

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING

February 14, 2023

Anna Hansen, Chair - District 2
Hank Hughes, Vice Chair - District 5
Camilla Bustamante - District 3
Justin Greene - District 1
Anna T. Hamilton - District 4

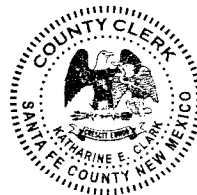
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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 91

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Witness My Hand And Seal Of Office
Katharine E. Clar

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

February 14, 2023

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:06 p.m. by Chair Anna Hansen in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

Commissioner Anna Hansen, Chair
Commissioner Hank Hughes, Vice Chair
Commissioner Anna Hamilton
Commissioner Camilla Bustamante
Commissioner Justin Greene

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hansen and the Moment of Reflection by Anne Garcia from the County Manager's Office.

Commissioner Hansen requested a moment of silence for the victims of the latest mass shooting, and Commissioner Greene asked for a moment of silence for Cita Riley, executive director of the Youth Symphony.

F. Approval of Agenda

CHAIR HANSEN: Manager Shaffer.

GREG SHAFFER (County Manager): Thank you, Madam Chair and Commissioners. The initial agenda for today's meeting was posted last Tuesday at approximately 5:50 p.m. and an amended agenda was posted on Saturday before the 72-hour deadline established by the Open Meetings Act.

In terms of changes between the two, item 3. B, was added to the amended

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agenda. Consent Agenda item 4. A, we had packet material updated, and Miscellaneous Action item 6. B was added to the agenda as were two items under Matters from the County Attorney, Executive Session.

In terms of changes that are proposed for today, we would like to withdraw Consent Agenda item 4. E and bring that back to the Board at its next meeting on February 28th. Public Works is doing some final due diligence on that item. So again, we would respectfully request that any motion to approve the agenda include the withdrawal of Consent Agenda 4. E with the expectation that it will be presented to the Board on February 28th. Thank you.

CHAIR HANSEN: Thank you, Mr. Shaffer. Is there any other changes from the agenda? I am going to allow Matters of Public Concern a couple times during our meeting and I'll move one up to after the Consent Agenda. So I just wanted to notice that. Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, I just want to move to approve the agenda with that modification and the other changes.

COMMISSIONER GREENE: I'll second.

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

2. APPROVAL OF MEETING MINUTES

A. Request Approval of the January 10, 2023 Meeting Minutes

CHAIR HANSEN: Can I have a motion to approve the minutes?

COMMISSIONER HAMILTON: Madam Chair, I'll go ahead and move to approve the minutes.

COMMISSIONER GREENE: And I'll second as well.

CHAIR HANSEN: Okay the request approval of the January 10, 2023 Board of County Commissioners meeting minutes, motion made by Commissioner Hamilton, seconded by Commissioner Greene.

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

B. Request Approval of the January 13, 2023 Special Meeting Minutes

COMMISSIONER BUSTAMANTE: Madam Chair, so moved to pass the special meeting minutes.

COMMISSIONER HUGHES: Second.

COMMISSIONER GREENE: Madam Chair, I'm also going to abstain from this as I was not in attendance.

CHAIR HANSEN: So I have a motion by Commissioner Bustamante and a second by Commissioner Hughes.

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

3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS

A. Resolution No. 2023-___, a Resolution Supporting the Study of the Creation of a Regional Collaboration with the Purpose of Developing an Applied Science and Technology Collaboration Institute Dedicated to Achieving Global Sustainability

CHAIR HANSEN: Commissioner Greene and Commissioner Hughes.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Commissioners, and thank you, Commissioner Hughes for signing on to this measure. This is my first resolution so if I look nervous or sound nervous, I am nervous. So my apologies for that. Thank you, Madam Chair and thank you, Commissioners, for hearing this resolution today. This is a concept that originated at a LANL meeting in 2019 that asked our communities for ideas that would help our economic development. Triad, LLC, the lab manager, and Battelle Memorial Institute were in town offering support for local organized projects such as this. We discussed the collaboration center and continued discussing it for a few months until COVID sidetracked everything.

As you probably know the DOE lab system has 19 national labs that traditionally and systematically work in silos, mostly for national security reasons but also for intellectual property reasons. This siloing makes collaboration difficult. The DOE collaboration center that we're proposing is meant to become the home of cross-lab collaboration that would bring to market and focus on local sustainability projects. A DOE collaboration center is envisioned to be a research park for post-docs and professional fellows to work together on energy transition solutions for communities around the world.

Cities like Utica, New York, states like Utah, or countries like Uganda – these communities would send delegations to the collaboration center to find solutions for their communities transformation into a more sustainable model. Energy transition, urban development, agricultural transformation and all of the innovations that our national labs can help with would be packaged to be turn-key projects for these communities.

While there are not any hard numbers and everything is an proposal, sort of sketched out conceptual ideal and there's no scale or location for this it is estimated the center would be for about 800 staff and fellows. It would need a small campus of three to four buildings, and it would be housed somewhere like the mid-town campus but there are plenty of other opportunities around the Santa Fe area.

The goal of this resolution is to get the ball rolling on this project. This is an incubator for social and environmental justice projects and all of the players we've talked to – stakeholders – are all in support of this. However, they're looking for the leadership in the organization to take the reins of this. So I respectfully ask that Santa Fe County pick up on this.

We've secured \$100,000 of junior money from the legislature, although that hasn't been finally signed off, but we do have it in the paperwork. I met with the Governor yesterday regarding this. She is encouraging us and working with her staff to see how she can support it, either through higher ed or economic development or other parts of her office there. I respectfully ask my fellow Commissioners to approve this

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resolution so we can make this vision a reality and make Santa Fe a home for global sustainability solutions. Thank you, Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you. I was happy that Commissioner Greene is bringing this forward. I think it's a great idea to make Santa Fe and the Los Alamos area a center for sustainable technologies and the research we're going to need to fight climate change and survive on this planet and so I was happy to co-sponsor it. I think it's just a fabulous idea, and of course it's all contingent upon getting some funding and perhaps hiring a consultant or the Coalition of Sustainable Communities to actually do the work. Thank you.

CHAIR HANSEN: Thank you. Is there anybody else? Commissioner Hamilton.

COMMISSIONER HAMILTON: I have some questions. So the points that both Commissioners made are really good. The idea of having a collaborative – of course we have the Santa Fe Institute. They do a fair amount of climate change and sustainability research. Having this kind of collaboration seems like a great idea. I'd really appreciate it if you could discuss some specifics in terms of the County's participation, in terms of staff resources and dollar resources. Because to be honest, this is not on the strategic plan and we have a lot of things that are on the strategic plan that are committed to, and so that's what this is in competition with.

And while I'd love to see this happen in general, I'd like to know what the County's input is for this.

CHAIR HANSEN: Commissioner Greene. I want to take the liberty of saying a few words, because I also too have thought about this and staff time and staff resources, and what I have thought would be possibly a solution to that is we are partners with the Coalition of Sustainable Communities of New Mexico and this is definitely something that Beth Beloff and others have been talking about for quite some time. This is not a brand new idea. There are many people who have been considering this idea. And so since we are partners with the Coalition I think that they might be in a position for us to contract with them to work on this kind of a project.

So it's not a complete answer but it's another idea and possibly another avenue that we could come to to help make sure that our staff is not overworked by contracting it out to somebody else. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair and Commissioner Hamilton. That is the model that is sort of foreseen in this is to have a contractor that would come on board. The junior money is currently not really supposed to go to towards full time employees, although some administrative use is allowed, but one of the rules at the legislature this year was that any junior money could not be for full time employees. So I'm discussing this with the representatives in the Governor's Office they said, how does it fit the rules and I said we're going to have a contractor for this to make sure that this is not overburdening our staff or creating a full time position.

In terms of how it fits in the strategic plan, in discussions with staff this has been mentioned as aligned with the strategic plan, although maybe not a specific project in the strategic plan, it definitely aligns with the economic development goals, the sustainability goals, and I think the economic development and workforce development goals of the

strategic plan.

COMMISSIONER HAMILTON: I understand there is no question the critical importance of sustainability and climate change work, and I can see that having an institute that offers job opportunities for people – that’s good. But to be honest, I’m the environmental scientist up here. I’ve dedicated my life to doing work just like this. I think it’s critically important. So sometimes I wonder why it’s me in this position of having this come out of my mouth, but as great an idea as this is, this first of all is taking – is getting capital money from the legislature which didn’t go – they’re only going to give a certain amount of money to Santa Fe County. They have a lot of money this year. But they’re still only proportioning it out.

All the projects that we spent a year and multiple years developing a process to get projects on the ICIP and think about strategically how we – marrying that to the strategic plan as well, thinking about what we were going to ask the legislature for, what things we thought were most important to support.

On a [inaudible] going and asking for a different input to Santa Fe County for something that isn’t on the strategic plan and isn’t on the capital outlay and wasn’t voted on by the Board is called freelancing. And I have a little bit of – I’m very sympathetic but I’m also – I have a problem with it.

So we are trying to figure out how we have the coverage if Public Works, having quite the conversation for certain BDD undertakings that are critical and they don’t have enough staff to turn the air conditioning and the heating on and off all the time. So we have this whole staffing thing we’re trying to do and I have some real concerns that there are a lot of fabulous ideas but why would we implement this one this year? We haven’t even gotten back around to doing the plastic bag ban, which we only postponed because of staffing considerations.

So I’m just concerned about the timing of this. You don’t start something like this and – there’s a term. I know there’s a baseball term about soft-lobbing it or something, and do it half-way. That would be a mistake. This is something that is a big commitment, and maybe it’s timely – it is definitely timely content-wise. Maybe it’s timely from the point of view of the legislature, but I think it’s a problem from my perspective in competition for the County level of commitment. What we’re committed to doing is our core responsibilities.

COMMISSIONER BUSTAMANTE: Madam Chair, when you have an opportunity.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, and I appreciate the endeavor. I too have held the title environment scientist. I have my advanced degree in environmental epidemiology. I have worked on the tenet, when I left Los Alamos National Laboratory after 17 years, from a people’s ecology, the definition of sustainability, healthy environment, healthy people, healthy culture, healthy people. And one thing I’m going to do to start this conversation is to say we can’t solve our problems with the same – and I’m paraphrasing Einstein – we can’t solve our problems with the same level of thinking we used that created them.

When I looked at this, and the one thing that just really concerns me immediately is the weight and the value that we’re putting on national laboratories. We’re lucky we’re

between two national laboratories, but we also have consequences of being between two national laboratories as well, when we talk about Battelle being – there are 19 national laboratories, eight run by the same contractor. Ironically and interestingly, we have 19 tribes and we have eight northern pueblos. So the same amount.

And the one thing that I'll say that is a quote from Greg Cajete is there is no such thing as primitive in what western culture has tried to teach us what is primitive. I don't mean any ill respect for what the sciences are that the national labs have brought but that is the same problem if we're not working with community when we get to – the one thing for this to actually fly would be that we would all have to agree on what sustainability is. And when I look at applied science as the solutions to our problems, and applied engineering, we have applied science and engineering to the point of question. And we really do need to think differently about those processes. And none of this is brand new because I was frankly, in 2003, working for Beverly Ausmus Ramsey, who was the head of environmental programs at Los Alamos National Lab. And she was a Cherokee member but also the head of environmental programs at Los Alamos.

This idea was one where this really should, because of the values we have in Santa Fe, this should be a location for an environmentally based national lab that solves problems of this nature. And Dr. Ramsey was very clear and I get it, and I hope that more of us will, global solutions are effected at local levels. We won't have planes, trains and automobiles come into Santa Fe in the interest of global sustainability. Those issues of water, air quality, agriculture, have to be solved at the local community level where they reside.

When we look to the national labs to help us solve some of those problems we have collaborations. We have partnerships. We have amazing programs. We do have the School for Advanced Research. We do have the Santa Fe Institute. This talks about our only tier one institution, the University of New Mexico, but I'm going to say none of this document touches on the other stakeholders, and those are the people eating the food that comes from this ground, breathing the air that is here that we breathe and the water that is available where we are, in Northern New Mexico College, Santa Fe Community College – no, they are not tier one institutions. University of New Mexico/Los Alamos, University of New Mexico/Taos, Luna Community College and Highlands, all in this particular region, that have very local and desperate issues that this basically supplants as much as this basically supplants process of what this County would need to do to actually address sustainability. This County is tasked to address those issues by which we've been elected to represent and serve, for those individuals who are living here.

That being said, with the 19 tribes, pueblos, eight of them in our area. A couple of them right in your district, to put forth the wisdom of how we're going to address sustainability issues at the applied science level and negating – oh, and by the way, it's a great move to identify the values of our indigenous communities. I say you're looking at the wrong place for how we're going to solve these problems. The same problems that we have right now are the same thinking of this mastermind science collective thinking that has nothing to do with the values of people who live on the land.

That being said, I'm going to give a few really awesome examples of amazing collaboration that are at the Santa Fe Incubator born of the concepts of – actually it was 1994 when this concept started the first time I heard it. The first time. And it was about

economic development and it was about how can the laboratory do things to help us do tech transfer from Los Alamos. Santa Fe Incubator was birthed at that time and we do have the consortium there. The consortium are higher ed institutions that come to Los Alamos to do research to continue to move forward.

So it's exactly what this is saying. So we're supplanting process. We're supplanting institutions that already do this work. Santa Fe Community College, the little peanut that it is, and I'm grateful to say that I was a dean there for a number of years as the dean of trades, advanced technology over the innovation center that addresses global issues and at the local level. At Santa Fe Community College level alone, at the college innovation center, the work with the New Mexico Consortium have projects on the ground doing research at Santa Fe Community College and other rented sites, but they do that through the Community College.

UbiQD Solar Film Technologies that are being diffused internationally. The Aquaponics AI, which is smart centers for plant health. Things that where we are, how do you know how, and what can you do to have a plant that's healthy under the stress conditions that we have in climate change. And guess what. It's going to be different in Tennessee than it's going to be in Santa Fe. So the beauty of that is it's a solution but it's a technical capability and Ubiquity is how you say their name. They're doing this here so that they can transfer that technology elsewhere.

We have Growvera water sensors for plant and advance water energy reduction, so that we can actually grow plants under stressed resources. New Mexico Integrated solar manufacturing. Star Sailor Energy for wind energy. ATEC, which ATEC is a national and international entity for the algae work that is part of the collaboration of which Santa Fe Community College does both at the campus here off of Richards, and up in Los Alamos. I can continue down the list. BHP, for using algal models for groundwater remediation and cleanup. AIA Measurement Systems for contamination and frankly any kind of measurement for environmental quality. Avisia Rapid Respiratory Infection Detection. They have a partnership with Tito's, so if none of that was interesting at least you know they have vodka. The NTX Bio. NTX Bio is a hotshot. They came straight out of Harvard. Went to Los Alamos National Lab. Ran their operation out of Santa Fe Community College and have now moved because they outgrew Santa Fe to Albuquerque.

This is a partial list. We have the MIT folks, Sarah Boisvert, who's done amazing work. We have this already, is the bottom line. And to have an institute that is focused on all of the resources that are from elsewhere are not respective of those who would be ones supplanted, overlooked, bypassed by planes, trains, automobiles to create something where everyone would come here to have a global solution. There is good work already happening.

Again, I go back to the Greg Cajete healthy environment, healthy community, healthy culture, healthy people. It's all about doing things at the local level that have a greater expanse. I can continue, and I have spent semesters teaching sustainability to students, and I appreciate the amount of time that I've been given to have this conversation right now. I love the thought behind it. But with all due respect, a one-man show does not a policy make. This really requires a voice of our native communities who have really demonstrated what sustainability looks like. To accept this and to walk away

with only the advancement of the sciences that come from our national laboratories without the respect that comes for those who have been living on this land, with this land, at the local level would be a bad move on the part of Santa Fe County. And I really respectfully ask that we do continue thinking this way, but we start to think about how we're going to have these conversations involving more of those stakeholders and more of those who have demonstrated community resilience and sustainability now for centuries as we are all newcomers to this land. Thank you.

CHAIR HANSEN: Thank you, Commissioner Bustamante. Commissioner Hughes.

COMMISSIONER HUGHES: My understanding of this resolution is not that it supplants anything. It really calls on us to study the idea and by studying the idea I would think that we would uncover everything that Commissioner Bustamante brought forward. And I think that it also clearly says that if we don't have funding to hire a consultant we're not going to do anything. And so I don't really see this as – and also it gives whatever the County Manager and the County department the discretion to sort of fit this in as they can, even the hiring of the consultant might take a while.

So I agree with everything Commissioner Bustamante said but I guess I don't feel like passing this resolution is going to be disrespectful to anybody because it only calls on us to study the idea and to bring it forward. And I think part of what might happen is the County might hire a consultant to get this started and then others would take the lead going forward, including our tribal partners and the Community College and others. So I guess I don't understand the strong reaction to it.

I do understand Commissioner Hamilton's concern and that was my first concern about this resolution and I was glad that we rewrote it to be the minimal impact on staff to begin with, to only do a study, because I do know that we don't have an economic development staff right at the moment and that's who we would need if we were really going to take the lead on this and so it might take a while to get this going. But I also think that when I was a new Commissioner, a lot of the things I wanted to work on weren't in the strategic plan and I had to fight tooth and nail to get some of them in there.

So I do understand being a new Commissioner you might have ideas that are aligned with the strategic plan and we want to put them in later. We're not going to work on the strategic plan again until the fall, and so I think it's also not really fair to say we're not going to do anything that any new Commissioner wants to do because we didn't specifically call it out in the strategic plan. So I think we could easily just pass this resolution and address everything, all the concerns that have been brought up. But that is what I have to say for now.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: So some of those are good points. I do not think the strategic plan should be used like a bludgeon, to prevent good work from going forward because sustainability and job creation are legitimately in the plan. That's my – I have a concern with process, but I also – but not as a bludgeon.

I also have a concern – Commissioner Hughes, you just said something I would really like some clarity on, because when I read this it says that Santa Fe County will take the lead and control the task force. Santa Fe County will be the fiscal agent. My first thought on some of that was it's a great idea for the use of the mid-town campus. Mid-

town campus is in the city. Why isn't the City going to be the fiscal agent? Why don't they have more skin in this game? The same with DOE and with Los Alamos County and with –so it sounds to me that this is not just we support it. We're committing the County to a lot.

Maybe a path forward is to table this just for a month to talk about how much we're committing the County to. Because even given it is not inconsistent with the strategic plan it's a big commitment at a time that – I'm not being trivial. This is a hard time to take on a new big commitment between staffing and other resources. So anyway, I see that as a possible path forward because I've read this but this is kind of new and it is a big commitment and –

CHAIR HANSEN: Commissioner Hamilton, are you making a motion to table?

COMMISSIONER HAMILTON: I don't want to – I will, if that's –

COMMISSIONER GREENE: If I may. So to answer the two

Commissioners, Madam Chair. I have spoken to – I've proposed this and told Native members of Native communities here about this. They were very, very supportive of the concept and including one of the tribal members that I used to work for who taught me a whole new definition of sustainability that we do not practice as our version of sustainability. It's not about less energy and less plastic and less things like that. It's about revising our economic model to make sure that the economic cycles don't leave our least privileged behind.

And so I appreciate that and I understand that this is part of this, but a global system where growth at all costs is typically the model we need to have better solutions that allow growth to be the solution. And that's what this is, right? We can't say the stone age was our solution although I've had people lobby me for that, as bizarre as that may sound. But it is sometimes pointed out as the most sustainable solution. But given the way the world is growing at a fantastic pace and that we have the technology and potentially the location that can lead this as a destination that is both for sabbatical and post-docs. It is desirable to take a year off from their lab and to come study here and to work on projects, or for delegations from around the world to come to a destination and say I'm going to come here for six days, six weeks or six months to study my problems and try to get a turn-key solution that allows me to grow into a first world country without such an impact on the environment at a global level.

So that's the vision of this project. In terms of staffing, again, this would be run through a contractor and –

COMMISSIONER HAMILTON: It's still a resource.

COMMISSIONER GREENE: Without a doubt. And part of the reason why I'm standing this up in Santa Fe County is one, this is a conversation that I was part of four years ago with LANL that Santa Fe County was invited to and the City of Santa Fe was invited to but sadly they didn't show up to the meeting and I was there on behalf of Tesuque Pueblo. This conversation, 20 minutes of the conversation with Battelle and their eight national labs came to this solution that seemed unique and something that they appreciated that wasn't just a run of the mill, hey, let's just do some K-12 STEM education, which is perfectly good as well.

But this was something that they, we all keyed into as something unique and

something that was made for Santa Fe.

In terms of why Santa Fe the City has not picked this up, part of that is because I am sitting here on the dais of Santa Fe County. I do not have the power to push this forward at the City but this would be a logical place for the City. The City also has its own planning issues with the mid-town campus, so I don't think I would bet all of my eggs on the mid-town campus, and I've already identified a few other potential locations within Santa Fe, maybe in the city, maybe in the county, that could work for this as well.

And so it's meant to be that we take on the leadership position to get this thing started but at a certain point this would either go as a DOE program or would be a LANL program, but then we have to take the first local initiative to get this thing started.

COMMISSIONER BUSTAMANTE: Madam Chair, if I may please.

CHAIR HANSEN: Yes, Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I appreciate the opportunity to address Commissioner Hughes' statement. The strong reaction and it's very important, I'm hearing back to the Department of Energy. Again, this is not a conversation that has started. This isn't a new idea and the earliest that I heard of it as I had sort of retracted when I said the early 2000s with Dr. Beverly Ramsey, but in the early 1990s when this conversation was had, we have these resources. We do not need another. And I say this, and I say this because as someone who has recently left Santa Fe Community College as the dean overseeing the innovation center that has a lot of very strong collaborations and partnerships, what I think what they could do with \$250,000 in the interest of yes, we bring in. And I say we as the community because today we will hear about the relationship that we have with Santa Fe Community College along a lot of other lines. We bring in people who are post-docs, who do this research.

The consortium, the building at Airport Road has people who are here doing exactly what you're talking about. \$250,000 is something that those who are doing the work where we are could absolutely benefit from. That's where I see it as something that circumvents those entities that could really use that support in the interest of doing exactly what you're talking about, because it's already being done in Santa Fe and Santa Fe County.

It only illustrates our lack of tie-in to the community and understanding what is already being done when we ask for money to look into how we could do more of. So let's get \$250,000 so that we can find someone to tell us, by the way, did you know that they're doing this down the road from where you are?

So respectfully, that's the strong reaction. I've been on the other side of the budget requests and I'd like to see this kind of support, quite honestly, and when I read it, we could use this type of support to create better connections, better partnerships, with those entities that are already doing this work. That would be the ideal, because we don't necessarily – and yes, I hear what could happen at the mid-town. I agreed when I heard this the first time as the proposal for mid-town, but clearly right now for the details of what's being proposed, I think there is better opportunity to work with those who are already doing similar work, because they really could use \$250,000.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. The question about the City was partly a logic question, not an ad for participation and I do get it. However, many of

the things listed in here, which you've spoken to eloquently, like the educational stuff and bringing graduate students in – this is a huge undertaking. That's a state-level thing. The state and higher education. So the state is listed as a partner. It seems totally – and Battelle is the other group. They have the biggest dog in this fight and they're sitting back to let us sort of make a place for them to come and play. And I so, at the very least, I would like to respectfully maybe consider tabling this so that I can get – so that you can help get us some answers about the County's roles compared to these other roles, which I think are a little skewed.

CHAIR HANSEN: Okay, Commissioner Hamilton, is that a motion?

COMMISSIONER HAMILTON: Yes, that's a motion.

CHAIR HANSEN: Do I have a second?

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: I have a motion and a second.

The motion to table passed by majority [3-1] voice vote with Commissioner Greene voting against and Commissioner Hughes abstaining.

CHAIR HANSEN: Thank you for the extremely interesting discussion. I think that this is a topic that we will come back to again and again, and so thank you, Commissioner Greene and Hughes for bringing this forward. Thank you, Commissioner Bustamante and Hamilton for the added and dynamic conversation that we are able to have here among ourselves.

COMMISSIONER HUGHES: Madam Chair, when we table it, does that mean – I think it might be important give the shortness of the legislative session that we bring it back sooner rather than later.

CHAIR HANSEN: It usually gets tabled for a month. Is that correct?

COMMISSIONER HAMILTON: I'm open to any recommendation. I recognize that you – that that's an issue but to be honest, the County – I'm concerned about the County's commitment to this. So if you can get information to all of us that provides the kind of information I'm looking for, to discuss this in the next two weeks, I guess I'm open to that. Otherwise, I would suggest a month is probably necessary.

CHAIR HANSEN: And I think there might be some rewriting of this resolution that would make it have the ability to pass.

COMMISSIONER HUGHES: And Madam Chair, I think a month is okay because the session will still be in progress. I just didn't want to table it to the point that it would become irrelevant.

CHAIR HANSEN: Okay. So I'm going to table it to –

COMMISSIONER BUSTAMANTE: Madam Chair.

CHAIR HANSEN: Okay, I want to move on.

COMMISSIONER BUSTAMANTE: I do, and I'm not going to continue with a list of those entities, but I'd like to, if we can, if there is support from the entities that I've named, I think we'd like to hear it. If those people who are already doing this work within our community are willing to step forward and say this is a great opportunity for all of us, that is something that would make this more palatable.

CHAIR HANSEN: I think that now that we've tabled this and had this

discussion, yes, we're all aware of that and we can bring that forward.

3. B. Resolution No. 2023-017, a Resolution Establishing a Task Force to Analyze and Make Recommendations Concerning the Structure, Staffing, and Responsibilities of the Santa Fe County Office of Emergency Management to Best Position it to Meet Substantially Increasing Emergency Management Demands

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you very much, Madam Chair.

Getting right to the heart of this idea, I worked on developing this resolution and then collaborated with Commissioner Hansen, starting from the recognition that emergency management, for many, many reasons is becoming a critical obligation of the County to protect and serve its constituents. There are any number of reasons that are outlined in the resolution with climate change, increased frequency of conditions that create flooding and fires and pandemics and things that we have been addressing largely due to the efforts of our Assistant Chief in charge of emergency management who over the years has brought incredible expertise to the development of our emergency management capabilities, but it's not really been given further consideration in terms of what our needs are planning into the future for not just adequate materiel but also adequate staffing.

So it is legitimately a really big concern for the County doing anything beyond what we have, which I think is desperately needed is a big commitment. And so an approach – I worked fairly extensively with the emergency management assistant chief and his staff, but then very gratefully with the County Manager and our County Attorney on a reasonable approach to determine what kinds of actions should be taken and planned and how they can be sequenced and what the recommendations are, what standards are around the country. So you can see for yourselves what the recommendations are to develop a task force which would be staffed by our emergency management assistant chief, by our fire chief, by our sheriff, and by several other people including our County strategic and operations planning director who has substantial emergency management experience but from the user's side as opposed to the operations/Fire Department side, and then some expert outsiders including Erik Litzenberg who's our past fire chief and who works at a national level, and two neighboring municipalities. And then also getting contract help for consultation and what national standards are and different approaches.

I think the other key piece of this is that operation of this task force is intended to take place between now and the spring so that its recommendations are within this budget year, and I think that's critical. And I want to add that I don't think that would even be possible if Assistant Chief Martin Vigil hadn't developed at the level of information that the has that is extant in our existing emergency management plans and what not, because those form the basis for the discussions that the task force will presumably have to determine what kinds of things are necessary and best paths forward for implementation – what's critical and not critical, primary and secondary needs and what not.

Honestly, I spend my other life – it's kind of like Jekyll and Hyde – as an environmental scientist in climate change and their impacts on natural resources and

other considerations as what I do for a living. And so I sit here thinking about seeing what happens and what the County has to do to respond to fires, to respond to pandemics and what not, and realize that when we're talking about moving forward over the next two, five and ten years, this department has to be strong. But it has to work for the County in an appropriate way. So I feel like getting the best information and putting everybody's brains together to get the input is the way to go forward. I'll yield.

CHAIR HANSEN: Thank you, Commissioner Hamilton. I too find emergency management incredibly important in the county. I just returned from NACo and this was definitely a topic of concern throughout the country. It is a serious issue throughout the country of how we are going to be prepared for disaster. So I think that this approach is a really healthy approach because it puts a task force together. We can gather the information. We can gather the resources and then move forward. So with that, if there's no other discussion I'd like a motion. I see I have more discussion.
Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Commissioners. I think this is a great process going forward to get some best practices and some outside look at the way we operate this. Assistant Chief Vigil has been running a pretty lean – I won't call it mean – a lean and very caring organization and Ignacio at the helm there. So anything that we can do to support the mission of emergency management is great. Having a bigger, more comprehensive look at what we can do, and if it means more staff, that's great. If it means a redefined mission and a different way of reporting, that's fine. There's best practices to be learned from different organizations around the area. And maybe we'll find out that everything is working perfectly as it is. So we're up to everything here.

My only concern on this is the short timeline for the May deadline. I don't know if that is something that is truly achievable but that is – I'm okay with this regardless. I think that that's just a concern. Thank you.

COMMISSIONER BUSTAMANTE: I concur with what was stated, just in similar words.

COMMISSIONER HAMILTON: Thank you, and I agree. I would normally think it would be virtually impossible, but I think we have a really strong collection of information, documentation and what not that is a starting point without which we couldn't do it in that kind of time frame. I do think it makes it realistic. It's a valid concern but I do think it makes it realistic.

COMMISSIONER GREENE: I believe it.

CHAIR HANSEN: Okay, thank you, Commissioners. Can I have a motion?

COMMISSIONER HAMILTON: I'd love to make a motion to approve this resolution.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second from Commissioner Bustamante.

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

[Deputy Clerk Ganz provided the resolution numbers throughout the meeting.]

4. CONSENT AGENDA

- A. Final Order for Case # 22-5170 Santa Fe West Investments, LLC/ Arete Cole Development, LLC. Santa Fe West Investments, LLC/ Arete Cole Development, LLC, Applicant, JenkinsGavin, Agent, Requested Preliminary Subdivision Plat and Final Subdivision Plat Approval to Create 23 Residential Lots Within a 44.51-Acre Tract. The Applicant Also Requested Board of County Commissioners Approval of the Affordable Housing Agreement to Provide 8.0% Affordable Housing in Accordance with SLDC §13.2.1.1, Resulting in One Affordable Tier 1 Home. The Property is Accessed via Camino La Tierra (Commission District 2) (Growth Management Department/Kenneth Quintana, Case Manager) (APPROVED 5-0) (Packet Material Updated)**
- B. Request (1) Approval of Amendment No. 5 to MOA 2020-0165-GM-TVTR Between Santa Fe County and the Santa Fe Community College Increasing the Compensation by \$350,000 for a Total Contract Sum of \$730,000, Inclusive of NM GRT, Extending the Term of the Agreement to Continue to Provide Professional Readiness & Technical Experience for Careers for Santa Fe County Residents and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Development Department/Paul Olafson)**
- C. Request (1) Approval of Memorandum of Understanding Between the City of Santa Fe and Santa Fe County Allowing Wastewater Discharge from the Santa Fe Rodeo Grounds into a County Wastewater Collection System and Then into the City Wastewater Collection and Treatment System and Establishment of a Connection to the City Water System and (2) Approval of Sanitary Sewer Line Agreement Between Santa Fe County and First Serve-NM, Inc. (Public Works Department/Michelle Hunter)**
- D. Resolution 2023-018, Resolution Authorizing the County Manager to Complete and Submit a Local DWI Grant Program Application and Related Documents and Agreements (Community Services Department/Chanelle Delgado)**
- E. Request (1) Approval of a Purchase Order in the Amount of \$318,613.60, Exclusive of NM GRT, in Accordance to Agreement No. 2021-0051-PW/APS-A with Associated Asphalt and Materials, LLC, for Road Maintenance and Road Construction Materials and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Finance Division/Bill Taylor and Public Works Department/Brian K. Snyder) **WITHDRAWN****
- F. Request (1) Approval of Amendment No. 6 to Agreement No. 2019-0079-AO/KQ with Master Touch, Inc., Increasing the Compensation**

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an Additional \$68,555, for a Total Contract Sum of \$396,611, Exclusive of NM GRT, and Extending the Term an Additional Year and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Finance Division/Bill Taylor and Assessor's Office/Jennifer C. Romero)

- G. Request (1) Approval to Utilize the Houston Galveston Area Council Cooperative Purchase Agreement Pursuant to Ordinance No. 2012-5, Section 1, Outside Contracts, to Purchase One (1) 2023 BME International HV507 Pumper (Type 3 Engine) for the Santa Fe County Edgewood Fire District for a Total Sum of \$543,475, Inclusive of NMGRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Dealership Quotation, Purchase Order(s), and Other Contractual Documents (Finance Division/Bill Taylor and Public Safety Department/Jacob Black)**

CHAIR HANSEN: Does anyone have anything they wish to pull off of the Consent Agenda? If not, may I please have a motion?

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HUGHES: I move to adopt the Consent Agenda.

COMMISSIONER HAMILTON: Second, noting that that was with item E removed, right.

COMMISSIONER HUGHES: With item E removed, yes.

COMMISSIONER HAMILTON: Thank you. I'll second.

CHAIR HANSEN: Any discussion? Seeing none.

The motion to approve the Consent Agenda with the exception of item 4. E passed by unanimous [5-0] voice vote.

8. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: I said that I would open up Matters of Public Concern. I will open this again later but since we have a resident in the chambers I wish to allow her three minutes to speak. So if you would like to come up.

CHRISTINA NIXON: Good afternoon. My name is Christina Nixon and I am in District 2, presumptive phase 3 annexation. I have been living quietly on my property for about 25 years in the county. I moved out of the City jurisdiction for a very good reason, to get away from the city. I have always been county.

Recently I received many letters from the County identifying me as a county resident and was told that I need to get a County permit for my short-term rental or I would be fined and shut down without having a County permit. The deadline is March 15, one month from now. It took me three weeks to get an appointment for my County permit. It took me two weeks to collect the required documentation. Extremely difficult to compile because City offices and County offices were closed and to no avail would anybody answer the phone or return my emails.

When I finally arrived at the County appointment and sitting in the waiting area I got a phone call from a private number and was told my appointment was cancelled. I asked to see the City employee and was told again for no reason: your appointment is cancelled. I asked to speak to a supervisor and one came down to the lobby. I was told: you are city. And I responded: I am county. Sorry, you are presumptive annexation and you have to apply for a City permit. We will not give you one. "You are denied."

I asked to see the annexation rules and dates and was told: I'll get back to you. Infamous response. I called the City to apply for a City permit and the clerk told me, "There are no more City permits. Apply after April 15th, and good luck; you probably won't get one." Through all the negligence on the City and County's part.

As I tried in vain to get someone to help me for several weeks I was actually told by an inspector he would drive to my property that day, fine me, and shut my Airbnb down. Completely illegal and bullying tactics. I contacted anyone that would help me including my Councilwoman, Anna Hansen. Thank you, Anna, for actually getting back to me. I quickly realized I needed a lawyer, that my constitutional rights were being violated. I talked to two highly accredited lawyers and they immediately told me that this is a form of taking and is a violation of my Fifth Amendment rights. No question about this fact.

I have been horribly bullied, misinformed, my livelihood completely threatened, and up against a predatory entity that seems to think that they can do whatever they please. Presumptive means you do not have jurisdiction until full annexation and you provide no services to me. I believe in my opinion that annexation is another word for blatant greed. The City will build 70 homes behind me on my tiny little hill. The City and the developers will profit at the expense of a 25-year resident. The annexation is an unlawful grabbing of land and the use of bullying tactics to accomplish this purpose. If I am shut down my livelihood goes away and if I have to cancel any reservations, since I am booked for a solid year, I will be fined by Airbnb \$100 per cancellation.

Santa Fe was once beautiful and lovely. No more. The egregious amount of building on every parcel of land that can be unethically taken is astounding. Who is profiting? The City and the developers, not the residents. I have also included all the legal ramifications on the attached piece of paper that I handed to you, which comes from legal counsel. [Not provided for this record.] I am requesting at this point a grandfathering in of a County permit so that I can continue my livelihood, which is my short-term rental, or at least a temporary County permit. As of March 15th I will be out of business, and at that point my lawyers will step in. Thank you very much.

CHAIR HANSEN: Thank you, Ms. Nixon. We here at the County are Commissioners; the City is Councilors, just to be clear. And thank you for your comments.

MS. NIXON: Thank you.

5. APPOINTMENTS/REAPPOINTMENTS

A. Resolution No. 2023-019, a Resolution Appointing Members to the Board of Registration to Fill Two Vacancies

CHAIR HANSEN: Is the County Clerk, Ms. Katharine Clark, on Webex,

or are you presenting this?

EVONNE GANZ (Deputy County Clerk): Madam Chair, the Clerk was going to try to get on the Webex. I'm not sure if she was able to do so. All right. It looks like you're stuck with me. So the Board of Registration reviews every two years, I believe, the voter lists within each County, so we are asking the County Commission to appoint two people for the Board of Registration for Santa Fe County. We have two vacancies, I believe, and three people from which you can choose.

The point of the Board of Registration is to review the voter lists and make sure that it's up to date. We make sure that the list goes through any deaths that have occurred among the voters, any updates that we have from the postal service and that sort of updating. The three candidates are from the Republican Party Zella Cox and Gary Donato, and Independent or declined to state is Karen Sheffer. We do have to have a mix of party members on the Board of Registration. We already have several Democrats so we need to fill two slots with either Republican or Independent or declined to state.

CHAIR HANSEN: Thank you, Deputy Clerk. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. I have a question. Did you interview these applicants?

MS. GANZ: I know that the Bureau of Elections did do some outreach and to what extent they interviewed them I couldn't tell you. But they did do some outreach.

COMMISSIONER HAMILTON: Okay, because normally we get recommendations based on interviews.

CHAIR HANSEN: Commissioner Hamilton, if I could clarify. What normally happens in this form is that that Republican Party, the Democratic Party and Independents just submit names and there's no recommendation. We have a number of Democrats so we don't need any more of those. We can select one from the Republican Party and one from the declined to state, or we can select the two Republican Party. It's completely up to us. So it's, so to speak, Russian Roulette. So do I have any nominations?

MS. GANZ: If it does help, Madam Chair and Commissioner Hamilton, these folks have worked with us as election workers for at least a few elections, so they are very aware of how voting works and all the processes behind it.

COMMISSIONER HAMILTON: Good to know. Thank you. Madam Chair, I would like to nominate Zella Cox and Karen Sheffer.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay, I have a motion by Commissioner Hamilton, a second by Commissioner Hughes. Any other discussion?

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

6. MISCELLANEOUS ACTION ITEMS

A. Resolution No. 2023-020, a Resolution Adopting the Santa Fe County Open Space, Trails and Parks 2023 Work Plan

CHAIR HANSEN: Welcome, and Robert Griego. I just have to shout out that Robert Griego has the best jacket on, because it says the Northern Rio Grande

National Heritage Area on it.

ADELIN MURTHY (Open Space Planner): Good afternoon, Madam Chair, Commissioners. Today I will be presenting the Open Space, Trails and Parks 2023 Annual Work Plan. The annual work plan is an outcome of the 2019 Open Space, Trails and Parks Strategic Management Plan adopted through Resolution 2019-4 which directs staff to annually update the short-range work plan which was originally presented in Chapter 3 of that 2019 Strategic Management Plan and was considered a living document to be updated every year. And the purpose of that is to transparently communicate the focus and priorities of the Open Space, Trails and Parks program for that year.

Before I dive into the annual work plan, however, I'd like to share a brief update with you all on the program accomplishments in 2022 and the progress that has been made on some of the program's previously identified projects and goals. Several major milestones were achieved in 2022, particularly setting the policy foundation to permanently protect open space properties from development through the Board's approval of the open space conservation and transfer of development rights program. Additionally, staff trained another cohort of master naturalists through the Northern New Mexico Naturalists training, and organized volunteer work days to enhance natural resource management with those volunteers on open space properties.

Staff continued working on numerous projects and initiatives including implementing species and property-specific management plans, conducting baseline environmental surveys on open space properties, implementing a wildlife-friendly forest thinning experiment in the Ortiz Mountains Open Space, and promoting beaver co-existence at Los Potreros Open Space.

In addition, the Open Space, Trails and Parks program received over \$6 million in grant and bond funding in 2022, and these achievements are documented in the 2022 annual report which is included in the packet material and also included on the County's website.

The document before you here proposes the work plan for 2023. Many important projects and initiatives are planned for this year including building new trails, removing development rights from open space properties through the transfer of development rights program, conducting natural resource management and restoration work across numerous open space properties, training another new cohort of master naturalists, and exploring educational programming opportunities at open space properties to enhance public access and engagement with the County's open space properties.

The work plan is organized in four sections consistent with the strategic management plan. Those sections are resource management, educational programming and stewardship, project development and implementation, and planning and program development. The half-filled circles indicate projects that have been initiated while the empty circles indicate a project that has yet to be initiated this year. And highlighted projects are of particular priority for 2023 within each section.

I'll quickly go through those projects and I'm happy to answer any questions you may have about any individual projects. So under the resource management section, two of the priorities are to finalize and adopt the Little Tesuque Creek and Talaya Hill open space management plans, as well as update management plans for Los Potreros and Arroyo Hondo open space. Management plans are updated every few years. To reflect the

most up to date science and also the current vision for those open space properties.

Staff will also draft management plans for several properties that do not have them yet including Rio en Medio, Los Caminitos and Arroyo de la Piedra open spaces. Staff will implement species related management plans including the piñon jay, pollinator and beaver management plans, and continue beaver management at several open space properties including Los Potreros and La Cieneguilla. Staff will complete rare plant surveys on open space properties; continue invasive species management at Los Potreros and additional open space properties as needed; conduct pollinator habitat enhancement work at Los Potreros; implement and monitor the Santa Cruz River restoration project at Los Potreros, which is a project funded by the New Mexico Environment Department; install boundary and wildlife friendly fencing at Los Potreros and additional open space properties as needed; complete the first phase of the forest enhancement project at the Ortiz Mountains open space – that’s a project in partnership with the Rocky Mountain Youth Corps and funders of wildlife to reduce wildfire fuels while improving wildlife habitat in the ponderosa pine forest in the Ortiz.

Staff will continue erosion control projects at Thornton Ranch open space and conduct floodplain restoration work at Rio en Medio open space to mitigate several severe post-fire flooding events that occurred in 2022; continue the collaborative piñon jay conservation project with partner agencies; review and formalize the maintenance schedule for open space and trail properties; and facilitate staff training and sustainable trail design, construction and maintenance.

In this next section, educational programming and stewardship, a priority is to facilitate the 2023 northern New Mexico master naturalist training course, and that’s done in partnership with the Audubon Center and the Santa Fe Botanical Garden. Staff will also continue scheduling resource management workdays and restoration projects with those trained master naturalist volunteers, as well as enhance the volunteer trail maintenance program, and explore educational programming opportunities at open space properties, including the Ortiz Mountains, Los Potreros, and La Cieneguilla.

Staff will work on installing signage at open space and trails properties as needed including educational way-finding, safety, regulatory and interpretive signage, as well as increased communication about the program to the public by improving the website, launching a newsletter and developing communication materials such as paper trail maps and brochures.

The next section is project development and implementation. A priority for 2023 is to continue coordinating with the Bureau of Land Management to complete the federally required environmental assessment at Thornton Ranch open space, which is required before opening up the open space to the public.

These next projects are a series of capital projects which include property acquisition and trail design for Segment 2 of the Santa Fe River Trail, which stretches from Siler to San Ysidro Crossing; the construction of Phase 2 of Romero Park; the design of Arroyo Hondo Trail Segment 1; the design and construction of Arroyo Hondo Trail Segments 2 and 3; the design and construction of Segment 6 of the Rail Trail, which is from Spur Ranch Road to Highway 285; the design of Segment 7 of the Rail Trail, which will go from US 285 to Lamy; the design and construction of shade structures at Galisteo Park; the construction of Carlson Park; the design and construction of the Nine

Mile and Avenida Eldorado trailheads; the design of new stairs at the Madrid Ball Park; the realignment of the Spur Trail as part of the northeast-southeast connector project; the construction of the Little Tesuque Creek open space trail reroute; and a feasibility study for a trail reroute in the Ortiz Mountains open space.

And the last section here is planning and program development. Two priorities for 2023 in this area are to conserve properties through the transfer of development rights program, and continue engaging with tribal representatives to develop policies for tribal communication and co-management of Thornton Ranch open space. In addition, staff will plan to integrate open space property and project data into ProjectMates once that software is up and running; create a plan for an interpretive ranger program to provide safe access to open space and trail properties; create a plan for educational programming at open space properties with local schools and communities; update resolutions and ordinances that are relate to the open space program to reflect the current mission of the program; update the open space and trails official map; continue preventative maintenance measures at open space and trail properties and look into the creation of a public work order system to allow members of the public to easily report issues; and last but certainly not least, continue to implement the County's stormwater management plan on appropriate open space and trail properties.

So that was a lot, and as you can see, this is an ambitious plan and there's a lot in store for us for 2023, but the open space, trails and park team is a mighty team with staff in the Growth Management, Public Works and Community Development Departments actively collaborating together to move these projects forward, and that also includes a new open space resource management specialist, Monica Harmon.

CHAIR HANSEN: Welcome, Monica.

MS. MURTHY: I would be remiss not to also express our gratitude to our many community partners who are integral to the success of this program and we look forward to another year of collaboration. So thank you, and I stand for any questions.

CHAIR HANSEN: Thank you, Adeline. You have an ambitious work plan and it makes me happy to see.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair and Adeline, thank you. That is an ambitious work plan, and not meaning to add to your work load, I just have a question about the COLTPAC meeting – I went to two of the COLTPAC meetings and I was happy to see that the committee was so engaged and enthusiastic, and one of the things they seemed to be enthusiastic about was acquiring new open space, particularly the potential of a donated space in Chimayo that would adjoin our existing open space and then perhaps sometime purchase of open space down by the San Pedro area. And I didn't know, is the committee going to keep considering those this year, or how does that fit into the work plan or any other proposals that might come forward from the community, as those two did?

MS. MURTHY: Madam Chair, Commissioner Hughes, thank you for your question. So the acquisition process is a process that COLTPAC goes through and it's also one that County staff will potentially be reviewing, which is mentioned in the work plan. As for those specific acquisitions, COLTPAC has completed reviewing the San

Pedro one and we'll be bringing their recommendation for it to the Board soon. However, it's up to the Board as to whether or not that acquisition then becomes part of the 2023 work plan, if you will, since it has not gone before the Board yet.

The property in Chimayo, they have not submitted a formal application for that yet. And the first one, were you referring to Chimayo or Cerrillos? Because there's also –

COMMISSIONER HUGHES: I was referring to the one in Chimayo, where the couple wanted to donate their land behind the Santuario. I am aware of the one in Cerrillos, so I sort of assumed the same will apply. So they don't become part of the work plan until the Board of County Commissioners approves something.

MS. MURTHY: Right. Yes.

COMMISSIONER HUGHES: For us to move forward with those. Okay. Well, thank you. Thank you. It's a great work plan and I'm sure you have a mighty team. I'm glad to hear it. Thank you.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Great work. It's a beautiful plan. I have two concerns that I think we've spoken about but I want to put it into an open meeting situation, which is I support all the work that's being done up at Los Potreros up in Chimayo. It's in my district. It's a beautiful landscape to be preserved, but I have a pretty fundamental concern about limiting access. And so when we get land donated but it then doesn't have an access plan and is basically shut off, I don't find that that is in the best interest of the entire community including most importantly the folks up in Chimayo who would love some open space for their own recreation and use up there, but also countywide people that go up or tourists that go up there and want to go further and trail walk behind the Santuario.

So regardless of this case, that is just a case where it appears that an access plan wasn't integrated into the acquisition and management plan. So I get it that there was some environmental restoration that needed to be done there, but I would hope that over the long term that there would be some access plan that would allow for – whether it's weekend access, or access only during daylight hours, or something that allows people to really enjoy the space, as opposed to just look at it from afar, which has value but not as much value as having the other thing.

Secondarily, the Santa Fe River Trail, about seven years ago I was on a commission, it was a city-based commission to look at the west river corridor. And the west river corridor included all of this area where the river trail was, and one of the opportunities and recommendations was to find a way to put intermodal use there. So intermodal was walking, biking, and then the innovative, remember us sort of opportunity was horseback riding. And so along the river trail, especially in the Siler area there are a bunch of equestrian facilities that I can imagine the taking of a river trail ride would be a great experience in Santa Fe, and it would be away from traffic, a perfectly beautiful location leading from these equestrian facilities.

And so I'm wondering if, in these next phases, we can look at incorporating a soft pack equestrian trail along this so that we can bring that back to the Santa Fe experience. Once upon a time we didn't have cars and we went down the river by horseback. So we should bring that back, in my opinion. But thank you for your work and just want to mention that.

MS. MURTHY: Madam Chair, Commissioner, I'm happy to respond to a few of those comments if you'd like.

CHAIR HANSEN: Please go ahead, Adeline.

MS. MURTHY: Thanks. Staff is in agreement that access is really important to open space properties. You're correct that Los Potreros was purchased with the intention of conservation in mind and it is a very sensitive environment and that's why we have in the work plan to explore educational programming opportunities so that we can bring people out there. However, we would have to strike a balance between open access versus like guided and interpretive access in that area, specifically because there are a lot of unique species that live there and there could be a concern with dogs running in areas that would be closed off to people if there were trails. So that would be a balance that would need to be struck in that area for it to be opened in a way that promotes conservation and also enjoyment of nature for community members.

And then as for the trails, it's in the Land Use Code that County district trails are supposed to be multi-modal so that includes walkers, bikers and equestrian uses. I could speak – the trails that we're constructing right now meet those purposes and I'll make sure that the project managers are planning for that at the river trail.

COMMISSIONER GREENE: Just as a follow-up, there are concrete trails and typically equestrian trails are not concrete. I think there should be a concrete trail but there should probably also be a soft pack as well, and hopefully there's enough right-of-way to do it one side as soft pack of the river, the other side – whatever works out. But the river is the greatest opportunity in Santa Fe to have a really urban landscape that focuses in on nature and getting that section that's still developing to have a focus inward as opposed to outward is a great opportunity. Thanks.

MS. MURTHY: Thank you.

CHAIR HANSEN: Any other comments from the Board? I have one comment. On your list it says continue first phase of forest enhancement project at Ortiz Mountains open space in partnership with County wildland fire crew, Rocky Mountain Youth Corps and Defenders of Wildlife to reduce wildfire fuels and improve wildlife habitat in the ponderosa pine. I'd like to know what you're doing.

MS. MURTHY: Definitely, Madam Chair. So it sounds like you are referring to the 2022 annual report, the text that's in there.

CHAIR HANSEN: Yes. The accomplishments.

MS. MURTHY: Okay. Great. So in that same annual report there's a project highlight all about this project here and the idea behind this project is to balance wildlife habitat needs with fuels reduction to reduce the risk of high severity wildfires without having to do control burns. The project retains canopy cover and also does not thin trees during the wildlife breeding season, so thinning is only done in the fall to reduce disturbance to wildlife. And then we will be partnering with Defenders of Wildlife to measure success of the program by monitoring the density and occupancy of a specific species of bird called Grace's warbler, which is an indicator species for this type of ecosystem. Its populations are linked to the health of ponderosa pine forests. And based on the outcome of that study, we can then communicate the results to other land management agencies, like the Forest Service and potentially make this a model thinning prescription for other forested areas as well.

CHAIR HANSEN: I took the liberty of having you explain it so that it could be in the record, because I think that any kind of program that we can start to help the Forest Service understand that there are other ways to deal with the forest besides controlled burns is really important. And it's important to me and one of the things that I expressed when I met with Undersecretary Rivera Hall in DC was that we wanted to look at alternatives to control burns. So the fact that we are doing this ourselves is really an important step in making that a reality. So I just wanted to highlight for you. So I took the liberty of doing that and I completely appreciate that. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I'd like to make a motion to adopt the Santa Fe Open Space, Trails and Parks 2023 work plan.

COMMISSIONER GREENE: I second.

CHAIR HANSEN: I have a motion from Commissioner Hughes and a second from Commissioner Greene. Any other discussion?

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

6. B. Request Approval of Replacement Water Delivery and Wheeling Agreement Between Santa Fe County and Eldorado Area Water and Sanitation District

CHAIR HANSEN: Welcome, Mr. Dupuis.

JOHN DUPUIS (Utilities Director): Good afternoon, Madam Chair and Commissioners. A little more than two years ago the Board authorized the County Manager to execute and the County Manager executed the current water delivery and wheeling agreement with Eldorado Area Water and Sanitation District. The agreement enabled the County to serve Cañoncito and a more cost-effective way than bypassing EAWSD. It provided a supplemental source of supply to EAWSD, and it laid the groundwork for this replacement water delivery and wheeling agreement.

The summary of the current and replacement water delivery and wheeling agreement is provided in the memo for this agenda item for your reference and I will highlight the general terms of the replacement water delivery and wheeling agreement.

First, the EAWSD continues to wheel up to 25 acre-feet per year for Cañoncito, and the County pays EAWSD based on the incremental cost to do so. Additionally, the County will pay \$391,942.20. It's the cost for disinfection byproduct treatment infrastructure needed within EAWSD. And it is offset by EAWSD's payment for the County's construction of a master meter to meter the deliveries to Cañoncito.

The County will design and construct infrastructure to maintain specific chlorine residuals, which is needed for deliveries to EAWSD and last, we are both in good faith going to pursue options for EAWSD to temporarily supply Cañoncito if our supply is temporarily interrupted. This is largely in part due to uncertainties with regards to regulatory requirements that will be imposed upon us but to the extent that's enabled we both intend to accomplish that goal.

Now, in addition to what was previously enabled, specifically the 25 acre-feet per year wheeled to Cañoncito, EAWSD will upgrade its capacity to do 75 acre-feet per year given a reimbursement of the County not exceeding \$500,000. Additionally, EAWSD

will commit to take or pay 100 acre-feet a year for the first three years, and 200 acre-feet per year every year thereafter, and pay the current water rights fee for those deliveries of 200 acre-feet per year.

To pay the current water rights fee, EAWSD would use \$1.5 million of a \$1.55 million credit provided by the County in recognition of the savings the County realized by wheeling water through EAWSD rather than bypassing EAWSD, and make ten equal annual payments for the remainder. Additionally EAWSD will retain its water rights and maintain the production capacity of its existing well water infrastructure to the extent possible and maintain adequate water supply to its customers in the event the County is unable to meet the minimum water deliveries.

The goal is to ensure long-term sustainable water supply and infrastructure as required to meet future needs of all EAWSD and all County customers. Both parties commit to assuring EAWSD's full participation in Santa Fe Water 2100 and similar future long-range regional water resources planning effort.

In consideration of the passive recharge to the aquifer that we're accruing once the County begins deliveries, EAWSD will serve as a backup groundwater source supply to Cañoncito, and this is again given that it has to be within the OSE accounting period and on equitable terms. Ultimately the replacement water delivery and wheeling agreement has the potential to allow EAWSD to rest its wells which has the potential to recharge the aquifer beneath EAWSD and surrounding aquifers. This includes the aquifer beneath La Cienega and this is accomplished through identified high transmissivity pathways that connect the two.

It also provides a potential additional source of backup supply to EAWSD and the County. With that I stand for any questions.

CHAIR HANSEN: Thank you, Mr. Dupuis. I think this is an incredibly important project for many, many reasons. So is there comments? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I don't have any questions. I was just going to say I'm glad to see this project finally coming full circle. This connects up my district to Commissioner Hamilton's district in a way we have dreamed about for many years and we promise to send you only good water. But no, I appreciate it and just to keep things moving I'll go ahead and make a motion that we approve this item.

COMMISSIONER HAMILTON: And I'll second it.

CHAIR HANSEN: Okay. I have a motion by Commissioner Hughes and a second by Commissioner Hamilton. I would also like, under discussion, to say the benefit to the La Cienega aquifer I believe will be substantial because of this and I think that it is really important that this wheeling agreement has been made. Commissioner Hamilton.

COMMISSIONER HAMILTON: I agree with that and I know this is something you've worked on pretty intensely for quite a while, so it's a good achievement. Do you think – over time we've talked about a lot of detail in this replacement agreement. Does that achieve most of what you were hoping for in terms of what we could achieve if Eldorado used some water? Like they eased into it for good reasons and whatever. Have we gotten closer to achieving what we think is an optimization of this agreement?

MR. DUPUIS: Madam Chair, Commissioner Hamilton, I would agree

with what you just said that this is the perfect optimization. It's a great middle ground. It's not 100 percent of their supply, but at the same time we have to limit that by how much we're able to provide to them, and so this is a really good in between.

COMMISSIONER HAMILTON: That's great to hear, and that's what I thought from reading it, but I want to thank you and people at the County and also people at the Eldorado water group for working so hard on this and in such good faith to do something that I really think is mutually beneficial.

CHAIR HANSEN: Thank you, Commissioner Hamilton.

COMMISSIONER BUSTAMANTE: Madam Chair, I just want to thank you for your good work. As a resident of La Cienega I've seen the difference of the water table dropping and I hope that this will actually help us recharge. So thank you so much, sincerely.

CHAIR HANSEN: Any other comments? Okay.

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

6. C. **Request (1) Approval of Construction Contract No. 2023-079-GM/APS Between Santa Fe County and File Construction, LLC in the Amount of \$1,842,512.20, Exclusive of NM GRT, to Construct a Community Well and Water Utility System Improvements in Glorieta, NM and (2) Delegation of Signature Authority to the County Manager to Sign and Approve All Amendments Thereto and Other Project Agreements on Behalf of Santa Fe County for the Implementation of Community Development Block Grant #19-C-NR-I-01-G-17, per Resolution No. 2021-036**

CHAIR HANSEN: Hi, Mr. Taylor. How are you?

BILL TAYLOR (Procurement Director): Good afternoon, Madam Chair, Commissioners. Pleasure to be here today, and I'm doing well. Thank you. The County received a CDBG grant for well replacement in Greater Glorieta and Glorieta well replacement, and the County went out and issue two invitations for bids. The first one resulted in receiving overbids from contractors and the second time we went out with a modified scope we received one bid from File Construction. The amount of the contract requires Board approval and rather getting into the weeds about the project itself I'll stand for any questions from the Board. And we have Maxx Hendren from Growth Management that is the project manager for the project.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: So this is essentially the culmination of something that's been worked on for – what is it? Two or three years? Right? The CDBG grant. I'm very, very grateful to finally have this come to an actual construction contract, not only Bill but Maxx has worked like crazy just – and really creatively to be able to in this environment of costs rising like every five minutes and having those challenges. They did a lot of creative problem solving, splitting the project so there was sufficient money. But this is incredibly important to the community because the shallow aquifer really is contaminated with radium in some places uranium, and this is a long-term deep

well solution to that. So very grateful for what you did. Paul Olafson before you, etc., etc. I would love to make a motion to approve this.

CHAIR HANSEN: Please include in your motion delegation of signature authority.

COMMISSIONER HAMILTON: I thought that was automatic. Absolutely. That's included in the motion.

CHAIR HANSEN: So we have a motion to approve.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: The construction contract and delegation of signature authority to the County Manager to sign and approve all amendments. So I have a motion from Commissioner Hamilton and second from Commissioner Hughes.

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

6. **D. Request (1) Approval to Utilize Outside Contracts Pursuant to Ordinance No. 2012-5, Section 1, Outside Contracts, for the Purchase of Vehicles and Various Equipment Related to the Food Security Grant and the Equipment Lease and Service Agreement No. 2023-0106-CSD/BT with the Food Depot and (2) Delegation of Signature Authority to the County Manager to Execute All Necessary Purchase Agreements and Documentation, Including All Necessary Purchase Orders**

CHAIR HANSEN: Once again we have Mr. Bill Taylor and with him this time is Jennifer Romero, if she's here.

MR. TAYLOR: Thank you, Madam Chair, Commissioners. So briefly, the County was awarded a grant from DFA from the Food Security grant program and in November the Board approved a lease and service agreement with the Food Depot. Now we're at a point where we need to purchase that equipment for the execution of that appropriation. Before you is requesting approval using multiple cooperative agreements, GSA contracts, to purchase the food trailer, the truck, forklift, scissor lifts, other equipment that was in the appropriation and this is allowing us to do our procedures as far as the procurement goes to make sure that we get the best obtainable price for these items. And with that, Madam Chair, I'll stand for questions.

CHAIR HANSEN: Okay. Thank you. Jennifer, do you have anything you wish to add?

JENNIFER ROMERO (Community Services): Madam Chair, Commissioners. I don't have anything to add.

CHAIR HANSEN: It's lovely to see you. Happy Valentine's Day.

MS. ROMERO: Thank you. Happy Valentine's Day.

CHAIR HANSEN: Okay, comments from the Board or a motion?

COMMISSIONER HAMILTON: I'd love to make a motion to approve this. A very valuable thing to do and glad to see it moving forward so well.

COMMISSIONER HUGHES: And I'd love to second it.

CHAIR HANSEN: Okay. Good. We have a lot of love here on Valentine's

Day.

COMMISSIONER GREENE: Madam Chair, if I may?

CHAIR HANSEN: Yes.

COMMISSIONER GREENE: So on advice and in full disclosure, my wife serves on the board of the Food Depot. The Food Depot does amazing work but on the advice of the County Attorney, until we get full clarity as to what I can vote on for the Food Depot, I'm going to recuse myself from this. However, the Food Depot does some amazing work.

CHAIR HANSEN: Thank you very much.

COMMISSIONER HAMILTON: Luckily, we knew that already.

CHAIR HANSEN: So I have a motion from Commissioner Hamilton, a second from Commissioner Hughes.

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

6. E. Consideration and Potential Action on Applications, Pursuant to Resolution No. 2019-102, for Santa Fe County to Act as Fiscal Agent for Non-Capital Outlay Appropriations of (1) New Mexico Coalition to End Homelessness and (2) Innovate+Educate NM

CHAIR HANSEN: Do we have Rachel O'Connor online?

RACHEL O'CONNOR (Community Services Director via Webex):

Madam Chair, you do. Thank you very much. Happy Valentine's Day everyone. Madam Chair, the Community Services Department is bringing forward this request because we have received two requests from two separate non-profit agencies to service as the fiscal sponsor for two separate projects. The first of these projects is from the New Mexico Coalition to end Homelessness and they have requested funds from the New Mexico Legislature for up to half a million dollars to purchase what's called HMIS, which is Homeless Management Information System licenses for the providers of homeless services in New Mexico.

They have requested the Community Services Department serve as the fiscal agent. We would be happy to do so for one particular reason. It aligns with the goals that we have in our strategic plan and assists us in learning and coordinating better information and data on the homeless population in Santa Fe County. I've also discussed this extensively with my staff. We believe that they have the bandwidth to be able to appropriate this money as requested.

The second request is from a group called Innovate+Educate and you might recall them having done a presentation to the Board regarding services that they're hoping to provide in Santa Fe County. They've requested funds from the New Mexico Legislature. They have \$75,000 which has been allocated to the junior bill and it's specific to do work force training for people that are re-entering from the jail after incarceration. It's important to note that the Santa Fe County Public Safety Department and the Community Services Department and the County Manager's Office and many others have been working together to create our own system. We will be releasing that we hope

regardless of whether or not they get into working partnership with Innovate+Educate and we also feel that we will make staff time to do this program.

So I stand for any questions that you might have regarding either of these projects. Thank you.

CHAIR HANSEN: Are there any questions from the Board?

COMMISSIONER HUGHES: Madam Chair, I just want to say that I have to recuse myself for the obvious reason that I'm still a very part-time employee of the New Mexico Coalition to End Homelessness.

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

COMMISSIONER HAMILTON: This seems quite reasonable. I'd love to – no more love. I'd move to approve.

COMMISSIONER GREENE: And I'll second.

CHAIR HANSEN: Okay, I have a motion by Commissioner Hamilton, a second by Commissioner Greene. Any other discussion?

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

7. PRESENTATIONS

A. Presentation on the Cause and Effect of the Insurance Services Office (ISO) Fire Score Rating

CHAIR HANSEN: Welcome, Jacob Black, our Chief, and Jaome Blay, and Craig Fulmer. I know you all have titles but they didn't come with my information.

CRAIG FULMER (Fire Department): Madam Chair, Commissioners. My name is Craig Fulmer. I'm an inspector with the Santa Fe County Fire Department. I'm also a firefighter and EMT and investigator as well. Today what I would like to do is present to you information to raise awareness of how important an ISO assessment is to the livability of Santa Fe County. And what we're going to do first of all is we're going to look at the need for a fire department. Why do we have fire departments in the first place? What we are – nationwide, worldwide, we are stop-loss entities. We stop the loss of life. We stop the loss of property.

And to give you an idea of how and why the current fire department is how we perceive it and expect to see it on a day-to-day basis. I have a slide here that puts things into perspective. The Fire Department as we know it today was largely formed by the occurrence of several fires fairly early – actually fairly late in the 19th century, early in the 20th century. Those three fires we are looking at on screen, but the Chicago fire, Baltimore fire and the San Francisco fire. Those three fires took over 3,300 lives. It cost – it took over 47,000 properties and burned over eight square miles of property for a total of – in today's dollars - \$21.9 billion of property loss. That does not account for unemployment, homelessness, any of that. That was just property loss.

And to give you perspective of \$21.9 billion, we hear those kind of figures every day. So that is more than the GDP of 90 recognized counties on our planet. That's a lot of money. And it accounts for 23 percent of New Mexico's entire GDP. So stop loss. That is

why we have the fire department as we know it today.

Next we have ISO? ISO stands for Insurance Services Office, and that is the entity that rates fire departments across the country and we fall into that rating as well. ISO, they conduct quality and quantitative assessments of community infrastructure as well as fire department capabilities. So that community risk reduction infrastructure, that includes water infrastructure, that includes dispatch center, and dispatch communication networks – the towers that we use to dispatch calls. It also includes the assessment of roads throughout the fire response area, the availability of access.

Now, as far as fire department capabilities go, ISO will look at staffing levels. That's really important. Do we have enough people for a response to a fire or an EMS call. Apparatus and equipment – do we have enough apparatus and does it come up to the standard, the national standard that we are held to? Fire stations – are there enough fire stations in the response area. And then do we have a robust fire/life safety education program throughout our response area? Those are things that ISO looks at when they assess a fire department.

So why does ISO assess fire departments? Well, insurance companies need to know that they're insuring – the people they are underwriting will be covered and protected should insurance companies choose to protect structures and lives. And so the way that happens is that we have – insurance companies, they formulate their premiums based on statistical and actuarial data of a fire response area. And what they're looking for over time is a change in population density, a change in water supply availability, a change in roads and fire station infrastructure investment. That goes into their formulas and algorithms that ultimately amount to a fire department assessment rating.

Staffing levels – again, we're going to see staffing levels. Modernization of fire equipment. And then fire station proximity to the homes and businesses of the community that the fire station serves. That's a big part – their coverage area, of how ISO assesses a fire department.

So ISO, when they assess a fire department, you get a score from one to ten, and much like golf, the lower the score the better. And so one is the best class available. A ten is the worst possible outcome of an assessment whereby constituents may experience an increase in homeowner or business insurance premiums, or a complete loss of coverage.

Now, Santa Fe County, we started Class 8s back in 2013, before we were Class 8s. Currently our average score throughout all 14 fire districts of our county are an average of 5. And that's actually right with the national bell curve. On average, most of the fire departments in the nation are at 5. Our goal, if we can possibly manage it, our goal is by 2027 is to have the County at an ISO of 3. Now, a lot depends on that but that's our goal.

Now, how do these class scores break down? This is a page that I want to draw your attention to. Fifty percent of our score comes from fire department capabilities. Forty percent of our score comes from water supply in the response area. Ten percent comes from dispatch. There's 5.5 percent from community risk reduction. We'll call that extra credit for the sake of this conversation. So what I really want to point out to you is that 50 percent of the fire department's ISO score has nothing to do with the fire department. It is water and it is dispatch. Fifty percent has nothing to do with the fire department.

How does New Mexico stack up against the national spread of ISO rankings. You can see on this slide that the bell curve is largely Class 4s, 5s, and 6s. Right in the middle, and New Mexico falls in line with that with a spike in Class 9s as well, and that's due to the rural makeup of our state in its entirety. And when you compare New Mexico to Santa Fe County we fall on the front side of that bell curve, Class 3s, 4s and 5s is where Santa Fe County falls, compared to New Mexico as a state, which also has a fair amount still of Class 9s. So all in all, for the resources that we have for the 2,000-ish square miles that we cover as a fire response area, we've done pretty well.

Now, what's the current state of ISO for the Santa Fe County Fire Department? Well, in 2020 we began dedicating staff to ensure all possible points are captured per district inspection. We've also started creating a central repository for the data that is used and submitted to the Insurance Services Office for our score assessment for anyone to look at and reference for their own upcoming assessment, if it's a fire district that hasn't been assessed in a while, or for anyone else that wants to see how the score was supported by data.

Collaboration across the departments with RECC, County Utilities and the 14 fire districts. We've created a position in the fire department that acts as the liaison to all the other entities involved in an ISO assessment, meaning dispatch, and then the 30+ water associations throughout the county, be they municipal, private or tribal. So we've created a hub for collaboration across all those entities that are involved in the assessment.

The other thing we've done is we have gone through a wave of assessments in 2022, largely due to COVID catch-up. So we were scheduled to have seven five districts assessed. We managed to get six accomplished. We had to delay the December assessment to last month due to weather conditions, but in 2023 we had three more fire districts that will be assessed – La Puebla, Edgewood, Hondo. And then in 2024 we have Galisteo, La Cienega, Stanley, Tesuque and Turquoise Trail. So between the beginning of 2022 and the end of 2024 the entire county, all 14 fire districts, will have a current assessment.

Now, the future state for Santa Fe County as it relates to the insurance rating of our fire department. Learning from the ISO audits that we've done in 2022, all six of them having been in rapid succession, one a month, we really got to understand the ISO model as it is changing over time. So we had assessments in 2019; the assessments we had last year were very different. They were much more stringent, and the insurance industry is changing such that ISO is now looking deeper and more finely into the data that the fire departments and water districts and dispatch center have available for assessment. The idea that having these rapid succession inspections we're creating a countywide playbook to move forward. And that's not just fire department. That is water systems, and that is dispatch – what can happen to get better scores in the future.

Also embracing integrative technologies to further track the fire department and report on performance, be that stations, staffing, fleet maintenance, water, response time, or radio communications. And also having a more robust fire prevention outreach program more tailored to the individual communities that make up our county. So that's one of the many things that we're learning from this process.

So what about the future and what about the threats to our successful assessments in the future? Well, first and foremost the insurance industry is changing rapidly,

nationwide as well as locally. So we've had an increase in intensity and duration of hurricane season along the eastern seaboard. We've had extended droughts throughout the desert southwest and we're having record-setting wildfires throughout the southwest and the southern western coast. So that's having a large impact on what the insurance industry considers a risk in their assessment of fire departments. That's changing rapidly.

So to give you an idea, we at Fire Prevention field calls from insurance brokers, agents, as well as homeowners daily. What used to happen in calls from insurance brokers and agents is they used to ask for the drive distance to the closest station. They're not asking that anymore. They're asking drive distances to the closest staffed station. That's a big change. That may seem like a little, hair-splitting issue but it's a big change in their paradigm of our readiness.

The insurance industry now factors wildland urban interface risk factors into their assessment of response, not just structure fire related issues but now they're looking at wildfire related issues. That's a big change since 2019 even.

Okay, so what are future risks to our scores from the fire department's perspective? So infrastructure needs to keep pace with growth. So in 2022, the Fire Prevention Office reviewed over 1,000 building and business permits, and that has been consistent over several years. So four digit building permits and business permits, that's rapid growth. And can the fire department keep up and is the fire department part of that growth plan? That's what the insurance industry is looking for.

Fire stations integrated into the Growth Development Plan, sustainable fire and EMS apparatus and staffing levels. So again, we circle back to staffing levels. Mitigation of aging apparatus. All this in sum and total amounts to the ability of the fire department to grow with the growth of the county. And what ISO is looking at these days that we have never experienced before is that if the fire department stays as is and yet the county grows what will happen by nature of that stagnation of infrastructure is the fire department will regress in their score. The ISO inspectors call it stagnation regression, and that is a real possibility nationwide and in Santa Fe County.

Response to calls: Do we have enough staff to respond to structure fire related calls or wildland related calls? Lack of new applications to career academies and lack of volunteers is a clear and present danger to our ISO scores currently and in the future. Shortages in existing on-call staff causing station burnouts. That is a clear and present danger to our current response capabilities, as well as low dispatch level staff.

Now that leads us directly to dispatch. We currently have many open seats in dispatch and the ISO or the insurance industry sees that as a risk to being able to respond to multiple calls throughout the county all at once or a singular massive call, and they look at those staffing levels.

They look at the staffing levels as part of their algorithm in charging their premiums for both homeowners insurance and business insurance or denying coverage all together. That is a real possibility that we don't like to talk about but it's a real possibility.

Now, how time response to fire, EMS and law enforcement calls. That is also something that the insurance industry is looking closer and closer at. Not just fire calls, but fire, EMS and law enforcement. They're getting deeper and deeper into the dispatch records.

Okay. Fire protection and water supply. So water supply is 40 percent of the fire department's ISO rating and we have no control over that. So the insurance industry is looking at does the water infrastructure grow with development? They are assessing that. The further away from fire suppression infrastructure, so a fire hydrant near you home, how far is it from a fire hydrant? Your home or business, how far is it from a station? And if development continues to expand outwards without fire infrastructure going with it, then the leading edge of that development may be considered uninsurable by the insurance industry and that impacts the livability of our county.

And also, that lack of infrastructure puts the onus on homeowners or business owners to create and install their own fire suppression, and that can add tens of thousands if not hundreds of thousands of dollars per occurrence. That also impacts the livability and sustainability of the growth in our county and the affordability of our county.

So how does all this interact? How do these systems impact each other and make dependencies on each other? Well, if we look at the insurance industry first and foremost, it's changing rapidly. What they consider a risk to them and to us is changing. And that has largely to do with climate change, reactive government infrastructure, and that's a broad stroke statement there. We're seeing prolonged and intensified hurricane season on the eastern seaboard that is the demand for emergency response is outstripping emergency capabilities. Locally, we have record-setting wildfires. We now live in a post-Hermit Peak Santa Fe era, and that has insurers spooked, thus the water infrastructure is important, dispatch is importance and the expansion and growth of fire response infrastructure with the growth of the county becomes more important.

Okay recent and forecast predictors of loss. The insurance industry has a different formula for what's risky today versus years ago, even as recent as 2019, the formula changes. Okay, so that puts pressure on ISO, on what they look at and the data they collect, and then that puts pressure on public safety, so as far as department staffing levels. Again, we come back to staffing levels, we come back to water supply. That is local pressures. Response distance and time, that's a big impact on a county as big as ours. Technology infrastructure improvements, so improving and expanding the dispatch communication system, integrating technology's onboard apparatus, very different technology applications but very relevant to the insurance industry considering us response-ready.

Communication towers, development-driven equipment. That is something that we're starting to see ISO look at as well, and what I mean by that is every fire district can have up to four three-story buildings and when the fifth three-story building is built the insurance industry says your fire department needs a ladder truck. So imagine, development getting to the point where the County needs 14 \$1.2 million ladder trucks. Imagine that. But that is something the insurance company is looking at. So again, the formula of what they consider risky is changing.

Population growth and building size increase. While the demand for affordable housing increases so does the demand for the size of the buildings and the number of buildings, and that would put pressure on the emergency response. And the industry is watching that. They're looking to see what size buildings are being built and how many of them. And all that creates pressure around the public on insurance premiums for businesses and homeowners, as well as the public's safety expectation of a safe response.

And then the financial implications of putting the burden on infrastructure versus individuals. That is something that ISO looks at.

So there's a lot of information packed into that, but at this point do you have any questions for me?

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

COMMISSIONER HAMILTON: We've known for quite a while this kind of thing has been developing and developing and there are a lot of sneaky things. There are places of wildland urban interface locations in my district that are already considered uninsurable, which we've been working on, even before Hermit's Peak, etc., etc. So it's a big problem. Weirdly, in the age of having a lot of emergency hits the pandemic seemingly unrelated but accentuated so much that there's actually a fair amount of federal money available to do some of this kind of upgrading and development. It's not necessarily that easy to get. We don't happen to have a grant writer here at the County but we have lots of smart people. Are we thinking about how to leverage federal resources to help us in achieving – because this was a very well laid out structure for what we need to think about. So thank you for that. That's really well done. But are we thinking about that?

And I know the answer is yes but I want to –

JACOB BLACK (Fire Chief): Madam Chair, Commissioner Hamilton, yes, ma'am, we are. And in fact at the last BCC meeting, one of the Consent Agenda items was a request to apply for the AFG grant to modernize our equipment, to help diversify the revenue sources. So we are actively looking to try to find and identify different revenue sources to help meet these needs.

COMMISSIONER HAMILTON: I wasn't being snarky. I knew the answer was yes, and yet it's a big challenge to all of us but obviously it falls in kind of your lap first. But there are probably more resources now than there have been in the past. So looking for that is something we should really think about up here. Thank you, Madam Chair.

CHAIR HANSEN: You're welcome. Thank you. Just to remind you that the North Central Northern New Mexico Economic Development Board has grant writers that we can avail ourselves of, and since I'm going to Commissioner Greene next and he is now our representative on that board, I will let him speak. Go ahead, Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you for the presentation. I appreciate it on very many levels and as the chairwoman mentioned, North Central has grant writers so while the County doesn't have direct grant writers North Central does and they've had a great success record of leveraging \$400,000 of junior money into I think \$30 million worth of grants. So if you want to sit down with them all it takes is a letter from us to say put the right people to your needs there.

But I do have three questions here. You showed a chart of who is a Class 1 all the way to Class 10 in the state and we cluster, good job, we're in Class 3, 4 and 5, mostly. Who is a Class 1 example and who's a Class 2 example?

MR. FULMER: Class 1 example is Los Alamos Fire.

COMMISSIONER GREENE: Of course.

MR. FULMER: And I believe Albuquerque Fire is a Class 1.

COMMISSIONER GREENE: It's cities as well as counties? A city can qualify.

MR. FULMER: Los Alamos Fire is an independent fire department. Albuquerque Fire is an independent fire department, so the fire departments get the ratings; cities don't. Cities get the benefit of the fire department's rating but it's always the fire department's rating.

COMMISSIONER GREENE: Thank you. Reiterating a concern of Commissioner Hamilton, a lot of my district is suddenly becoming almost uninsurable or becoming very expensive, prohibitively expensive to live up in the hills, and I'm wondering if there is a plan to work with homeowners up there, to have a strategy from best practices that the Fire Marshal – I know don't put wood against your building and things like that but things that can really preempt these insurance rejections. You come up for renewal and suddenly you get a letter from your insurance company that either your rates are so high or in fact they're just not – they're denying coverage.

MR. FULMER: What we're seeing in fire prevention, the inquiries from the insurance brokers or agents is where's the fire hydrant? And how powerful is it? And where's your fire station? And is it staffed? And so again, one of those first slides is that 50 percent of our rating, if you dismiss the 5.5 points of extra credit for community risk reduction, 50 percent of our score is water and dispatch. The fire department has no control over that. So water infrastructure throughout the response area, that's big in the insurance industry. And then fire stations, where are they? Are they staffed? Those are the questions. That's a change even from 2019. That's a change in the insurance industry's assessment of what is risk. And so that is part of what we wanted to do in raising awareness today is that 50 percent of our score is dependent on other community infrastructure – water and dispatch.

COMMISSIONER GREENE: A last question sort of related to the 40 percent water issue is we just voted on an extension of the expansion of the wheeling agreement over to Cañoncito. Cañoncito is probably one of these high risk areas, and I'm wondering when we're looking at water system development are we looking at potentially putting a holding tank as a part of that system that could – if you want water brought over there, yes, as part of the agreement we have to have one or two fire hydrants and we have to have a 10,000, 20,000, 50,000, whatever the gallon of tank that would allow enough support for your system in those extreme areas where going 20 minutes with a tanker truck is just out of line and maybe would bring the insurance down for the folks in Commissioner Hamilton's district.

MR. FULMER: Again, the water systems are not our systems. They're a community asset. And so the way we respond as a fire department is largely formulated by what we know to be available throughout the county. And so whether that is a water tender shuttle program or whether we hook up to a very high powered hydrant, that is something that each fire district has to map out and know. But as the county grows in population base and density, water infrastructure needs to be front and center of all the high level conversations, even being the fire department. Water needs to be part of that. Dispatch capabilities need to be part of that, and then of course lowering the fire department fire response infrastructure with the growth in footprint and density of the

county's population, that also needs to be part of that high level conversation, which the County and staff I'm sure has on a daily basis.

COMMISSIONER GREENE: Thank you. And just to reiterate that point, even though these are things that are out of their control, this whole room is listening and getting this presentation. So I can see Public Works and Growth Management and the Utilities Division, folks from those divisions here that should take heed into this. And so when there's a wheeling agreement that we're being asked to agree to, some of that agreement should have included, and maybe it did, a holding tank and two or three hydrants strategically located so the people over there are not just getting fresh water but are getting fire coverage at the same time. And that you're not – that you are consulted in any of these. So I hope you are in the future. I hope Public Works reaches out to you every time there's a line extension. Where would you like a hydrant? Or would a holding tank help you in these cases? And so on.

MR. FULMER: And that was my hope with this presentation was to simply raise awareness, especially since half of our assessment is other community infrastructure.

COMMISSIONER GREENE: Thank you.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: To that point, first of all there were hydrants and all water systems have tanks and the tanks are sized to accommodate average daily use and fire suppression. So Public Works is already aware of that but that's also part of the responsibility of the individual mutual domestic and before I was a Commissioner I spent 14 years running the water system and personally wrote numerous grants to the Water Trust Board that helped Glorieta and Cañoncito and several of the water systems putting in fire hydrants for exactly that reason.

So it's like a related but a separate effort and once again you have to somebody like – there are people currently in some mutual domestics, like Cañada de los Alamos in my district is a very active and we've -- doing exactly that. But there's definitely help needed because I stopped writing Water Trust Board grants when I became a Commissioner for obvious reasons, right? So there is tremendous need when you're talking about the rural areas, getting the rural areas and getting that kind of infrastructure in comes down to having somebody capable of doing it in each place and getting the support to do it. So it's a really good point. It's a challenge.

MR. FULMER: Madam Chair, Commissioner Hamilton, that's true, because as existing mutual domestics, they have their infrastructure in place. And so what the insurance industry does is they look at the total gallons available in their tanks, and then they subtract the daily domestic usage. And then whatever is left they consider available for fire suppression and as more and more people tie into those mutual domestic systems, the net result left for fire suppression shrinks over time. And the possibility – and it's just a possibility, is that at a certain point in a mutual domestic's life they have so many people on their system, if they don't invest in their storage infrastructure then by the insurance industry's calculations they have nothing left for fire suppression. And that is why water and dispatch, as well as fire department capabilities, all three of those, it's an assessment and a finding of quality and capability that rests on those three legs. Dispatch, water and fire department. Any other questions?

COMMISSIONER BUSTAMANTE: Mr. Fulmer, Madam Chair, thank you. I was asking whether you were Chief Fulmer, respectfully. I do have a question that I don't know the answer about, whether or not the insurance companies take into consideration any community preparedness activities, any kind of preparatory – like preparation for events, ready, set, go exercises, any type of that community outreach. If an entity were to demonstrate additional communication with a community to help them prepare and be active in the event of something. Do they take any of those into consideration?

MR. FULMER: The answer is yes, but to the extent that it packs the scores, it falls under that 5.5 points of extra credit out of 105.5. So there's also in the calculation and the minutia of the ISO assessments that I won't get into, there's weighted points versus unweighted points. And those activities are unweighted.

COMMISSIONER GREENE: Thank you.

CHAIR HANSEN: Thank you very much. We appreciate the update and before we move on we're going to take a five-minute break just because we've been sitting up here for the last 2 ½ hours, maybe three, and we'll be back in five minutes.

[The Commission recessed from 4:35 to 4:50.]

7. B. Presentation on the Implementation of the Short-Term Rental Regulation, Registration, and Licensing Ordinance

CHAIR HANSEN: Welcome back, everyone. Welcome, Ms. Penny Ellis-Green.

PENNY ELLIS-GREEN (Growth Management Director): Thank you. So the Short-Term Rental Ordinance timeline: On October 25th the Board approved Ordinance 2022-7, which was the Short-Term Rental Ordinance. It was recorded the following day with the County Clerk. It went into effect on November 25th. Applications were then accepted. We had checklists and applications on the webpage, and we took application appointment times throughout that time. March 15, 2023 is the deadline for short-term rentals to be registered, either owner-occupied being registered or non-owner-occupied being licensed.

Short-term rentals and applications by the numbers: So we have approximately 330 short-term rentals at the moment in the unincorporated area of the county. That information came from Granicus, who is our contractor. This had approximately 120 applications initiated through in-person appointments and we have accepted approximately 75 applications, have been accepted and tentatively approved. Sourced identified approximately 500 in-person application appointments to this in addition to this between now and March 15th. The goal of this is for compliant applicants to leave with a temporary short-term rental business registration or a temporary short-term rental business license at the end of their appointment. Applicants with issues that cannot be resolved at the appointment, such as potentially unpermitted development will have a roadmap for resolving their issues.

The next few slides are regarding or comparing the application requirements to the ordinances. So first of all, a deed is required. The Short-Term Rental Ordinance in Section 3.5 defines owner as the person who is the title owner of the property. A plat is

required. The Short-Term Rental Ordinance, Section 4.2 states that short-term rentals are only approved on property that is a legal lot of record. The current property taxes are required by Section 7.2 of the ordinance that states, Any short-term rental should be responsible to pay all applicable taxes. Permitted or non-conforming dwelling units, the Short-Term Rental Ordinance under Section 4.2 provides that short-term rentals are only allowed within dwellings legally recognized under the SLDC, and Section 14.6.4 of the Land Development Code states, The burden of establishing a non-conforming status of use should be upon the owner of the property. And that would be for a unit or a dwelling unit that was established prior to 1981.

A CRS number, again, the Short-Term Rental Ordinance, Section 7.2 states a short-term rental should be responsible to pay all applicable taxes, and the Lodgers Tax Occupancy Ordinance, Section 3. E requires monthly reports to include the vendor's monthly CRS gross receipts tax form.

Rural address verification, the Short-Term Rental Ordinance, Section 7.8.1 states, Each STR shall clearly display the assigned rural address. This is actually established through Ordinance 1990-95 and amended by 1996-14, which established the countywide addressing requirements.

A site plan is required. It can be hand-drawn on an aerial photograph, on your survey plat. It's used to confirm the dwelling units and identify onsite parking and solid waste storage as required by the Ordinance 7.4.2 stating, Guests may not bring more cars to the short-term rental than the number of onsite parking spaces, and Section 7.7.1, All short-term rentals shall store all solid waste within a structure or enclosed container.

A floor plan is required. Again, that can be drawn by hand. It's used to identify the number of bedrooms and square footage used for the dwelling, and also that the structure is a dwelling. So again, Section 4.2 of the ordinance provides that the short-term rentals are only allowed within dwelling units, and Section 7.3.1 states the occupancy limit is two per approved bedroom.

The Fire Code Compliance certificate form, Section 7.6.1 states, To assist owners with compliance and streamline the processing of applications, the Fire Marshal shall establish for submittal with the short-term rental license application, a Fire Code compliance certification. This is a self-certification that people read and sign and initial that they do meet that compliance standard.

Proof that the short-term rental is the primary residence of the owner, this is required for owner-occupied short-term rentals and the ordinance, Section 5.3.11 requires applications for business registration for owner-occupied short-term rentals to include an affidavit or proof that their short-term rental is owner-occupied.

Well meter readings are required for non-owner-occupied short-term rentals if that's applicable. Section 6.3.1.3 requires this, if there is an existing water restriction on their property.

So the application process improvements that we have made to accommodate a March 15th deadline – so we're increasing the application processing capacity. Even though we've been taking submittals for over 11 weeks, we've only had 120 appointments and taken in 75 applications. So we still have approximately 450 to go. So assuming there's a March 15th deadline, we have identified approximately 500 in-person appointments between now and March 15th. They include all day, Monday, Wednesday,

Friday through March 15th, and four Saturdays have also been identified. An appointment is available every 15 minutes. We will also take applications by email. So this is new, and the short-term rental email address is a new email address going to multiple staff members, so we will accept applications that are complete through email.

With increased pre-appointment customer service, that includes a dedicated phone number for short-term rentals. The 995-2700 will now ring to multiple numbers and has a dedicated voice mail. We're doing pre-appointment screening and support with help from the constituent services liaisons. We've provided detailed frequently asked questions and enhanced the application checklist developed and posted on the website. So between all of these, addition upfront help, all of the appointments and the email appointments, we're trying to make sure that everyone has the ability to make a submittal before March 15th.

So in-person appointments still remain the preferred method of application. Staff is able to work with applicants to remedy the small errors in an application or anything missing during that appointment. Appointment process is redesigned to allow compliant applicants to leave with a temporary business registration or temporary business license, and the County will also provide copies of the appropriate forms, envelopes and postage for required neighbor notification for a reasonable fee so that an affidavit of mailing can be completed at the end of the appointment. So people can actually write out their envelopes. We give them a list of who to write them to, write them out, put them in an envelope, have them ready for us to mail and then they can submit their affidavit. So they will be done in one appointment.

So continuous improvement. We've refined the process recently to try and streamline it. Our staff will also be asking customers to provide feedback on the process to identify any other areas of improvement.

So some of the issues that we've encountered: the first is unpermitted development. This would include a remodel of structure into a home with no permit. We've only actually been issuing accessory dwelling units since January 2016. Before that, in order to get a second home on your property you either needed to have that pre-code, meaning it was there before 1981, or you needed to have double the density in order to have a second home.

So if you have unpermitted development we require an after the fact development permit, but you may not comply with SLDC standards, so changes may be required to that structure or variances may be required. Many of those, like a variance, is not going to be remedied by March 15th due to the hearings that are required. If you have unpermitted development there is a potential health and safety issue. That means Construction Industries has not looked and not done inspections on your property. You may not be compliant with heating or ventilation standards. There are other code requirements like energy efficiency, water harvesting, setbacks that you may not be compliant with.

Enforcement needs to be consistent. Unpermitted dwelling units and illegal density are not uncommon to us. We deal with that every single week and we will review every permit that comes in and every plat that comes in to ensure that structures have been permitted, especially dwelling units. The County cannot selectively enforce.

So we check permits and air photographs to see if we can identify when a structure was built. If there are two structures on the property, can we identify that it's there before 1980. I would emphasize to applicants that if you know you built or

converted with no permit, call us first, sort that out first before you take up an application time. We can help you through the process.

So I'll continue on with some of the other issues. A lack of valid rural address. This is necessary for timely emergency response. We just heard about ISO ratings from the Fire Department. That includes timely dispatch and we cannot dispatch if you don't have an address. Basically, three home structures or lots on one driveway means you're going to need to rename and have it as a road. The issue exists independent of the Short-Term Rental Ordinance. Every permit, every plat, every application that comes into the County is checked for a rural address. Most of this can be remedied by March 15th. So if you need an address, we have addressing staff in the appointments that can assist you then and there. If you have to name a road, that might take a little longer if you don't have consensus on what the road name would be. But we will help you through that process.

Another issues we've found is no legal lot of record. Staff during the appointments can help search for plats if you're missing a plat to identify a legal lot of record. But if you need a change of title, the Clerk's Office can be available to help. Basically, after 1981, after January 1, 1981, anyone dividing land in the county had to do so by a plat. If you did so by a deed then you have not legally divided the property and you don't have a legal lot of record. So either a plat with a Land Use Administrator or BCC signature on it will validate a legal lot of record or a title search showing that that piece of property existed pre-1981.

Another issue we find is no CRS number, and CRS is the state tax identification number, and we will connect the applicant with the state in order to get this.

So enforcement of the Short-Term Rental Ordinance. Enforcement can't be instantaneous. It's unrealistic for us to go out and issue or cite 100+ short-term rentals into court. Our goal is compliance. So the County works with people every day who are working in good faith to remedy violations. The County does not immediately cite violators into court. This is consistent with how we enforce every single day. We will first talk to the applicant or talk to the property owner, explain the situation, give them a road forward, and allow them to go through that before we go ahead and cite anyone into court.

Third party platforms, it is unclear to us whether or not a third party platform will require registration or license in order to list the property. And at this point I would hand over to Jeff, but I would like to say first, a huge thank you to my Building & Development and GIS staff, who over the last three months have really gone above and beyond helping people at every meeting. Their goal is to try to get people out of those application meetings with an approved permit. And they have been helping people every day on top of their current work load. And I'd also like to thank the liaisons who have agreed to assist us with answering questions and staffing the new telephone number. With that I will hand over to Jeff.

JEFF YOUNG (County Attorney): Thank you, Penny. Thank you, Madam Chair and Commissioners. So I want to spend a little time talking about the timeline for potentially amending the ordinance, should the Board desire to do that. First thing, just to think about is our usual adoption process and that's where we authorize the publication of title and general summary, legal notice is published at least two weeks prior to the

meeting of the Board, at which the ordinance is proposed for final passage, and that's pursuant to state statute, and then there's a public hearing and adoption of the ordinance, and then the ordinance goes into effect 30 days after recording with the County Clerk. That's our usual process.

So we'll talk about that on the next slide, but as you think about that there is some time there that takes. There is an emergency exception to this usual adoption process, and that's for publication of title and general summary is not required for ordinances dealing with an emergency declared by the Board to be an immediate danger to the public health, safety and welfare of the county, and that's also pursuant to statute. And then secondarily an ordinance can become effective immediately upon recording with the County Clerk if the Board declares, again, that it's necessary for the public peace, health and safety that the ordinance take effect immediately.

As Penny mentioned, there are some health and safety issues with short-term rentals. The ordinance made certain findings with respect to health and safety so there is that element to that. As you go forward, just giving you an idea of sort of the timeline. Again, the usual adoption process, there is a regular meeting scheduled for February 28th that we could authorize to publish title and summary. Then we would publish title and summary. We would send that off for title and summary on February 28th. It might not be actually published on that day; it's unlikely it would be. And there would be a hearing scheduled or a meeting scheduled, the regular meeting would hear this particular matter of March 14th. But again, the ordinance wouldn't take effect until 30 days after it's recorded with the County on that day. So the timeline is more like April for that effective day if you were to extend the ordinance deadline for registration and licensing.

Under an emergency ordinance timeline, again, it would take effect immediately upon recording by the County Clerk. This would probably be done at a special meeting or an emergency meeting as you look into that second timeline. If the Board chose to extend the deadline it would take effect immediately if you were acting on an ordinance exception.

With respect to the Open Meetings Act there is a different definition of emergency that I've listed on that slide there. Again, similar to an emergency ordinance exception where there is likely to result in injury or damage to persons or property or substantial financial loss to the public body, to the County. So there is that option to have an emergency meeting which would not require the 72 hours advance notice that you would need under special meeting, but those are two meeting options.

And then with respect to the publishing title and summary and the hearing, even through the emergency exception might allow you to go forward without publishing title and summary and be effective immediately, I would recommend, just given the public interest in this, that there be a publishing of the title and summary and at a second meeting, likely a special or emergency meeting, to address that. So while not required, I would suggest that under those circumstances that the public be given notice of that and an addition hearing on that.

So let's see if we can move on to the next slide. As Penny mentioned, there are appointments with the issues she was laying out which is really an expedited appointment schedule. There are a lot of resources being thrown at that in order to meet the March 15th deadline. So if the ordinance is extended, the deadline's extended, those appointments

would likely be re-evaluated and rescheduled to further extend that out.

There's also the moratorium, as you may recall, the moratorium that pertains to non-owner-occupied short-term rentals. The extension of the registration and license deadline may necessitate pushing that back so that you have more time to evaluate and collect and analyze data with that extension. It's set to expire in November of 2023. I think the deadline is somewhere around November 25th if I'm not mistaken. So that could be pushed back accordingly as well if the Board desired to do that.

So that was it on the timeline. I did want to briefly mention the Lodgers Occupancy Tax Ordinance. We've heard from constituents about this lodgers tax collection issue. Just to say, the reporting and payment obligation is currently imposed on vendors such as STR owners or hosts. Again, that's reporting and payment to the County for those taxes. And then vendors are subject to audit as well. We of course know that Airbnb and Vrbo for example, other short-term rental platforms, they do collect occupancy tax on their hosts in certain areas and we've heard some testimony from constituents saying Airbnb is collecting lodgers tax in some areas there.

So we have been in discussions with some of these platforms over the past several months and at least one major platform has stated that they're not entering into these voluntary collection agreements any longer. They really prefer an ordinance to be in place. And there's a good argument for that in that if you have an ordinance it applies equally to all platforms and you're not trying to enter into an agreement with a hundred or so platforms that are out there on the internet. So that does argue in favor of the ordinance.

So what staff and the County Attorney's Office have been working on is a potential Lodgers Occupancy Tax Ordinance, and the plan is to present that and publish title and summary at the next BCC meeting on February 28th. So that will be something for you to consider as well. I just wanted to let you know that we have been looking at that issue and looking at ways to solve that both for the County as well as the public in these platforms, finding a good solution there.

Now we also want to update you on another aspect of the short-term rental issues and one of these was raised I think at the last meeting by Commissioner Bustamante, and that is Granicus and Host Compliance and Leandro Cordova is here. Do you have a question, Madam Chair? It's our agreement with Granicus. It's a vendor. They're also operating as Host Compliance. You may recognize that name.

LEANDRO CORDOVA (Deputy County Manager): So Madam Chair, Commissioners, as Jeff mentioned, we have an agreement with Granicus, LLC, who is also known as Host Compliance. The County procured a suite of solutions on a subscription basis back in 2020 and I think the purpose of getting into that agreement was to help us with this STR Ordinance and having some data. Not all of the solutions that were purchased at the time have been fully utilized. Primarily the mobile permitting and registration solutions were ultimately determined to not be suitable for County purposes for a variety of reasons but mainly it was unable to verify key requirements within the STR Ordinance, and it was also not able to integrate with our existing permit processing system.

So staff is working with the vendor to implement another solution that has not been yet used which is our 24/7 hotline and that will be coming on line really soon.

We've been working with the vendor again really closely the last week or so. We've been also working with the customer support folks to talk about how to remove some of these lodges that we're not utilizing, and it looks like we may be getting a credit for this year, at least on the mobile permitting, and we'll evaluate as we go forward what else we may not need or what we are using and want to continue to use.

Some of the potential lessons learned – root causes of what happened as we look back. Timing was really – it just kind of stunk. We were getting into this agreement right when we were trying to push forward the STR back in 2020 and then COVID hit. So we got into the contract just as everything shut down and we didn't have much need for the services but we were already in the contract for it. Then there was also the split between Community Development of Growth Management that occurred I think about a little over a year ago and at that time the contract went with Economic Development and Community Development, instead of staying with Growth Management and that may have been a factor as well as to part of how we were not utilizing everything within the suite that we had purchased.

Currently, as I mentioned, we're evaluating the contract and meeting with our customer service rep and our technical team and it does look like we'll be getting some, in this current year, credit for some of the services not being utilized and then as the contract expires on June 30th we have a decision to make whether we want to continue on. We can continue on and reassess whether we need everything and remove some of the potential suite. There is one component that's a primary necessary. That's the address information, and that's the biggest part of it. That is required. The rest of the suite, software solutions, kind of an a la carte kind of thing, so we are utilizing about three of the modules and we'll probably continue to utilize those. So we'll look at those as we get to the end of the agreement. And if we don't need the services and we come to an agreement internally we may do another RFP and see what other options are out there for us as a County.

We're on the last page here of our presentation. This is just basically the hyperlinks are no good in a presentation form but these are also on our website and it just updated our FAQs and our two submittal checklists so that people can review and get as familiar with the process as possible so they can then call ahead and get as much support prior to setting up the appointments that we've set up, so that we can have a smooth process for them once they get into an appointment. I think we stand for any questions collectively if there are any at this time.

CHAIR HANSEN: Okay, who wants to go first? Okay, Commissioner Hamilton.

COMMISSIONER HAMILTON: So I have a couple of questions and I think they're probably progressive. One is you laid out the timelines and all the problems, which you've given us lots of information on that. What is the split in terms of the problems between owner-occupied and non-owner-occupied? And part of the reason I'm asking is a very rough presumption that wanting to assist the owner-occupied and getting them – obviously, they all need to get in by the 15th, but are we having more problems in one area or the other? My next question kind of follows from that.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hamilton, I wouldn't say more in owner-occupied than non-owner-occupied. We are seeing more non-owner-

occupied, which is something that we would expect.

COMMISSIONER HAMILTON: More problems or more applications?

MS. ELLIS-GREEN: More applications in non-owner-occupied. You can only get one owner-occupied because you can only have one primary residence. When it comes to addressing we're seeing about three out of five needing a new address, and a lot of those can be taken care of but when they need a road name it is a slightly longer process. But again, that's an emergency services and 911 issue.

COMMISSIONER HAMILTON: I'm trying to figure out – we have an option for extending the deadline, and you guys have also – the solutions, the things you've put up in place to improve the process are wonderful. I really commend you all for really trying to be responsive on this. With that said, sometimes – I use my favorite expressions whenever I get a chance – even logic must give way to physics. Star Trek is one of the best things to quote from in my book. And given that, if you have lot of owner-occupied applications, both of them, maybe, but if you have 450 applications and 500 appointments, the statistical chance of that working out – it's like you have the capacity but what are the possibilities that people are going to just have times they can't make it or what not.

So I'm trying to put my finger on whether we should commend you for doing this and really push forward, but also thinking about extending the deadline. And I'm just looking for input, not because you guys haven't done a great job really trying to step up to the plate, but just trying to accommodate probabilities of things falling outside the box.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hamilton, I think we knew from the start that not every single person would apply. Some people only rent out a portion of the year and may not even want to come in until they're close to renting that out. What we have found is that we've been taking these in for 11 ½ weeks and we've only had 120 applications. So it's a real cram for staff to get this done by March 15th. If we push the deadline back does that mean everyone will take longer to come in and we're still going to have that crunch at the end? That is a possibility.

Between taking things in by email, all the additional help that we're getting for people, the frequently asked questions, the fillable forms, the checklists that clearly explain what you need to do, we have the capacity of pulling those in. So we wouldn't be able to put that effort into it over a longer period of time, because we still have all of our other applications coming in. So the numerous meetings that we've got, appointments that we've got, the Saturdays that we're opening up, really can only be accommodated up to March 15th. If we were to have the deadline extended we would go back and we would look at where we can continue to provide that many appointments but over a longer period of time not involving as much staff overtime as this would, and still allowing staff to process their other applications.

COMMISSIONER HAMILTON: Okay. So maybe then my question – the related question is about outreach. How do people know about all this expansion of service to try to accommodate their applications to get them in. Because you're already staff-crunched, so I'm guessing outreach is just one more thing to do, but it might be really important to try to get everybody in.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hamilton, yes. We have our Planning Department working with Granicus to send all of this new information

out to everyone that's listed as a short-term rental. If you remember, we've already done two mailings. We have a lot of people calling in, saying hey, we got the mailing; we need to schedule an appointment. We know that people are receiving that mailing. We're also working with the County Manager's Office to get a press release out and get information out. We can also work with all of the liaisons, since a lot of Commissioners have emailing lists to get that information out. It's also on the front page of our website. There's an orange banner at the front. You just click on the front page, click on short-term rental. You get to all of the licensing.

COMMISSIONER HAMILTON: Beyond the banner. You have answered the question.

MS. ELLIS-GREEN: There's also one of our staff members who's also done several radio spots for some of our other work that we're doing. We're looking at also doing that for short-term rentals. So we will reach out as much as we possibly can.

COMMISSIONER HAMILTON: Okay. I'm going to leave it at that because unless we decide – unless there's a discussion to extend the deadline, I don't need to ask questions about extending the moratorium, which I'm not sure we're not already collecting data. So I'm not sure. But at some point can you answer the question about what happens when the moratorium ends, you guys bringing – it just ends, right? At some point before that you would intend to bring information back to the Commission on numbers that the Commission can think about?

MS. ELLIS-GREEN: Madam Chair, Commissioner Hamilton, yes. When the Board approved the ordinance and put the moratorium in, what you requested staff to do was after the March 15th deadline when we've got all of that data, so where these are locate, whether they're owner-occupied, non-owner-occupied, how many people have multiple listings –

COMMISSIONER HAMILTON: All the stats.

MS. ELLIS-GREEN: Some of the mapping, all of that. To bring it back to you to make a determination whether or not you want to make amendments to the ordinance. For example, we had discussions about limiting the total number that people could have, limiting the separation between short-term rentals, and limiting the total number of short-term rentals. In order to do that we do need a deadline so we can get as many people in as possible. We then will be working on hiring a contractor that can help us with that data and give us recommendations, but we would probably need 60 to 90 days to really work with a contractor, worth with staff, work with Legal, work with the County Manager's Office, to be able to present that data. Then we have to come to the Board, present the data, take direction from the Board. If you do want an ordinance we would have to write an ordinance, come back, publish title and general summary and probably do two hearings. And that wouldn't go into effect for 30 days. So we'd need to do all of that by the 25th of October.

So we're already crunched with a March 15th deadline. Extending that deadline would really mean that we need to extend the moratorium line as well, to allow staff time and the Board time to review the data and make decisions as to whether or not you want an ordinance change.

COMMISSIONER HAMILTON: Okay. That's it for now. Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I did have Olivia call Airbnb to see if the registration was required in order for people to list on their platform and there is. Airbnb will not – this is what they told Olivia and this is what we heard from a constituent that Airbnb will not list people’s rental unless they have the number from the County. And so I’m a little concerned about being able to meet the deadline. Because I know for some people this is a significant source of their income and it was never our intention to take away anybody’s source of income. It’s our intention to get them through the process and registered. So I think I’m leaning a little bit toward maybe at least a short extension to make sure we get into that.

COMMISSIONER HAMILTON: They take the listing now with no numbers.

COMMISSIONER HUGHES: Yes, but it’s not against County law right now.

COMMISSIONER HAMILTON: Oh, okay.

COMMISSIONER HUGHES: On March 16th it will be against the law in the county to run a non-registered short-term rental. And so I think the fact that people aren’t going to be taken to court might be somewhat reassuring but the fact that they may lose their income is much more concerning to people. So that’s my concern.

The question I have is what specifically have we done to simplify the process from where it was? What have we removed or simplified in the application process?

MS. ELLIS-GREEN: The application now is in a fillable form. There’s a list on the checklist how you do everything, including people who were under the impression they needed a draftsman to do a floor plan, a site plan. It’s very clear what you can use now. We don’t require any of that. We have rural addressing staff in there that can pull up all previous aerials of the property if we are looking at possible unpermitted development. So we have a lot of staff resources in there. We’re also offering that by the end of your 30-minute appointment, if you’ve got a complete submittal as you leave with a temporary license that we’ve [inaudible] which will have a permit number on it, which means that you can use that.

So anyone that comes in with a complete submittal can leave at the end of that with that license or with that registration. We’re also offering, so people don’t need to come back, don’t need to send anything else back in, we’re offering to make copies of everything that you need to mail out or give you the list of who you need to mail it to. We’ll give you an envelope. And we’ll do all of that for a small fee and then you won’t need to come back. So you could be done and walk out with a temporary license or registration.

COMMISSIONER HUGHES: Okay. And I do appreciate all the efforts that staff has gone to so far to help people and to make these changes and to make the appointments available. And I also want to say I don’t think we should eliminate anything that could affect anybody’s health and safety, obviously, so I understand the addressing is important so the ambulance knows where to go and making sure that if a dwelling, if it wasn’t permitted originally is at least safe to live in. All those things are important but I do think that it seems like a lot of people – if everything is perfect on your lot and you can come in with a completed application and be done in half an hour, but you may not even realize going in that – like one person told me that they didn’t realize

when they bought the house that the accessory dwelling unit had been constructed illegally and the realtor didn't happen to tell them that. So some people, through no fault of their own are going to be coming in with applications that aren't perfect.

But thank you for the clarification on what's been simplified and I will stop talking for now.

CHAIR HANSEN: Thank you, Commissioner Hughes. I'm going to go to Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. So one of the things, I guess Penny and the Attorney are conferring so I'll let them confer. So County Attorney Young, so as you mentioned, the platforms only work behind ordinances. That pertains to the lodgers tax but more than lodgers tax is gross receipts tax. Gross receipts tax is a state requirement and everybody should be registered with a CRS number, or at least submitting to these companies or the companies collecting on behalf of everybody there, at least the gross receipts tax increment. That also should allow us to go backwards in time and assess who's renting, who's compliant, and who's at least compliant up to the tax burden of this.

And so while I understand they're not voluntarily doing it for lodgers tax they involuntarily have to do it for gross receipts tax, so I'd love to push them on that because that should give us a good record who is playing by the state rules, if not by the County rules because the County rules are new.

Another potential problem I see in the future and sort of a problem that we're stacking up against for ourselves is the fact that we're putting a hard and fast deadline here, and I appreciate that and trying to get all of this done but a year from now we're going to have a renewal wave. And so I know in the City's case that the City created a rolling deadline for people to sort of sign up for. And so I may recommend that even if we go – whatever this process is this first time because we have a hard and fast deadline, that we offer people anywhere from a 12 to 18 or 20 month period for their first license so that we get them on a staggered period so you're not overwhelmed a year from now with 1,000 renewals all in one week. And so that same thing can happen again, right now that we have 500 appointments. It won't be as onerous in the future but nonetheless.

I'm concerned about staffing, right? This is wonderful that we've volunteered our constituent services people to help and it's wonderful that people have offered their Saturdays. That's not really the way we should be operating at this point. Two of my fellow Commissioners have talked about extending the deadline. I think that that is both the best on everybody involved. It may need an extra meeting which isn't always the most perfect thing, but that's more on us than it is of just us getting through this. And many of the constituents who are trying to abide by the rules feel unduly pressured and I'm sympathetic to that.

So if we want to extend this I may recommend that as something to alleviate our overtime burden, the burn out on our staff. I can take one more meeting but our staff shouldn't have to do Saturdays for three months to get this done.

And lastly, one of my biggest concerns of this ordinance is that this is like almost an administrative check as opposed to a real life safety check. At the end of the day, every time I've seen a short-term rental permit be processed it is almost a rubber stamp in the office and they make an appointment with the fire inspector. That's it. The fire

inspector comes to your home, checks a bunch of smoke detectors, makes sure that the fireplaces are working, makes sure that there's those compliant things to make sure that life safety is of the utmost importance. Everything else almost doesn't matter.

And so I would recommend – that's the first applause I've gotten in a Commission meeting so it sort of went to my head for a second, so thank you. So that should be our priority, right? And so if there is a process to move forward that says that we can put fire inspectors and to make sure that life safety is dealt with and that everything else is dealt with on a rolling basis for the next 12 months, that to me is a way to roll this out in a very professional and organized fashion, so that we make sure that this summer season everything is fire inspected and that anything is remedied within 30 days for renewal of a fire inspection. And then after that, whether it's an accessory dwelling unit, you sign an affidavit saying this is not giving you permission for the accessory dwelling except for the next six months or whatever we can do. But we have to have some sort of organized way to get through this year that prioritize the most important part, which is life safety. Those are my points. I look forward to the discussion, and if anybody wants to extend the deadline so we can deal with this and not put the burden on the people and the staff, I'm all for it.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, and thank you, Commissioner Greene. I couldn't agree more. I completely understand the issues of health and safety. I do want to and for some reason feel compelled to almost apologize to those that this has become an undue burden. It shouldn't be that difficult. If we're at this point, say things are human nature; people are going to wait until the last minute, do something further in advance and remind people so that if we know things that are human nature aren't going to impede on people's ability to do their lives. And I've talked to people who have been very concerned about their livelihood, that we do things and implement them in a way that's already taking into consideration how people behave.

And I will say honestly for the people who have talked to me, they weren't the people who were dragging their feet at the beginning who: I tried right away. I couldn't get the application until this day. It wasn't available right away. So in all honesty and quite frankly, I am sorry for the undue burden that it's put on people. I am also very grateful for the additional work, the time, effort and energy that our County Manager and Penny Ellis-Green have done because I believe that the process they've put in place is quite thoughtful at this point. I'm grateful.

But unfortunately we've got to a point where there are people who've probably lost sleep, and I don't think life should have to be like that. There's enough bad stuff that's going to happen. So I think that we're coming to some type of resolution. I am naïve enough as a new person on this Commission to ask why this was something that was a presentation when we know that the timeline would be affected and an action couldn't be taken to make the recommendation to vote on any type of extension because that would require that we would take action at another meeting which only extends that timeline even further.

That being said, I still, honestly, do think that the steps and the way people have stepped in to try to do what we can to solve the issue is good. And I do agree. Why Saturdays? And people are going to do what they can to try to help the community

members who have been affected by this but I think there's a lot of room for improvement when you look back on processes. But I don't think we need to change the trajectory only to the extent that we're able to get people a temporary, let them move on, they have a number, and we can start to wrap this up, as well when people are coming back for their renewals, that there is a reminder that says, guess what folks, your renewal is up in a number of days and we're taking into consideration that person who is waiting till the 13th for something that's due on the 14th.

So I both have to say respectfully I'm sorry for those who have had a bad impact and absolutely grateful for the good work that's been done to try to mitigate this. And then the last is sort of a question and why wouldn't there be an opportunity to vote? Why is this a presentation and not an action item? But I'll rest it and I'm done.

CHAIR HANSEN: Thank you, Commissioners. We have under number 10, Matters from County Commissioners and other Elected County Officials, it says action and non-action items. This might be a presentation. Down further in the agenda it does say action or action items. I know Greg wants to say something but I want to say a few things first. I'm also grateful to Penny and her staff for making all these changes and trying to make it more open.

Nobody likes to change their address. I never met one person who likes to change their address. But if you don't have a real address that you can be found by emergency management you're in trouble. And so that is a really important thing.

This Commission also in the past has been very generous with variances, so if people need a variance we can work on those. We can maybe possibly get them a temporary license number while they go through the variance process. Definitely fire inspection. I think there are going to be changes that we are going to have to do and amend in November when it comes back around, but if I counted that you need 60 to 90 days and November is the deadline, that means that if we had July, August, September, October, that's more than 90 days, at least I think it is, to be able to get that. So if we do want to do an extension of the time limit we could also have an emergency meeting like next week to say, okay, we're going to extend the deadline. We don't have to wait until the 28th. We could have this just one emergency meeting, public title and general summary, extend the deadline until April 15th or maybe, since that's tax day, maybe we make it May 1st so people don't feel so burdened because they already have to pay taxes.

The other thing I heard at NACo, the National Association of Counties, is that Airbnb automatically charges occupancy lodgers tax. Vrbo does not. And so therefore – this was brought up in a Finance meeting and it was like Vrbo doesn't want to deal with that, and so the only way we're going to get that to happen is through ordinance, requiring Vrbo and all of the processes like Jeff mentioned, all of the vendors, to non-discriminate. They all have to pay lodgers tax.

Outreach. So even if we do extend it, I'm thinking staff working on Saturdays – I don't particularly like to work on Saturdays these days. But if we did have to do that maybe we do it two times and still extend it because maybe there are people who actually work during the week and they need to come in on a Saturday and we make a special compensation. I am also very concerned about the people in my district who live in the Phase 3 annexation area who have been having Airbnbs and have believed all this time since the City started annexation in 2008 and have not finished it and are in breach of

their agreement that these people have believed they were in the county, because they get no services from the City. They get everything from the County. If ever they have to go to the City for land use issues.

So I am very concerned about somehow trying to give them a temporary permit. I don't know if we can do that. It's an odd thing but I know there are a number of people. Last time there was a gentleman here in the audience who was from that area. We had a woman speak tonight. So there are – and I know there are others. I'm sure there are other Airbnbs over there that are in violation of the City code, but they had no idea they were even in the city so why should they go to the City to get a permit?

COMMISSIONER GREENE: I bet you the City did not notify those people as to the compliance issues and fairly notice them when the City did their regulations, as if they were not city members there. So this is a –

CHAIR HANSEN: They never hear anything from the City. So we have a number of different issues, but I want to go to Greg, because I know he has a number of things that he would like to say. But we do have the possibility of making some kind of action under Matters from the County Commission and Other Elected Officials. We also have Matters of Public Concern and I know there are a number of people here who want to speak about the short-term rentals. So I'd like to go to Greg and then go to Matters from the County Manager and then go back to figuring out what we want to do in the near term. Greg.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I just wanted to identify a few things to help frame conversation. First, it wasn't put on as an action item because the expectation was that the Board would have one or more special meetings at which you could actually take action on an ordinance. So this certainly wasn't meant to preclude action by the Board. It's also simply we didn't have anything for the Board to actually take action on, so that's the reason it was presented in the manner it was presented.

Secondly, I don't know if the Fire Marshal is still present but thinking about capacity to inspect 500 properties, it doesn't exist. So the reality is in terms of bandwidth, the Fire Marshal has even less capacity than Growth Management does at this point in time. And so the compromise that was struck in the ordinance was to have that self-certification but have properties be subject to audit in the same way that the IRS processes things so there would be enough of a threat of inspection and issues that folks would take the certification seriously in terms of those health/safety issues was the structure that was put forward in the ordinance.

I think relative to weekend work, evening work, we did – and this is getting down into the granular weeds – talk about providing cash overtime for that. The problem is is whether you condense it into a month process or you spread it out over additional time. We need more hours under our current staffing level in order to process these applications in addition to the other work that needs to happen, so I don't know that there's any way to avoid that burden under current staffing levels. And even if we were fully staffed to process this number of additional applications over and above what we would normally process. I think that's to some extent an unavoidable burden. But again, that's the burden of being a public servant that Penny and her team are willing to move forward. So those are my only observations. Thank you, Madam Chair. Thank you,

Commissioners.

CHAIR HANSEN: So this is a presentation. I'm going to close that and move forward and go to the Matters of Public Concern, and then we'll go to the County Manager, and then we'll go to Matters from County Commissioners and I think we can have another discussion at that point.

8. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: I would like to know how many people would like to speak. Okay. Daniel, do I have people online who would like to speak?

DANIEL FRESQUEZ (Media Coordinator): Madam Chair, I don't see anybody indicating that want to speak on the line. However, we do have one person that pre-registered to speak. I do not see them on line though.

CHAIR HANSEN: Okay. There's a number of people here to speak. Will you kind of self organize and come up to the podium because Matters of Public Concern is now open. Daniel, are you going to put up a three minute time limit please.

MR. FRESQUEZ: Madam Chair, I'm displaying the time limit right now.

CHAIR HANSEN: Okay. Thank you.

JESSICA FABORHAUT: I'm Jessica Faborhaut and I live off of route 14 and have an Airbnb. I'm here to talk to you about the whole health and safety issue that you heard so much about today. Section 2.1 of the ordinance states that the number one purpose of your regulation was to ensure the safety and welfare of vendees to whom STRs are rented. We're all happy to do the fire certification. I went and measured my windows to make sure that firemen can get in. None of us wants our buildings to burn down or for anybody to get hurt.

However, that is not what's happening when we go into the Land Use Office. We are required to produce a development permit before we can even talk about the STR permit. And development permits have absolutely nothing to do with public safety. Development permits do not ensure that a structure is habitable, that the electrical system is sound, that the roof isn't about to cave in. Development permits are only about zoning. They pull your property up on a map and start poking at it and saying, what's this? What's that? What's that? What's that building for? How do you use it? How long has it been there? They don't inspect anything for safety. In fact I was told that an existing building never gets inspected for safety. The CID doesn't ever issue a retro-active building permit.

So as I think you've heard by now, there are many of us who, it turns out, don't have development permits for our properties. I bought my property in 2015. They pulled it up on their little screen and know there's no development permit on file. I was never told that when I bought it, and yet I was allowed to buy it.

So now we're being required to get that after the fact. This is the time consuming and expensive process that you've been hearing so much about and that has snarled the implementation of what you, Madam Chair, had said should just be a simple business license, and you mentioned it as well, Commissioner Greene. Basically, the STR ordinance opened up an opportunity for the Land Use Office to retroactively apply the current zoning codes to pre-existing properties. These are the totally revamped zoning

rules that went into effect in 2016, six years ago.

So we're being told that we have to make extensive and expensive changes to our properties to bring them into full compliance with the SLDC, every aspect of it. I could tell you about my property if I had more time, and basically, my question is, the Land Use Office is focusing entirely on short-term rental owners with this enforcement. They're saying that they can't selectively enforce their rules but in fact they are selectively enforcing them on us. And once again, it has nothing to do with public safety; it's simply about zoning.

So to us the solution is simple. Amend the ordinance to specify that the only requirements you need for obtaining an STR business license are a warranty deed, proof of taxes paid, and that fire safety certification which we all take very, very seriously. This will achieve your goals of protecting public safety and collecting taxes, and it will stop the Land Use Office from subjecting us to this onerous and completely unnecessary additional process. Thank you.

CHAIR HANSEN: Thank you very much. Next. If you'd please come and stand in a line so we can move this on. Hi. Welcome.

TREY CORKERN: Hello. Thank you. Trey Corkern. I welcome the new Commissioners, my Commissioner, and also to say first of all, I'm an Airbnb owner on Highway 14 and same story. I bought my house with no knowledge of – with the intention to use these as either rentals or Airbnbs with no knowledge of them being permitted or unpermitted and one of the reasons people are writing, I can tell you, is because they're hearing the stories like Jessica's. They're not coming in because they know – and this is my third meeting on this and I listen to all of it. I take both sides of it.

I want to be a responsible Airbnb owner, and the problem here is that – and I thought in all the meetings, like for me, yes, I'd just love to be left alone and do what I want to do, but I also realize I'm a citizen of this county and the United States and world. Like I want to do my part and I thought that the County Commissioners all had good points about things. I didn't disagree with the ordinance. The problem is that the checks and balances, you guys all put together the ordinance, and now the Land Use Office has taken over. And so the stories I'm getting is my driveway is not wide enough. You can't have a split in your driveway. You can't have a turnaround on your property. This building may or may not be permitted. The permit may have been thrown out, which is apparently something that the permit office does.

And for me personally, I went into business during COVID, so I in good faith called the building office which was closed for months and months and months and months, and then the permitting process was even further out with an undetermined date of how long it would take to even get a permit. So now, people like me who've – I couldn't get unemployment during COVID. All these other things. That's a personal story; it's not really that relevant now that the pandemic has passed, but the point is like I have life plans. This is all of my income. I have a kid on the way. I have a wife in graduate school and then here comes the Land Use Office saying, well, where's your permit for your building?

Well, no one told me that when I bought my house. And I think this number, which is not true, which is 62 percent have been approved so far but I know that several people that the application was approved pending the Land Use Office. So I know the

percentage is going to be very, very low. I also own two properties in Madrid where I'm almost positive there are no permits for any buildings in Madrid, so I haven't even applied for one of those.

So I think the answer what the previous speaker said, which is just take this out. Like either – I think if you went and looked in the rural county, like how many accessory dwellings have permits, you're probably going to put like 85 percent of people in the rural county out of business. So if that was your intention, which is not the ordinance you passed. That was not the intention. It didn't say anything about building permits, the SLDC, and now the whole thing hinges on that. If we didn't have that the application process would be over like this, if it was just check your boxes. Come on, come on, we'll help you. that's not the case. This is punitive. This is targeted by people who do not like Airbnb and they're given too much power.

CHRIS LESLIE CURTIS: Good evening, Madam Commissioner and fellow Commissioners. My name is Chris Leslie Curtis. I know I've been up here before so not to be redundant, but quite frankly, I just want to ask for the March 15th deadline. I ask you to expeditiously to make a motion, do whatever you have to do, to extend the deadline. I think it's in the best interest of all of your constituents and the County office as well.

I'd like to commend the County office on their proposition to provide more staffing, better access – it's really appreciated. However, I don't believe that that's what's going to solve the problem. I don't believe the problem is the sheer number of people. I believe it's a problem with the ordinance.

If there was any way to grandfather in – I know that Commissioner Hansen stated about you've been very generous with variances in the past and worked with people. There's obviously been an intent expressed here by you all and the department that you want to work with people. You're trying to work with people. But you have created an undue burden by requiring everyone to be in compliance with the SLDC. I think that's where the problem is. I think that if you can go back to that and consider grandfathering at the County level – I understand the SLDC has some parameters around it about grandfathering, but if there was any way for you to take people who are in good faith trying to go through this application process and remove that SLDC requirement. Grandfather them in. And then move forward with it where people know to expect that, so that they're digging for their building permit way in advance of asking for an STR permit.

Because what's happening now is that the SLDC is applicable to all county residents, but only people asking for an STR permit are being held accountable. This is differential treatment. I don't believe this is right or maybe legal. So I really consider you to take this under consideration that that might be a possible solution. We ask the whole process needs to be scaled back to registration and collection of taxes with additional guidelines and requirements, if any, to come after sufficient data is gathered and additional input is provided in order to prevent it from becoming kind of the quagmire it has become.

We know that your intent was for a straightforward registration process. I know that the members of the Santa Fe short-term rental Alliance want to comply, but they are being required to go through additional hoops that I don't believe other folks are, and I

don't believe the STR permitting process should be an avenue for coming through the backdoor, requiring people to go through these other onerous requirements that are not feasible. Thank you for your consideration.

CHAIR HANSEN: Thank you, Chris.

LIZ EMMENS: My name is Liz Emmens. I'm a short-term rental owner in Tesuque and I've actually been asked tonight to present some information to you on behalf of the hundred short-term rental owners that I know and a fellowship we share in Santa Fe County. I'm not going to repeat some of the things that have been said already, but I do think what's important that you all understand, some specific examples of what has been brought to me that they've been subjected to through this application process by way of the Land Use Department.

You've all heard we all believe that that is the crux of the problem with the ordinance, that it turned from a simple registration process which you all had stated you wanted that would help collect data and then be able to reassess the ordinance, but it's turned into a real mess. People have been asked to close off their driveway and have no way for their guests to park on their property because they have a U-shaped driveway that provides access to their home and the casita from different ends of the driveway.

They've been asked to redo septic systems although it is designed for a greater capacity under the New Mexico state requirements, but since septic systems are now under the County's purview in its new ordinance the County wants it redone to a lesser standard. So in other words, they want you to tear out the better septic system and put in a lower quality one.

And of course as we have heard, they want people to produce building and development permits, regardless if you were the original owner or the tenth owner, and regardless that the County has a well known policy of randomly throwing out older permits prior to the 2016 SLDC when they adopted it. This was confirmed by a prominent land use attorney here in Santa Fe. But as a current owner we somehow have to prove that the permit and the development property was there. How are we to do that. But the County has no responsibility for keeping those records.

And of course now the big issue is our property is being subjected to the SLDC but we're not making any applications to make material changes to our properties. You understand when you go in for a new roof you've got to upgrade your roof to current standards. That's not what this is about.

Here's an experience one woman experienced. She was in the room with 12 men standing with their arms crossed looking on this petite 60-year-old woman who was seated, with an aerial enlarged shot of her property blown up on a large screen and she felt horribly intimidated by that.

Or this example: You have a casita and a separate studio. Both have bathrooms, along with your main home that was built prior to the 2016 code. Now you are told you have to pour concrete down the bathroom shower or top drain line in your studio. So you have main house, a casita, and a studio, that you were allowed to have. It was under code prior to 2016, because you have two kitchens and three bathrooms. But under the new code you are required to have – you could have three kitchens, but you can only have two bathrooms, two units with bathrooms. So now you have to demolish part of your property, losing the property value you originally paid for when you bought the home

that was built under a prior building and zoning code.

CHAIR HANSEN: Thank you.

BOB CLANCY: Thank you. My name is Bob Clancy and I'm from San Pedro, southern part of the county. And something that hasn't been mentioned at all is a situation that I'm in and asked that I've really been misclassified as a non-owner-occupied versus an owner-occupied. If you look at the ordinance, it has characteristic rules. For the owner-occupied, it's the person who's there. They're part of the community. They care. They're available 24/7, a lot of things like that. And I'll try and be brief because I know I sent you all an email explaining our situation in detail.

I talked to Jose Larrañaga and was told that, no, there is no mechanism by which you can ask for a variance or for somebody to look at your situation. I sent it to Ms. Ellis-Green and was told that it was written that way because it was clear and easy to enforce. To me, having something that does not fit reality that's still put forth because it's easy to enforce is not the way to write an ordinance. And it would be really, really nice if there was some mechanism by which we could present our situation to the County and saying here's what our place is like and get some kind of variance or exception. Thank you.

SARAH WEST: I wasn't going to speak tonight because this whole process has been extremely stressful and traumatic, but with the comments that I heard I just feel emboldened and I have some courage. I'm not going to –

CHAIR HANSEN: Your name.

MS. WEST: Saran West, and I live on Highway 14 and I own a property that has a STR on it. My appointment is on the 20th, next week, and I am terrified. I am stressed, anxious. I've lost sleep over this. I've cried over it. It is terrifying. And not just me, but other people I know out there in my area. We're actually starting to think, oh, my god, I guess I'll just sell the family property, because this isn't a hobby for me. This is part of my income, so I can help my kids and my grandkids and live a normal life. And I would go into this in good faith, absolutely. We will comply. And it's horror stories.

I don't know. I just – yeah, I echo what everybody back there said. Extend it. Take out these capricious and arbitrary regulations and requests that are financially and emotionally traumatizing. I'm not going to rip out my walls. It's a safe, good house. Five star reviews across the board. And I love my community. I'm here, yes, pay taxes, whatever. Also, Airbnb has been taking out taxes but they've been paying them to the city, not you guys. That's your money. So you guys need to figure out how to get that.

Anyway, I just have to tell you, I don't think it's a normal thing to feel so scared to go in to a meeting when you're trying to do the right thing and comply. Anyway, thanks and –

CHAIR HANSEN: Thank you very, very much. Is there anyone else here who would like to make a public comment, matters of public concern? Okay, is there anybody online that would like to make a comment under Matters of Public Concern?

MR. FRESQUEZ: Madam Chair, I don't see anybody online that would like to speak during public comment. However, there are two call-in users. If you're a call-in user and you would like to speak, please dial star 6.

CHAIR HANSEN: I want to thank everybody who spoke on matters of public concern. I appreciate you coming here and I believe that this Commission takes what you have to say seriously. So I'm going to close Matters from Public Concern and

we'll go on to Matters from the County Manager but we will take back up this topic under Matters from the County Commission and Other Elected Officials. So if you'll just hold tight we'll come back to this topic. So, Mr. Shaffer.

9. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous and COVID-19 Updates

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I don't have a significant number of updates for the Board. I did want to state publicly that the Governor did extend the statewide public health emergency due to COVID-19 through early March. Separately, I did want to notify the Board that we do have some upcoming vaccination events that are available to the public this Thursday, February 16th at the Santa Fe County Public Safety Building; Thursday, February 23rd at the Hondo Fire Station. Both of those events are from 10:00 a.m. to 2:00 p.m. and Tuesday, February 28th at the Agua Fria Fire Station from 3:00 to 7:00 p.m. And so again, these are both COVID-19 as well as flu vaccine events that are upcoming and we'll have both Moderna and Pfizer primary and booster doses available. That's all I have by way of miscellaneous and COVID-19 updates. Thank you.

CHAIR HANSEN: Thank you, Mr. Shaffer.

9. B. First Session of the 56th Legislature: Updates and Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced [Exhibit 1: Legislative Report; Exhibit 2: Legislative Notes]

CHAIR HANSEN: Welcome, Hvtce Miller. Nice to see you this snowy day.

HVTCE MILLER (County Manager's Office): Good evening, Chair Hansen, Commissioners. I have copies of the presentation that I'm going to pass out to you before I start.

CHAIR HANSEN: Okay. Thank you.

MR. MILLER: Madam Chair, Commissioners, I think I can go through things rather quickly here, since it's been a long meeting so far. In the report right here I have listed, as I did last time, the dates of the legislature and we're almost at the half-way point. Thursday will be the last day for introduction, the 16th, and then I'll be having to start looking for dummy bills. And so here's the number of the pieces of legislation that have been introduced. It's quite aligned with the regular 60-day session, we're in the 400s for the bill numbers, and lastly on page 2 is we've past the deadlines for capital outlay requests and it has here as Friday, February 10th, actually it's on page 3, capital outlay requests will be posted on February 17th. I'm not sure if that will take place as the legislative staff has been quite busy with the budget as well as the capital outlay requests that are coming in.

But we should get a look at both the budget and capital outlay requests most likely some time next week.

On the following pages, pages 4 through the remaining pages, pages 4 through 20,

what I have here are the tracking lists that I have which correspond to the resolutions that are in place right now that support different pieces of legislation. And the items that I have highlighted in green are particular pieces that have shown movement and they're progressing right now. So I wasn't going to go through each one of these tracking lists but I do have a few bills that I have on the supplemental page here that I was going to go over and they're related to County-related priorities.

The first item I wanted to talk about was the budget itself and what was going on right now with the budget. There has been specific requests by the Board to support different agency budgets, in particular, the State Environment Department. And at the agency budget hearing on the House side for the House appropriations there's wide support on both sides of the aisle for the Environment Department. They weren't quite at the level as the executive recommendation, which was higher than the legislative recommendation, but what they are trying to do, not only with the Environment Department's budget but with all agencies is trying to meet the needs of each agency by making special appropriations.

So what this means is that they're trying to look at one-time appropriations that won't be reoccurring that can get departments and agencies up to speed and get what it is that they need through special projects and they'd be able to hire contracts or consultants to get things where they're needed. They're still trying to take into account the boom created by the oil and gas industry isn't likely to last that much longer for fiscal years so that's how they're trying to make these agency budgets whole.

So what we'll see in the coming week or so is the different special appropriations placed in either House Bill 2, or the junior bill, which is Senate Bill 192. And so they'll go into these things and they'll say for instance programming for Health and Human Services for homeless shelter needs, and it will go through and list different counties that they're making these different appropriations for. And so it's hard to tell at this point what all will be include until we see that draft bill version of the House Bill 2 to see what they're going to include.

The budget is currently being put together with the cooperation of the Senate, House, and also the Governor's Office. So I think for me to provide information as to I guess what has a high likelihood of being included at this time would be premature until we actually see a budget bill in its draft form, which would then go to the full House and then on to the Senate for what I would say last minute additions.

Lastly to note on the budget side too, this also does have an effect on the capital outlay bill because some projects and services could be handled through either special appropriations, either in House Bill 2 or the Senate junior bill, and they might be taken out of capital outlay and leave more money there, and so everything is being considered all together at once right now, so it's a pretty hectic time for legislative financial staff at the moment, to say the least.

CHAIR HANSEN: Everything, everywhere, all at once.

MR. MILLER: Madam Chair, I think that might be the perfect synopsis. The next item I have here on the supplemental sheet is Senate Bill 12, the film production tax credit. This was brought to my attention by our own film office and also members from the City. What this does is going to overall increase the tax credits for film projects, increasing it from \$110 million to \$210 million. Currently right now the film office and

others related to the film industry are still analyzing this and this is going to come to committee on Thursday in the afternoon, Senate Tax Business and Transportation Committee, so I'll be able to provide you an update after this meeting occurs.

Next is Senate Bill 165 which was taken up by the Commission at the last meeting providing specific support for this particular bill. This bill did in fact pass its first committee and did have a lot of public participation and a lot of public support for this particular bill. Although it did make it through, one of the committee members who is also a member on the Senate Judiciary where the bill goes next pointed out that because this was such an impactful bill, participants who will be partaking in the local participation, they want to make sure they had everything in order so that getting and receiving the necessary energy, which this deals with power, was in place and there wasn't any ambiguity if it was put into place and then you were therefore later trying to make the rules as this act was put in place. So I think there's going to be a delay here before it goes to Senate Judiciary as the sponsor and different participants of this piece of legislation are going to try to iron out as much as they can before they get to Judiciary and have a multitude of amendments put on. So it's not scheduled right now for Senate Judiciary but that will be the next stop and hopefully once these things are ironed out and it gets the Senate Judiciary Committee endorsement it should have a smoother ride as it progresses through the legislature.

House Bill 230, this goes to a resolution that we do have in place from the County and it's supporting harm mitigation for alcohol related issues. And so there's two versions. That's the same bill. There's a House version, House Bill 230, and there's also Senate version, Senate Bill 259. And House Bill 230 did make it through committee on Friday morning and I was there to support and provide the committee with our copy of the resolution. Truth be told though, this is a bill against the liquor industry. It's going to have a tough road to go through. They have a lot of influence at the capital and they're going to be pushing back on this increased tax that's essentially what the bill is. Although the bill is 100 percent of the tax would go to harm mitigation, and it does have support. There's still going to be a lot of opposition as it goes forward. And that's why I pointed out that within this particular bill that there's an additional bill here, Senate Bill 220, and that's from Senator Ortiz y Pino, and if in the case House Bill 230 or Senate Bill 259 is not able to move forward, this bill may be a second best option. And it's changing the way that the tax currently – some of it goes to the general fund and not all of it is being used for harm mitigation or for treatment purposes. This bill would change that. So it would change all that tax that's currently received from liquor sales would go to those much needed services. So it's still a good bill and it is going towards the goals that statewide and local DWI programs are trying to achieve which is some level of increase harm mitigation related to excessive alcohol use.

The next item I have listed on page 2, Senate Bill 312, is a newly introduced item, and what this would do – this is an incentive more or less to our RECC call operators. It would put them in the same classification and police officers or other emergency response providers in that they would be retirement-eligible within 20 years. So this would be a good bill and it may take some consideration of the Commission that they might want to specifically support this as our own RECC has had its staffing issues recently and in the past and we're trying to get that call center fully staffed and capable.

The next item is an item brought by our own County Clerk, and this is the election procedure changes, House Bill 318, that our own County Clerk supports and would also be looking for support from the County as a whole to support this as it passes through. It currently has its committee assignments but it hasn't been heard in committee as of yet. Was there anything that you want to add specifically, Clerk Clark?

KATHARINE CLARK (County Clerk): This is the Clerk's endorsed bill, so this is the bill that all 33 county clerks support.

MR. MILLER: With that, Madam Chair, that's my brief overview, and I'm looking for any direction that the Commission has to offer at this time.

MANAGER SHAFFER: Madam Chair, if I could just add some additional comments relative to Senate Bill 312. It is something that we're monitoring as well as the New Mexico Counties. As Hvtce said it may be something that could ultimately be the subject of consideration by the Board. We wouldn't recommend that this evening, because it's not as straightforward as you might imagine in terms of providing an opportunity for telecommunicators to select and basically force local governments to opt into a more generous pension plan. There are some immediate costs to the County that would come from that because for those public safety retirement plans, as you may imagine, the contributions of both the employee and the employer are greater. So that change would have an actual dollar impact to the County that we would want to make sure we would work through with the Board.

In addition, it may not exactly solve the problems that you're looking for. Anecdotally, you'll hear stories about whether or not retirement plans are really that attractive to the workforce that you're trying to grow, or whether they would prefer to have higher salaries now and more take-home money in their pockets. So it might not be the big recruiting tool that you ultimately think it would be as you do additional analysis.

And then finally, to the extent that it makes people eligible for retirement earlier, you might actually exacerbate your staffing problems, because people might retire rather than working longer than what they have to do under the current plan. So as I said, it may be something as we get further down the road, the Board may want to support, but for all of those reasons I don't think that we're asking you to take a position on it tonight. We just wanted to give you that observation that in fact that bill is out there and an initial estimate would be that if it passed and if our telecommunicators opted to participate, it would increase our cost of running the RECC by \$281,000. So again, not pocket change, but real money in terms of implementing that type of change. So that's all I wanted to say about Senate Bill 312.

CHAIR HANSEN: Thank you, Manager Shaffer. Thank you, Hvtce. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. It's good to see Hvtce again. Good to see you at the Roundhouse all the time. Glad you get to come back here every once in a while. Question about the film production credit and the rebates. I don't think this is going to be something we could get done this year, but it's something I would like to make my fellow Commissioners and maybe there's an opportunity this year, which is that in my district, as you all know, there are 4 ½ pueblos who are actually excluded from the tax credit and from the rebate. And so one of these pueblos is already involved in the film industry and has taken a leadership position in the country as the

only indigenous tribe with a film studio, and yet they're doing it literally discounting their facility 25 percent just so they can attract film productions.

I would love the opportunity to twist an arm with Senator Rodriguez to start to include the pueblos in this up and down the state, not only in Santa Fe County. And I'm wondering if you know if anything has been mentioned about that with Senator Rodriguez.

MR. MILLER: Madam Chair, Commissioner Greene, I do not know that there currently has been any discussion with Senator Rodriguez and the tribal governments, tribal businesses, regarding – also including tribal enterprises to include this. But having served on a council from my own pueblo I know it's a matter that I brought up to them as well, that this is something that they should bring up to the legislature as it would help out their endeavors.

CHAIR HANSEN: Any other comments before we 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 HANSEN: So let's wrap up this issue on short-term rentals for now. I heard different various concerns about the deadline. Do we want to give direction to staff to extend the deadline, a month, two months? What is the pleasure of the Board? I would like to say, somebody who likes regulation, I think the development permits are really burdensome and it seems like we are punishing people who have bought property, who had no idea that they didn't have a building permit and they were buying property that was platted and legal, and if we're going to have this continue, we need to work with the real estate division, because they need to be telling people hey, these buildings are not up to code and you need to know that before you buy this piece of property. I think there is really some problem with that, because people who are buying this are not given adequate information and now they're being punished

So I have some issues with that. I personally think maybe we extend the deadline maybe a month or two. I think we could do that without having to extend the moratorium and give staff some breathing room but at the same time keep the kind of schedule we have during the week so people can also do some of their other work. I know that other people out there don't realize that maybe staff has other work to do besides short-term rentals. There are other permits, there are other developments going on and staff, this is not the only thing they are doing.

MANAGER SHAFFER: Madam Chair, if I could, and I hesitate to interrupt, but the suggestion I was going to make is if there's direction to explore this topic I would suggest you identify a special meeting date and I would recommend you do that next Monday if not over the weekend so that you can flesh out all of these ideas and we can draft an ordinance. It would be a suggestion for you to consider. There's a lot of thought that goes into those types of considerations. I think staff might suggest if you're going to extend it they would prefer a longer extension rather than a shorter one because

of capacity, what have you. But again I just would respectfully suggest that you might have a more robust discussion if you target a special meeting where we actually come up with the contours of the ordinance that you want to put forward. So that's just something to suggest as to how we do that.

CHAIR HANSEN: Manager Shaffer, I'm good with that, that we have a special meeting and have a really robust discussion on this and figure out what we want to do. What do I hear from my other Commissioners?

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: I'm fine with the special meeting, but before Manager Shaffer made that suggestion I was going to suggest that we do an extension and then allow discretion of the staff to grant waivers for minor departures from the SLDC. In other words give people their registration and if it's just a matter of a driveway or something non-life-threatening that they get the license and then they have a year to clean it up before they get the next license.

I was actually going to suggest a shorter – like one month, like you said, but I think we need to extend the moratorium the same length that we extend the deadline so staff isn't rushed to get the stats. Because everything takes longer than you think, right? But we could either go with that or people can shoot that down now, or we can have a special meeting.

CHAIR HANSEN: I think we need a special meeting because we do need to make some motions and I don't have anywhere on here where I have the ability to have a motion on this. I have the ability, we can give staff direction, but I don't have anywhere on the agenda where I can make a motion and tell staff. So I think I'm correct, Jeff and Manager Shaffer in what I'm saying. Commissioner Greene, a special meeting?

COMMISSIONER GREENE: Absolutely.

CHAIR HANSEN: Commissioner Bustamante? Okay. So let's – we'll work on a date.

COMMISSIONER HAMILTON: Just a suggestion. Can we actually schedule the meeting this weekend or Monday?

MANAGER SHAFFER: While everybody is here I would just as soon we nail down the date.

CHAIR HANSEN: So we can nail down a date right now. That is something we can absolutely do.

COMMISSIONER HAMILTON: I'm available Monday afternoon.

CHAIR HANSEN: We have to have three days notice or something like that so I think Monday might be the soonest. Is that true?

COMMISSIONER HAMILTON: That was the suggestion, I was going –

MANAGER SHAFFER: Madam Chair, that is correct. So if it was two days – Saturday I believe is this point the earliest you could have it. If you want to do it on a normal workday then Monday would be the next opportune time. So we were targeting Monday, but if you'd prefer to do it over the weekend, certainly we could make ourselves available.

CHAIR HANSEN: I'm available Monday. Commissioner Hamilton is available Monday. Commissioner Bustamante is not. Commissioner Greene – yes?

COMMISSIONER GREENE: Yes.

CHAIR HANSEN: Okay. So at the moment we have Monday. We also have Tuesday. Commissioner Bustamante, do you have any flexibility on Monday?

COMMISSIONER BUSTAMANTE: Not on Monday. I'm available on Tuesday.

CHAIR HANSEN: So how about Tuesday afternoon?

COMMISSIONER HAMILTON: I could do Tuesday from 2:30 on.

CHAIR HANSEN: 2:30 on. Everybody else?

COMMISSIONER GREENE: Okay.

CHAIR HANSEN: Okay so we have the 21st at 2:30, 3:00.

COMMISSIONER HAMILTON: 3:00.

CHAIR HANSEN: Okay. 3:00 p.m. on the 21st we will have a special meeting to discuss short-term rentals and give some direction and make some motions in that regard. Is that enough direction, Manager Shaffer?

MANAGER SHAFFER: Yes, Madam Chair.

CHAIR HANSEN: Okay, so then I'm going to go back to Matters from County Commissioners. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I don't have too much. I'm going to start off on townhall meetings again, so look out for when I set that date. I did want to ask if everybody saw the article on the paper on our own Jennifer LaBar Tapia? She's one of the reasons Santa Fe is such a good place. That was an amazing article, so a bit shout-out to our very own Jennifer LaBar Tapia for doing such an outstanding job on that.

CHAIR HANSEN: Yes. Yay.

COMMISSIONER HAMILTON: That's it.

CHAIR HANSEN: Okay. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: The only thing that I have, and we had people from Cerrillos in the room, but Cerrillos is getting ready to sunset their fire station and they want to use that building. I have asked the County Manager to include planning in their conversation so it can be something that's thoughtful and used by the community. It's a building that's got a lot of diesel, it's had diesel used in it. It's probably contaminated, stinky. But they very much would like it. It's off of their main town circle, and if you haven't been to the mule runs, they're talking about having that facility as part of the place where you can pick up snacks and stuff when the donkeys run by. So if you haven't seen it, this isn't the last you're going to hear about the donkey – the mule run from me because it is really one way to spend a great afternoon.

CHAIR HANSEN: Okay, and when is the mule run?

COMMISSIONER BUSTAMANTE: The mule run happens in the summer but the planning for that building is happening right now, and in early May, actually, they will be having a groundbreaking for the new senior/County center. So they really want to keep that fire station that is being sunsetted as a resource for the community rather than turned over to a piece of dirt.

CHAIR HANSEN: Okay.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HANSEN: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you. [light banter] So as a report, we had my first meet and greet up in Nambe Community Center last Tuesday which went very well. We had about 50 to 60 people from the public there and standing room only. We had a great turnout of support staff from Santa Fe County and I want to give a thanks to all of them, from the Treasurer's Office, from the Assessor's Office, from Public Works, from Land Use, the Sheriff's Office and the water utility. It was pretty impressive how many people showed up and were available to the community members to answer questions. It was a great experience considering it's my first one, right? It's nerve-wracking. So I encourage everybody to go do it again.

Besides that, I think that's about it. I had a meeting with the Governor and a meeting with Nambe Pueblo regarding film work, and it seems like there's three, maybe even four northern pueblos, three in our county, that are talking about getting into the film industry and so advocating for their equality, right? At the end of the day this is an equity issue. We need to get involved in lobbying for the film tax credit next year if not this years. Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Just a couple things. I had a townhall last week featuring the Treasurer and she did bring in some people so that was good and I think her presentation was well received. We also talked about some other things around the district. Next townhall will be March 7th. I haven't decided on a topic for that one yet.

I did want to mention, I know that Commissioner Greene last time mentioned perhaps having a budget committee, and I think we should either have a budget committee or we should do a more robust committee of the whole to consider the budget. My understanding is that in years past, before I was a Commissioner and before there was a pandemic we used to get together with the department heads and such to talk about the budget. And I would suggest – at least I would be interested in doing more of that.

And then finally, I just want to bring up again the issue of transferrable development rights. I think that we should, as soon as we can get STRs put to bed we should bring up TDRs and get that taken care of as well. I think the staff has some good proposals for that that just need to be brought forward and discussed at the BCC. And that's it for me. Thank you.

CHAIR HANSEN: Okay. So as most of you know, I've been in DC for the last week. We had an incredible party for the national heritage area and celebrated that. It was very successful and many, many people came and we now have 15 years. So that was extremely exciting. I then spent the rest of the week making hell and agency visits. I met with US Forest Service. I met with Senator Heinrich's office, Representative Leger Fernandez' office, and Representative Stansbury. I also met with US DOE and NNSA. It was a very interesting meeting with NNSA that I will share more as the time goes by but I presented our surplus plutonium resolution. I requested that they come here and both due a joint meeting together, environmental management and NNSA and talk about the issues in New Mexico.

I bet with undersecretary Jill Hruby and she is very interested and willing. It was a very engaging meeting, I have to say, and I'm grateful that I had the opportunity to meet with her. I also met with DOE Ike White who is another undersecretary of EM. Then I

met with Senator Lujan's office, and then I met with DOI, Department of Interior, Caja del Rio seems to be a top issue on their list. I also met with BOR, BIA, people who Commissioner Hamilton and I had worked with when we did the original Aamodt and road settlement. So it was nice to see some of these old friends, so to speak, Tracy Goodluck and Pam – I can't remember Pam's last name, but we have our own nickname for her.

So it was a really good meeting and the most important thing that came out of it, Commissioner Greene, is I said to them they need to be coming here and meeting with us on a regular basis and they said that they will come here regularly and they will get things going again, and they apologized for being so slow, both on the roads and on the water system. So I expressed to them that I really wanted them to come here and meet with you. You are a new Commissioner, and they were very receptive to that.

And then NACo happened and it seems I got a promotion at NACo. I'm now a regular vice chair of the Energy, Environment and Land Use. Before I've only been a subcommittee vice chair, so I got a promotion. And all my resolutions passed, especially the most important one, which was the National Association of Counties urges Congress to raise the debt ceiling to avoid a default on federal debt. The US government always pays its debt. I got that passed out of NACo, which NACo is a fairly conservative organization. There was a couple people trying to attach the debt ceiling and spending. Those resolutions failed by the wayside. This one went through. A former president of NACo said, oh, they're just not NACo resolutions; they're Anna resolutions. I kind of have built a reputation for being somebody who writes policy at NACo, and successfully writes policy. So I was very happy to have both of my resolutions passed.

The Arts and Culture Committee meeting was very exciting and I would have liked to have stayed for the whole conference. I was sorry I had to come home but at the same time I was grateful to be able to come home and be here with all of you today. Because I love you all. So happy Valentine's Day to everyone.

And so that is my brief but spectacular update.

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

CHAIR HANSEN: I see that Madam Clerk is here. Would you like to say a few words?

CLERK CLARK: Thank you, Madam Chair. I have a board of directors meeting on Saturday with the New Mexico Association of Counties so if there is something you would like for me to bring to their attention, feel free to email me and let me know and I will put that on my to-do list. Thank you.

CHAIR HANSEN: You can definitely share my resolution about the debt ceiling.

CLERK CLARK: Yes, ma'am.

CHAIR HANSEN: And we look forward to hearing your report back from the board meeting. We would actually really appreciate that at your next meeting, something that we haven't gotten for a long time so we would love to have a report of

what happens at the board meeting.

CLERK CLARK: Happy to. Thank you.

CHAIR HANSEN: So with that, are there any other elected official online at all, Daniel?

MR. FRESQUEZ: Madam Chair, I do not see any other elected officials on Webex.

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. **In Re: National Prescription Opiate Litigation, MDL-2804, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-md-2804**
2. **Breach of Settlement Agreement and Related Agreements Related to Annexation**
3. **Acquisition of Real Property Interests for Solid Waste Convenience Centers**

CHAIR HANSEN: Mr. Young.

MR. YOUNG: Thank you, Madam Chair and Commissioners. I'd request we go into executive session tonight to discuss 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, specifically including: in Re: national prescription opiate litigation, MDL-2804, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-md-2804, as well as breach of settlement agreement and related agreements related to annexation, and finally, acquisition of real property interests for solid waste convenience centers.

I don't expect it to take too terribly long, depending on the discussion.

CHAIR HANSEN: Okay, can I have a motion?

COMMISSIONER HUGHES: Madam Chair, I make a motion that we go into executive session to discuss the items outlined by County Attorney Young.

CHAIR HANSEN: Do I have a second?
COMMISSIONER HAMILTON: Second.
CHAIR HANSEN: Could I have a roll call vote, please?

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

| | |
|-------------------------|-----|
| Commissioner Bustamante | Aye |
| Commissioner Greene | Aye |
| Commissioner Hamilton | Aye |
| Commissioner Hughes | Aye |
| Commissioner Hansen | Aye |

[The Commission met in executive session from 6:52 to 7:45.]

CHAIR HANSEN: Could I have a motion to come out of executive session?

COMMISSIONER GREENE: Motion to come out of executive session.

COMMISSIONER HUGHES: Does that include that nothing was discussion other than what was told to us –

COMMISSIONER GREENE: That's right. Nothing was discussed other than what was brought up by County Attorney Young.

COMMISSIONER HUGHES: Second.

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

11. B. **Resolution No. 2023-021, a Resolution Authorizing Santa Fe County to Enter Into Settlement Agreements with Albertsons, CVS, Kroger, and Walmart to Resolve the County's Pending Litigation Consolidated and Currently Pending in the Northern District of Ohio, In re: Opioid Litigation, MDL 2804, and Authorizing the County Manager to Execute on Behalf of the County All Documents Necessary or Proper to Effectuate the County's Participation in the Settlement Agreements**

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: The next item of business was 11. B, authorizing Santa Fe County to enter into a settlement agreement with Albertson's, CVS, Kroger and Walmart to resolve the County's pending litigation consolidated and currently pending in the Northern District of Ohio, in re: the opioid litigation, MDL 2804 and authorizing the County Manager to execute on behalf of the County all documents necessary or proper to effectuate the County's participation in the settlement agreements. And I make a motion to approve this resolution.

COMMISSIONER HUGHES: And I second that.

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CHAIR HANSEN: So we have a motion by Commissioner Greene, a second by Commissioner Hughes.

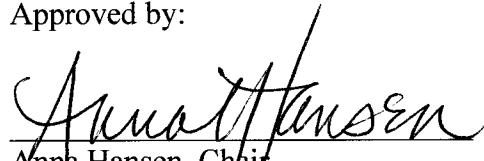
The motion passed by unanimous [5-0] voice vote.

12. CONCLUDING BUSINESS

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

Commissioner Hughes moved to adjourn and Commissioner Hamilton seconded. With no further business to come before this body, Chair Hansen declared this meeting adjourned at 7:50 p.m.

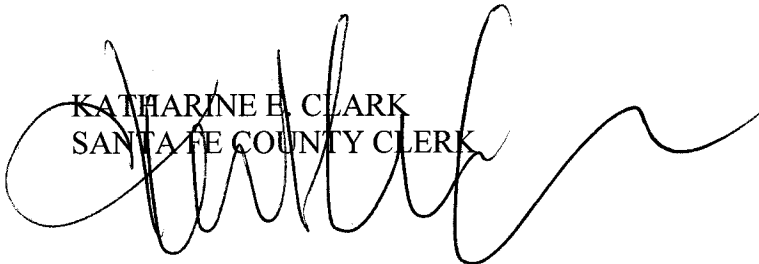
Approved by:




Anna Hansen, Chair
Board of County Commissioners

ATTEST TO:

KATHARINE E. CLARK
SANTA FE COUNTY CLERK



Respectfully submitted:


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



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LEGISLATIVE REPORT 2/14/23

Santa Fe County

tabbles
EXHIBIT 1

2023 Regular Session Dates

01/03/2023 to 01/13/2023 — Legislation may be prefilled
 01/17/2023 — Opening day (noon)
 02/16/2023 — Deadline for bill introductions
 03/18/2023 — Session ends (noon)
 04/07/2023 — Bill signing deadline. Legislation not acted upon by governor is pocket vetoed
 06/16/2023 — Effective date of legislation not a general appropriation bill or a bill without an emergency clause or other specified date

Bill & Session Information (2023 Regular Session)

| Current Statistics for All Bills (2023 Reg) | |
|---|-----|
| Bills Introduced | 821 |
| Bills Passed in 1st House | 22 |
| Bills Passed in 2nd House | 2 |
| Bills Sent to Governor | 1 |
| Bills Signed into Law | 1 |

| Current Statistics for House Bills only (2023 Reg) | |
|--|-----|
| Bills Introduced | 391 |
| Bills Passed in 1st House | 10 |
| Bills Passed in 2nd House | 1 |

| | |
|------------------------|---|
| Bills Sent to Governor | 1 |
| Bills Signed into Law | 1 |

| Current Statistics for Senate Bills only (2023 Reg) | |
|---|-----|
| Bills Introduced | 430 |
| Bills Passed in 1st House | 12 |
| Bills Passed in 2nd House | 1 |
| Bills Sent to Governor | 0 |
| Bills Signed into Law | 0 |
| Total | |

Capital Outlay Associated Dates

- The LCS capital outlay project request site will open on October 19, 2022.
- Deadline to submit a capital outlay requests (COR) online: 3:00 p.m., Thursday, January 12, 2023
- Legislative Opening day January 17, 2023
- Legislators and the governor will receive one list of the CORs by January 23, 2023
- Legislators return sponsored project lists: Thursday, February 2, 2023
- Sponsored projects list posted online: Monday, February 6, 2023
- Member/Agency/Executive language revision deadline: Friday, February 10, 2023

- Reauthorization request deadline: 3:00 p.m. Monday, February 13, 2023
- Legislators' final sponsored CORs list posted online: Thursday, February 16, 2023
- Introduction deadline: Thursday, February 16, 2023
- CORs posted online: Friday, February 17, 2023

22-031 Single Use Plastic

| BILL | DESCRIPTION | House 1 | | House 2 | | PL/Chap | Last Action | Status |
|-------|--|---------|---|---------|---|---------|-------------|--------|
| | | I | C | RC | P | | | |
| SB243 | Steinborn (D36) PLASTIC WASTE REDUCTION ACT Cited as the Plastic Waste Reduction Act, this bill prohibits retail sales establishments from delivering goods in single-use plastic checkout bags or boxes. Vests the Department of Environment and enforce the act. Contains a administrative powers to implement and enforce the act. Contains a definitions section that distinguishes between single-use plastic checkout bags and those types of bags or containers that are reusable or recyclable. Penalties for violating the act may be prescribed by counties, municipalities or by the Department of the Environment in the absence of local ordinances. The department may assess a penalty up to \$25 per day of violation. | • | • | | | | 01/25/2023 | SCONC |

22-056 Gun Safety

| BILL | DESCRIPTION | House 1 | | House 2 | | PL/Chap | Last Action | Status |
|------|--|---------|---|---------|---|---------|-------------|--------|
| | | I | C | RC | P | | | |
| HB9 | Herndon (D28) UNLAWFUL ACCESS TO FIREARM BY MINOR (Related to 2022 HB9) Makes it a crime to negligently make a firearm accessible to a minor. The bill adds a new section to the Criminal Code to make it unlawful for a person to keep or store a firearm in a way that negligently disregards a minor's ability to access the firearm and the minor thereby accesses the firearm and displays it in a threatening manner or causes harm. | • | • | • | • | | 02/10/2023 | SJC |
| HB50 | Royal Caballero (D13) CRIME OF POSSESSION OF LARGE-CAPACITY MAGAZINES (Similar to 2022 HB156) Amends the Criminal Code to create the fourth- | • | | | | | 01/18/2023 | HCEDC |

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|--------------|---|---|---|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|------------|------------|-------|
| | degree felony of possession or transfer of a large-capacity magazine, meaning one with a 10-round or greater capacity (down from 15 rounds in last year's HB156). Provides exceptions and definitions. Appropriates \$1.5 million (GF) to the Department of Public Safety for FY 2024, which includes funding of additional local and statewide law enforcement, court process and incarceration. (2023:HB156) | | | | | | | | | | | | | | | | | | | | | |
| HB59 | <i>Rehm (R31)</i> UNLAWFUL CARRYING OF FIREARM WHILE TRAFFICKING DRUGS Makes it a third-degree felony to unlawfully carry a firearm while trafficking a controlled substance (while in violation of Sec. 30-31-20, Trafficking Controlled Substances). As used in the section, "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion or the frame or receiver of any such weapon." | • | | | | | | | | | | | | | | | | | | 01/18/2023 | HCPAC | |
| HB61 | <i>Rehm (R31)</i> INCREASE PENALTY FOR FELON POSSESSING FIREARM (Similar to 2022 HB28) Amends the Criminal Sentencing Act to increase the penalty for felon in possession of a firearm to five years' imprisonment from the standard three years; and for a serious violent felon in possession of a firearm to six years. | • | | | | | | | | | | | | | | | | | | | 01/18/2023 | HCPAC |
| HB72 | <i>Roybal Caballero (D13)</i> UNLAWFUL POSSESSION OR TRANSFER OF SEMIAUTOMATIC FIREARM CONVERTER (Related to 2022 HB156) Makes it a crime to knowingly possess or transfer a semiautomatic firearm converter; appropriates \$1.5 million (GF) to the Department of Public Safety for use in FY2024 to carry out the prohibition including additional law enforcement, court process, and incarceration. | • | | | | | | | | | | | | | | | | | | | 01/18/2023 | HJC |
| HB100 | <i>Romero, A. (D46)</i> CERTAIN GUN SALES: 14-DAY WAITING PERIOD Amends the Criminal Code provision outlawing sale of a firearm without a background check (Sec. 30-7-7.1) to prohibit transfer of ownership, possession or control of a firearm to a buyer earlier than 14 calendar days after submission of the required federal instant background check. | • | • | | | | | | | | | | | | | | | | | | 02/08/2023 | HJC |
| HB101 | <i>Romero, A. (D46)</i> PROHIBIT LARGE-CAPACITY MAGAZINES AND ASSAULT WEAPONS (Related to 2023 HB50 and 2022 HB156) House Consumer & Public Affairs Committee Substitute for HB101 retains the intent of the original bill to outlaw assault weapons but departs by allowing people who possess firearms prior to the bill's effective date a process for keeping them; adds | • | • | • | | | | | | | | | | | | | | | | | 02/08/2023 | HJC |

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|--------------|---|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|------------|------------|------------|------------|------------|-------|
| | <p>to the definition of "assault weapon," provides exemptions (including for law enforcement officers) and creates an outreach campaign with public notice of the assault weapons ban. (2023:HB50)</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| HB164 | <p><i>Block (R51)</i> OPEN SEASON FOR CONCEALED LOADED FIREARM Amends the Criminal Code to decriminalize carrying of a concealed loaded firearm. Adds a new section affirmatively stating that a person aged 18 or older may carry an open or concealed loaded firearm on their person, unless the person is prohibited by federal or state law or court order from possessing or carrying a firearm.</p> | • | | | | | | | | | | | | | | | | | | 01/24/2023 | HCPAC | | | | |
| HB212 | <p><i>Garratt (D29)</i> DRUG TRAFFICKING AND FIREARM PENALTY ENHANCEMENT Amends the Criminal Code to enhance the penalty for trafficking a controlled substance while carrying a firearm. Convictions would result in a fourth-degree felony punishable under provisions of Sec. 31-18-15 (Sentencing authority; noncapital felonies; basic sentences and fines; parole authority; meritorious deductions).</p> | • | | | | | | | | | | | | | | | | | | | 01/26/2023 | HCPAC | | | |
| HB224 | <p><i>Garratt (D29)</i> UNLAWFUL CARRYING OF A FIREARM WHILE DRUNK IN HIGH-POPULATED AREA Renders the unlawful carrying of a firearm in a jurisdiction within a high-population jurisdiction (a population over 90,000 people) a fourth-degree felony if the offender is intoxicated or under the influence of a narcotic.</p> | • | | | | | | | | | | | | | | | | | | | | 01/27/2023 | HCPAC | | |
| HB238 | <p><i>Garratt (D29)</i> UNLAWFUL CARRYING OF A FIREARM (Related to 2023 HB224) Renders unlawful discharge of a firearm in a densely populated area a fourth-degree penalty. (2023:HB224)</p> | • | | | | | | | | | | | | | | | | | | | | | 01/30/2023 | HCPAC | |
| HB306 | <p><i>Lane (R3)</i> UNLAWFUL PURCHASE OF FIREARM FOR ANOTHER Prohibits a person from unlawfully purchasing a firearm for another person or conspiring to unlawfully purchase a firearm for another person. Specifies that violation is a fourth-degree felony but that violators may also be prosecuted under other sections of the Criminal Code.</p> | • | | | | | | | | | | | | | | | | | | | | | 02/06/2023 | HCPAC | |
| SB114 | <p><i>Neville (R2)</i> ALLOWS CONCEALED HANDGUNS IN RESTAURANTS THAT SERVE SPIRITOUS LIQUOR OR CIDER Expands provisions of the Criminal Code to allow a person to carry a loaded or unloaded concealed handgun on the premises of a restaurant licensed to sell spirituous liquors or cider. Current law already allows a concealed</p> | • | | | | | | | | | | | | | | | | | | | | | | 01/19/2023 | STBTC |

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|--------------|--|-------|------------|-----|
| SB139 | <i>Rodriguez (D24)</i> FUNDS FOR HOMELESS HEALTH CARE AND HOUSING (For the Legislative Health and Human Services Committee) Appropriates \$20 million (GF) to the Human Services Department for use in FY2024 to provide homeless people with access to substance use disorder treatment, behavioral health services, and supportive housing. | • • • | 01/30/2023 | SFC |
| SB141 | <i>Rodriguez (D24)</i> FUNDS FOR HOMELESS SHELTER IN SANTA FE Appropriates \$300,000 (GF) to the Human Services Department for use in FY2024 to provide operational support for a homeless shelter and supportive housing program in the city of Santa Fe. | • • • | 01/30/2023 | SFC |

22-082 Alcohol Related Harms

| BILL | DESCRIPTION | House 1 | | | | | House 2 | | | | | Last Action | Status |
|--------------|--|---------|---|---|---|---|---------|---|---|---|---|-------------|--------|
| | | I | C | R | C | P | C | R | C | P | G | | |
| HB230 | <i>Ferrary (D37)</i> INCREASES LIQUOR EXCISE TAX RATES FOR HARM MITIGATION (Duplicate of SB259) Strikes the special, lower tax rates from small wineries, microbrewers, and craft distillers, raises the remaining rates and re-states them in terms of "servings" and, starting in July 2027, adjusts those rates using the consumer price index. Dedicates 100% of the tax revenues to mitigating harm done by alcohol. (2023:SB259) | • | • | • | | | | | | | | 02/13/2023 | HTRC |
| HB263 | <i>Lujan (D48)</i> HARM REDUCTION ACT: OVERDOSE PREVENTION PROGRAM (Related to 2022 HB52 and 2021 SB255) Amends the Harm Reduction Act to create an Overdose Prevention Program in the Department of Health and to provide liability protections to a person involved in the Harm Reduction Program or the Overdose Prevention Program (including a property owner, director, employee, or participant) from civil or criminal liability for any act or conduct that occurs on the site or relating to the administration of a program unless the action violates of established ethical rules or is negligent or reckless. | • | | | | | | | | | | 02/01/2023 | HHHC |
| HB321 | <i>Harper (R57)</i> LIQUOR EXCISE TAX AND MOTOR VEHICLE EXCISE TAX DISTRIBUTIONS | • | • | | | | | | | | | 02/06/2023 | HTPWC |

| | | | | | | | | | | | | | | | | | | | | | |
|--------------|--|-----|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|------------|-------|
| | Increases the distribution from the Liquor Excise Tax to the Local DWI Grant Fund and changes the current monthly distribution to Gallup to a distribution to the Human Services Department. Increases the monthly distribution of the Motor Vehicle Excise Tax to the State Road Fund and the Transportation Project Fund and eliminates the current distribution to the General Fund. | | | | | | | | | | | | | | | | | | | | |
| SB220 | <i>Ortiz y Pino (D12)</i> CHANGES DISTRIBUTION OF LIQUOR EXCISE TAX PROCEEDS As of July 1, 2023, converts the portion of Liquor Excise Tax Receipts flowing to the state General Fund into funding for alcohol and substance abuse treatment through the Local DWI Fund, a carveout for Gallup, The Drug Court Fund, and the County Alcohol and Substance Abuse Prevention and Treatment Fund. | • • | | | | | | | | | | | | | | | | | | 01/25/2023 | STBTC |
| SB259 | <i>Sedillo Lopez (D16)</i> INCREASES LIQUOR EXCISE TAX RATES FOR HARM MITIGATION Strikes the special, lower tax rates from small wineries, microbrewers, and craft distillers, raises the remaining rates and re-states them in terms of "servings" and, starting in July 2027, adjusts those rates using the consumer price index. Dedicates 100% of the tax revenues to mitigating harm done by alcohol. | • • | | | | | | | | | | | | | | | | | | 01/26/2023 | STBTC |

22-088 Reduce Green House Emissions

| BILL | DESCRIPTION | House 1 | | | House 2 | | | PL/Chap | Last Action | Status | |
|--------------|---|----------------|----------|-----------|----------------|----------|-----------|----------------|--------------------|---------------|----------|
| | | I | C | RC | P | C | RC | | | | P |
| HB228 | <i>Serrato (D45)</i> IMPROVEMENT SPECIAL ASSESSMENT ACT Modelled on the Solar Energy Improvement Special District Act, the Improved Special Assessment Act allows counties to adopt ordinances establishing an improvement special assessment district within a designated region, providing a mechanism by which the private owners of eligible private property can finance permanently affixed energy efficiency, renewable energy, water conservation or resiliency improvements as part of construction or renovation of the property. | • • | | | | | | | | 01/30/2023 | HCEDC |

| HB243 | Lujan (D48) GRID MODERNIZATION PLANS Mandates that every electric public utility subject to PRC rate-making authority file, by March 31, 2025, and every fourth year after a grid modernization plan, which will include the following: | • | • | | | | | | | | | | | | | | | | | | 01/31/2023 | HENRC |
|--------------|--|---|---|---|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|------------|-------|
| HB365 | Roybal Caballero (D13) EXPANSION AND FUNDING OF GEOTHERMAL RESEARCH AND PROJECT DEVELOPMENT (Almost identical to 2023 SB8) Expands and provides funding for the development of geothermal resources in the state by including them in the Centers of Excellence at specific higher education institutions and by the creation of a Geothermal Projects Development Fund and a Geothermal Projects Revolving Loan Fund. Appropriates \$26.1 million (GF) for the Funds and for geothermal research and development. | • | • | | | | | | | | | | | | | | | | | | 02/09/2023 | HENRC |
| SB56 | Soules (D37) REMOVES LIMITS ON RENEWABLE ENERGY GENERATION FACILITY SIZE Amends the Public Utility Act to strike language that limits the size on renewable energy distributed generation facilities. Presently, the size of a public utility is restricted to produce no more than 120% of the customer's average annual electricity consumption. The bill proposes to eliminate the restriction. | • | • | • | • | | | | | | | | | | | | | | | | 02/13/2023 | SPASS |
| SB60 | Soules (D37) PHOTOVOLTAIC SYSTEMS IN NEW PUBLIC SCHOOLS Amends the Public School Capital Outlay Act to require photovoltaic systems sufficient to meet energy needs of new public schools proposed for construction with grant assistance from the Public School Capital Outlay Fund after July 1, 2023. | • | • | • | • | | | | | | | | | | | | | | | | 01/30/2023 | SFC |
| SB74 | Soules (D37) CLEAN ENERGY MANDATED FOR ENERGY GENERATION FACILITIES A new section of the Public Utility Act imposes clean energy requirements on construction of new and replacement energy generation facilities. All such facilities shall only generate clean energy, which is defined as energy generated from solar heat, solar light, wind, geothermal reservoirs, biomass or hydropower. Provisions apply to any generation facility that was approved for construction by the PRC before July 1, 2023. | • | • | • | • | | | | | | | | | | | | | | | | 01/27/2023 | STBTC |
| SB173 | Ortiz y Pino (D12) CREATES TAX CREDITS RELATED TO GEOTHERMAL ENERGY GENERATION For taxable years 2023 through 2030, allows a nonrefundable personal or | • | | | | | | | | | | | | | | | | | | | 01/23/2023 | STBTC |

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|---------------------|---|------------|-------------------|--------------|
| | <p>corporate income tax credit of 1.5 cents per kilowatt-hour of electricity generated by a geothermal electricity generation facility for which the taxpayer holds an interest. Maximum aggregate allowable credits per fiscal year equals \$5 million. Also grants a gross receipts tax deduction for constructing the generation plant.</p> | | | |
| <p>SB253</p> | <p><i>Baca, G. (R29)</i> GRT DEDUCTION FOR VEGGIE SPECIAL FUEL Grants a 50% deduction from gross receipts for receipts from selling special fuel consisting of at least 99% vegetable oil or animal fat.</p> | <p>• •</p> | <p>01/26/2023</p> | <p>STBTC</p> |
| <p>SB266</p> | <p><i>Stefanics (D39); Romero, G. (D10)</i> RENEWABLE ENERGY: MINIMUM PORTFOLIO STANDARDS FOR DISTRIBUTED ENERGY RESOURCES Requires a public utility to include retail distributed generation in its electric energy supply portfolio; establishes portfolio standards; and requires public utilities to file annual renewable energy standard reports.</p> | <p>• •</p> | <p>01/27/2023</p> | <p>SCONC</p> |
| <p>SB413</p> | <p><i>Pope (D23)</i> MILITARY APPROVAL OF WIND AND SOLAR PROJECTS Requires Wind and Solar Energy Project Owners to notify the Chair of the Military Base Planning Commission and apply to the Federal Military Aviation and Installation Assurance Siting Clearinghouse for permission to continue expanding or constructing their projects. Requires those project owners that do not gain approval to cease expansion or construction and remove all equipment and components within 30 days or allow the state to remove all equipment and components.</p> | <p>• •</p> | <p>02/13/2023</p> | <p>SCONC</p> |

22-095 Muni Housing Change

| BILL | DESCRIPTION | House 1 | | | House 2 | | | Last Action | Status |
|---------------------|---|------------|---|---|---------|---|---|-------------------|--------------|
| | | I | C | P | RC | P | G | PL/Chap | |
| <p>SB398</p> | <p><i>Rodriguez (D24)</i> ALLOWING HOUSING COMMISSIONERS MULTIPLE CITY JOBS Allows a commissioner of a local housing authority to hold office or employment for the same city where the housing authority operates.</p> | <p>• •</p> | | | | | | <p>02/09/2023</p> | <p>SHPAC</p> |

22-107 SFC Legis Priorities

| BILL | DESCRIPTION | House 1 | | | House 2 | | | Last Action | Status | |
|--------------|---|---------|---|----|---------|---|----|-------------|------------|-------|
| | | I | C | RC | P | C | RC | | | P |
| SB161 | <i>Stewart (D17)</i> RESTRICT USE AND SALE OF NEONICOTINOID PESTICIDES (Similar to 2021 SB103) Amends the Pesticide Control Act to make it unlawful in New Mexico to distribute, deliver, or transport neonicotinoid class pesticides; to use them on any property; or to sell any plant or seed treated with them, unless pursuant to five identified exceptions. | • | • | | | | | | 01/19/2023 | SCONC |
| SB167 | <i>Stefanics (D39); Wirth (D25)</i> INTERSTATE STREAM COMMISSION Appropriates \$25 Million (GF, nonreverting) to Interstate Stream Commission for use in FY2024, and all subsequent fiscal years for the Strategic Water Reserve. | • | | | | | | | 02/02/2023 | SFC |
| SB309 | <i>Rodriguez (D24)</i> SEVERANCE TAX BOND PROCEEDS: CAPITAL OUTLAY REAUTHORIZATIONS A shell for the much larger bill that will be brought forth later in the session, relating to Severance Tax Bond capital expenditures: reauthorizes or reappropriates balances, expands or changes purposes, extends expenditure periods; changes agencies; and establishes conditions for the reversion or transfer of unexpended earlier appropriations. Addresses the following projects (listed by section number in bill): | • | • | | | | | | 02/01/2023 | SFC |
| SB407 | <i>Stefanics (D39)</i> NATURAL ORGANIC REDUCTION OF A DEAD HUMAN BODY (Related to 2023 SB285) Amends the Public Health Act, the Uniform Licensing Act, and the Funeral Services Act to provide for natural organic reduction of a dead human body; to allow for unclaimed bodies and bodies of indigent persons to be disposed of by natural organic reduction; and to create licensure and scope of practice requirements for natural organic reduction operators and facilities. | • | • | | | | | | 02/10/2023 | STBTC |
| SM43 | <i>Gonzales (D6)</i> POLLINATOR PROTECTION PLAN WORKING GROUP Requests that the New Mexico Department of Agriculture convene a working group to consider acceptance of a pollinator protection plan as proposed by the New Mexico Beekeepers Association and assess ways to | • | • | | | | | | 02/13/2023 | SRC |

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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | protect pollinators through community education, outreach and data collection. | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

22-108 Sustainability

| BILL | DESCRIPTION | House 1 | | | | | | | | | House 2 | | | | | | | | | Last Action | Status |
|-------------|---|---------|---|----|---|---|----|---|---|---------|---------|---|----|---|---|----|---|---|---------|-------------|--------|
| | | I | C | RC | P | C | RC | P | G | PL/Chap | I | C | RC | P | C | RC | P | G | PL/Chap | | |
| HB32 | <i>Sarinana (D21)</i> ENERGY STORAGE SYSTEM INCOME TAX CREDIT (Related to 2022, HB11) For taxable years 2023 through 2027, authorizes a nonrefundable personal income tax credit to individuals who, after March 1, 2023, purchase and install an energy storage system on the taxpayer's residential, commercial or agricultural property in New Mexico. | • | • | | | | | | | | | | | | | | | | | 01/27/2023 | HTRC |
| HB42 | <i>Thomson (D24)</i> DOH PUBLIC HEALTH AND CLIMATE PROGRAM AND RESILIENCY FUND (Duplicate of 2023 SB3454 (temporary number)) Directs the Environmental Health Epidemiology Bureau of DOH to establish a Public Health and Climate Program to assist communities with emergencies and planning related to climate change and extreme weather. Establishes the Public Health and Climate Resiliency Fund administered by DOH to make grants to communities. Appropriates \$1.1 million (GF) to DOH for use in FY2024 to support the program and \$5 million (GF) to DOH for use in FYs 2024 through 2028 for the Fund. | • | | | | | | | | | | | | | | | | | | 01/26/2023 | HAFC |
| HB45 | <i>McQueen (D50)</i> NATURAL HERITAGE CONSERVATION ACT CHANGES (Identical to 2022 HB36) Amends the Natural Heritage Conservation Act to include in its purposes, and to empower the Energy, Minerals and Natural Resources Department to fund, acquisitions of land and interests in land in addition to the conservation easements already provided for in statute. | • | | | | | | | | | | | | | | | | | | 01/18/2023 | HRLC |
| HB67 | <i>Chandler (D43)</i> DEDUCTION FOR ENERGY STORAGE EQUIPMENT HENRC Substitute for HB0067 amplifies the original by fleshing out the definition of "energy storage facility" in the Industrial Revenue Bond Act and the County Industrial Revenue Bond Act: "a facility that uses mechanical, chemical, thermal, kinetic or other processes to store energy | • | • | | | | | | | | | | | | | | | | | 01/27/2023 | HTRC |

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| | <p>from a zero-carbon emission source for release at a later time." It bars municipalities or counties from acquiring energy storage facilities unless the school districts within the government's boundaries receive in-lieu-of-property tax payments. Finally, it sunsets on July 1, 2033, both this proposed additional deduction and the existing deduction for solar or wind equipment.</p> | | | |
| <p>HB91</p> | <p><i>Ferrary (D37)</i> NATURAL RESOURCES TRUSTEE: PETROLEUM-BASED INJURY & DAMAGES (Related to 2023 SB3407 (temporary number)) Establishes legislative findings as to the rights of New Mexicans to a clean and healthy environment and the threat posed by the release of injurious substances. Imposes additional duties on the Natural Resources Trustee, including adopting and enforcing rules for the assessment and collection of fines for damages resulting from the release of petroleum-based injurious substances. Amends provisions concerning liability and damages relating to release of an injurious substance. Grants the Trustee discretionary authority to join a civil action for the release of an air contaminant, a hazardous waste, or a water contaminant pursuant to the Natural Resources Trustee Act. Clarifies use of the Natural Resources Trustee Fund. (2023:SB3407)</p> | <ul style="list-style-type: none"> • | <p>01/18/2023</p> | <p>HENRC</p> |
| <p>HB95</p> | <p><i>Lujan (D48)</i> CREATES RENEWABLE ENERGY OFFICE IN THE STATE LAND OFFICE Mandates that the Commissioner of Public Lands establish and maintain a Renewable Energy Office to advance the production and development of renewable energy. Bill contains no appropriation.</p> | <ul style="list-style-type: none"> • | <p>02/06/2023</p> | <p>HCAL</p> |
| <p>HB96</p> | <p><i>Townsend (R54)</i> RENEWAL ENERGY: NATURAL GAS COMBINED CYCLE TECHNOLOGY Amends the Rural Electric Cooperative Act and the Renewable Energy Act to include natural gas using combined cycle technology in the definition of "renewable energy resource."</p> | <ul style="list-style-type: none"> • | <p>01/18/2023</p> | <p>HENRC</p> |
| <p>HB142</p> | <p><i>Allison (D4)</i> GENERATING FACILITY AND MINE REMEDIATION AND RESTORATION Creates the "Generating Facility and Mine Remediation and Restoration for Public Health and the Environment Act" to provide for investigation and documentation of conditions at the recently closed San Juan Generating Station (the only facility that meets the statutory description) and to plan for full remediation and restoration of the property. Empowers the Energy, Minerals and Natural Resources Department (EMNRD) and the Department of Environment (ED) to investigate and establish a plan that ensures public utility company (PNM) compliance. Provides for administrative, civil and</p> | <ul style="list-style-type: none"> • | <p>02/06/2023</p> | <p>HAFC</p> |

| | | | | | | |
|--|--|--|--|--|------------|-------|
| | <p>HB174 <i>Dixon (D20)</i> UNDERGROUND INJECTION CONTROL FUND Creates the Underground Injection Control Fund administered by the Energy, Minerals and Natural Resources Department to carry out a state underground injection control program. Appropriates \$2.4 million: \$1.4 million (GF, nonreverting) to the Fund for use in FY2024 and beyond and \$1 million (GF) to the EMNRD for use in FY2024 to provide employees for the underground injection control program and support the application process for state primary enforcement authority over Class Six wells (which are used to inject carbon dioxide into deep rock formations and to protect underground sources of drinking water).</p> | <ul style="list-style-type: none"> • | | | 01/30/2023 | HAFC |
| | <p>HB185 <i>Ortiz (D42)</i> ENVIRONMENTAL STANDARDS FOR APPLIANCES AND FIXTURES ACT Cited as the Environmental Standards for Appliances and Fixtures Act, the bill creates environmental and Energy Star efficiency standards for certain appliances and plumbing fixtures that are installed in the state after December 31, 2024. Prohibits the sale of certain lighting fixtures starting after December 31, 2023.</p> | <ul style="list-style-type: none"> • • | | | 02/02/2023 | HJC |
| | <p>HB379 <i>Castellano (D70)</i> PROHIBITS LOCAL GOVERNMENT REGULATION OF CERTAIN AC REFRIGERANTS Relates to the regulation of use of refrigerants and the installation and listing of equipment that contain certain refrigerants, and bars counties, municipalities or a governmental entity from prohibiting the use of such refrigerants.</p> | <ul style="list-style-type: none"> • • | | | 02/10/2023 | HCPAC |
| | <p>HJR4 <i>Ferrary (D37)</i> CA: REPEAL POLLUTION CONTROL PROVISIONS IN STATE CONSTITUTION (For the Radioactive and Hazardous Materials Committee) Proposes a constitutional amendment by adding a new section to Article 1 that provides the people of the state with environmental rights. Includes the right to clean and health air, water, soil and environments, a stable climate and self-sustaining ecosystems. Directs the state counties and municipalities to serve as trustees of the natural resources of New Mexico for the benefit of all the people and by repealing the current pollution control provisions of Art. 20, Sec. 21.</p> | <ul style="list-style-type: none"> • | | | 01/23/2023 | HENRC |

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| SB5 | Stefanics (D39); Thomson (D24) PUBLIC HEALTH AND CLIMATE PROGRAM AND FUND Directs the Environmental Health Epidemiology Bureau of DOH to establish a Public Health and Climate Program to assist communities with emergencies and planning related to climate change and extreme weather. Establishes the Public Health and Climate Resiliency Fund administered by DOH to make grants to communities. Appropriates \$1.1 million (GF) to DOH for use in FY2024 to support the program and \$5 million (GF) to DOH for use in FYs 2024 through 2028 for the Fund. | • • • | | | | | | |
| SB22 | Tallman (D18) ELECTRIC VEHICLE AND CHARGING UNIT TAX CREDITS (Related to 2019 HB185, SB333; 2020 SB181, 2021 SB58; 2022, SB21) For taxable years 2023 to 2028, creates two new refundable personal income tax credits, one for purchasing or leasing a qualified electric vehicle and the other for installing an electric vehicle charging unit. Effective January 1, 2024, imposes two new annual vehicle registration fees: \$120 for electric vehicles with a gross vehicle weight of 26,000 pounds or less and \$60 for plug-in hybrid electric vehicles under 26,000 pounds gross vehicle weight. | • • | | | | | | STBTC |
| SB30 | Soules (D37) STATE PURCHASE OF ELECTRIC VEHICLES (Almost identical to 2021 SB130) Amends the Procurement Code to require General Services Department to create a plan for and purchase electric vehicles (EV) so that at least 75 percent of all state vehicles would be electric by January 1, 2030. | • • • | | | | | | SFC |
| SB77 | Soules (D37) REQUIRE PHOTOVOLTAIC SYSTEM AND EV RECEPTACLES ON NEW RESIDENCES (Almost identical to 2021 SB132) Requires all new residential construction after July 1, 2023 to have photovoltaic systems that provides at least one watt per square foot of heated area and to include at least one receptacle for charging electric vehicles. Mandates the Construction Industries Commission to promulgate rules (recommended by the Electrical Bureau) that modify New Mexico's adopted National Electrical Code to implement this requirement. | • • • | | | | | | STBTC |
| SB112 | Sedillo Lopez (D16) NATURAL RESOURCES: RELEASE OF INJURIOUS SUBSTANCES (Duplicate of 2023 HB91; related to 2023 SB3407 (temporary number)) Establishes legislative findings as to the rights of New Mexicans to a clean and healthy environment and the threat posed by the release of injurious | • • | | | | | | SCONC |

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| <p>substances. Imposes additional duties on the Natural Resources Trustee, including adopting and enforcing rules for the assessment and collection of fines for damages resulting from the release of petroleum-based injurious substances. Amends provisions concerning liability and damages relating to release of an injurious substance. Grants the Trustee discretionary authority to join a civil action for the release of an air contaminant, a hazardous waste, or a water contaminant pursuant to the Natural Resources Trustee Act. Clarifies use of the Natural Resources Trustee Fund. (2023:HB91; 2023:SB3407)</p> | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <p>02/10/2023</p> | <p>SFC</p> |
| <p>SB169 <i>Stefanics (D39); Ortez (D42)</i> CLIMATE INVESTMENT CENTER Creates the Climate Investment Center as a nonprofit independent public corporation to administer an Environmental Project Financing Program, which is designed to fund projects, programs, loans, and investment opportunities to further the state's climate action goals. The Center is governed by an appointed Board and administers a Climate Investment Revolving Fund. Appropriates \$20 million (GF, nonreverting) to DFA for use in FY2024 and subsequent years to provide operating capital for the Program.</p> | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <p>02/08/2023</p> | <p>SFC</p> |
| <p>SB182 <i>Steinborn (D36)</i> STATEWIDE WASTE REDUCTION AND RECYCLING PROGRAM Requires various departments and staff to develop strategies for statewide recycling and litter reduction. Creates the position of Recycling and Waste Reduction Education Coordinator in the Department of Environment. Requires Tourism Department to cooperate with federal land management agencies to develop a statewide waste reduction program.</p> | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <p>01/24/2023</p> | <p>SCONC</p> |
| <p>SB195 <i>Campos (D8)</i> WATER PROTECTION PERMANENT FUND AND WATER PROTECTION FUND Creates the Water Protection Permanent Fund from which a beginning annual distribution of \$8 million is authorized to the new Water Protection Fund. The Water Protection Fund is administered by the Interstate Stream Commission and proceeds are authorized to hire full-time employees and for the maintenance and construction of reservoirs, diversions, and dams. Appropriates \$158 million to the two funds: \$150 million (GF, nonreverting) to the Permanent Fund for use in FY2024 and subsequent years; and \$8 million (GF) to the Water Protection Fund for use in FY2024.</p> | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <p>01/19/2023</p> | <p>SRC</p> |
| <p>SJR6 <i>Sedillo Lopez (D16); Ferrary (D37)</i> CA: CITIZENS' ENVIRONMENTAL RIGHTS; REPEAL OF POLLUTION CONTROL Senate Joint Resolution. (For the Radioactive and Hazardous Materials</p> | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <ul style="list-style-type: none"> • | <p>01/19/2023</p> | <p>SRC</p> |

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| | Committee) (Similar to 2022 HJR2 and 2021 SJR3) Proposes a new section to Article 2 of the Constitution to provide for the entitlement of all people of the state to a clean and healthy environment, a stable climate, and self-sustaining ecosystems; directs the state, counties, and municipalities to conserve, protect, and maintain environmental resources for present and future generations. | | | | | | | | | | | | | | | | | | | | |
| SM17 | <i>Rodriguez (D24)</i> EARTH CITIZENS DAY Declares February 8, 2023 as "Earth Citizens Day" in the Senate to promote public awareness of the urgency to heal the earth and choose hope and coexistence and to remind and educate people of the necessity to take care of the planet as a shared home together with open hearts beyond the borders of nation or ideology. | • | • | • | | | | | | | | | | | | | | | | 02/09/2023 | SSIGN |

22-109 Comm Development

| BILL | DESCRIPTION | House 1 | | | House 2 | | | G | PL/Chap | Last Action | Status |
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| HB3 | <i>Szczepanski (D47); Steinborn (D36)</i> CREATIVE INDUSTRIES DIVISION AND FUND Creates the Creative Industries Division in the Economic Development Department to promote creative industry-based economic development. Establishes a Creative Industries Fund. Appropriates \$67 million (GF) to the Fund and the Division. | • | | | | | | | | 02/07/2023 | HAFC |
| HB44 | <i>Matthews (D27)</i> FEDERAL HOME LOAN BANK RIGHTS IN DELINQUENCY PROCEEDINGS Amends the Insurance Code to establish certain rights and obligations of Federal Home Loan Banks (FHLBanks) relating to secured claims on an insurer subject to delinquency proceedings. Provides exceptions for the transfer of money or property involving an FHLBank agreement except when done with intent to hinder, delay or defraud a creditor. | • | | | | | | | | 02/13/2023 | HPASS |
| HB160 | <i>Chandler (D43)</i> EASEMENTS FOR BROADBAND INTERNET INFRASTRUCTURE (Near duplicate of 2023 SB97) House Rural Development, Land Grants and Cultural Affairs Committee substitute for HB160 retains the intent of the | • | • | | | | | | | 02/10/2023 | HCAL |

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| | original bill but removes all provisions in the original that granted the Commissioner of Public Lands authority to grant rights of way or easements on or across state lands for broadband internet infrastructure. Also removes the Commissioner's authority to waive fees for broadband service to un- or underserved locations. It retains and expands on the second part of the original bill requiring rulemaking and authorizing waiving of fees by the State Transportation Commission concerning broadband infrastructure. | | | | | | | | | | | | | | | | | | | | | | | |
| SB46 | <i>Duhigg (D10)</i> WRONGFUL FORECLOSURE PROTECTION ACT Amends the Banking Act to prohibit misleading statements or omissions in home loan foreclosure actions, and requiring specific disclosures to a mortgagee prior to obtaining payment, promises to pay, waivers and the like related to any home loan. Imposes new requirements for recitations in complaints for foreclosure. Creates a new civil cause of action for damages or injunctive relief by a homeowner or homeowner's estate for a violation of the act. | | | | | | | | | | | | | | | | | | | | | | 02/03/2023 | SJC |
| SB99 | <i>Lopez (D11); Roybal Caballero (D13)</i> ABOLISHES LOCAL GOVERNMENT POWER TO IMPOSE RENT CONTROL ON PRIVATE PROPERTY Repeals provisions of the Rent Control Prohibition act provided in Sec. 47-8A-1. By so doing, it abolishes a political subdivision's or home-rule municipality's authority to enact an ordinance or resolution that controls rental rates for privately owned real property. | | | | | | | | | | | | | | | | | | | | | | 01/18/2023 | SH PAC |
| SB140 | <i>Rodriguez (D24)</i> FUNDS FOR NEW MEXICO HOUSING TRUST FUND ACT (Endorsed by the Mortgage Finance Authority Act Oversight Committee) Appropriates \$48 million (GF, nonreverting) to the New Mexico Housing Trust Fund for use in FY2024 and subsequent years by the New Mexico Mortgage Finance Authority to carry out the provisions of the New Mexico Housing Trust Fund Act. | | | | | | | | | | | | | | | | | | | | | | 01/30/2023 | SFC |

22-120 Restricted Covenants

| BILL | DESCRIPTION | House 1 | | | House 2 | | | PL/Chap | Last Action | Status |
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| SB286 | <p><i>Ivey-Soto (D15)</i> BAR AGAINST DISCRIMINATORY RESTRICTIVE COVENANTS Amends the Human Rights Act and state real property law to prohibit submission of a deed or other instrument to a county clerk that has a discriminatory restrictive covenant or gender-specific language. Voids unlawful discriminatory restrictive covenants and requires their removal from instruments affecting transfer of real property before they can be recorded; provided that a deed or other instrument may include a statement that the covenant is void as against public policy.</p> | • • | | | 01/30/2023 | SHPAC |
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23-010 Local Choice Energy

| BILL | DESCRIPTION | House 1 | | | House 2 | | | G | PL/Chap | Last Action | Status |
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| SB165 | <p><i>Hamblen (D38)</i> LOCAL CHOICE ENERGY ACT Enables customers of a public utility or cooperative to aggregate their electric loads in their local community as a local choice energy provider that may sell, purchase, or trade electricity. Requires the Public Regulation Commission (PRC) to adopt rules to implement the act.</p> | • • • | | | | | | | 02/10/2023 | SJC | |

Legislative Notes



Budget

The budget is still taking shape and careful attention is being made to fund projects and initiatives in a manner that can have maximum impact but not put a stress on future budgets when oil and gas revenues are not as abundant as expected in future years. What this means is that specific appropriations are being provided to State Agencies that are one time appropriations these are included both in HB2 and the junior bill SB192.

Once a draft version of a vetted House Bill 2 is released this will be able to show what all initiatives are being supported. This does include input by both the Senate and House and also the Executive.

This also has a role in what the capital outlay bill will contain because certain projects could also be funded in either the State Budget or the Junior Bill.

SB12 FILM PRODUCTION TAX CREDIT ACT CHANGES Rodriguez

Makes a series of changes to the New Mexico Film Production Act, including increasing the annual aggregate tax credit cap from \$110 million to \$210 million in \$10 million increments each July 1 (starting July 1, 2023), revising the amount and type of wages for which credit will be granted, boosts the credit percentage for work, services and items provided outside Bernalillo, Doña Ana, Lea and Santa Fe Counties from 5% to 10% and creates a film and media fund to operate one or more media academies.

Scheduled for Senate Tax, Business & Transportation Committee 2/16/23.

Our film office and also the City is reviewing how proposed changes to relate to our surrounding area and the film industry.

SB165 LOCAL CHOICE ENERGY ACT Hamblen

Enables customers of a public utility or cooperative to aggregate their electric loads in their local community as a local choice energy provider that may sell, purchase, or trade electricity. Requires the Public Regulation Commission (PRC) to adopt rules to implement the act.

Senate Conservation Committee amendment to SB165 makes the following changes to the bill.

1. Strengthens requirements for the implementation plan by requiring:

- that the implementation plan contain a rate-setting process that ensures that every rate made, demanded or received shall be just, fair and reasonable.
- a complaint process that provides a customer with an opportunity to make a written complaint regarding the adoption of just, fair and reasonable rates, provide factual information to support the complaint and obtain a written response.

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- that the implementation plan be approved if the commission finds that the local choice energy provider has complied with all of the requirements
2. Excludes contract services for and relating to power from the collective bargaining protections that apply to public employees in Section 12 of the bill.
 3. Extends the deadline for the commission to adopt rules to implement the act from six months to one year from the effective date of the Local Choice Energy Act.
 4. Under the Development and Procurement provisions of the bill, requires a local choice energy provider to adopt criteria that addresses the verification of appropriate professional licensure.

It was mentioned in Senate Conservation that many ambiguities remain with the legislation and more details of the changes this legislation proposes should be clarified as it goes next to Senate Judiciary. It is not yet scheduled. There was a large showing of support from the public for this bills first committee.

HB230 INCREASES LIQUOR EXCISE TAX RATES FOR HARM MITIGATION (same as SB259) Ferrary

Strikes the special, lower tax rates from small wineries, microbrewers, and craft distillers, raises the remaining rates and re-states them in terms of “servings” and, starting in July 2027, adjusts those rates using the consumer price index. Dedicates 100% of the tax revenues to mitigating harm done by alcohol.

Has passed House Health & Human Services Committee goes next to House Taxation & Revenue Committee. Though this legislation does have strong public support it is expected that the opposition will continue efforts to stop implementation of a new tax. Reasons provided by the opposition for why not to impose a tax increase at this time are that 1.an additional tax/additional cost is detrimental to sellers and consumers who are yet recovering from pandemic caused economic conditions 2. current liquor taxes are not fully committed to harm reductions and should be done so first be any increases.

A potential bill that may have a strong chance of passing is **SB220 CHANGES DISTRIBUTION OF LIQUOR EXCISE TAX PROCEEDS**, Ortiz y Pino. Converts the portion of Liquor Excise Tax Receipts flowing to the state General Fund into funding for alcohol and substance abuse treatment through the Local DWI Fund. Does not increase taxes but redirects more funds to harm reductions/treatment.

SB312 PUBLIC SAFETY TELECOMM RETIREMENT Gallegos, David

(Identical to 2022 SB126, very similar to 2021 SB403) Includes public safety communicators as municipal police members or state police members in the Public Employee Retirement Act. Requires the PERA Board to conduct elections on or before December 30, 2023 as to whether to include communicators in the appropriate retirement plans.

HB318 ELECTION PROCEDURE CHANGES Lujan

Introduced 02/06/2023. Makes changes to the procedure for accepting and processing absentee ballots, retaining voting records and the time for processing certificates of registration and cancellations of voter registration; increases pay for election board members.

DISPOSITION OF PAPER BALLOTS AND RECORDS RELATED TO VOTING. Alters the process for paper ballots and records related to voting: Specifies that ballots marked by voters and paper records related to voting and other records should be preserved for 22 months from the date of a federal election or two months from the date of other elections.

Creates additional rules for preserving records and ballots and criteria before records and ballots are destroyed; creates a misdemeanor offense for a person who willfully steals, destroys, conceals, mutilates, or alters any record or paper required to be retained.

Other changes:

- Deletes the requirement that mailed ballots be requested no later than the Thursday prior to the date of the election and sent no later than the Friday prior to the election.
- Deletes a requirement that an applicant for an absentee ballot be notified in writing why their application was rejected.
- Specifies that an application for an absentee ballot from a voter who isn't a federal qualified elector is "timely received" if it arrives at the county clerk's office no later than fourteen days before election day.
- Makes additional slight changes to the process for mailed ballots from voters who aren't federally qualified electors and a process for sending notice when an application is rejected.

SFC CLERK RECORDED 03/16/2023