, adopting the Open Space, Trails and Parks Strategic Management Plan. This

plan was designed to serve as a guiding framework for the implementation of Open Space, Trails and Parks programs and projects. It also included an initial work plan that identified priority projects for the first year of the plan's implementation which is intended to be a living document that is regularly updated.

Resolution No. 2019-4 directs staff to annually update the work plan to transparently and clearly define the projects and programs that will be the focus for the upcoming year. The projects are categorized into four sections that are consistent with the Strategic Management Plan, which are resource management, educational programming and stewardship, project development and implementation, and planning and program development.

The work plan was developed through a collaborative process with the County Open Lands, Trails and Parks Advisory Committee or COLTPAC. On January 21st of this year COLTPAC convened for a special meeting to review the work plan and voted to provide a recommendation to the Board regarding priority projects, which are highlighted in the work plan. And successfully implementing this work plan will require ongoing, dedicated collaboration across departments with COLTPAC, and with community partners. So thank you, and I stand for any questions.

CHAIR BUSTAMANTE: Do we have questions? Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. Thank you, Ms. Murthy. This is an interesting and impressive document. I want to shout out the Arroyo Hondo open space on the cover. Beautiful photographs. A couple questions for you. Who worked on the work plan? What's the sort of like work flow? What people, folks, are involved in that work plan and its implementation?

MS. MURTHY: Chair Bustamante, Commissioner Johnson, the typical flow is, so COLTPAC meets quarterly and the last meeting of the year, which is November, I asked COLTPAC members what their priorities are for the upcoming year, and that's included within the work plan. We also of course work with Public Works to list all the upcoming projects they have for the next year. It's primarily led by myself with input from other staff like the Resource Management Specialist, the Open Space Interpretive Ranger, Public Works, as I stated, and of course COLTPAC's priorities.

COMMISSIONER JOHNSON: So there's a significant amount of volunteer labor that goes into the planning portion of the work plan. Is that correct? Through COLTPAC which is a volunteer organization.

MS. MURTHY: Right. I'm not sure if it's a significant amount, but there is definitely volunteer work to go into the creation of the work plan.

COMMISSIONER JOHNSON: So how many in your direct team? Is it three? The Resource Management Specialist and so forth?

MS. MURTHY: Yes, and the Open Space Planning Division or team, it's three members.

COMMISSIONER JOHNSON: Okay. Thank you. I'm a big fan of open space, trails and parks so I was excited to see this document and you have a lot of work ahead of you but it looks really promising for our county. Thank you.

MS. MURTHY: Thank you.

CHAIR BUSTAMANTE: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just had a question. How far along are we on Thornton Ranch, building the trails?

MS. MURTHY: Chair Bustamante, Commissioner Hughes, we are

currently working with BLM to finalize the environmental assessment and we have meetings with them planned for the year. And this contract was just reinitiated after being on hold for a few years when the field office that we're working with didn't have an open space planner on space. So now we have reinitiated this process and we will have meetings, I think on a monthly basis starting in a few weeks with them.

COMMISSIONER HUGHES: How long will it take them to do the plan or whatever they have to do?

MS. MURTHY: I really can't speak to BLM's timeline, and we're considering phasing the project so we begin to build trails that aren't contingent on this BLM piece.

COMMISSIONER HUGHES: That makes sense.

MS. MURTHY: The original vision was for to all to happen at once but there's been such a delay that we're thinking of taking that strategy.

COMMISSIONER HUGHES: Okay, so trails not contingent to them would be started now or started when; this summer?

MS. MURTHY: I'd have to program the project management with Public Works. I'm not sure what their schedule would look like at this time.

COMMISSIONER HUGHES: Okay. I won't plan on hiking there for a few months.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Adeline. So how do we solicit projects – first question.

MS. MURTHY: Chair Bustamante, Commissioner Greene, projects from the community go through the County's ICIP process, so for example, I received an inquiry from a community member in Rio en Medio who would like to see improvements to the park in Rio en Medio by the community center, and I let her know about the County's ICIP process. We're actually having a community virtual meeting tomorrow evening to tell community members about that process and they then submit a scoping form which is entered into the County's CIP database and is then reviewed and scored by the Capital Improvement Committee.

COMMISSIONER GREENE: And so that's for acquisitions as well as construction and capital improvements?

MS. MURTHY: That's for capital improvements. Acquisitions go through a separate process that's governed by another resolution. That can either come from community members, COLTPAC members or even staff. And it has to go through a COLTPAC review process.

COMMISSIONER GREENE: And then do we have – I frequently hear from my constituents up in the north that there's almost no accessible or very limited accessible open space and trails in the north, and I think that there's opportunities for partnerships, whether it's with possibly with the pueblos or possibly with the City of Española, or for us to go find some BLM land or other things. Is there any effort to sort of deal with some of these areas that are feeling neglected? Is not, find a project for them, maybe make sure that they're aware of what resources we have provided already, if they are mistaken.

MS. MURTHY: Well, one thing that we are really trying to work on now is increasing public awareness about the County's open space program. We're putting a

brochure together that we'll be printing in a couple months so we can let people know about the different properties that are available to them. Of course the north has a lot of BLM property that is open to the public. And another thing we would like to do going forward is update the strategic management plan to identify areas that would benefit from more trails and open space, not only from a conservation standpoint but also equity standpoint.

COMMISSIONER GREENE: So is that strategic management plan sort of a master plan for the County in this work plan? Is that part of this year's plan?

MS. MURTHY: It is. Let's see what item it is. It's the first item in Planning and Program Development. Begin developing a strategic plan for a future trail and open space acquisitions that include elements such as connectivity between existing trails, wildlife habitat, conservation and equity.

COMMISSIONER GREENE: Okay. I would hope that we could make this outreach, both to solicit ideals to try to bring new properties on board, but also to make what we have, our resources already available out there, and additionally to find a way to partner, whether it's something within the City of Española, as we've gotten a request to support a park in there. The City of Española is paying upwards of a million and a half dollars to upgrade a park but they're a little short on money and have asked the Santa Fe County to potentially build a playground, right? To buy the playground equipment up there and that would be a very definable aspect that we wouldn't have to manage but it would be part of our strategic plan to partner, as well as have these resources still in Santa Fe County but within the jurisdiction of Española, as we have within Santa Fe with the River Trail or the Rail Trail. These things are within the City of Santa Fe but they serve Santa Fe County as a whole. I would hope that we would look for partnerships there.

So, one of the things that I brought up in past meeting is making sure that we have access plans in any acquisition or if not immediately at acquisition, definitely a plan to make sure that access is either planned for, or if it is inappropriate at least defined. Like if there's a property with cultural heritage, properties – I get it. That gives an excuse for why not to have access or to have limited or restricted access. But I get worried that we get ahead of ourselves when we acquire properties and then they just sort of get fenced off and they just become sort of those pretty places, which is great but I really wish that we had trails and rangers and ways to make sure that we have access. That's part of this plan, to make sure that we have access laid out for all of our open space?

MS. MURTHY: Chair Bustamante, Commissioner Greene, it's not directly a part of this work plan. It's not explicitly stated, but a bit part of the work plan is building out the County's ranger program, which really helps with access.

COMMISSIONER GREENE: Okay. Great. Well, I hope that we come forward with some capital improvement projects to make – whether it's trailheads or whatever is necessary in all of these properties.

Last question I have is when we buy property and it is a bigger than necessary property, maybe like thousands of acres. Or hundreds of acres. And the goal can be achieved in open space preservation in a 50, 60, 70 percent, maybe 80, 90 percent – like we had the project in Golden and things like that, where we have multiple priorities in the County. Open space is one of them. But we also have housing priorities. We also have a variety of different priorities here. And I use housing and open space as things that can conflict, but we can solve two problems with one solution.

And so I give an example of if you're going to preserve some property and the goal can be met for a wildlife corridor or for some cultural heritage area but that some of the property could be used to solve our housing shortage here. I'm wondering if somewhere in this plan we could add looking at alternative mechanisms to finance and to acquire property with dual goals of both preservation of open space plans and recreation plans, but also potentially putting a goal of solving – whatever: sustainability things. Solving housing issues. Whatever our other strategic goals of Santa Fe County.

So I'm wondering if there's a place in this work plan to look at alternative financing or acquisition methods so it isn't just a pure money out thing but it has a money out and the potential to generate some income to offset at least some or maybe even more than some of the acquisition property. Has that been thought about? Has that been presented to COLTPAC at this point?

MS. MURTHY: It has Chair Bustamante, Commissioner Greene. Yes. COLTPAC discussed that at length during the San Pedro acquisition and they just essentially decided that it would be tricky for them to be tasked with that because they are experts in open space, trails and parks, not in housing. And so it's hard within that committee to be able to make those types of decisions because they lack that expertise. And also COLTPAC decided to recommend to the Board for the County to remove development rights from open space properties as a way to allow higher density housing in the County's defined growth areas.

COMMISSIONER GREENE: Okay. And I understand when you're talking about a small number of acres. That probably makes sense. When you're talking about thousands of acres there's probably a middle ground in there. And I know that my appointee, Daniel Alvarado last year, he comes from a planning and growth expertise area. So I think that we need to start looking at these alternative methods to help finance and to make COLTPAC a more sustainable model, instead of a selfish, self-serving model, which is fine. We have that goal. But if they could carry some of their own weight and have some of that, whether internal expertise or have a consultant brought in whenever they're looking at a property to say what is appropriate to develop within a property in an effort to solve two problems with one solution.

And so I'm all for it. I just wish that we were able to walk and chew gum at the same time and be able to solve two problems at the same time. But thank you. This is ambitious. I like it. I just want to take you another step further into that space of solving two problems. Thank you.

CHAIR BUSTAMANTE: Thank you. Commissioner Johnson.

COMMISSIONER JOHNSON: So what I hear is that Commissioner Greene is proposing some sort of parcelization of thousands of acres of property, taking some percentage of that. I guess I wonder more generally, when we acquire property do we set terms of what we are going to use that for or do we just suddenly own the property and then we determine use after. That may be a question for you; it may be a question for the Manager; it may be a question for the Attorney. Does that make sense? In other words, if we buy a piece of property we don't immediately slap some designation on it. Is that –

MS. MURTHY: Chair Bustamante, Commissioner Johnson, the strategic management plan that was approved by the Board in 2019 that lays out exactly what the properties are to be used for, and that's why that plan needs an update. New properties have been added. And so that's the document that we work off of. That states what all the

properties are going to be utilized for. Also, when a new property is acquired, within the acquisition application it asks the applicant to provide their proposed use of the property, and when COLTPAC makes their recommendation to the Board they can also recommend terms and conditions.

COMMISSIONER JOHNSON: So what leeway would we have to change the use or to make it more flexible? Because I think what Commissioner Greene is getting at – in principle is a good idea in the abstract. Not for use in every case, but if parcels are carved up not because they're perfect representations of a beautiful space. There are other uses that could be imagined in a particular space. So I guess I wonder about the flexibility of designation after the fact. After purchase?

MS. MURTHY: Chair Bustamante, Commissioner Johnson, that would really be at the discretion of the Board, unless the development rights are removed.

COMMISSIONER JOHNSON: Right. But as we know that process hasn't been quite fully launched. Differing slightly, I was looking at the annual report and I didn't find at a glance – I didn't reread it in amazing detail. What other use – can you share with us a use matrix, if they are simply at the top of your mind? If not, it's okay, but I'm wondering how many people use our open space, trails and parks, if it's possible to count them at all – in a year.

MS. MURTHY: Commissioner Johnson, the only data point I have that is a solid data point is that 52,000 used the Rail Trail in one year. I think it was 2023. Unfortunately, we don't collect that type of data. Our interpretive ranger patrols trails on weekends and she interacts with between 25 and 40 people like between the two to three hours that she is on the trail.

COMMISSIONER JOHNSON: Okay. And she has a 2,000 square mile county to do that.

MS. MURTHY: Right.

COMMISSIONER JOHNSON: I think it would be worth strategizing in the future on how we can collect that kind of data. I won't ask you to brainstorm it now, but I think that's a good idea, so that we can show where we are using – because that 50,000 people is a lot of folks to use that system and I'm sure it's an undercount.

CHAIR BUSTAMANTE: Thank you. Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you for your work. Thank you, Chair Bustamante. This may not be the place but I echo the need for inclusion of more rigorous community input that's more broad-based. There's definitely – closing the nature gap is needed with communities of color, low income communities and other communities who have been traditionally left out of land use decisions, left out of planning capital projects. And I just want to represent District 2 and other communities in Santa Fe County who typically aren't part of that green space and open space.

And if we could think about, as a County, creative ways to have more robust community inclusion and input but also to assess or even do an impact assessment – do our communities really know where the open space and parks are, how to use them. Look at transit barriers to get there. Is open space mainly being used by tourists? So we want the open space to really be available to our communities because that's what diversity, equity and inclusion is about. Thank you.

CHAIR BUSTAMANTE: Commissioner Hughes.

COMMISSIONER HUGHES: I'd like to point out to Commissioner Cacari Stone that Thornton Ranch involved a lot of planning and Tesuque Pueblos were

involved with that, quite detailed involved. And not only just to have access in general but to have access for religious and their cultural purposes. I was very impressed, and they were very impressed. They were grateful for the inclusion. So there is some effort in that direction.

CHAIR BUSTAMANTE: Thank you. Thank you for the confirmation. I want to thank you for the document. The work plan is so easy to understand and the way you're showing us exactly what the status is, based on the circles that are there. So I appreciate the work plan. And if there are no further questions, comments for Ms. Murthy, I would entertain a motion.

COMMISSIONER JOHNSON: I'll make a motion for Resolution No. 2025-TBD, a resolution adopting the Santa Fe County's Open Space, Trails and Parks 2025 work plan.

COMMISSIONER GREENE: I second it.

CHAIR BUSTAMANTE: We have a motion by Commissioner Johnson, a second by Commissioner Greene.

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

[The Commission recessed from 3:30 to 3:45.]

9. Matters of Public Concern

CHAIR BUSTAMANTE: Matters of Public Concern, subject to three minutes of another time limit imposed by the Chair. How many people from the public are here to speak? We have two in the chambers and we have how many online? One on line? Two on line. Okay. Let's go ahead and start our public comments. If you will come, state your name.

JARED O'SHELL: Hello, greetings, Commissioners. My name's Jared O'Shell. My address is 2674 Buckman Road. I'm part of Area 1-B. I'm here today to ask for your support in our effort for self-determination and where we are and where we will be. The people of Area 1-B overwhelmingly do not wish to be annexed into the City and for many good reasons, too. We are more than wary that the City will hold up any promises on paper, the same paper they wish to annex us. The City has problems with infrastructure and it's no secret that they cannot afford to fix the problems they have, such as the wastewater treatment plant and the roads.

There are many areas they have annexed that still lack services of the attention they need and it's spelled out in the same paper. We the people of Area 1-B do not wish to be a bargaining chip used to try to get the City to function. We wish that you lead for the people as elected figureheads of the people. The City threw our last effort in our face with meager technicalities, not truths.

The truth is we have always been connected to the Agua Fria Village as the annexation agreement stated. We have the right to submit a petition or petitions to join the village prior to being annexed. This provision was acknowledged in this agreement with our history in mind and our self-determination of our future also in mind. Provisions such as this are for the residents, not for the city outside or the larger property owners, or owner, now. Just the residents.

This provision also does not call for us to present any proof of our ability to

become a new village or it would have cited that state law. Chicoma Vista was added to the village by this body without citing state law and without a provision directly mentioning a specific area. There's just three years left in this agreement. The City has no plans for the residents it has annexed and will not be able to provide us any in a realistic timeframe.

Please, when we submit our petition prior to being annexed, as the agreement states, we would like for you to consider the truths and the people, not the big corporate pressure and the half-truths we see from the City in our larger political climate currently. Thank you.

CHAIR BUSTAMANTE: Thank you. Next from the chambers.

PAM ROY: Madam Chair Bustamante and Commissioners, great to be here this afternoon. My name is Pam Roy. I reside at 41 Arroyo Hondo Trail, Santa Fe, 87508 and I'm here with my brother Rob Roy as well. We're here to ask and also share our appreciation for your support of the open space discussion you just had and the passage of open space, and more specifically to the Bobcat Ranch Open Space proposal that COLTPAC passed as well, or proposed. I want to thank COLTPAC for doing that and going through a lot of – also getting all the letters. I think those are in your packages, from lots of people who are interested in open space and the preservation of that open space.

Just a few things to bring up. This particular property is a really incredible area where, to Commissioner Greene's point a little while ago, how do we connect? Right? We're connecting to bigger things and Commissioner Hughes, you brought up the questions like expansion of the Galisteo Basin. This would be able to connect to the Galisteo Basin area eventually, along with the Rail Trail as well. Again, giving a lot more opportunity for people to move about.

We're very fortunate. We live very near the Arroyo Hondo Open Space that was developed not that long ago, honestly, and what we learned through that experience and continue to learn is the wide range of people who utilize these trails. And I know Commissioner Cacari Stone brought that up. We want to make sure everybody feels welcome and included. In that process as well is there's so much opportunity for people to volunteer, and that's what we've seen at the Galisteo Basin, lot of volunteer groups are out there on Santa Fe Conservation Trust and more who are helping to expand those trails, the community participation along with the partnership with the County.

So we just really appreciate your consideration of this really precious open space that is also in a critical area of pressure from growth, and in particular the growth of water, the need for water and water resources. So we just hope for your continued support of the Bobcat Ranch Open Space. Thank you.

CHAIR BUSTAMANTE: Thank you. Anyone else from the chambers wishing to speak during public comment? Okay, we'll go to online.

DANIEL FRESQUEZ (Media Specialist): Chair Bustamante, our first speaker online is Chris Mechels.

CHAIR BUSTAMANTE: Thank you.

CHRIS MECHEL: Madam Chair and Commissioners, this is the same problem I brought to you last time which has to do with an IPRA request concerning some election materials from the November election. It's now three months since November when I first requested this material and I still don't have it. And this is twice. I've launched a formal IPRA request which is not being answered. It's not even being

acknowledged. So you're basically in a position where you're stonewalling a request from the public for election materials that are clearly in the public forum and in the public interest to be released.

Please reconsider this. Since the last time I've been doing a bit more research, some of which I've shared with you on emails and one of the most important parts is that you can document easily, and I have in emails, the fact that Santa Fe County, the Santa Fe County Clerk, used the wrong statutes for the election. What she did is she used obsolete same-day registration statutes, which went obsolete on 1 July 2023. She didn't catch that so what she did is she proceeded to use obsolete statutes, which is a violation of the Election Code, and on the 25th of October I caught that error and advised the Secretary of State, and they changed it. But as far as I could tell, Santa Fe did not change anything. They just kept knowing, now knowingly, using the wrong statutes.

Up to that point it's ignorance and after that point it becomes criminal. So what you doing basically, is you're helping the Santa Fe County Clerk to cover up what was originally just a careless error and is now becoming a criminal act because now you're in a conspiracy to cover up using the wrong statutes and the fact is the statute disadvantaged the voters and even by her own testimony at canvassing caused the voters to just drop out and give up. We had a huge mess with the same day registration because of this. All of this she prefers to have you ignore.

This was raised at the canvassing meeting and she did a lot of quick talking to get around it. What you have today is not just Santa Fe County. You've got a cover-up growing across the state. Some of the other counties involved – Sandoval County, Taos County, Santa Fe County – you're all covering up the fact that you used the wrong statutes. Not everybody used the wrong statutes. Española, Los Alamos, used the right statutes, so it's just – the worst thing it's doing here is a cover-up is going on. Originally, it was an ignorant error and it was a very ignorant error on the part of both the Santa Fe Clerk and the Secretary of State. Just the fact that you're covering it up means that no corrective actions were taken and now you're just going forward.

So I say please, for your own good and the good of the public, stop the cover-up. And as for my IPRA, deal with this problem and get off the stick and give up this criminal activity. So anyway, please, take care of this.

CHAIR BUSTAMANTE: Thank you. Anyone else online?

MR. FRESQUEZ: Chair Bustamante, our next speaker is Sid Monroe.

CHAIR BUSTAMANTE: Thank you.

SID MONROE: Thank you, Madam Chair and County Commissioners for allowing us the time to speak. I'll speak today on the recent newspaper reports on the potential "City-County cooperation." In a perfect world City-County cooperation is necessary and would ideally benefit residents in both areas. However, the residents of Area 1-B were alarmed to be lumped into the possible conversation about this cooperation.

It is simplistic and it ignores the rights of the hundreds of residents who live and vote and pay taxes to the County. Cooperation has been used in the past as a cover for secret negotiations that leave the public in the dark and thrust so-called solutions on residents. The reality of it is there are several difficult issues involved for Area 10B and over and over the City has neglected, ignored and fails its existing residents while misleading and making broken promises to those in the county who would be affected by City annexation.

The City, City Councilors and Mayor for the past 18 years have talked at county residents, dictating what the City wants to be. Area 1-B residents have been clear and steadfast for nearly two decades. We want to remain in the county. We have spoken time and time again to the County and to the City, so by all means, let's cooperate and keep us in the county. And let's work to make sure any annexation negotiations happen with full transparency and in the light of day. Thank you for your time.

CHAIR BUSTAMANTE: Thank you. Anyone else?

MR. FRESQUEZ: Chair Bustamante, there are no more users.

CHAIR BUSTAMANTE: Thank you very much. This concludes – unless there is anyone else in the chambers, this concludes Matters of Public Concern.

7. C. Request Approval of Lease Agreement No. 2025-0216-PW Between Santa Fe County and the Food Depot For the Lease of a ½-acre Tract of Real Property Located at 4250 Airport Road in Santa Fe, For the Use of Parking to Support Distribution of Food to Those Experiencing Food Insecurity in Our Community

COMMISSIONER GREENE: Madam Chair, my wife serves on the Board of the Food Depot, a wonderfully worthy organization but I will be sitting out the conversation.

CHAIR BUSTAMANTE: Okay. Thank you.

MICHELE CASKEY (Real Property Supervisor): Good afternoon, Chair Bustamante, Commissioners. I'm here with Anne Ryan, Community Services Director, and Sergio Mata-Cisneros, here from the Food Depot. And we've got a lease in front of you to provide parking to the Food Depot for their fleet of vehicles. And right now they are parking those vehicles at the Siler Road facility but they're bursting and the seams. And we happen to have a half-acre parking lot that is not being used because the facility it's at is not being fully used at the moment, and we see an opportunity to support the Food Depot and our collective interests to address food insecurity and childhood hunger by giving them a place to park their fleet, their vehicles. And we stand for any questions.

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

COMMISSIONER HUGHES: No questions. I just think this is a great idea. I'm glad we're able to do it. I guess one question. What sort of services will they provide or count toward the lease?

MS. CASKEY: We will be measuring the poundage of food that they collect and distributed, and they already have an annual accounting measure where they have a value appraised for each pound of food that they collect and distribute. And so we'll be applying that to the value of the lease.

COMMISSIONER HUGHES: Great.

CHAIR BUSTAMANTE: Additional questions for Ms. Caskey? Do we have any comments from Anne Ryan? Anyone else? Do we hear a motion to approve?

COMMISSIONER HUGHES: I move to approve the lease agreement between Santa Fe County and the Food Depot for a lease of a one-half-acre tract of real property, located at 4250 Airport Road in Santa Fe for the use of parking to support distribution of food to those experiencing food insecurity in our community.

CHAIR BUSTAMANTE: I have a motion to approve by Commissioner

Hughes. A second?

COMMISSIONER CACARI STONE: I second it.

CHAIR BUSTAMANTE: A second by Commissioner Cacari Stone.

The motion passed by unanimous [4-0] voice vote with Commissioner Greene recusing.

7. D. Resolution No. 2025-026, a Resolution Approving the Application to the New Mexico Finance Authority's Opportunity Enterprise Housing Development Revolving Fund Program for Low-Interest Rate Loan Funds to Support Infrastructure Construction of Nueva Acequia 4 and Nueva Acequia 9 Affordable Housing Projects and Granting the County Manager or Designee Authority to Sign Any and All Documents Necessary for the Submittal of the Application

CHAIR BUSTAMANTE: Paul.

MR. OLAFSON: Madam Chair, Commissioners, I'm here today requesting approval of a resolution that would authorize the County to enter into – or to submit an application for a low interest loan agreement. This is to support the low income tax credit affordable housing projects that we've partnered with TWG on constructing. The New Mexico Opportunity Enterprise Housing Development Revolving Loan Fund program is offering an application period that closes on March 21st. The County would intend to apply for the maximum available which would be up to \$4 million. The project team feels that they could easily absorb the loan and use it towards construction for infrastructure.

Of course the project serves 159 units with 53 for seniors and 106 for families. It also authorizes the County Manager signature authority on any and all documents for the application submittal. And with that I would stand for questions.

CHAIR BUSTAMANTE: Thank you, Paul. Do we have any questions for Mr. Olafson? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Paul. I just want to give a shout-out to how we work at all different levels of government to make this a much more feasible project. Having the NMFA's preferable loan agreement terms, be it lower interest rates, is a great way for us to leverage the state's opportunities, and so for our strategic opportunities. And so it aligns the state's needs to get the housing on board and we're executing it, so great job finding all of these tools because they hide all over the place. And New Mexico is such an amazing state with all these tools for economic development, for housing, for community development, community services. Great job on finding this. So thank you very much.

MR. OLAFSON: Madam Chair, Commissioner, thank you. And I just want to emphasize too, it's a whole team effort. We have tremendous support from Legal, from the Manager's Office, and then we have just a fabulous development team that we're all working together on.

COMMISSIONER GREENE: I agree. You're hitting on many different levels. So great job.

CHAIR BUSTAMANTE: Thank you. Any other questions or comments for Mr. Olafson?

COMMISSIONER HUGHES: Just a quick comment. Thanks for digging under every rock for money.

MR. OLAFSON: We're trying.

COMMISSIONER GREENE: Madam Chair, if there's nothing else I will make a motion to adopt a resolution approving the application to the New Mexico Finance Authority's Opportunity Enterprise Housing Development Revolving Fund Program for low-interest rate loan funds to support infrastructure construction of Nueva Acequia 4 and Nueva Acequia 9 affordable housing projects and granting the County Manager or designee authority to sign any and all documents necessary for the submittal of the application.

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: We have a motion to approve by Commissioner Greene. We have a second by Commissioner Hughes.

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

8. Presentations

A. Presentation Concerning COLTPAC Recommendation to Acquire "Bobcat Crossing Ranch" via Purchase for Addition to the County Open Space & Trails Program

CHAIR BUSTAMANTE: This has been a popular conversation. It's been in the paper. I want to make it clear that this is just a presentation. There will be no action taken today. There are a lot of considerations that would need to be made including other items that the County would prioritize. So I appreciate the presentation and there will be no vote at the end or discussion from the public. Ms. Murthy.

MS. MURTHY: Good afternoon. Today, I'm presenting COLTPAC's recommendation to the Board to acquire Bobcat Crossing Ranch for addition to Santa Fe County's Open Space Trails and Parks program.

In accordance with the acquisition process outlined in Resolution No. 2009-206, COLTPAC voted to recommend the acquisition of this property to the Board during a special meeting on December 4, 2024. The property known as Bobcat Crossing Ranch is located north of Eldorado, south of Seton Village, and is bordered to the west by two miles of the Santa Fe Rail Trail, and to the east by I-25.

The landowner, Rancho Viejo Partnership, has agreed to sell the parcel to Santa Fe County at a fair market value of \$3,700,000 with the property being approximately 2,650 acres. This brings the cost to approximately \$1,396 per acre.

On December 4, 2024, COLTPAC unanimously voted to recommend the following to the Board: Recognizing a generational opportunity to secure an exceptional resource for the people of Santa Fe County, COLTPAC strongly recommends acquisition of the property known as Bobcat Crossing Ranch for the purpose of open space at fair market value or the asking price, whichever is less. To ensure the best and most cost-effective management of the archaeological site LA 4, the committee further recommends that a third party be sought to preserve and manage that site. That is COLTPAC's recommendation.

As outlined in the COLTPAC application, the acquisition of Bobcat Crossing Ranch would preserve for both present and future generations, the largest undeveloped

tract of land between Santa Fe and Eldorado. In addition, the property contains a wealth of environmental, cultural, and recreational resources that would provide significant benefits to the public. As described in the application these benefits are summarized as follows: links, extends and adds value to the existing County trail system via the Santa Fe Rail Trail; can support a range of new trail types, including multi-use, loop and/or single-use trails; includes recreational potential beyond trails, including dramatic overlooks, interpretive tours and educational programming; has confirmed archaeological resources of high value; contains or is adjacent to historic trails, including a historic alignment of Route 66; has the presence of surface water; is a critical part of a regional wildlife corridor connecting the Sangre de Cristo mountains to the Galisteo Basin and the Ortiz and Sandia mountains; and is currently undeveloped and relatively free of disturbance.

The application proposes that the property be utilized as a combination of a preserve, open space and recreational space, and that the development of recreational infrastructure be carefully balanced with the natural characteristics of the parcel, to ensure that the land is used in a way that does not cause damage or degradation to its environmental integrity.

In accordance with Resolution No. 2009-206, should the Board approve at some point in the future to move forward with the acquisition process for this property, staff would then be authorized to proceed with negotiations with the property owner to enter into a binding commitment to acquire the property, contingent upon due diligence measures that staff deems appropriate to identify any potential hazards or a cultural resources survey, and a title report.

To conclude, no action is recommended at this time, and should the Board favorably consider COLTPAC's recommendations staff will submit a capital request for the purchase of Bobcat Crossing Ranch for the Board's consideration during the upcoming fiscal year 2026 budget cycle.

In the audience we have three COLTPAC members, Steve Forde, Dan Potter, Bryan Bird, as well as two of the landowners, Warren Thompson and Cass Thompson. So myself or any of the folks that I pointed out are available to answer any questions.

CHAIR BUSTAMANTE: Thank you. Do we have questions for Ms. Murthy? Commissioner Hughes.

COMMISSIONER HUGHES: Well, first of all, I think this is a fantastic opportunity to buy Bobcat Ranch. I live close to there and I've been on that, so I think it's important, but for all the reasons you stated too. But I was wondering, are we going to involve the tribes in managing that again, because of all the archaeological sites? Have you thought of that?

MS. MURTHY: Chair Bustamante, Commissioner Hughes, I haven't done any extensive tribal outreach about this but I did notify one of our main partners with Thornton Ranch, which is the Tribal Historic Preservation Officer with the Pueblo of Pojoaque, Fermin Lopez, and he stated that he was in favor of the acquisition. We haven't discussed management in any way but COLTPAC did recommend that an entity with expertise in cultural resource management be the ones to manage that area.

COMMISSIONER HUGHES: Okay Pojoaque was interested so that's good.

CHAIR BUSTAMANTE: Thank you. Other questions? Commissioner Greene.

COMMISSIONER GREENE: Thanks. Is there a chance for us to tour

this? Is there any access available now for us to see with our own eyes what things – did COLTPAC tour this? I guess this is two questions. Did COLTPAC tour it and is there any opportunity for us to tour it?

MS. MURTHY: Chair Bustamante, Commissioner Greene, as part of COLTPAC's review process they did tour the property, and I could coordinate with the landowners and your liaisons to set up a tour, if that's something that the Board would like.

COMMISSIONER GREENE: I would love it. I can't speak for my other Commissioners but I think I see one nodding head and we all like a beautiful day on the land, so if it's possible. I don't know how we announce it and do things like that but I also think it wouldn't be a bad idea to do a community – if it's feasible and Risk Management allows us to take the public out there then maybe that we have a community walk out there, just go take a look at it.

CHAIR BUSTAMANTE: Thank you.

COMMISSIONER HUGHES: It is accessible by the bike trail already.

COMMISSIONER GREENE: Even better. All the more reason.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Chair. I'm very excited about this proposal. I am in support of purchasing this property. A couple questions. So with this property identified by COLTPAC or did the property owner come to COLTPAC to ask if they were interested.

MS. MURTHY: Chair Bustamante, Commissioner Johnson, in this case the application came forward from COLTPAC.

COMMISSIONER JOHNSON: Okay. Can you tell us a tiny bit, balancing privacy through cultural resources, can you tell us a tiny bit about the archaeological resources, what is preserved on that site and why it's culturally important?

MS. MURTHY: Commissioner Johnson, the site is protected by the Galisteo Basin Archaeological Sites Protection Act. It's called Chamisa Locita. Anybody can find it on the website of that act, and it's –

COMMISSIONER JOHNSON: How much of the acreage does it –

MS. MURTHY: If I were to estimate – the COLTPAC member here, Dan Potter, might have more information but I would estimate it's probably between like two to five acres.

COMMISSIONER JOHNSON: Two to five of 2,600 and change.

DAN POTTER: Dan Potter, member of COLTPAC, and a retired archaeologist. We should keep in mind that this site was excavated by Nels Nelson, a very early figure in North American archaeology over a century ago. Archaeological techniques have changes a little bit since then. But what we do know, and what is public information about this site, it's ancestral pueblo, about 300 rooms as Nelson estimated, two-story pueblo ruin. It was centered around, we think, may have been a spring at that time that is now mapped on USGS quad sheets as Pueblo Well.

The flows of water in that stream, in that canyon, called Cañon el Rancho Probably had to support agriculture at that time, both above and below the archaeological site itself. So we don't – as far as I know, there's been no testing, archaeological testing at that site since Nelson was there. And so the parameters of the site boundaries are probably pretty vague and might expand or contract depending on what an archaeological

contractor would determine. Things like ground penetrating radar and surface examination and so on are required really to get a good idea of the extent of that site.

One other thing to note is this parcel of land, as far as I know, has never had an archaeological survey on it. It is highly likely that additional cultural resources exist both on and below the surface and they could date to pueblo times or considerably earlier. And later, to Spanish Colonial times. So in some ways this parcel, archaeologically speaking is a bit of a black hole, but with County ownership and management, those questions would hopefully be answered in detail and managed properly.

One other note. While the Galisteo Basin Archaeological Protection Act listed this site specifically as a significant site in the Galisteo Basin and a letter that is in your packet from the Historic Preservation Office says that this site qualifies as eligible for the National Register of Historic Places. It has national significance. There's much more to be known about the site and the site currently, because it resides on private land has no protection under state or federal law. It is an unprotected but highly significant site. County ownership would improve that situation.

COMMISSIONER JOHNSON: Thank you, Mr. Potter. One other question actually before you leave the microphone. It's minor, but what was the date of occupation of the site?

MR. POTTER: That too is a little bit of an open question. There are dendrochronological dates from the site, tree ring dates. They occur over a very tight 30-year, I think, interval. The ceramics tell a little bit different story. What is called the Coalition period or at least part of it, maybe from 1200 AD to 1400 AD or so. But that's another reason why we would like or we would recommend that a qualified archaeologist take a look at this parcel and the site to get a little bit better idea of what we have there.

COMMISSIONER JOHNSON: Interesting. Thank you very much.

CHAIR BUSTAMANTE: Thank you.

COMMISSIONER JOHNSON: If I may, Chair, I would support a tour of the property as well. I think it's worth checking out. We're not going to be able to visit all 2,600 acres but it seems like if we're considering such a purchase it would be nice to understand. Are there current – are there any concerns about connectivity to the Rail Trail? There's a two-mile stretch. I imagine some of it is probably in use although not legally as far as the private property owner is concerned. Are there any concerns about access via that two-mile stretch or is it fairly easy to connect to the multitude of trail systems?

MS. MURTHY: Chair Bustamante, Commissioner Johnson, ideally we would want multiple access points although there is one that is very well established that serves as a road right now to connect to private parcels, and there's a train crossing area right there and a gate, so that would be a really easy and obvious access point from the Rail Trail.

COMMISSIONER JOHNSON: And was there ever a homestead, any type of building on the property? I know there's a road at the northeast corner.

MS. MURTHY: There's no building. No. The infrastructure present on the property are two wells, livestock drinking tanks.

COMMISSIONER JOHNSON: Is it currently used for livestock grazing?

MS. MURTHY: It is. Yes.

COMMISSIONER JOHNSON: At this point no further questions.

CHAIR BUSTAMANTE: Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Yes, thank you. I appreciate your presentation and your work. If we were to visit the land and give homage to the land and consider it as part of the County. Is it possible to take some indigenous historians with us who know the area? And then my question is, are we certain, as a County that none of the pueblos would want to buy the land?

MS. MURTHY: Chair Bustamante, Commissioner Cacari Stone, to answer your first question, I can make that happen, if that's what the Board desires to invite a few of our tribal partners on the field trip. In terms of whether one of the tribal nations of New Mexico or beyond would like to purchase the land, I don't know.

COMMISSIONER CACARI STONE: I do think that's a consideration and I don't know how we mindfully respect a process of acquisition of land that is open for sale when we think about the history of the land being indigenous. So I just think as a County we need to think about the ethical considerations of acquisitions. Thank you.

MS. MURTHY: Thank you.

CHAIR BUSTAMANTE: Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. As I look on the tax assessor's map I see four properties that could be theoretically land-locked and I'm wondering how those properties might be addressed.

MS. MURTHY: Chair Bustamante, Commissioner Greene, could you explain where?

COMMISSIONER GREENE: Yes, sure. On the northern boundary of the property there are a number of properties owned by a local educational institution and it looks like some private members. And I don't know if they have access. And so I wonder if that complicates a deal or whether access has to be maintained, or whether we would have to acquire those properties too, in an effort to not mess up their situation.

MS. MURTHY: Maybe that's something the landowners can speak to. I'm sure they've communicated with them.

COMMISSIONER GREENE: Sure. Please.

WARREN THOMPSON: I believe the tracts you're referring to belong to St. Michael's?

COMMISSIONER GREENE: That's correct.

MR. THOMPSON: They are literally on top of a mountain. It has a very steep slope. I doubt you could get a road to them. They were gifted the St. Mike's and I don't know how you would get a legal road to those properties because of the topography.

COMMISSIONER GREENE: I understand completely, but I think we should deal with – definitely reach out to them and find a way, whether there's a land trade that's more accessible that they could get the equivalent value somewhere else in the county is fine. It just doesn't have to be right there. But they do have an asset and they are an institution in our community.

MR. THOMPSON: That's correct, and they are land-locked. I don't know that there's any access to them.

COMMISSIONER GREENE: And there's some other properties up in that little cluster there. I think before anything's ready for us to really address I think some of these questions that we all had could definitely be at least addressed. Maybe not resolved, but definitely make sure that we don't cut them out of the conversation whether it's a tribal conversation or whether it's working with St. Mike's or something.

MR. THOMPSON: Understood.

CHAIR BUSTAMANTE: Anyone else? Commissioner Hughes.

COMMISSIONER HUGHES: Just that I would like to move ahead on this. We can do a tour and other things. I think though that we should move ahead and bring it forward at an appropriate time, not necessarily wait for the July of 26 budget discussion. We may want to buy this earlier.

CHAIR BUSTAMANTE: Thank you. Anyone else? Commissioner Johnson.

COMMISSIONER JOHNSON: Yes. I want to support Commissioner Hughes in that suggestion. I think that recognizing that Commissioner Greene earlier spoke about wanting access plans and things like that, it's my position that we should be nimble in property acquisition as a County and perhaps we should make that into our future budgets. But in all districts we should be able to, I'd say, jump into opportunities to acquire open space that serves diverse population all across our 2,000 square mile county. So for that reason I would support moving forward with the application ASAP.

CHAIR BUSTAMANTE: I appreciate the input. I do want to just remind us all that we do have a big picture budget that we want to look at. I think this is ideal. The timing is such that we are starting our budget process and we can see how and where this would fit in the priorities that the County has. As Commissioner Greene pointed out there are a number of things on that list.

I will say, with regard to land-locked, the property that you were talking about has other private properties on the opposite side that really don't affect this particular piece of property. They could access it through various private ownership. And as well, if there is interest on the seller's part to open it for sale to tribal communities I want to also acknowledge that it doesn't necessarily mean that it would be for preservation. Of it was purchased by a tribal community it may be developed at whatever density, especially if it's made into a land trust.

So we want to be aware of all the possible things that can happen with that space as well as acknowledging that in the big picture as ideal, and I'm just going to speak personally. I'd love to see every bit of land purchased for open space, but also understand the reality of what that means. So thank you very much, Adeline. I appreciate all your good work and working with COLTPAC and assuring that we have deep consideration for the review of any of these properties that are put up for open space protection.

MS. MURTHY: Thank you.

10. Matters from the County Manager
A. Miscellaneous Updates

CHAIR BUSTAMANTE: Manager Shaffer.

MANAGER SHAFFER: Thank you, Chair Bustamante and Commissioners. First item that I wanted to bring to the Board's attention concerns the scheduling of budget study sessions. There were some proposed dates that were set to Commissioners I believe earlier this week. The proposed budget study sessions are from May 9th from 3:00 to 5:00 p.m., Monday, May 12th from 2:00 to 5:00 p.m., Wednesday, May 14th from 2:00 to 5:00 p.m., and Friday, May 16th from 3:00 to 5:00 p.m. That allows presentations and consideration by the Board to be stretched out. We can condense that if the Board was desirous of having longer potential sessions and trying to get things done in three days and perhaps reserving other dates in the future.

But I wanted to get some feedback from the Board relative to those proposed dates and whether the Board would like to schedule three or four budget study sessions in May.

CHAIR BUSTAMANTE: Thank you, Manager Shaffer.

MANAGER SHAFFER: And again, this is with regard to the operating budget and fixed asset requests. Thank you.

CHAIR BUSTAMANTE: Thank you. Did you want us to consider any of the preferences now at this time? Or just to keep that in mind?

MANAGER SHAFFER: If you can look at your calendar just to confirm availability while everyone's here, that would be great, just so that we can get all those dates blocked out. And then again if there is feedback relative to three versus four, we can factor that in and adjust some of the times to provide a little bit more time on three days rather than four. It wouldn't provide a significant elongation of the previous meetings. It might extend them by an extra hour if we went from four down to three.

And again, the dates were Friday, May 9th from 3:00 to 5:00 p.m.; Monday, May 12th from 2:00 to 5:00 p.m., Wednesday, May 14th from 2:00 to 5:00 p.m., and Friday, May 16th from 3:00 to 5:00 p.m.

COMMISSIONER HUGHES: Those work for me.

CHAIR BUSTAMANTE: Can you please give me the date after the 9th?

MANAGER SHAFFER: Monday, May 12th from 2:00 to 5:00 p.m.

COMMISSIONER GREENE: Madam Chair, I'm out around the earlier part of that time. So the 9th, 10th, 11th and 12th.

CHAIR BUSTAMANTE: You won't be available?

COMMISSIONER GREENE: I will not. I will be virtual probably for the County Commission meeting on the 12th.

CHAIR BUSTAMANTE: And the 12th, there's a Commission meeting on that day as well? So we would have –

COMMISSIONER HUGHES: It would be at the Commission meeting.

CHAIR BUSTAMANTE: Okay. I see.

COMMISSIONER GREENE: Ideally, it could be either later or we could start a week earlier, but –

CHAIR BUSTAMANTE: Are we amenable to moving that to a week earlier and then reconvening on the 14th? The 16th?

COMMISSIONER JOHNSON: So would that be the 5th, the 7th and the 9th?

COMMISSIONER GREENE: I'd prefer not the 7th or the 9th. Or the 11th.

CHAIR BUSTAMANTE: So Manager Shaffer, Commissioner Greene won't be available the 9th or the 12th.

MANAGER SHAFFER: Would May 5th then work for the rest of the Board? And maybe we try to go forward with three budget study sessions?

CHAIR BUSTAMANTE: That works for – Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Chair Bustamante, the original dates work better. May 5th, I'm at a statewide event May 5th and 6th. So I would not be available.

MANAGER SHAFFER: We'll go back to the drawing board.

COMMISSIONER CACARI STONE: Can I make a case for condensing it to three days so that we can concentrate our time for those of us who have day jobs and competing schedules?

COMMISSIONER GREENE: Madam Chair, there's a great tool, Google Doodle, or whatever it's called, but it's scheduling so you can actually put your availability online so we can not have to deal with it in these situations and you just put it out there. We're thinking three days. Please put your availability online.

MANAGER SHAFFER: We'll proceed accordingly. And then the last update I had for the Board was just to alert the Board that we are actively working on a significant grant proposal relative to fire hazard mitigation in terms of implementing existing projects relative to fuel mitigation, pursuant to our existing approved plan. That is due, I believe in mid-March. Tentatively we think that the proposed grant will likely be in the multi-millions of dollars. If successful, there would be a 20 percent match. We did set aside funds, the Board did, relative to seizing on such significant grant opportunities and that would be the likely source of any matching requirements that we are unable to meet through in-kind services. But again, it's just a heads-up that the County is pro-actively pursuing that grant opportunity. That's all I have via Miscellaneous Updates. Thank you, Chair Bustamante.

CHAIR BUSTAMANTE: Thank you, Manager Shaffer.

10. B. The First Session of the 57th Legislature: Updates and Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced [*Exhibit 1: Report of the 1st Session of the 57th Legislature; Exhibit 2: Potential Position on HB212*]

CHAIR BUSTAMANTE: Thank you, Hvtce Miller.

HVTCE MILLER (County Manager's Office): Good afternoon, Chair Bustamante, Commissioners, we'll just wait momentarily while the reports are being passed out, but just as an FYI, these are also all available on BoardDocs and just to preface the later discussion regarding this topic, the House Bill 435 was tabled this morning in committee so we're going to pass over the discussion of that particular item.

CHAIR BUSTAMANTE: Mr. Miller, that would be the one that was referring to the recommendations for placement of utility-scale battery storage alternative energy? Is that that one?

MR. MILLER: Chair Bustamante, that's correct. That was sponsored by

Chair McQueen.

CHAIR BUSTAMANTE: Thank you.

MR. MILLER: So I think I can make this rather brief and leave a lot of time for your questions and discussion on items. So my report is this particular one here, and within it I have highlighted the bills which have significant movement up to this time. And I have listed on page 1 all the items that have passed both the House and the Senate. Starting on page 2 is all the items that have passed the House. There's 26 House items and two Senate bills.

Starting on page 6 there are all the items passed by the Senate, 23 total items including two House bills. And what we have been doing so far is I have been receiving feedback from the Commission regarding specific pieces of legislation and I believe that's working out very well, so that can provide you in-depth analysis so that you can look at certain pieces of legislation and I appreciate that. And I just want to thank other departments I go to get input on the analysis of these bills, and we provide that to you as well.

With that being said, some particular pieces of legislation that I just wanted to highlight today were – the most recent and the biggest is the passage of House Bill 2, which is the state budget, and that was passed yesterday in the full House. That kind of clears up the road for further legislation that's coming forward. It take a lot of the guesswork about what is going to be funded, and you get a better picture of what types of legislation will be going forward.

And with that, I wasn't going to go into great detail about the components of it but you can either do it now or you can contact me later to say, hey, is there a particular department receiving funding for a project or initiative, or is a particular Senate bill or House bill contained within the state budget, and I can provide you detailed analysis at a later time to give you all the information that I can bring forward to you regarding the funding that is in there now.

But with that said, once the budget is passed on the House side there is still a remainder of funding that's left and that then is determined by the Senate and through the Senate Finance Committee to decide what additions that they're going to additionally make to the state budget, and they will put that in once it goes over to Senate Finance, and I don't know the particular amount that they have left in leeway to allocate to different projects and agencies within the state budget. But I will just provide you at a later time just highlights of what's in there and like I said, if there's particular things that you want to see that are in there which are related to your priorities, I can do that.

Also of particular note is the passage of Senate Bills 1, 2, and 3. Senate Bills 1 and 3 have passed both the House and the Senate, and these are the bills related to behavioral health and the funding that is supposed to come in the form of a trust fund set up by the state, and I had provided some information previously but just a brief overview is that Senate Bill 1 is the particular legislation that sets up the trust fund. It was originally conceived to be a \$1 billion trust fund and right now I don't see that the funding has been allocated in the state budget but speaking with Senate staff today they were letting me know that that most likely would be put in on the Senate side. And on the discussion had about Senate Bill 1 on the Senate floor it was stated it would most likely occur in two allocations, one this year and one next year, coming up to that one billion total for the trust fund.

Senate Bill 2, this right now consists of \$152 million for public health and safety

initiatives, and what this is doing is getting that jump start for all the initiatives that they state is looking to conquer related to behavioral health, and instead of waiting for the trust fund to start realizing its returns, they understand that the need is immediate, so that's why they're putting forth this \$152 million right now.

A lot of these items are actually funded within House Bill 2 currently. I was looking through it today to see that some of the items are within the Administrative Office of the Courts and other agencies but I don't believe that every single one of the initiatives in here within House Bill 2 has been fully funded or has been determined to be funded at a particular amount. So these funding amounts that are shown within the Senate Finance Committee for Senate Bill 2, they could be increased once it's finally said and done, the state budget.

Senate Bill 3, this is the bill which sets up how the state is going forth with the process of implementing these different behavioral health initiatives within the state and how that trickles down to localities and eventually how us, Santa Fe County, will be able to use the funding that's going to be coming from both Senate Bill 2 and also Senate Bill 1. In speaking with our Community Services Director, Santa Fe County is in a very good position because we do have a lot of initiatives that are in place so it's not that we are going to have to start from the ground up with a lot of our services. So if you would like, I think it would be beneficial if we could have a conversation perhaps later so that she could define what we have here at the County, because what this does is, in Senate Bill 3, is that the main idea is that the

Administrative Office of the Courts is supposed to set up regional plans throughout the state. So it's not really determined yet if these are going to be the traditional districts themselves or other designated areas that have specific behavioral health needs, but we do have time. The end date for setting up these regional plans is 2027, but there are discussions that they've had for Senate Bill 3, they're saying the sooner you can provide the information, the better because then they'll be able to start working with you to implement your initiatives for your locality.

So like I said, we have a lot of behavioral health initiatives already in place and with that in mind, with my discussion with Community Services, there are some unknowns within the implementation of the regional plans that should be pointed out and we have that ability now to say that these are some things that we've noticed that are missing within your conceptual ideal for starting up the regional plans.

Lastly, I just wanted to go over House Joint Resolution 11, which is a proposed constitutional amendment to repeal the Anti-Donation Clause. So far, this has gone through one committee and right now it passed through House Government and Elections Committee with no recommendation. The next stop for this bill is the House Judiciary Committee. There were issues related with the drafting of the piece of legislation as is, so they left it up to the next committee, the Legal Review Committee, more or less, House Judiciary, to start making changes that they had seen within the bill.

I'll just read out some of the concerns stated within the impact statement. Could create a new source of demand for capital outlay appropriations by removing an existing barrier to make capital appropriations directly to non-profits for privately owned facilities. So that means that non-profits would be asking for more, and right now, it's estimated that five percent of capital outlay appropriations go to non-profits. House Joint Resolution 11 could pressure ethics and disclosure laws in New Mexico, time constraint substates could pressure state laws limiting gifts, quid pro quo conflicts of interests

require financial disclosures.

And from our own analysis here at the County it was seen that the bill eliminates the prohibition against donations to private entities, but it does not eliminate the prohibition against the pledging of credit. Also the bill eliminates all existing exceptions found in Article 9, Section 14. The upshot of these changes is that they arguably call into question a lot of what the County does vis-à-vis bond financing. For example, the County may constitutionally finance affordable housing under either the care for the sick and indigent or affordable housing. Exceptions to Article 9, Section 14, if House Joint Resolution 11 is adopted, the County arguably loses the authority to issue such bond financing, as that would amount to a pledge of credit in the aid of a private person or private entity. It would then be required to either argue that there is no private beneficiary of a bond issuance, or restructure the bond projects so that any benefit realized by private persons from the County's pledge of its credit comes in the form of some donation of funds.

So right now I think it would be a good idea to see if these items are addressed, but in the meantime we can definitely share these at the legislature and the sponsor and House Judiciary our particular concerns with House Joint Resolution 11. So I don't think that there's any particular pieces of legislation that I'm requesting clarification of support or opposition to. With that I'll go to County Manager Shaffer for his analysis of House Bill 212.

MANAGER SHAFFER: Thank you, Hvtce, Chair Bustamante, Commissioner. One bill that we did put together some high level analysis for is House Bill 212, and this is the bill that would over time ban the sale of products within New Mexico that have intentionally added PFAS. This program would generally be administered in terms of what products would be banned and when and whether there are any products that have an unavoidable use of PFAS in them in the Environmental Improvement Board.

Staff's bottom line analysis, and this is from both myself as well as from our Sustainability Manager and our Public Works Department Director is that this is the way to go in terms of trying to keep unnecessary PFAS out of the environment. It would be a significant step forward in those efforts. Products would start to be banned in terms of intentionally added PFAS in January of 2027 and then another list of products would be banned January 1, 2028. And then as we read it and understand the law, beginning January 1, 2029, you could not sell any product that has intentionally added PFAS unless the Environmental Improvement Board has adopted a rule providing that the use of PFAS in that product is currently unavoidable.

There are many exceptions outlined in the proposed bill, but at the end of the day, again, we think this is a significant step forward in terms of removing unnecessary or avoidable PFAS in our waste streams and in our consumer products. The estimate from the Legislative Council Service is that the cost to the state on a recurring basis to implement this legislation would be \$2.187 to \$2.316 million per year. On the other side of the ledger, NMED estimates that the cost to remove and destroy one pound of PFAS from water is between \$2.7 million to \$18 million, again, per one pound of PFAS removed from water.

So this is something that we do think warrants support from the Board but the Board obviously, could go in a different direction or delay consideration of that to a future meeting. But it does look as if this bill, the current iteration of this bill is moving

timely through the process. And with that I'd be pleased to answer any questions about staff's bottom line recommendation that we support this effort to keep avoidable PFAS out of our state and out of the products that we use and are sold in the state. Thank you, Chair Bustamante.

CHAIR BUSTAMANTE: Thank you, Manager Shaffer and Attorney Boyd. Given that this is a recommended action and it was not listed under action items, is that any concern for our notice or what we've provided to the public in advance?

MR. BOYD: Chair Bustamante, I don't believe it's a concern. The agenda item identifies the subject of discussion and there's going to be a possible action on legislative updates at this meeting. So any interested member of the public, if they wanted to come and observe and offer comments on legislative matters that should be considered by the Board would have been able to do so. So I don't have any misgivings about the Board considering discussing and taking a vote on the specific piece of legislation.

CHAIR BUSTAMANTE: I appreciate that. I would like to move – I know there may be other questions for Hvtce. At this time I would like to move this recommended action go first with regard to supporting House Bill 212. It is something that we as a County and as a state have already had some experience with in recognizing that as stated in the letter, though this bill would not come without expense, we understand and know firsthand what the expense is for having PFAS. Are there any questions, concerns, regarding House Bill 212? And if not is there a motion to support?

And frankly, I'd like to do this coming out of District 3, given that that's where we've had the exposure to PFAS in people's private wells. I would like to, if there's no discussion. Go ahead, Commissioner Greene.

COMMISSIONER GREENE: So I will second when it's time, but just some discussion of this and to know the process, where it's going, and has it been modified in a way that we think could – is there push-back on it? And are there ways that we can support strengthening it? Because I think it's in our interest to have the strongest measure here, and are there points in this through your analysis where you think it was dumbed down or make weaker or whatever terminology we want to use to say that it doesn't serve our purpose for the community wellbeing?

MR. MILLER: Chair Bustamante, Commissioner Greene, so right now, I was going to ask about this actually. The iteration that it's particularly at is the House Judiciary Committee substitute for House Bill 212. I don't know if that makes a difference to anything.

MANAGER SHAFFER: Chair Bustamante, Commissioner Greene, my understanding is that at this point the major objections as I understand it that have been brought forward have been addressed through the House Judiciary Committee substitute for the prior committee's substitute, and my understanding is that this is considered a workable compromise. Not that it's perfect, but that it is the result of efforts to address concerns that have been brought forward. So I'm not aware of anything in particular that would be of monumental concern, but at the same time I also believe that this is the result of efforts to meet concerns that have been brought forward and come up with a compromise proposal that folks could live with. I hope that answers your question.

COMMISSIONER GREENE: It does.

MANAGER SHAFFER: My point is I don't know that our weighing in on one aspect or another is going to be particularly fruitful.

COMMISSIONER GREENE: Okay. Thank you. And then in terms of –

let's not call it products but let's call it byproducts, when we have wastewater treatment facilities such as the Quill, or if we do something in the Tesuque and Pojoaque Valley, are those addressed in this as something that we will be dinged with or is there a concern here that even through it is "not a product" but a byproduct, that maybe we should be aware of or addressing.

MR. MILLER: Chair Bustamante, Commissioner Greene, I hadn't seen anything related to I guess water or wastewater construction in the discussions had. Items that were brought to attention were, I guess, uses of PFAS in electronics, fire retardants, medical uses and those had been addressed with exemptions or conditions where they could be utilized if it was – a proper cleanup was provided after its use. But for your particular question I don't know if that applies to installation of water or wastewater infrastructure.

MANAGER SHAFFER: If I could add to that, Chair Bustamante, Commissioner Greene, I don't believe that this bill endeavors to put liability on cleanup efforts relative to wastewater or water. I would note that I believe there has been bipartisan legislation that 's been introduced at the federal level, specifically to address that concern relative to trying to hold utilities responsible for PFAS contamination, that again, they don't directly control or contribute to. I know that Chair Bustamante is very familiar relative to that federal legislation given the committee that she serves on for NACo, so she would be a good source of information. But my understanding is that bipartisan legislation has been introduced at the federal level to avoid I think the very result that you're concerned about.

COMMISSIONER GREENE: Great. Thank you for clarifying that.

CHAIR BUSTAMANTE: Thank you for that, Manager Shaffer. And that would be a good reason to show up at the Environment, Energy, Land Use Policy Steering Committee, which is putting forward in our federal priorities as assuring that local jurisdictions are not held liable for the PFAS that ends up in our waste streams. Of course legislation like this helps address that upfront. It keeps it out of our water. So I would like to, unless there is further discussion I'd like to make a motion that we support this moving forward, and we have a second from Commissioner Greene.

COMMISSIONER HUGHES: Discussion.

CHAIR BUSTAMANTE: Discussion, Commissioner Hughes.

COMMISSIONER HUGHES: I just want to point out that this has PFAS in it. Teflon and everything else. So we should get rid of it all.

CHAIR BUSTAMANTE: I agree. Thank you. Any further discussion?

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

CHAIR BUSTAMANTE: Motion passes to support House Bill 212. Any other questions, issues, concerns for Mr. Miller? Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: I just want to thank you, Mr. Miller, for doing your analysis and this focused overview that you do for us. And I want to thank County Manager Shaffer and the team for the more in-depth report on the PFAS. So appreciate this.

MR. MILLER: Chair Bustamante, Commissioner Cacari Stone, I wanted to let you know that per your request, at the last Commission meeting, I had worked with Daniel and we do have the list of legislation associated with the different resolutions for

legislative priorities up on the 2025 Legislature page of the County website. So I'll be updating those on a regular basis, at least weekly. So if you wanted to check there and see if that is in amenable format. If there's any changes that you need we'll definitely work with you to get it to your liking.

CHAIR BUSTAMANTE: Commissioner Greene, you had something else?

COMMISSIONER GREENE: Just a question in terms of the budget. Are there items that have been in the budget that impacts Santa Fe County, whether directly to Santa Fe County or to our partners in the non-profit world or jurisdictions in Santa Fe County that we might support and show support at Senate Finance, or things that might have been already stripped out that we need to get put back in at Senate Finance? The budget seems to be the biggest aspect that we can advocate for in the next few weeks and I'd like to know – that may not be for right now, but definitely if there's some sort of update that we can all go advocate for that would be wonderful.

MR. MILLER: Chair Bustamante, Commissioner Greene, absolutely. From the brief overview that I did I see that there's money in there for the New Mexico grown for schools and for senior centers and that will benefit our programs that we have in Santa Fe County. And I see that there was funding in there for House Bill 113 which is the animal welfare program and funds, which is sponsored by Representative Lujan. And I don't have them all today but definitely I can go through and comb through, see what Santa Fe specifics there are and then take a broader look and see what agencies and programs we utilize and just give you the dollar amounts and say – oh, I can also do the comparison about the recommendations from LFC and the executive to see where they kind of line up in – not the final version but the final House-approved version.

COMMISSIONER GREENE: Wonderful. And then when you talk about the behavioral health and Office of the Courts, and our DA, and all these stakeholders that are all a part of this conversation. I'm wondering – maybe it's not something that needs to happen at the next meeting before the end of the session, I would take that as a recommendation for us to discuss it in urgency, but if it's something that has a longer time horizon then maybe that's something that has to come before the Board to discuss how we, the County, plays as a stakeholder in this whole thing. Whether it's the courts, the DA's, the public defenders, all of the different groups that are in that space and how this implementation plan is at least brought forth for the community to discuss, for the County to put their two cents in and to make sure that we're as aware and as hands on with it, at least in terms of how we're in agreement that it's a great plan for our community and for the state District Court, number one.

MR. MILLER: Chair Bustamante, Commissioner Greene, I think that's an excellent idea. While I stated that we have a lot of programs underway or ongoing that could definitely benefit from the behavioral health trust fund funding and the Senate Bill 2 funding, it had been pointed out to me that there are some trainings, for example, for law enforcement and how they deal with behavioral health issues that are not specified within the agency allocations and the overall scheme of I guess implementing behavioral health needs throughout all age groups.

So I think that providing that information, showing that lack of training, for example for law enforcement could be specified and maybe clearly defined as being provided funding in one of the agency allocations.

COMMISSIONER GREENE: I love it. Please tell us where we can fill the

gaps. We can't solve it all but definitely we have a role to play in there.

CHAIR BUSTAMANTE: Okay. Thank you. I'm going to say one thing just for the public record about House Bill 435 that was carried by – that died this morning in its second presentation that was going to provide. And I have to tell you I was early on in the discussion of creating this particular legislation. It was not intended originally to be a bill. We were asking for best practice support and direction to the agencies most affected, to provide guidance for the siting of – they called it alternative energy establishment. I'm going to call it utility-scale battery storage.

And it turned into a bill that essentially was creating additional regulation, which made it impossible for the effort that I made to discuss this with the New Mexico Counties and get support as we do have a super-majority of Republicans who aren't going to vote for new regulation, and frankly in this case I wouldn't have requested new regulation either. But I do believe that as counties statewide, we will see numerous – some legal issues in the near future. We see them now; we know they're coming.

I'm making sure we're following where things are, but not the details of the particular case. But we do have proposed alternative energy in Sandoval County that will absolutely affect District 3 and the type of guidance that we were looking for from these state agencies would help counties be better informed and how we would actually either manage or vote on or make preferences and recommendations for the siting of these.

So House Bill 435 to have died – I'm not surprised; it was written as a regulation. It was poorly written in itself. I'm sorry to hear that. I do hope for the record that the state will acknowledge that there is a need to get best practices identified for the placement of utility-scale batteries, in the interest of addressing our public concerns.

Meanwhile, we'll move on.

10. Matters from County Commissioners and Other Elected Officials

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

CHAIR BUSTAMANTE: Any issues from the Commission. We're start with Commissioner Greene.

COMMISSIONER GREENE: Thank you. Three quick things here. One, I met with folks from the Española community, from the east side, including the parts that are parts of Santa Fe County, the Yates/Santa Cruz area over there. We talked about a variety of issues around public safety, fire, parks and rec, and ways that Santa Fe County could partner with either the City of Española or do things on our own up there. And I was happy to have the Mayor of Española there and Councilor Archuleta-Toya, as well as the Chief of the Fire Department and one of the lieutenants from the Police Department. And the City Manager Lujan was on a call there.

It was a good two-hour meeting, two-plus hour meeting and I really appreciated them making the time to be together and to hear what Santa Fe County is doing and for us to be able to discuss what we can do better for them.

I will be going to DC on Friday to be a part of the NACo legislative summit up there and I think I'm willing to take issues for those of you who are not going to be there to our delegation, if I'm lucky enough to be with the delegation. But if there are things that I can help carry for you all I'm there to help.

Also on Wednesday or Thursday we have an EV rollout for the two – the pilot project for – Thursday morning at Eaves Movie Ranch at 11:00 a.m., we are going to be christening the two electric vehicle F-150 Lightnings that the Sheriff's Office has started testing in their pilot program. They've been well received is my understanding, in the beginning, and if you've ever been to the Eaves Movie Ranch or if you've never been to the Eaves Movie Ranch it is a great opportunity to see a pretty cool old fake western town. So let's go out there and celebrate some new EVs. I think we're the first in the state to have public safety vehicles that are electric vehicles. And I'm honored to have pushed that over the finish line. So thank you very much.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, just a bunch of little things. We met with the community of San Marcos. Commissioner Bustamante and I both met with San Marcos – it overlaps our district – last week. That was very interesting. Tomorrow we take a tour of the Buckman Direct Diversion, those of us on the board. A lot of meetings around supportive housing coming up. This February 27th, two days from now, we have 285 Recycles is putting on an event at the Vista Grande public library. I'm going to present on the plastics ordinance and others are going to talk about recycling. And I'm finally going to tell which cardboard boxes I can recycle and which ones I can't. Hopefully.

We're meeting with Valle Vista on some of their traffic calming concerns, and last but not least I think the Green Bank, formed as a part of the Coalition for Sustainable Communities is finally up and running and that's exciting.

CHAIR BUSTAMANTE: Thank you. Commissioner Cacari Stone.

COMMISSIONER CACARI STONE: Thank you, Chair Bustamante. I'll be brief. Tomorrow is Behavioral Health Day at the legislature so I hope some of you can get out there and I will be doing a live radio show with Senate Majority Leader Wirth, Mr. Fred Sandoval, with the National Latino Behavioral Health Association to discuss the behavioral health reform, and the Senate Bills 1, 2, and 3, and how they impact our communities. This is at 2:00, if you want to tune in to KSWV.

Secondly, on Thursday, there is a Know Your Rights forum with the community at the Genoveva Chavez Community Center from 5:30 to 7:30. This is an excellent demonstration of collaboration with the City of Santa Fe. I was able to meet with the Mayor and it's being led by Councilor Alma Castro, in collaboration with the Mexican Consulate. And I just want to thank our law enforcement and firefighters who are a part of this along with the City who will all be there and present. It will be monolingual in Spanish. It's limited to 100 persons so please get the word out. Come at 5:00. The doors open at 5:00, and then we'll have headsets for those who are English speaking.

Finally, I'm actually joining Commissioner Greene at NACo, and I thought we were going to do the visits on the Hill together, so we'll collaborate on that and I look forward to representing us. Hopefully we can get it on Tuesday, it will be the day on the Hill.

Just committee engagement, the Investment Committee met on February 20th. The Santa Fe Solid Waste Management Agency committee met. We voted a vice chair, so I'll leave that; it won't be spoiler alert here. And then the Coalition for Sustainable Communities, as always. I happened to be an alternate following Commissioner Hughes. They did a great SWOT analysis. And Thursday is the MPO but it collides with our Know Your Rights so I hope to join the first part of it. Thank you.

CHAIR BUSTAMANTE: Thank you. Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. As Commissioner Cacari Stone mentioned, we met with SWMA. Commissioner Bustamante was formerly the chair. She vacated her seat for Councilor Lee Garcia who will be the chair of that board and I will be the vice chair.

I have scheduled my first Coffee with the Commish, which as I understand it is a 16-year tradition. The two former County Commissioners before me held these meetings under that title, under that banner, so I'm looking forward to continuing that. The topic of that will be fire preparedness in individual neighborhoods. We're beginning with Cañoncito and then we'll move to Cañada de los Alamos, but we want to acknowledge that District 4 has a lot of rough terrain that is difficult to fight fires in, so I'm also hoping to schedule evacuation drills and that would be sort of full-scale preparedness events to understand ingress/egress issues in particularly tricky neighborhoods.

I am interested and would like to request an update, especially for us new Commissioners on the sort of state of water in Santa Fe County. We think about water a lot but I feel like we are due for a presentation about our surface water availability and also sort of understanding how we make those assessments and how they're backed up. So I am requesting that formally in this venue.

I am also, kind of as a personal matter but also as sort of a countywide issue doing some investigative research. This has to do with water – on the bark beetle, because I have a sinking feeling that we may experience that this year, so I'm just sort of – if anyone has an interest in thinking through those issues with me I would be happy to work with you. That's all. Thanks, Chair.

CHAIR BUSTAMANTE: Thank you, Commissioner Johnson. All I have is some brief statements that are about the SWMA meeting. We did meet with the San Marcos folks, having discussions about roadways and various projects. But I do want to say that the free days and the free tire disposal, free electronics, all of those are at the SWMA website. So that was announced and anyone can go in and see when – those are not at the County convenience stations but at the Buckman site. We can actually take on those dates specific things to be disposed of. And that's all I really have at this point.

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

CHAIR BUSTAMANTE: Do we have any other elected officials online? Or anyone? We don't have anyone in the chambers.

11. Matters from the County Attorney

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:**
- 1. Acquisition of Real Property Interests for the Pojoaque Basin Regional Water System**
 - 2. Performance Evaluation of the County Manager**
 - 3. Acquisition of 2905 Rodeo Park Drive E, Building #5, to House the District Attorney's Office.**

CHAIR BUSTAMANTE: I will ask the County Attorney what we have in executive session. Go ahead.

MR. BOYD: Thank you, Chair Bustamante. I'm seeking a motion to go into executive session to discuss limited personnel matters as allowed by Section 10-15-1 (H)(2) of the Open Meetings Act, threatened of pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1 (H)(7) of the Open Meeting Act, and discussion of the purchase, acquisition or disposal of real property or water rights, as allowed by Section 10-15-1(H)(8) of the Open Meetings Act. And the items of discussion are identified with reasonable specificity in item 12. A of the agenda.

CHAIR BUSTAMANTE: Thank you. I overlooked item 11, so I

appreciate that and I'm going to ask for your guidance, we have matters from the County Commissioners and other elected officials that I overlooked.

CHAIR BUSTAMANTE: Do I hear a motion to adjourn to executive session?

COMMISSIONER GREENE: I will make a motion to move into executive session to discuss the items that the County Attorney previously mentioned a little while ago.

COMMISSIONER JOHNSON: I'll second.

CHAIR BUSTAMANTE: We have a motion to move to executive session from Commissioner Greene and a second by Commissioner Johnson. Roll call.

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 5:21 to 6:30.]

COMMISSIONER GREENE: Madam Chair, I move that we come out of executive session stating that we did not make any decisions and that we only discussed the items that were intended to be discussed.

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: Motion by Commissioner Greene, second by Commissioner Hughes.

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

12. B. [See Page 44]

13. **Public Hearings**

- A. **Case No. 25-5000, Local Foods, LLC Spirits, Wine and Beer Restaurant B Liquor License. Local Foods, LLC, Applied for Approval of a Spirits, Wine and Beer Liquor License. The Property is Located at 7 Avenida Vista Grande, Suite B-6, and is Zoned Commercial Neighborhood (CN) within the US 285 South Highway Corridor District Overlay (285 SHCD), within Section 9, Township 15 North, Range 10 East, (Commission District 5)**

CHAIR BUSTAMANTE: A liquor license.

MAGGIE VALDEZ (Case Manager): Good evening, Madam Chair, Commission. My name is Maggie Valdez. I'm a development review specialist senior. Today I bring before you Case No. 25-5000, Local Foods, LLC Spirits, Wine and Beer Restaurant B Liquor License. Local Foods, LLC, applicants request approval of a Spirits,

Wine and Beer Liquor License. The Property is located at 7 Avenida Vista Grande, Suite B-6, and is zoned Commercial Neighborhood, CN, within the U.S. 285 South Highway Corridor District Overlay, 285 SHCD, within Section 9, Township 15 North, Range 10 East, Commission District 5.

The applicant is requesting a Restaurant B, Spirits, Wine and Beer Liquor License with on-premises consumption. The restaurant known as Fable Restaurant and Market is in the Agora Shopping Center. The space is approximately 3,250 square feet. The Fable Restaurant will be open from 11:00 a.m. to 10:00 p.m. and open seven days a week. The address previously had a few different restaurants over the years, all with liquor licenses. The most recent restaurant was Arable, which closed for business in May of 2024. Parking for customers will be around the shopping center and parking for employees will be in the designated employee parking area of the shopping center.

The applicant states, "Fable will be a full-service restaurant open for both lunch and dinner seven days a week. We are applying for a restaurant liquor license to sell alcohol to be consumed onsite that complements our menu. The menu will feature local produce and proteins sourced directly from the farms and ranchers of the southern Rocky sustainable origins. Drawing on our love of the American West, we are proud to work with small family farms, feature specialty items grown in fresh mountain soil."

The property is zoned as Commercial Neighborhood, CN, within the US 285 South Highway Corridor District, SHCD, Overlay, located at 7 Avenida Vista Grande Suite B-6.

The property is located in the Overlay Community District, O-CD, and regulated by Ordinance No. 2016-9, the Sustainable Land Development Code, SLDC, Chapter 9, Section 9.10, US 285 South Highway Corridor District Commercial Neighborhood, SHCD CN, Chapter 9, Section 9.10.3.3.7, Table 9-10-12: SHCD Use Table allows the uses within the above-mentioned zoning district, subject to all other applicable standards of the SLDC.

The SLDC, SHCD Use, Table 9-10-12 allows for a restaurant with incidental consumption of alcoholic beverages as a permitted use within the US 285 South Highway Corridor District Commercial Neighborhood Overlay. The subject property is owned by Local Foods, LLC a New Mexico limited liability company which is currently under lease with the applicant.

The State Alcoholic Beverage Control Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. The Liquor Control Act requires the Local Option District, Board of County Commissioners, to conduct a public hearing on the request to grant a Restaurant Beer and Wine Liquor License at this location. In accordance with the Liquor Control Act, the BCC may disapprove the issuance of the license if the location is within 300 feet of any church or school; the issuance would be in violation of zoning or an ordinance; or the issuance would be detrimental to public health, safety or morals of the residents of the local option district.

Legal notice of this request has been published in accordance with the Liquor Control Act by publishing notice before the hearing twice in the Santa Fe *New Mexican* on January 24, 2025 and February 10, 2025. A complete application was submitted on January 15, 2025.

The applicant has met the State of New Mexico requirements for noticing; the site is .19 miles, 1,000 feet) from the nearest church and .19 miles, 1,000 feet, from the

nearest school.

Staff recommendation: Staff recommends approval of a Restaurant B Spirits, Wine, and Beer Liquor License to be located at 7 Avenida Vista Grande, Suite B-6, Santa Fe New Mexico 87508. Madam Chair, Commission, I stand for questions.

CHAIR BUSTAMANTE: Do we have any questions?

COMMISSIONER HUGHES: Well, I'm very familiar with the location. It's fine with me. I think we should go to public hearing

CHAIR BUSTAMANTE: Okay, do we want to ask any questions of the applicant?

COMMISSIONER HUGHES: I don't have any questions for the applicant.

CHAIR BUSTAMANTE: Okay, do we have anyone in the chambers opposed to this? Anyone in favor who'd like to speak to the application? Seeing and hearing none, do we have a motion? We have no questions, considerations.

COMMISSIONER HUGHES: I move to approve Restaurant B Liquor License, to be located at 7 Avenida Vista Grande, Suite B-6, Santa Fe, New Mexico, 87508, and I look forward to the restaurant opening and I hope it's good.

COMMISSIONER GREENE: Second, and I hope it's good too.

CHAIR BUSTAMANTE: We have a motion by Commissioner Hughes, a second by Commissioner Greene.

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

12. B. Resolution No. 2025-027, a Resolution Authorizing the County Attorney to Initiate and Prosecute Condemnation Proceedings to Acquire Specified Real Property Interests for the Pojoaque Basin Regional Water System

MR. BOYD: Madam Chair, members of the Commission, I think that Manager Shaffer stepped out to make sure that the resolution and the exhibits are in line for the vote. So I don't know if there are any other items to cover for the rest of the meeting but it might be an idea to take a short moment to make sure that's up on BoardDocs before we take a vote on the resolution.

CHAIR BUSTAMANTE: Okay. Are there any announcements that anyone would like to make while we're waiting for Manager Shaffer? Manager Shaffer is here. We'll return to item B.

COMMISSIONER HUGHES: I don't see the BoardDocs.

MANAGER SHAFFER: It is being uploaded as we speak. I apologize for the delay.

CHAIR BUSTAMANTE: Exhibit A, and an Exhibit B, subject resolution. Is that what we're looking for?

MANAGER SHAFFER: Yes, that is correct, Chair Bustamante.

CHAIR BUSTAMANTE: Does everyone see it?

COMMISSIONER HUGHES: Not yet. Is it Exhibit B?

CHAIR BUSTAMANTE: Yes. Right here Exhibit A, subject resolution. Exhibit A, subject resolution. Exhibit A has the property owners' names with the easement acreage.

MANAGER SHAFFER: That is correct, Chair Bustamante. So there are three properties in total there listed on Exhibit A to the subject resolution.

CHAIR BUSTAMANTE: Is there any discussion regarding this? Would you like to – if we could have you, for the record, Manager Shaffer, the resolution and the intent?

MANAGER SHAFFER: Thank you, Chair Bustamante. We are, pursuant to agreement with the Bureau of Reclamation, responsible for acquiring real property interests for the Pojoaque Basin Regional Water System. We have endeavored over a period of months to reach agreement with the property owners for the permanent public utility easements and we are at the point at which the needs of the project require that we be able to move forward with condemnation proceedings so as not to interfere with the timely completion of this phase of the Pojoaque Basin Regional Water System.

As reflected on the exhibit, the area at issue for the permanent utility easement is quite small, ranging from .0046 of an acre up to .0809 of an acre. We are offering fair market value for these small permanent utility easements and in addition, we believe that the construction of the Pojoaque Basin Regional Water System and the waterline running adjacent to these properties with fire hydrants will in fact likely increase or at least maintain the value of these properties. And again, this request is being made after many months of trying to reach final resolution.

In some instances we've been unable to make final contact or get mortgage companies to release the mortgage. And again, we are at the point where the project requires that we move forward expeditiously. So I'd be happy to answer any questions but that's the background and intent of the resolution and as always, our hope is that we'll be able to avoid condemnation proceedings by entering into mutually agreeable purchase agreements with these property owners. Thank you, Chair.

CHAIR BUSTAMANTE: Thank you, Manager Shaffer. Do we have any questions for Manager Shaffer? Do we have a motion?

COMMISSIONER GREENE: Madam Chair, just as a comment and I will end up making the motion at the end of my comments, but just to reiterate Manager Shaffer's comments that a lot of attempted communication has gone forward to try to negotiate. It has been – the proposal has been above fair market value if only just marginally but also to include if damage to a wall or any physical structure needs to happen that the County would replace that. Again, this is only for easements. This is not taking of property but just for easements so it does not restrict somebody's development rights significantly, and the fact that the water supply in the area provides a sustainable and a long-term fresh water/treated water system for these residents as well as fire safety, fire hydrants in the area which will go a long way in reducing their insurance costs in the future which seem to be of bigger impact to our constituents all across Santa Fe County.

So with that I will make a motion in support of a resolution authorizing the County Attorney to initiate and prosecute condemnation proceedings to acquire specified real property interests for the Pojoaque Basin Regional Water System as described in Exhibit A of item 12. B in the agenda.

CHAIR BUSTAMANTE: Do we have a second?

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: We have a motion by Commissioner Greene, a second by Commissioner Hughes.

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

14. Informational Items / Reports

- A. Community Services Department January 2025 Monthly Report
- B. Community Development Department January 2025 Monthly Report
- C. Finance Division December 2024 Monthly Report
- D. Growth Management Department January 2025 Monthly Report
- E. Human Resources and Risk Management Division January 2025 Monthly Report
- F. Public Works Monthly Report January 2025 (Public Works Department)
- G. Public Safety Department January 2025 Monthly Report

There were no comments or questions on the informational reports.

12. Concluding Business

- A. Announcements
- B. Adjournment

Upon motion by Commissioner Greene and second by Commissioner Hughes, and with no further business to come before this body, Chair Bustamante declared this meeting adjourned at 6:45 p.m.

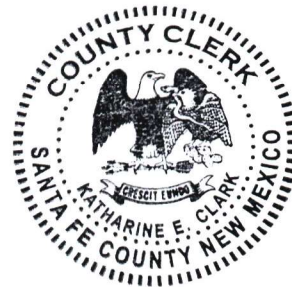


Approved by:

Camilla Bustamante
Camilla Bustamante, Chair
Board of County Commissioners

ATTEST TO:

Katharine E. Clark
KATHARINE E. CLARK
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 04/15/2025

Respectfully submitted:

Karen Farrell
Karen Farrell, Wordswork
453 Cerrillos Road
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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 79

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

Report of The First Session of the 57th Legislature

Board of County Commissioners of Santa Fe County Meeting 2/25/2025

SFC CLERK RECORDED 04/15/2025

The First Session of the 57th Legislature

01/02/2025 to 01/17/2025 — Legislation may be prefiled

01/21/2025 — Opening day (noon)

02/20/2025 — Deadline for bill introductions

03/22/2025 — Session ends (noon)

04/11/2025 — Bill signing deadline. Legislation not acted upon by governor is pocket vetoed

06/20/2025 — Effective date of legislation not a general appropriation bill or a bill without an emergency clause or other specified date

Legislation Passed by Both House & Senate

<u>Bill ID</u>	<u>Title</u>	<u>Sponsor</u>	<u>Location</u>	<u>Passed</u>
<u>*HB 1</u>	FEED BILL	<u>Reena Szczepanski</u>	Chaptered	1/22/2025
<u>HB 8</u>	CRIMINAL COMPETENCY & TREATMENT	<u>Christine Chandler</u> <u>Joy Garratt</u> <u>Cynthia Borrego</u> <u>Kathleen Cates</u> <u>Charlotte Little</u>	Passed	2/21/2025
<u>SB 1</u>	BEHAVIORAL HEALTH TRUST FUND	<u>George K. Muñoz</u> <u>Elizabeth "Liz" Stefanics</u> <u>Pat Woods</u> <u>Jay C. Block</u> <u>Dayan Hochman-Vigil</u>	Passed	2/21/2025
<u>SB 3</u>	BEHAVIORAL HEALTH REFORM & INVESTMENT ACT	<u>Peter Wirth</u> <u>Mimi Stewart</u> <u>William E. Sharer</u> <u>Jay C. Block</u> <u>Dayan Hochman-Vigil</u>	Passed	2/20/2025

Legislation Passed by House of Representatives

<u>Bill ID</u>	<u>Title</u>	<u>Sponsor</u>	<u>Location</u>
<u>*HB 1</u>	FEED BILL	Reena Szczepanski	Chaptered
<u>HB 2</u>	GENERAL APPROPRIATION ACT OF 2025	Nathan P. Small Meredith A. Dixon	Senate Intro
<u>HB 6</u>	IRB PROJECT MINIMUM WAGE	Reena Szczepanski Mimi Stewart Patricia Roybal Caballero Joseph L. Sanchez Javier Martínez	Senate Tax, Business and Transportation Committee
<u>HB 8</u>	CRIMINAL COMPETENCY & TREATMENT	Christine Chandler Joy Garratt Cynthia Borrego Kathleen Cates Charlotte Little	Passed
<u>HB 10</u>	RLD CANNABIS ENFORCEMENT	Doreen Y. Gallegos Javier Martínez Gail Armstrong Marian Matthews Art De La Cruz	Senate Judiciary Committee
<u>*HB 22</u>	PROHIBIT CREDIT CARD FEE TIP DEDUCTIONS	Art De La Cruz Joshua N. Hernandez Yanira Gurrola Patricia Roybal Caballero Dayan Hochman-Vigil	Senate Health and Public Affairs Committee
<u>HB 24</u>	COMMUNITY GOVERNANCE ATTORNEYS CHANGES	Miguel P. García Leo Jaramillo	Senate Education Committee

SFC CLERK RECORDED 04/15/2025

HB 26	TICKET RESALE AT STATE AND NONPROFIT EVENTS	Kathleen Cates Reena Szczepanski	Senate Tax, Business and Transportation Committee
HB 36	BOARD OF OPTOMETRY POWERS AND DUTIES	Dayan Hochman-Vigil Luis M. Terrazas Javier Martínez John Block	Senate Tax, Business and Transportation Committee
*HB 47	VETERAN PROPERTY TAX EXEMPTIONS	Art De La Cruz Alan T. Martinez Luis M. Terrazas	Senate Tax, Business and Transportation Committee
HB 49	CLOSED CAPTIONING ACT	Cynthia Borrego Patricia Roybal Caballero Tara L. Lujan	Senate Health and Public Affairs Committee
HB 56	MEDICAID REIMBURSEMENTS FOR BIRTH CENTERS	Pamelya Herndon Alan T. Martinez Heather Berghmans Dayan Hochman-Vigil	Senate Tax, Business and Transportation Committee
HB 66	WORKERS' COMPENSATION CHANGES	Pamelya Herndon	Senate Tax, Business and Transportation Committee
HB 74	FIREFIGHTER AND EMS PROVIDER PEER SUPPORT ACT	Elizabeth "Liz" Thomson Kathleen Cates Pamelya Herndon	Senate Intro
HB 77	ANNUAL FEDERAL SNAP STATE OUTREACH PLANS	Elizabeth "Liz" Thomson	Senate Health and Public Affairs Committee
HB 79	AUDIOLOGY & SPEECH-LANGUAGE PATHOLOGY COMPACT	Elizabeth "Liz" Thomson Jenifer Jones Gail Armstrong	Senate Judiciary Committee
HB 81	OCCUPATIONAL THERAPY LICENSURE COMPACT	Elizabeth "Liz" Thomson Jenifer Jones Gail Armstrong	Senate Judiciary Committee

HB 117	DEATH CERTIFICATE BY PHYSICIAN ASSISTANT	Joanne J. Ferrary Luis M. Terrazas Elizabeth "Liz" Stefanics Cynthia Borrego	Senate Health and Public Affairs Committee
HB 157	NEW SCHOOL LICENSES	Joy Garratt Brian G. Baca Raymundo Lara	Senate Education Committee
HB 160	STOP, LOOK & LISTEN FOR RAILROAD EQUIPMENT	Patricia A. Lundstrom D. Wonda Johnson Tara L. Lujan Raymundo Lara Art De La Cruz	Senate Tax, Business and Transportation Committee
HB 193	STUDY PUBLIC EDUCATION SYSTEM	G. Andres Romero Brian G. Baca Joy Garratt Tanya Mirabal Moya Raymundo Lara	Senate Rules Committee
HB 198	TAX CHANGES	Derrick J. Lente	Senate Tax, Business and Transportation Committee
HB 214	DOULA CREDENTIALING & ACCESS ACT	Doreen Y. Gallegos Elizabeth "Liz" Stefanics Janelle Anyanonu Sarah Silva Reena Szczepanski	Senate Intro
HB 218	TAX CHANGES	Derrick J. Lente	Senate Tax, Business and Transportation Committee
SB 1	BEHAVIORAL HEALTH TRUST FUND	George K. Muñoz Elizabeth "Liz" Stefanics Pat Woods Jay C. Block	Passed

SFC CLERK RECORDED 04/15/2025

		<u>Dayan</u> <u>Hochman-Vigil</u>	
<u>SB 3</u>	BEHAVIORAL HEALTH REFORM & INVESTMENT ACT	<u>Peter Wirth</u> <u>Mimi Stewart</u> <u>William E.</u> <u>Sharer</u> <u>Jay C. Block</u> <u>Dayan</u> <u>Hochman-Vigil</u>	Passed

Legislation Passed by Senate

<u>Bill ID</u>	<u>Title</u>	<u>Sponsor</u>	<u>Location</u>
<u>*HB 1</u>	FEED BILL	<u>Reena Szczepanski</u>	Chaptered
<u>HB 8</u>	CRIMINAL COMPETENCY & TREATMENT	<u>Christine Chandler</u> <u>Joy Garratt</u> <u>Cynthia Borrego</u> <u>Kathleen Cates</u> <u>Charlotte Little</u>	Passed
<u>SB 1</u>	BEHAVIORAL HEALTH TRUST FUND	<u>George K. Muñoz</u> <u>Elizabeth "Liz" Stefanics</u> <u>Pat Woods</u> <u>Jay C. Block</u> <u>Dayan Hochman-Vigil</u>	Passed
<u>*SB 2</u>	PUBLIC HEALTH & SAFETY INITIATIVES	<u>Benny Shendo, Jr.</u> <u>George K. Muñoz</u> <u>David M. Gallegos</u> <u>Jay C. Block</u> <u>Dayan Hochman-Vigil</u>	House Appropriations & Finance Committee
<u>SB 3</u>	BEHAVIORAL HEALTH REFORM & INVESTMENT ACT	<u>Peter Wirth</u> <u>Mimi Stewart</u> <u>William E. Sharer</u> <u>Jay C. Block</u> <u>Dayan Hochman-Vigil</u>	Passed
<u>SB 6</u>	FOSTERING CONNECTIONS PGM ELIGIBILITY	<u>Michael Padilla</u> <u>Eleanor Chávez</u> <u>Rebecca Dow</u>	House Health & Human Services Committee
<u>SB 16</u>	NON-MAJOR PARTY VOTERS IN PRIMARY ELECTIONS	<u>Natalie Figueroa</u> <u>Peter Wirth</u> <u>Kathleen Cates</u> <u>Cristina Parajon</u> <u>Angelica Rubio</u>	House Government, Elections & Indian Affairs Committee

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<u>SB 17</u>	PAROLE & PAROLE BOARD CHANGES	<u>Leo Jaramillo</u> <u>Nicole Chavez</u> <u>Andrea Romero</u>	House Consumer & Public Affairs Committee
<u>SB 19</u>	BOARDS OF REGENTS TRAINING REQUIREMENTS	<u>Jeff Steinborn</u> <u>Gabriel Ramos</u>	House Education Committee
<u>SB 23</u>	OIL & GAS ROYALTY RATE CHANGES	<u>George K. Muñoz</u> <u>Elizabeth "Liz"</u> <u>Stefanics</u> <u>Matthew</u> <u>McQueen</u> <u>Javier Martínez</u>	House Energy, Environment & Natural Resources Committee
<u>*SB 33</u>	WILDFIRE PREPARED ACT	<u>Elizabeth "Liz"</u> <u>Stefanics</u> <u>Harlan Vincent</u> <u>Kristina Ortez</u> <u>Anita Gonzales</u>	House Energy, Environment & Natural Resources Committee
<u>SB 36</u>	SENSITIVE PERSONAL INFORMATION NONDISCLOSURE	<u>Antoinette</u> <u>Sedillo Lopez</u> <u>Cristina Parajon</u> <u>Elizabeth "Liz"</u> <u>Stefanics</u> <u>Pamelya</u> <u>Herndon</u>	House Government, Elections & Indian Affairs Committee
<u>SB 47</u>	SANTA CRUZ DE LA CANADA LAND GRANT	<u>Leo Jaramillo</u> <u>Susan K. Herrera</u>	House Rural Development, Land Grants And Cultural Affairs
<u>SB 72</u>	NONPROFIT CONDO ASSOC. REMOTE BUSINESS	<u>Peter Wirth</u> <u>Christine</u> <u>Chandler</u>	House Consumer & Public Affairs Committee
<u>SB 75</u>	EDUCATIONAL RETIREMENT CHANGES	<u>Natalie Figueroa</u>	House Education Committee
<u>SB 82</u>	PUBLIC SCHOOL CAPITAL OUTLAY CHANGES	<u>William P. Soules</u>	House Education Committee
<u>SB 85</u>	CAMPAIGN FINANCE CHANGES	<u>Peter Wirth</u> <u>Heather</u> <u>Berghmans</u> <u>Andrea Romero</u> <u>Matthew</u> <u>McQueen</u>	House Government, Elections & Indian Affairs Committee

<u>SB 109</u>	PRC & SUPPORTING AGENCY	<u>William P. Soules</u>	House Government, Elections & Indian Affairs Committee
<u>SB 124</u>	SUPERINTENDENT OF INSURANCE SUBPOENAS	<u>Katy M. Duhigg</u> <u>Reena Szczepanski</u>	House Government, Elections & Indian Affairs Committee
<u>SB 135</u>	REIMBURSEMENT FOR CERTAIN LEGISLATORS	<u>Peter Wirth</u>	House Government, Elections & Indian Affairs Committee
<u>SB 161</u>	BACKGROUND CHECKS FOR DMA EMPLOYEES	<u>Michael Padilla</u> <u>Harold Pope</u>	House Labor, Veterans' and Military Affairs Committee
<u>*SB 163</u>	TRIBAL REGALIA AT SCHOOL EVENTS	<u>Benny Shendo, Jr.</u> <u>D. Wonda Johnson</u> <u>Angel M. Charley</u> <u>Cindy Nava</u> <u>Michelle Paulene Abeyta</u>	House Education Committee
<u>SB 242</u>	ADVANCING THE SCIENCE OF READING ACT	<u>Mimi Stewart</u> <u>Debra M. Sariñana</u>	House Intro

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Justin S. Greene
Commissioner, District 1

Lisa Cacari Stone
Commissioner, District 2

Camilla Bustamante
Commissioner, District 3



SANTA FE COUNTY

Adam Fulton Johnson
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

MEMORANDUM

Date: February 25, 2025
To: Board of County Commissioners
From: Gregory S. Shaffer, County Manager, Brian K. Snyder, Public Works Department Director, and Jacqueline Beam, Sustainability Manager
Subject: **February 25, 2025, BCC Meeting**
Potential Position on HB212

SUMMARY:

The House Judiciary Committee Substitute for the House Energy, Environment and Natural Resources Committee Substitute for House Bill 212 (HB212) would ban products with an intentionally added per- or poly-fluoroalkyl substance (sometimes, PFAS) from being sold in New Mexico (with certain exceptions). It would vest decision making authority relative to PFAS in products in the Environmental Improvement Board (sometimes, Board).

While the cost to the State to implement HB212 is not insignificant, it is far cheaper than the astronomical costs associated with removing and destroying PFAS from water and wastewater.

BACKGROUND:

HB 212 would place limits on the purchase and sale of products containing intentionally added PFAS on a gradual basis, as follows:

- Beginning January 1, 2027, the state or a person on behalf of the state shall not purchase a product that contains an intentionally added per- or poly-fluoroalkyl substance.
- Beginning January 1, 2027, a manufacturer shall not sell, offer for sale or distribute for sale in this state, directly or indirectly or through intermediaries, the following products if that product contains an intentionally added per- or poly-fluoroalkyl substance:
 - (1) cookware;
 - (2) food packaging;
 - (3) dental floss;
 - (4) juvenile products; and
 - (5) firefighting foam.
- Beginning January 1, 2028, a manufacturer shall not sell, offer for sale or distribute for sale in this state, directly or indirectly or through intermediaries, the following products if that product contains an intentionally added per-or poly-fluoroalkyl substance:
 - (1) carpets or rugs;

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- (2) cleaning products;
 - (3) cosmetics;
 - (4) fabric treatments;
 - (5) feminine hygiene products;
 - (6) textiles;
 - (7) textile furnishings;
 - (8) ski wax; and
 - (9) upholstered furniture.
- Beginning January 1, 2029, a manufacturer shall not sell, offer for sale or distribute for sale in this state, directly or indirectly or through intermediaries, a product containing an intentionally added per- or poly-fluoroalkyl substance, unless the board has adopted a rule providing that the use of the per- or poly-fluoroalkyl substance in that product is a currently unavoidable use.

Before January 1, 2029, the Board may prohibit the sale of other products containing intentionally added PFAS, provided that the prohibition will not go into effect until 6 months later or January 1, 2027, whichever is later.

HB212 contains many exceptions to the prohibition and the Board's authority, as follows:

- (1) a product for which federal law governs the presence of a per- or poly-fluoroalkyl substance in the product in a manner that preempts state authority;
- (2) used products offered for sale or resale;
- (3) medical devices or drugs and the packaging of the medical devices or drugs that are regulated by the United States food and drug administration, including prosthetic and orthotic devices;
- (4) cooling, heating, ventilation, air conditioning or refrigeration equipment that contains intentionally added per- or poly-fluoroalkyl substances or refrigerants listed as acceptable, acceptable subject to use conditions or acceptable to narrowed use limits by the United States environmental protection agency pursuant to the significant new alternatives policy program, 40 Code of Federal Regulations, Part 82, Subpart G and sold, offered for sale or distributed for sale for the use for which the refrigerant is listed pursuant to that program;
- (5) a veterinary product intended for use in or on animals, including diagnostic equipment or test kits and the veterinary product's components and any product that is a veterinary medical device, drug, biologic or parasiticide or that is otherwise used in a veterinary medical setting or in veterinary medical applications that are regulated by or under the jurisdiction of:
 - (a) the United States food and drug administration;
 - (b) the United States department of agriculture pursuant to the federal Virus-Serum-Toxin Act;
 - or
 - (c) the United States environmental protection agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, except that any such products approved by the United States environmental protection agency pursuant to that law for aerial and land application are not exempt from this section;
- (6) a product developed or manufactured for the purpose of public health or environmental or water quality testing;
- (7) a motor vehicle or motor vehicle equipment regulated under a federal motor vehicle safety standard, as defined in 49 United States Code, Section 30102(a)(10), except that the exemption under this paragraph does not apply to any textile article or refrigerant that is included in or as a component part of such products;

(8) any other motor vehicle, including an off-highway vehicle or a specialty motor vehicle, such as an all-terrain vehicle, a side by-side vehicle, farm equipment or a personal assistive mobility device;

(9) a watercraft, an aircraft, a lighter-than air aircraft or a seaplane;

(10) a semiconductor, including semiconductors incorporated in electronic equipment and materials used in the manufacture of semiconductors;

(11) non-consumer electronics and non-consumer laboratory equipment not ordinarily used for personal, family or household purposes;

(12) a product that contains intentionally added per- or poly-fluoroalkyl substances with uses that are currently listed as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits in the United States environmental protection agency's rules under the significant new alternatives policy program; provided that the product contains per- or poly-fluoroalkyl substances that are being used as substitutes for ozone-depleting substances under the conditions specified in the rules;

(13) a product used for the generation, distribution or storage of electricity;

(14) equipment directly used in the manufacture or development of the products described in Paragraphs (1) through (13) of this subsection;

(15) a product for which the board has adopted a rule providing that the use of the per- or poly-fluoroalkyl substance in that product is a currently unavoidable use; or

(16) any consumer product that contains intentionally added per- or poly-fluoroalkyl substances that are approved for sale by the board pursuant to the following:

(a) the board may adopt rules to create, enforce or terminate a per- and poly-fluoroalkyl substance stewardship program for products exempted in this subsection. In establishing a stewardship program, the board may consider statewide collection systems that provide access to the public for the drop-off of consumer products containing an intentionally added per- or poly-fluoroalkyl substance at no cost to the consumer; and

(b) if the board adopts rules to create a per- and poly-fluoroalkyl substance stewardship program, the board shall adopt rules necessary for the implementation and operation of the program, including rules to establish what criteria manufacturers, other entities or organizations must meet to qualify for the program.

In terms of costs, an analysis of a previous version of the bill suggested the recurring cost to the State to implement HB212 would be \$2,187,400 to \$2,316,500.

In contrast, NMED estimates that “the cost to the State of New Mexico to remove and destroy one pound of PFAS from water is between \$2.7 million to \$18 million.”

RECOMMENDATION ACTION:

Support HB212. HB212 is a significant step forward to meeting the goal of keeping unnecessary PFAS out of the environment. Keeping unnecessary PFAS out of the environment is far cheaper and more equitable than trying to remediate PFAS contamination or placing the burden of removal and destruction on water, wastewater, and solid waste disposal systems and their users.

EXHIBITS:

- Exhibit A – HB212

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE ENERGY, ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 212

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE PER- AND POLY-
FLUOROALKYL SUBSTANCES PROTECTION ACT; PROHIBITING CERTAIN
PRODUCTS THAT CONTAIN AN INTENTIONALLY ADDED PER- OR POLY-
FLUOROALKYL SUBSTANCE; AUTHORIZING THE ENVIRONMENTAL
IMPROVEMENT BOARD TO ADOPT RULES PROHIBITING CERTAIN PRODUCTS
THAT CONTAIN AN INTENTIONALLY ADDED PER- OR POLY-FLUOROALKYL
SUBSTANCE; REQUIRING DISCLOSURE OF INFORMATION AND TESTING OF
PRODUCTS SOLD, OFFERED FOR SALE OR DISTRIBUTED FOR SALE IN THIS
STATE THAT CONTAIN AN INTENTIONALLY ADDED PER- OR POLY-
FLUOROALKYL SUBSTANCE; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Per- and Poly-Fluoroalkyl Substances Protection
Act".

.230797.4

underscored material = new
[bracketed material] = delete

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1 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
2 Per- and Poly-Fluoroalkyl Substances Protection Act:

3 A. "board" means the environmental improvement
4 board;

5 B. "carpet or rug" means a fabric marketed or
6 intended for use as a floor covering;

7 C. "chemical" means a substance with a distinct
8 molecular composition or a group of structurally related
9 substances and includes the breakdown of products of the
10 substance or substances that form through decomposition,
11 degradation or metabolism;

12 D. "cleaning product" means a finished product used
13 for general cleaning purposes, including:

14 (1) a polish or floor maintenance product;

15 (2) an air care product labeled for the
16 intended use of enhancing or conditioning the indoor
17 environment by eliminating unpleasant odors or freshening the
18 air; and

19 (3) an automotive maintenance product labeled
20 for the intended use of maintaining the appearance of a motor
21 vehicle, but does not include automotive paint or paint repair
22 products;

23 E. "consumer product" means a tangible personal
24 property that is distributed in commerce and normally used for
25 personal, family or household use, including product categories

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[bracketed material] = delete

1 that are normally used in households but designed for or sold
2 to businesses, such as commercial carpet or floor waxes;

3 F. "cookware" means durable houseware items used to
4 prepare, dispense or store food, foodstuffs or beverages;

5 G. "cosmetic" means a product or product component,
6 other than soap, intended to be applied to the human body for
7 cleansing, beautifying or promoting attractiveness;

8 H. "currently unavoidable use" means a use of a
9 per- or poly-fluoroalkyl substance that the board has
10 determined by rule to be essential for health, safety or the
11 functioning of society and for which alternatives are not
12 reasonably available;

13 I. "department" means the department of
14 environment;

15 J. "fabric treatment" means a substance applied to
16 fabric for stain, grease or water resistance or flame
17 retardance;

18 K. "feminine hygiene product" means a disposable or
19 reusable product to collect menstruation and vaginal discharge,
20 including tampons, pads, sponges, menstruation underwear,
21 discs, applicators and menstruation cups;

22 L. "firefighting foam" means a class B firefighting
23 foam intended for use to control or extinguish a fire;

24 M. "food packaging" means a container, unit
25 package, intermediate package or shipping container applied to

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1 or providing a means to market, protect, handle, deliver,
2 serve, contain or store a food or beverage, including an
3 individual assembled part of a food package;

4 N. "intentionally added" means a per- or poly-
5 fluoroalkyl substance deliberately added or used during the
6 manufacture of a product where the continued presence, at any
7 level or concentration, of the per- or poly-fluoroalkyl
8 substance is desired or expected in the final product or one of
9 the product's components;

10 O. "juvenile product" means a product designed or
11 marketed for use by children under twelve years old, including
12 children's car seats, clothing and toys, but does not include
13 an electronic product, including:

- 14 (1) personal computers and any associated
15 equipment;
- 16 (2) audio and video equipment;
- 17 (3) calculators;
- 18 (4) wireless phones;
- 19 (5) gaming consoles;
- 20 (6) handheld devices incorporating a video
21 screen; and
- 22 (7) any associated peripheral device, such as
23 a mouse, keyboard, power supply unit or power cord;

24 P. "manufacturer" means:

- 25 (1) a person, a firm, an association, a

1 partnership, a corporation, an organization, a combination or a
2 joint venture that creates, produces or assembles a product or
3 whose brand name is affixed to a product; or

4 (2) in the case of a product imported into the
5 United States, an importer or first domestic distributor of the
6 product; provided that the person that created, produced or
7 assembled the product or whose brand name is affixed to the
8 product does not have an office or employees in the United
9 States;

10 Q. "medical device" means an instrument, apparatus,
11 an implement, a machine, an implant, an in vitro reagent or
12 other similar or related device, including any component or
13 accessory, that is a product regulated as a drug or medical
14 device by the United States food and drug administration under
15 the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et
16 seq.:

17 (1) recognized in an official compendium;

18 (2) intended for use in the diagnosis of
19 disease or other conditions, or in the cure, mitigation,
20 treatment or prevention of disease, in a human or an animal; or

21 (3) intended to affect the structure or
22 function of the body of a human or an animal and that does not
23 achieve its principal intended purposes through chemical action
24 within or on the body of a human or an animal and that is not
25 dependent on being metabolized for achievement of its principal

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1 intended purpose;

2 R. "per- or poly-fluoroalkyl substance" means a
3 substance in a class of fluorinated organic chemicals
4 containing at least one fully fluorinated carbon atom that is
5 solid or liquid at standard temperature and pressure;

6 S. "product" means an item created, produced,
7 assembled, packaged or otherwise prepared for sale to a
8 consumer, including a product component sold or distributed for
9 personal, residential, commercial or industrial use or for use
10 in making a product;

11 T. "ski wax" means a lubricant applied to the
12 bottom of a snow runner, including a ski or snowboard, to
13 improve grip or glide properties and includes associated tuning
14 products;

15 U. "textile" means an item made in whole or in part
16 from a natural or synthetic fiber, yarn or fabric, including
17 leather, cotton, silk, jute, hemp, wool, viscose, nylon or
18 polyester;

19 V. "textile furnishings" means a textile product
20 made in whole or part from a natural or synthetic fiber, yarn
21 or fabric that is used as furniture or a decorative accessory;
22 and

23 W. "upholstered furniture" means furniture that is
24 wholly or partially stuffed with a filling material.

25 SECTION 3. [NEW MATERIAL] PROHIBITION ON PRODUCTS

.230797.4

1 CONTAINING PER- OR POLY-FLUOROALKYL SUBSTANCES--EXEMPTIONS.--

2 A. Subsections B through G of this section do not
3 apply to:

4 (1) a product for which federal law governs
5 the presence of a per- or poly-fluoroalkyl substance in the
6 product in a manner that preempts state authority;

7 (2) used products offered for sale or resale;

8 (3) medical devices or drugs and the packaging
9 of the medical devices or drugs that are regulated by the
10 United States food and drug administration, including
11 prosthetic and orthotic devices;

12 (4) cooling, heating, ventilation, air
13 conditioning or refrigeration equipment that contains
14 intentionally added per- or poly-fluoroalkyl substances or
15 refrigerants listed as acceptable, acceptable subject to use
16 conditions or acceptable to narrowed use limits by the United
17 States environmental protection agency pursuant to the
18 significant new alternatives policy program, 40 Code of Federal
19 Regulations, Part 82, Subpart G and sold, offered for sale or
20 distributed for sale for the use for which the refrigerant is
21 listed pursuant to that program;

22 (5) a veterinary product and its packaging
23 intended for use in or on animals, including diagnostic
24 equipment or test kits and the veterinary product's components
25 and any product that is a veterinary medical device, drug,

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1 biologic or parasiticide or that is otherwise used in a
2 veterinary medical setting or in veterinary medical
3 applications that are regulated by or under the jurisdiction
4 of:

5 (a) the United States food and drug
6 administration;

7 (b) the United States department of
8 agriculture pursuant to the federal Virus-Serum-Toxin Act; or

9 (c) the United States environmental
10 protection agency pursuant to the Federal Insecticide,
11 Fungicide, and Rodenticide Act, except that any such products
12 approved by the United States environmental protection agency
13 pursuant to that law for aerial and land application are not
14 exempt from this section;

15 (6) a product developed or manufactured for
16 the purpose of public health or environmental or water quality
17 testing;

18 (7) a motor vehicle or motor vehicle equipment
19 regulated under a federal motor vehicle safety standard, as
20 defined in 49 United States Code, Section 30102(a)(10), except
21 that the exemption under this paragraph does not apply to any
22 textile article or refrigerant that is included in or as a
23 component part of such products;

24 (8) any other motor vehicle, including an
25 off-highway vehicle or a specialty motor vehicle, such as an

.230797.4

1 all-terrain vehicle, a side by-side vehicle, farm equipment or
2 a personal assistive mobility device;

3 (9) a watercraft, an aircraft, a lighter-than-
4 air aircraft or a seaplane;

5 (10) a semiconductor, including semiconductors
6 incorporated in electronic equipment, and materials used in the
7 manufacture of semiconductors;

8 (11) non-consumer electronics and non-consumer
9 laboratory equipment not ordinarily used for personal, family
10 or household purposes;

11 (12) a product that contains intentionally
12 added per- or poly-fluoroalkyl substances with uses that are
13 currently listed as acceptable, acceptable subject to use
14 conditions or acceptable subject to narrowed use limits in the
15 United States environmental protection agency's rules under the
16 significant new alternatives policy program; provided that the
17 product contains per- or poly-fluoroalkyl substances that are
18 being used as substitutes for ozone-depleting substances under
19 the conditions specified in the rules;

20 (13) a product used for the generation,
21 distribution or storage of electricity;

22 (14) equipment directly used in the
23 manufacture or development of the products described in
24 Paragraphs (1) through (13) of this subsection;

25 (15) a product for which the board has adopted

.230797.4

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1 a rule providing that the use of the per- or poly-fluoroalkyl
2 substance in that product is a currently unavoidable use;

3 (16) any consumer product that contains
4 intentionally added per- or poly-fluoroalkyl substances that
5 are approved for sale by the board pursuant to the following:

6 (a) the board may adopt rules to create,
7 enforce or terminate a per- and poly-fluoroalkyl substance
8 stewardship program for products exempted in this subsection.
9 In establishing a stewardship program, the board may consider
10 statewide collection systems that provide access to the public
11 for the drop-off of consumer products containing an
12 intentionally added per- or poly-fluoroalkyl substance at no
13 cost to the consumer; and

14 (b) if the board adopts rules to create
15 a per- and poly-fluoroalkyl substance stewardship program, the
16 board shall adopt rules necessary for the implementation and
17 operation of the program, including rules to establish what
18 criteria manufacturers, other entities or organizations must
19 meet to qualify for the program; or

20 (17) a product that contains fluoropolymers
21 consisting of polymeric substances for which the backbone of
22 the polymer is either a per- or polyfluorinated carbon-only
23 backbone or a perfluorinated polyether backbone that is a solid
24 at standard temperature and pressure.

25 B. Beginning January 1, 2027, the state or a person

1 on behalf of the state shall not purchase a product that
2 contains an intentionally added per- or poly-fluoroalkyl
3 substance.

4 C. Beginning January 1, 2027, a manufacturer shall
5 not sell, offer for sale or distribute for sale in this state,
6 directly or indirectly or through intermediaries, the following
7 products if that product contains an intentionally added per-
8 or poly-fluoroalkyl substance:

- 9 (1) cookware;
- 10 (2) food packaging;
- 11 (3) dental floss;
- 12 (4) juvenile products; and
- 13 (5) firefighting foam.

14 D. Beginning January 1, 2028, a manufacturer shall
15 not sell, offer for sale or distribute for sale in this state,
16 directly or indirectly or through intermediaries, the following
17 products if that product contains an intentionally added per-
18 or poly-fluoroalkyl substance:

- 19 (1) carpets or rugs;
- 20 (2) cleaning products;
- 21 (3) cosmetics;
- 22 (4) fabric treatments;
- 23 (5) feminine hygiene products;
- 24 (6) textiles;
- 25 (7) textile furnishings;

.230797.4

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- 1 (8) ski wax; and
- 2 (9) upholstered furniture.

3 E. The board may adopt rules to prohibit consumer
4 products that contain an intentionally added per- or poly-
5 fluoroalkyl substance by category or use that a manufacturer
6 may not sell, offer for sale or distribute for sale in this
7 state, directly or indirectly or through intermediaries, upon a
8 finding that a prohibition on the product is necessary to
9 protect human health or the environment. The board shall set
10 effective dates for a prohibition established by rule pursuant
11 to this subsection; provided that the board shall not set an
12 effective date for the prohibition of a product less than six
13 months after the adoption of the final rule to prohibit the
14 product or earlier than January 1, 2027. The board shall
15 prioritize the prohibition of consumer products containing an
16 intentionally added per- or poly-fluoroalkyl substance that are
17 most likely to harm human health or contaminate the
18 environment.

19 F. Beginning January 1, 2029, a manufacturer shall
20 not sell, offer for sale or distribute for sale in this state,
21 directly or indirectly or through intermediaries, a product
22 containing an intentionally added per- or poly-fluoroalkyl
23 substance, unless the board has adopted a rule providing that
24 the use of the per- or poly-fluoroalkyl substance in that
25 product is a currently unavoidable use. The board may adopt

.230797.4

1 rules to designate that the use of a per- or poly-fluoroalkyl
 2 substance in a certain product is a currently unavoidable use;
 3 provided that the use of a per- or poly-fluoroalkyl substance
 4 in a product listed in Subsection C or D of this section is
 5 prohibited and shall not be designated as a currently
 6 unavoidable use.

7 G. The department shall consult with the New Mexico
 8 department of agriculture before petitioning the board pursuant
 9 to Subsection E or F of this section with respect to a
 10 pesticide, fertilizer, agricultural liming material or plant or
 11 soil amendment that contains an intentionally added per- or
 12 poly-fluoroalkyl substance. However, if a pesticide is
 13 regulated by or under the jurisdiction of the Federal
 14 Insecticide, Fungicide, and Rodenticide Act, then Subsections B
 15 through F of this section do not apply to the pesticide.

16 **SECTION 4. [NEW MATERIAL] RULES.--**

17 A. The board shall adopt rules to:

18 (1) create a series of ranges for the amount
 19 of a per- or poly-fluoroalkyl substance in a product that
 20 contains an intentionally added per- or poly-fluoroalkyl
 21 substance for reporting purposes unless exempted in Subsection
 22 A of Section 3 of the Per- and Poly-Fluoroalkyl Substances
 23 Protection Act;

24 (2) identify currently unavoidable uses of a
 25 per- or poly-fluoroalkyl substance that are essential for

.230797.4

1 health, safety or the functioning of society and for which
2 alternatives are not reasonably available unless exempted in
3 Subsection A of Section 3 of the Per- and Poly-Fluoroalkyl
4 Substances Protection Act; and

5 (3) as pertaining to firefighting foam:

6 (a) require a periodic inventory of
7 firefighting foam quantifies stored or used in New Mexico;

8 (b) require the use of firefighting foam
9 for emergency purposes only; and

10 (c) require the cleanup of discarded
11 firefighting foam pursuant to the Hazardous Waste Act.

12 For purposes of this subsection, "emergency purposes" does
13 not include training or the use of firefighting foam in fire
14 suppression systems.

15 B. The board may:

16 (1) adopt other rules that the board deems
17 necessary to carry out the provisions of the Per- and Poly-
18 Fluoroalkyl Substances Protection Act, including requiring the
19 labeling of products in English and Spanish; and

20 (2) consider determinations made by other
21 states with respect to currently unavoidable uses for products
22 containing intentionally added per- or poly-fluoroalkyl
23 substances.

24 SECTION 5. [NEW MATERIAL] RULES--INFORMATION REQUIRED--
25 EXTENSIONS--WAIVERS.--

.230797.4

1 A. The board shall adopt rules that enumerate the
2 information required of a manufacturer and necessary for the
3 department to implement the Per- and Poly-Fluoroalkyl
4 Substances Protection Act. The information required shall
5 include:

6 (1) a brief description of the product,
7 including a universal product code, stock keeping unit or other
8 numeric code assigned to the product;

9 (2) the purpose for which a per- or poly-
10 fluoroalkyl substance is used in the product;

11 (3) the amount of each per- or poly-
12 fluoroalkyl substance in the product, identified by its
13 chemical abstracts service registry number and reported as an
14 exact quantity determined using commercially available
15 analytical methods or as falling within a range approved for
16 reporting purposes by the department;

17 (4) the name and address of the manufacturer
18 and the name, address and phone number of a contact person for
19 the manufacturer; and

20 (5) any additional information requested by
21 the department as necessary.

22 B. On or before January 1, 2027, a manufacturer of
23 a product sold, offered for sale or distributed for sale in the
24 state, directly or indirectly or through intermediaries, that
25 contains an intentionally added per- or poly-fluoroalkyl

.230797.4

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1 substance shall submit to the department the information
2 required by Subsection A of this section or a rule adopted
3 pursuant to that subsection.

4 C. On or after January 1, 2028, a manufacturer
5 shall not sell, offer for sale or distribute for sale in this
6 state, directly or indirectly or through intermediaries, a
7 product if testing requested by the department demonstrates
8 that the product contains an intentionally added per- or poly-
9 fluoroalkyl substance and the manufacturer has failed to
10 provide the department the information required by Subsection A
11 of this section or a rule adopted pursuant to that subsection.

12 D. On or after January 1, 2028, a manufacturer
13 shall not sell, offer for sale or distribute for sale in this
14 state, directly or indirectly or through intermediaries, a
15 product that contains an intentionally added per- or poly-
16 fluoroalkyl substance unless the manufacturer has submitted to
17 the department the information required by Subsection A of this
18 section or a rule adopted pursuant to that subsection. A
19 product reported pursuant to this subsection containing an
20 intentionally added per- or poly-fluoroalkyl substance may be
21 prohibited from sale pursuant to the Per- and Poly-Fluoroalkyl
22 Substances Protection Act and to rules adopted pursuant to that
23 act.

24 E. A manufacturer shall submit a revision of the
25 information provided on a product within thirty days of a

.230797.4

1 significant change to the information the manufacturer
2 previously submitted or upon the request of the department.

3 F. Upon written approval from the department, a
4 manufacturer may provide the information required by this
5 section to the department for a category or type of product or
6 product component.

7 G. The department may waive the obligation of a
8 manufacturer to submit all or part of the information required
9 by this section if the department determines that substantially
10 equivalent information is already publicly available. The
11 department may grant a waiver to a manufacturer or a group of
12 manufacturers for multiple products or a product category.

13 H. The department may enter into an agreement with
14 one or more other states or political subdivisions of a state
15 to collect information and may accept information to a shared
16 system as meeting the information requirements of this section.

17 I. The department may extend the deadline for a
18 manufacturer to submit the information required by this section
19 upon a determination by the department that the circumstances
20 merit an extension of time.

21 J. Upon receiving information from a manufacturer,
22 the department shall notify the manufacturer that adequate
23 information has been received or that additional information is
24 required. A manufacturer shall submit to the department any
25 additional information requested by the department within

.230797.4

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1 thirty days of the request.

2 K. The requirements of this section do not apply to
3 products that are exempt pursuant to Subsection A of Section 3
4 of the Per- and Poly-Fluoroalkyl Substances Protection Act.

5 SECTION 6. [NEW MATERIAL] TESTING REQUIRED--CERTIFICATE
6 OF COMPLIANCE--EXEMPTION.--

7 A. If the department has reason to believe that a
8 product containing an intentionally added per- or poly-
9 fluoroalkyl substance is being sold, offered for sale or
10 distributed for sale in the state, directly or indirectly or
11 through intermediaries, the department may direct the
12 manufacturer of the product to, within thirty days, provide the
13 department with testing results that demonstrate the amount of
14 each per- or poly-fluoroalkyl substance, identified by its
15 chemical abstracts service registry number, in the product,
16 reported as an exact quantity determined using commercially
17 available analytical methods or as falling within a range
18 approved for reporting purposes by the department.

19 B. If testing demonstrates that the product does
20 not contain an intentionally added per- or poly-fluoroalkyl
21 substance, the manufacturer shall provide the department with a
22 certificate of compliance attesting that the product does not
23 contain an intentionally added per- or poly-fluoroalkyl
24 substance, the testing results and any other relevant
25 information.

.230797.4

1 C. If testing demonstrates that the product
2 contains an intentionally added per- or poly-fluoroalkyl
3 substance, the manufacturer shall:

4 (1) provide to the department, within thirty
5 days, the information required for a product pursuant to the
6 Per- and Poly-Fluoroalkyl Substances Protection Act or rules
7 adopted pursuant to that act; and

8 (2) notify a person that sells, offers for
9 sale or distributes the product for sale in this state that the
10 product is prohibited in this state and provide the department
11 with a list of the names and addresses of the people notified.

12 D. The department may notify a person that sells,
13 offers for sale or distributes for sale in this state a product
14 prohibited by the Per- and Poly-Fluoroalkyl Substances
15 Protection Act or rules adopted pursuant to that act that the
16 product is prohibited in this state.

17 E. The provisions of this section do not apply to a
18 medical device or drug or the packaging of a medical device or
19 drug that is regulated by the United States food and drug
20 administration.

21 SECTION 7. [NEW MATERIAL] ENFORCEMENT--CIVIL PENALTY.--

22 A. A person that violates a provision of the Per-
23 and Poly-Fluoroalkyl Substances Protection Act or a rule
24 adopted pursuant to that act shall be assessed a civil penalty
25 not to exceed fifteen thousand dollars (\$15,000), and for each

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1 day during which any portion of a violation occurs, the
2 department may assess the person administrative costs the
3 department incurs for enforcement of the Per- and Poly-
4 Fluoroalkyl Substances Protection Act or a rule adopted
5 pursuant to that act.

6 B. A person that fails to comply with an
7 administrative order issued pursuant to the Per- and Poly-
8 Fluoroalkyl Substances Protection Act or a rule adopted
9 pursuant to that act may be assessed, pursuant to a court
10 order, a civil penalty of not more than twenty-five thousand
11 dollars (\$25,000) for each day of noncompliance.

12 C. Penalties imposed pursuant to this section are
13 independent of any damages, remediation or cleanup costs,
14 environmental restoration costs or other monetary or
15 nonmonetary remedies that may be imposed by statutory,
16 decisional or regulatory laws.

17 D. In an action to enforce the provisions of the
18 Per- and Poly-Fluoroalkyl Substances Protection Act or an
19 ordinance, rule or order adopted, imposed or issued pursuant to
20 that act:

21 (1) the department shall be represented by the
22 attorney general or the department;

23 (2) a municipality shall be represented by the
24 attorney general or the municipality; and

25 (3) a county shall be represented by the

.230797.4

1 district attorney within whose district the county lies.

2 E. Penalties collected pursuant to this section
3 shall be deposited in the recycling and illegal dumping fund.

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