

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

March 14, 2023

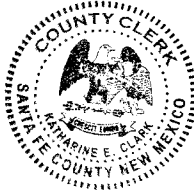
- Anna Hansen, Chair - District 2
 Hank Hughes, Vice Chair - District 5
 Camilla Bustamante – District 3
 Justin Greene - District 1
 Anna T. Hamilton - District 4

SFC CLERK RECORDED 04/17/2023
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COUNTY OF SANTA FE) BCC MINUTES
 STATE OF NEW MEXICO) ss PAGES: 86

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

March 14, 2023

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:09 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 County Clerk Katharine Clark 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 who acknowledged that this building and Santa Fe County is the original homeland of the Tewa people also known as Ogha Po'oga Owingeh, "White Shell Place." The Moment of Reflection was given by Taylor Hohensee of the Community Development Department.

1. **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, March

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7th, at about 6:29 p.m. and the amended agenda was posted on Friday, March 10th at approximately 5:55p.m. which is in excess of 72 hours as requires by the Open Meetings Act between that posting and today's meeting. We had two items that were withdrawn from the original agenda, that was item 3. A, which was a resolution concerning the Sustainability Institute, and item 4. C which was a memorandum of agreement between Santa Fe County and the City of Santa Fe concerning water gauge installation on the Santa Fe River.

Packet material was added to Consent Agenda item 4. B, as well as to Presentations, 7. B and 7. C, and finally, a new item was added to the Consent Agenda, item 4. E, concerning the Santa Fe County Office of Emergency Management Task Force. In addition, I understand that there was a request to partially move up item 10. B, which is Other Elected Officials' Issues and Comments so as to enable the Sheriff to provide an update relative to enforcement efforts concerning crime in the Village of Agua Fria.

CHAIR HANSEN: Thank you, Manager Shaffer. What's the pleasure of the Board?

COMMISSIONER GREENE: Move to approve as amended by the County Manager.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay, I have a motion to approve by Commissioner Greene and I have a second by Commissioner Hamilton.

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

2. APPROVAL OF MEETING MINUTES: February 14, 2023

CHAIR HANSEN: Do we have any changes from the Commission on the minutes or what's the pleasure of the Board?

COMMISSIONER HUGHES: Madam Chair, I move to approve the minutes of February 14th.

COMMISSIONER GREENE: I'll second.

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

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

3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS

A. Item Withdrawn

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

CHAIR HANSEN: I'm going to give the Sheriff and Lt. Benavidez the

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opportunity to address the Commission, so if you would please join us at the podium, Sheriff and Lt. Benavidez. Before this happens, Manager Shaffer, did you hear anything from Growth Management?

MANAGER SHAFFER: Madam Chair, yes, we did make outreach to the Growth Management Department and they are endeavoring to try and have someone here from Code Enforcement. If they're unable to be here before the Sheriff is done with his comments, if you'll indulge me we might be able to provide an update from the Code Enforcement perspective under Miscellaneous Updates from the County Manager.

CHAIR HANSEN: Okay. I appreciate that. Thank you very much. Welcome, Sheriff. Welcome, Lt. Benavidez.

ADAN MENDOZA (County Sheriff): Madam Chair, Commission, thank you for having us this afternoon. We're here today again to give an update on the status of some of the issues that we've had in the Agua Fria district, specifically Lopez Lane and some adjoining neighborhoods in the area. I made a statement I think at the last Commission meeting in reference to some of the pro-active things that we've been doing to try to have an impact on the crime and the issues that are happening in that community. I'm going to go ahead and turn it over to Lt. Benavidez to give an update on some of the things that we've done and some of the progress that we've made and again, we would defer to Code Enforcement to update the Commission on their progress as they have done, have worked with us and have been a good asset for us, and you'd be amazed at some of the things you could get done when you work as a team. But I'll defer to them and if the Commission would like for us to touch on that we absolutely can, but I'm going to turn it over to Lt. Benavidez. His team – he's day shift, but has taken a very pro-active approach in the neighborhood and you'll see from the statistics that he's going to tell you that they made an impact.

I did get an email today from the District Attorney today and advising if we could provide an updated list on the individuals and the charges that have been filed in reference to the issues in this specific area. And we did provide them with that. She advised us she was going to do what she could to review those cases and try to determine if she could aggressively prosecute the cases moving forward. So that's a good thing. So again, we have ourselves, Code Enforcement, the DA's Office, and I'm hoping the court sees the need for the prosecution of these cases. But again, I'll turn it over to Lt. Benavidez for right now.

CHAIR HANSEN: I want to let you know that Officer Hollingsworth is here. Welcome.

SHERIFF MENDOZA: And as soon as we touch on the Code Enforcement issues Lt. Benavidez can turn it over to Code Enforcement to touch on their progress.

CHAIR HANSEN: Thank you, Sheriff Mendoza.

TIMOTEO BENAVIDEZ (Sheriff's Office): Madam Chair, Commissioners, my name is Lt. Timoteo Benavidez. I've been with the Sheriff's Office for 19 years and eight months.

CHAIR HANSEN: We'll just say 20 years.

LT. BENAVIDEZ: I am the day shift Team A commander. I have 18 deputies that I take care of, two sides of the shift. Right now we are focusing all over the

county but our big crime area is in the Village of Agua Fria. Pretty much if we have a stolen vehicle that we get a BOLO from the City, we are heading into the Village to go attempt to locate it. So I have an address of 2500 Lopez Lane. 2500 Lopez Lane is the old Flores Wrecker Service. Right now at the beginning of 2023, the stats show that we have taken five stolen vehicles out of that residence.

A property right behind 2500 Lopez Lane is 952 Camino Vista Aurora. At the beginning of 2023 so far we've taken two stolen vehicles. We've taken seven people with warrants and we've taken a report of one false imprisonment.

Our deputies are trying really hard to take control of the neighborhood and it looks like we're being successful. The last three days I've been on patrol out on the streets, that place has been very quiet. It's been very – we haven't see too much activity in that area.

SHERIFF MENDOZA: Madam Chair, and I want to be respectful for everybody's time but we want to touch on something. This area is not just specific to Agua Fria Village. Over the last few days with diligent work from our Region III Drug Task Force, this area has been connected to a drug trafficking case with the Santa Fe County jail. There were five – well, there were five warrants that were issued because of that case. There was one employee that was arrested on that case and there were five other warrants that were issued and three of those warrants are returned back to 2484 Lopez Lane, which is the defunct Flores Tow Yard. So not only are they having an impact in the community of Agua Fria, they're outreaching into the County Jail and I'm sure other parts of the county.

And so we are taking this very seriously and we have arrested two of the individuals that had warrants that came back to this Lopez Lane address, so I just wanted to touch on that because they're having a far reach more than just the Village of Agua Fria. So you can see the problem that we're having. But again I think we're working diligently with Code Enforcement, we're with the Region, with the DA's Office. I think we're going to make a huge impact.

With that I'll go ahead and turn it over to Code Enforcement so he can touch on Code Enforcement issues at that address.

ROBERT HOLLINGSWORTH (Code Enforcement): Commissioners, I'll start off with the 952 Camino Vista Aurora. She originally had like over 150 trash bags, mattresses, trash on her property. So I did issue with her a notice of violation. I gave her ten days in which to clean the property up. In that time, she did. So that property is completely cleaned up, and I do have pictures in order to prove that.

Right behind her is a park off of Camino Vista Aurora. I did finally contact the homeowners association on that. They were thinking about dissolving their association, but they did say in April they will try and clean the park so I gave them information since they wish to donate the property to the County, the person who would be in charge of that. So with that park, it does have trash. Along the outside it has shopping carts and stuff. Unfortunately I don't have any control on that but I do have the information on who the finance advisor is for the association and his contact information on that.

CHAIR HANSEN: Do you have a title? Mr. or –

MR. HOLLINGSWORTH: You can call me Robert Hollingsworth or Officer – whatever you want to call me.

CHAIR HANSEN: Officer Hollingsworth is fine. So I know the – I've been in touch in the past with the homeowners – Jennifer – one of the homeowners. And this has been an ongoing issue for them. Many of their residents didn't even know they had a homeowners association and I don't think that we should in any way give them a violation of anything because I think they will work to try and clean up that place, but this is another issue of nuisance and that street has had a number of abandoned homes on it where people were camping out and living on it and so this was something early on that was brought to my attention and I do feel that we need to possibly take that park back from the homeowners because they don't have the means. This is a very poor, underserved area.

MR. HOLLINGSWORTH: Right. I got a hold of Scott Kaseman. He's with the Public Works. I did get in touch with him with the financial advisor to see if they want the property or not. So I do have information. I don't know what's going to happen with that. I just kind of like directed them with each other in order to do that. So I did do that on top of it and I'm not going to cite the homeowners association but they are in the process of trying to get the park clean. And that's right next to 952.

Now the big one I need to bring up is of course the Flores Towing. The property is 2500-A Lopez Lane, and I actually cited Carolyn Flores with a Public Nuisance, Anti-Litter and the junked vehicles. They have over 50 vehicles that are not registered, uninsured, taken apart. It's like engines here, bodies over here. I have like I think close to 80 tires, rims. There's metal, trash. It's a big mess.

And I did send her a certified letter also on top of the Notice of Violation. I cited here the Public Nuisance Ordinance emphasizing on the structure, 2500-A. That is completely in disarray. It's got no water, no electricity. It seems like it's a menace to health. She actually had her son and some people staying inside the property even though it's not a good idea, and I did advise her that she can't have anybody inside of that; it has to be boarded up. And I'm giving her until the end of this week. I'm going to go do another inspection to see where she's at or not at, and if I see that there's any issues I'm going to cite her into magistrate court for the violations.

So I am currently working on that. I do have the pictures if you guys would like to see the property, what it looks like.

CHAIR HANSEN: I think it would be helpful for people to see the damage that is happening at that piece of property. Then also, Officer Hollingsworth, this piece of property is no longer a towing – Flores Towing Yard. This is just a piece of property.

MR. HOLLINGSWORTH: Yes. As a matter of fact I got more information on that. We did a lot of legwork on it. They haven't paid for their business license in the last six years so they currently owe \$215 at this point, but they haven't been in business for six years. So I think they're going to cancel their business license within a month. So that's where I'm at with their business license. If they were to pay the \$215 now they would still be considered having a business, but I'm not telling them to pay it.

CHAIR HANSEN: What kind of business would they have?

MR. HOLLINGSWORTH: A wrecker service, because it's still classified as Flores Towing.

CHAIR HANSEN: Even though they have no tow trucks? They have no

ability to actually go out and provide services to the community?

MR. HOLLINGSWORTH: Correct.

CHAIR HANSEN: So isn't it on our side? Can't we just deny them also?

MR. HOLLINGSWORTH: I got with Jose Larrañaga, so he's working on it right now for me. I'm assuming that we can stop that business license within the 30 days and cancel it out, so I'm working with him.

CHAIR HANSEN: Okay.

MR. HOLLINGSWORTH: And I do have the pictures here for you to see that.

CHAIR HANSEN: Yes. If you could pass them along. Commissioner Greene

COMMISSIONER GREENE: Thank you, Madam Chair. Question for the inspector or maybe the attorneys and everybody involved here. Wrecking services and junk yards are famous for groundwater contamination through oil and not properly disposing of things. Is there an ordinance, either on the books or some recommendation that we should be implementing for a higher standard for business that handle that?

MR. HOLLINGSWORTH: Well, you have the Anti-Litter Ordinance right now and the public nuisance. If you guys wish to review it and maybe make it a little bit stronger to include businesses.

COMMISSIONER GREENE: Madam Chair, it seems like that type of business is one that should be at a higher standard.

CHAIR HANSEN: So just to interject so you would know what's happening, Commissioner Hughes and myself have met with the County Attorney and Land Use and I'm not sure who else, but we are working to update the Anti-Litter and Nuisance Ordinance, and we have asked to make sure that Officer Hollingsworth is involved and has suggestions for that ordinance and we had our first meeting last week, and we plan to – we have Estevan, our attorney, working on that ordinance to update it and make it much stronger so that it matches some of the ordinances around the state.

COMMISSIONER GREENE: That's great. Just as an added recommendation that some certain types of specialty businesses such as a car junk yard or maintenance facility should probably have a higher standard for oil and fluids and things like that, and if we have a way of enforcing and inspecting and making sure that could be – maybe a separate ordinance, or it should have some overlap at least. So thank you.

CHAIR HANSEN: There is something on the books but they're more state groundwater protection, which I believe there's something on the books, but that is something that we could check with NMED because that's something that they would have oversight on.

COMMISSIONER GREENE: And just to make sure, because NMED might not be able to enforce this very often, right? So maybe we have a complementary ordinance on our books to protect our own groundwater.

CHAIR HANSEN: I'm sure Jeff is catching that and will pass that on to Estevan, who's working on the ordinance and the update of that.

COMMISSIONER GREENE: Thank you.

CHAIR HANSEN: So go ahead, please, Officer Hollingsworth.

MR. HOLLINGSWORTH: Yes. And I do have connections with the

Environmental for the state, the one section of course is the solid waste. They have an inspector there that I can probably have them go over to the Lopez Lane and take a look also.

CHAIR HANSEN: I think that would be a great idea. I think the more eyes that we have on that piece of property and the more concern and more oversight would be really important. Anything else? Do any of the other Commissioners have any comments or questions?

MR. HOLLINGSWORTH: Only that I'm going to make sure that I concentrate on Lopez Lane now, very hard, as I took care of the other issues that the Sheriffs had. So this is my last case on this.

CHAIR HANSEN: What about Victor Montano's property over on Alamo Lane? Is that right? Across the road? There's another piece of property that seems to be included in this little triangle or circle or whatever you want to call it – crime spree?

LT. BENAVIDEZ: Yes, ma'am. We found out yesterday that the DA's Office is working with federal DA on racketeering charges for Victor. We're assuming that that's getting taken care of right now, and we're just waiting on the outcome of that, Commissioner.

CHAIR HANSEN: And so you'll be going back out there at the end of this week to the 2500 Lopez Lane?

MR. HOLLINGSWORTH: Yes, Commissioner. And I probably will not be satisfied with the progress that they've made so we'll be filing a criminal complaint.

CHAIR HANSEN: Okay, and then that is for 2584 –

MR. HOLLINGSWORTH: It's actually classified as 2500-A Lopez, even though she has another address of 2584 next to it. It's identified as one lot, 2500-A.

CHAIR HANSEN: It's two addresses. And then on the Camino Vista Aurora property, she cleaned up all the trash. Was that the only violation?

MR. HOLLINGSWORTH: Yes. As a matter of fact I have a picture of where she cleaned it up. It's cleaned up completely, front and back.

CHAIR HANSEN: Good job.

MR. HOLLINGSWORTH: Yes. For her.

CHAIR HANSEN: Yes, for her. This place looks pretty serious. Okay, Sheriff, Lt. Benavidez and Officer Hollingsworth, I really, really appreciate your update on this. I think it's important to keep the public updated and informed and so I'm hoping that you will come back at a future meeting with any further information that you have.

SHERIFF MENDOZA: Madam Chair and Commission, in closing, if there's no more questions, I'd just like to state that the Sheriff's Office takes the well being and safety of all of the county seriously. We know where folks are right now in Agua Fria but I would encourage any other Commissioners to reach out to the Sheriff's Office if there's any other issues within your jurisdictions that we can help and come together on. Thank you.

CHAIR HANSEN: I see that I have one more question or comment.

COMMISSIONER GREENE: Thank you, Madam Chair. Sheriff, thank you for the presentation today. For a future presentation, not to put you on the spot today, but we had a community meeting up in Nambe to talk about speeding on County Road 503 and wondering if any patrols, if there are any statistics on pulling people over, tickets

issued, ways of sort of slowing people down by sort of active measures, as it may be, for – not for today. I don't want to put you on the spot.

Also, the case where the pursuit from Espanola into Santa Fe that essentially went through three pueblos and down 285, if we could get some sort of review of that, when you're done with it. Whenever that happens in the next few weeks on how that pursuit ended up from Espanola through Santa Fe County and into Santa Fe.

And then lastly, if anything you can do in the Santa Cruz area, review of how things are progressing up there – again, at a future date, I'd appreciate that.

SHERIFF MENDOZA: Madam Chair, Commissioner Greene, absolutely. If there's anything in your district specific that you would like an update, reach out to me. We can have a meeting, telephone conversation. I can address those immediately, the questions that you have. So feel free to reach out to me.

COMMISSIONER GREENE: Thank you. Thank you very much.

CHAIR HANSEN: With that, seeing no other questions, I'm grateful for your service to the county and working hard on this. I do believe Jeremy Mier is in the audience from Land Use also, right -- would you thank Jeremy? Because he did mention that you were working on this.

MR. HOLLINGSWORTH: Remember, Code Enforcement, if you need us, we're here.

CHAIR HANSEN: We're grateful to have Code Enforcement. I personally believe we need more Code Enforcement. Okay. I'm just sharing that with you because I see that makes you happy. That's always a good thing to say when you know your public servants agree with you. So thank you so much everyone.

4. CONSENT AGENDA

- A. **Request Approval of (1) Replacement Water Rights Agreement and Water Rights Purchase Agreement for El Paisano /Pareo and (2) Resolution No. 2023-027, a Resolution Requesting an Increase to the Utilities Enterprise Fund (505) in the Amount of \$1,400,000 (Finance Division/Yvonne S. Herrera and Public Works Department/Brian Snyder and Michelle Hunter)**
- B. **Request Approval of a Purchase Agreement between the County and the Lopez Living Trust for .049 acres of the Lopez Property Located at 3702 Quail View Lane, Santa Fe, NM, Required for Construction of the Santa Fe River Greenway (Public Works Department/Scott Kaseman) (Packet Material Added)**
- C. **ITEM WITHDRAWN.**
- D. **Resolution No. 2023-028, a Resolution Delegating to the County Manager Authority to Sign and Submit Application to the Bureau of Land Management (BLM), for a Lease of Real Property for Continued Operation of the Nambe Transfer Station, and to Negotiate and Sign the Final Lease and Any Other Documents Related to the Lease (Public Works Department/Scott Kaseman)**
- E. **Resolution No. 2023-029, a Resolution Amending Resolution No. 2023-17 to Add an Additional Member to the Santa Fe County Office of**

Emergency Management Task Force and Remove the Hard Deadline for the Task Force to Complete Its Work (Commissioner Anna T. Hamilton and Commissioner Camilla Bustamante) (Item Added)

CHAIR HANSEN: Is there anything from the Consent Agenda that anyone would like to have pulled? If not, what's the pleasure of the Board?

COMMISSIONER BUSTAMANTE: Madam Chair, I'd like to approve the Consent Agenda as provided.

COMMISSIONER HAMILTON: Second.

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

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

[Clerk Clark provided the resolution and ordinance numbers throughout the meeting.]

5. APPOINTMENTS/REAPPOINTMENTS

None were presented.

6. MISCELLANEOUS ACTION ITEMS

- A. Request (1) Approval of Resolution No. 2023-030, Resolution Requesting an Increase to the Regional Emergency Communications Center Fund (245) in the Amount of \$545,000; (2) Approval of Amendment No. 1 to Design-Build Contract No. 2022-0068-PW/BT with Jaynes Corporation, Inc. for Upgrades, Improvements and Expansion of the Public Safety Complex, Increasing the Amount of Compensation an Additional \$544,778, for a Total Contract Sum of \$5,712,557, Inclusive of NMGRT; and (3) Delegation of Signature Authority to the County Manager to Sign the Amendment and Purchase Order(s)**

CHAIR HANSEN: And with that I will entertain Mr. Bill Taylor. Hi, Mr. Taylor, Bill. It's always good to see you.

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, Commissioners. Pleasure to be here. With me, Dan Anderson from the Public Works Department to present this item. We are asking from the Board approval of the increase to the Public Safety Complex, needs additional funding to accommodate increasing construction costs of materials, labor, that were unprecedented. We expected some escalation but it has been quite a volatile market as you are all aware.

On September 27, 2022 the Board approved the design-build contract with Jayne's Corporation for this project in the amount of \$5,167,779, inclusive of New Mexico gross receipts tax. The design-build project is a long-timeframe on the front end of the design and finalizing the final design so they can fine-tune their costs. Once we received the full 100 percent design the contractor realized an increase in the contract, a

total of \$544,778 necessary to proceed with the project.

The resolution that's before you, the amount of the increase requires also a Board approval, and the increase to the amount of the contract. The reason of these increases primarily were in concrete materials, an increase of \$7 to \$8 additional per square yard of materials. There's the biggest amount along with labor costs increases, framing cost increases. There was a pneumatic tube installation increase attributed to fuel and labor costs, fire suppression system that's being installed in the IT room, site improvements, fencing, and the overall remaining increases are due to overall fees – bonding fees, insurance. As the amount of the contract goes up the design-build contractor's fees for bonding and everything goes up.

So with that, Madam Chair, we'll stand for questions.

CHAIR HANSEN: Are there any questions from the Board?

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes. Go ahead, Commissioner Hughes.

COMMISSIONER HUGHES: I didn't see any questions so I'll move for approval of this item.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay. Under discussion.

COMMISSIONER GREENE: Just one question. When is the estimated completion of this planned for? Is that delayed at all or is everything on time?

DAN ANDERSON (Public Works): Commissioner Greene and Chair, yes, we anticipate that we can meet the schedule, as soon as we get this contract amendment out to the Jayne's Corporation. P.J. Montano will be the project manager on this and he said on the schedule that we will meet those deadlines.

COMMISSIONER GREENE: Oka. Thank you.

MR. TAYLOR: And, Madam Chair, Commissioner, we'll provide you with that estimated completion date for substantial completion. I don't have that with me right now, but they have not asked for an increase or extension of that time.

CHAIR HANSEN: Okay. Any other questions? Seeing none.

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

CHAIR HANSEN: Congratulations. And tell Jayne's Corporation we appreciate their work and we have had a good experience in the past with them so I look forward to their work in the future.

MR. TAYLOR: As we are. Thank you, Commissioner and Madam Chair.

6. B. Resolution No. 2023-___, a Resolution Adopting a Revised Organizational Chart for the Santa Fe County Fire Department

CHAIR HANSEN: Welcome, Chief Black.

JACOB BLACK (Fire Chief): Madam Chair, thank you very much. Madam Chair, Commissioners, thank you very much for taking the time to hear our request for adopting a new organizational chart for the Santa Fe County Fire Department. In order to provide a little bit of history and educate you a little bit on the history of what

brings us here today I'd like to make a short presentation to you all.

So a little bit about what's brought us here today is prior to 1997 we, Santa Fe County was served by 15 individual fire departments. We did have the Santa Fe County Fire Marshal's Office that did provide support and some collaboration and coordination within those departments, however, in large part they operated independently. In 1997 we adopted – Santa Fe County Board passed Ordinance 1997-11 which formed the Santa Fe County Fire Department and brought it into one organization, and had 15 individual fire districts at that point. Since then, one of those districts as dissolved. That was the State Pen district. Now we have 14 individual fire districts.

Over the past 25 years the department has gone through a number of changes and it has seen a tremendous amount of growth. And a part of Ordinance 1997-11 requires us to bring forth rules and regulations. That's Section 11 of that ordinance. The current organizational chart has not been brought to you and has not been approved and that brings us here today. As we look at where we're at we see a need for our restructure from where we're at to move the department forward.

A couple things that we need to address as we restructure our department is we need to support succession planning. Also improve our span of control and enhance collaboration within our divisions in the department, and also facilitate future growth. A huge priority for us is to support our district volunteers and really allow and give them mechanisms and avenues for their success within our department.

So look at our structure of where we're at today. We have the Fire Chief, who is supported by the Department Administrator, then we have four assistant chief positions. Starting on the left of the organization chart that's in front of you is we have our Assistant Chief of Emergency Management. You can see there's a lot that falls within that, under that Assistant Chief from emergency management to rehabilitation to tech rescue to the wildland division.

Moving on we have our Assistant Chief of Operations who also has a tremendous amount underneath that position. We have the fire regions which has three battalion chiefs and three battalions of career or regional firefighters consisting of really 28 to 32 firefighters on a daily basis. Furthermore, we have our EMS training, our captain who oversees EMS components within our department as well as EMS training. Additionally, the Assistant Chief of Operations currently oversees our fleet division and also up there at the top there is a Captain of Volunteer Liaison and Recruitment and Retention.

Continuing on, we have our 14 individual fire districts that report directly to the Fire Chief per 1997-11. Continuing on we have an Assistant Chief position of Support Services that oversees a large number of finance activity, of facilities, logistics, and the training division. And all the way to the right is we have our Assistant Chief of Fire Prevention, our Fire Marshal, who has four incredible inspectors that do an incredible amount of work. So that is the current structure.

As we look to evaluate how we can improve the structure we worked collaboratively with our current command staff seeking their input as well as presented this information to the district chiefs and worked closely with the president of the District Chiefs Association.

We also researched a number of other departments and what are best practices. Some other departments that have a similar size of us, we found some commonalities.

One is that under the Fire Chief they typically have two to three assistant chiefs or deputy chiefs, and under those deputy chiefs or assistant chiefs is strategically placed middle-level managers, something that our department is lacking a little bit and we need to improve on. That allows for a healthy span of control so that those assistant chiefs/deputy chiefs are not spread too thin. It also aids in succession planning and developing future leaders and allowing for continuity of operations.

So as we looked to move those similar concepts into the department we are looking to address two main themes when it comes to our restructure. One is our FTE changes and the second is actual structural changes. The first with the FTE change, the first change that we're going to be requesting is that our vacant Deputy Fire Chief position will oversee all of the operations with all of the emergency operations through our fire regions as well as our fire districts.

No, our district chiefs will continue to report directly to the Fire Chief. However, we will want this individual to help bring a lot of synergy between our districts and our regions, and also support our district chiefs as well. That position was approved in FY23 and we have yet to fill that position.

Next is we have one vacant Assistant Chief position. We're requesting to reclassify that position to a battalion chief of operations and district liaison. Again, what we're looking at doing is trying to find avenues to bring synergy between our fire districts and our fire regions so that we can work collaboratively on emergency scenes.

Lastly we want to – we're requesting to change the vacant district liaison and recruitment and retention captain position to a recruitment/retention captain position. That's solely to focus on recruitment and retention for both the regions as well as our districts, so that they can truly focus on developing and giving that the attention that it absolutely needs.

So those are the FTE changes that we're looking at within our structure. Now, when it comes to the structural components, we'll walk you through the organizational chart kind of left to right as we did previously. Currently the Office of Emergency Management, we're pending the outcome of what the OEM Task Force will recommend. So we are not suggesting any changes at that point; we're waiting to see what the task force recommends for our Office of Emergency Management.

Regarding our operations, that will be overseen by the Deputy Chief, also supported by the battalion chief of operations and district liaison.

The next slide I'll show you how this all fits into the organization structure as a whole. For support services we're going to change that and have that focused primarily on training and logistics and in support functions, we're going to move the fleet division under logistics, which again creates more synergy when it comes to logistic items, staying within the logistics division. And then also we're having the EMT training captain, our EMS captain, we're going to move that into the training division, along with the recruitment and retention captain in that position, into the training division as well.

That is our intent. Our intention there is to create synergy when it comes to training of EMS, as well as recruitment. So with our recruiter being in the training division they know what the needs are for new members to be trained up. They know what opportunities are within the department, and what mechanisms need to be put in place and those individuals need to go through in order to be trained and become

operational members.

Now, the last bullet point on there, that is something I really want to highlight is we're having also an increased support from our public safety administrative staff. We are developing a tremendous relationship with the Operations Manager, Maricela Martinez and her team, and what we're doing is we're really working to develop systems and processes that take administrative functions and relieve those administrative tasks off of uniformed positions and allow them to be accompanied or performed by non-uniformed positions. An example of that would be our previous volunteer liaison and recruitment and retention officer was primarily – a large component of that job was volunteer time sheets, volunteer PERA forms, things of that nature. Things that we're hoping to be able to direct to an administrative staff, so that frees up that uniformed position and that is an important part that is hard to capture within the organization chart as a whole, but I did want to highlight that as one of our priorities moving forward.

So in front of you know is our proposed structure. Again, starting at the top department, the Fire Chief is supported by the Department Administrator. Starting on the left we have our Assistant Chief of Emergency Management. That division again is staying as it is pending the findings and recommendations of the OEM Task Force.

Next we have our Deputy Chief position overseeing our fire regions, and then under that Deputy Chief position is the Battalion Chief of Operations and District Liaison. We are leaving our Community Outreach Prevention Program in underneath that position, primarily because it is very operational and we see that there is a lot of future opportunities to bring in district members and involve them in that team as well.

Fire districts will continue to report directly to the Fire Chief, and then moving over to the right we have the Assistant Chief of Training and Logistics where we have fleet, logistics, and our training division. You can see there with the training division, the training division is more robust. There's more – a ladder there with the EMS lieutenant. There's a couple captains. That will aid in professional development as well as succession planning, so that as staff transitions there's people who can then move throughout the organization.

And then over on the right we have the Assistant Chief of Fire Prevention and our Fire Marshal. That will – he would remain a team overseeing fire prevention and risk reduction. Another thing that we will move to that side of the department as well is oversight of facilities, given the fact that they are constantly doing plan review, fire protection systems, and things of that nature. It seems like a natural fit so that their team would be able to accommodate that easily.

So with this proposed restructure we hope to increase support to our fire districts. If we look back at that previous slide and look back at where we're currently at, really just our current district liaison, that captain position was – while we all work together to support our fire districts that one captain was really the main point of contact and what we hope to do by creating a battalion chief of district operations and district liaison, as well as the deputy chief is by giving our district chiefs more of a support, as well as with the administrative changes, hoping to offload some of those administrative tasks and allow our district chiefs to really succeed and focus on operations and emergency response.

We also hope to increase synergy between our department teams by moving like

teams together, such as fleet over into logistics, moving all of our training into one area. Also we hope to increase our succession planning by creating paths and avenues and career ladders and increase our professional development as we do that. And lastly, but most importantly we hope to increase our capacity in training and recruitment.

Resolution 2022-87 highlighted the need that we need to really focus and development our recruitment and training for our district staff, as well as our regional staff, and by shoring up our training division with a solid recruitment and more staff, I believe that that is the mechanism that we could do. So with that, Commissioners, Madam Chair, Commissioners, I stand for any questions.

CHAIR HANSEN: Thank you, Chief Black. Thank you also for an excellent presentation. Are there questions from the Commissioners?

COMMISSIONER BUSTAMANTE: Madam Chair, yes.

CHAIR HANSEN: Go ahead.

COMMISSIONER BUSTAMANTE: Madam Chair, Chief Black, thank you for what looks like a lot of time, effort and energy has gone into this and it looks good and it's well thought out. I do have some questions. I say it seems to be well thought out but I have big gaps in my understanding of where certain things are going and what the intention is behind that, based on what was in the power point. So I hope you can answer these questions for me.

You mentioned in the power point an EMT captain. Can I understand that you meant the EMS captain that is under training?

CHIEF BLACK: Madam Chair, Commissioner Bustamante, yes, ma'am. That is correct.

COMMISSIONER BUSTAMANTE: Okay. Thank you. And then the battalion chief – actually, I'm looking at the differences here and understanding – the current structure made sense to me with assistant chiefs along the top, but an assistant chief of operations is apparently replaces with a deputy chief. What happens to the position of the assistant chief of operations?

CHIEF BLACK: Madam Chair, Commissioner Bustamante, thank you for the question. So as we look at the current organization chart now you are correct. We are replacing the assistant chief of operations with the deputy chief position. Currently, with these three assistant chief positions they all operate – or three of the four assistant chief positions operate under one job description that can be moved basically from division to division. And so with that current position, the assistant chief of operations would have the option to apply for the deputy chief position, or they have the option to move laterally over into the training and logistics position.

COMMISSIONER BUSTAMANTE: Okay. So that position goes away altogether and they would have – the individual in that position would have an opportunity to apply elsewhere within the organization. To be really honest, the other thing that's missing that I – usually if there's something that's working and I think that there's an ISO standard for org charts that usually have job descriptions or a description accommodating dating the org chart so that there would be some understanding for someone who's on the outside trying to approve something of what each entity is going to be doing. So the difference between the job isn't something that I would understand. But I'm understanding that the assistant chief of operations position goes and the deputy

chief position is something that that individual could apply for, or they could move to another part of the organization, again, not understanding the details and the difference of the jobs.

The next position that seems to go away, the captain of the R & R, the vacant position now. That R & R, is that the recruitment position? Is that being moved over? Is that different? Is that the same thing? What position is that? Because they're both vacant, but is that being moved over? When I was reviewing this I put a big question mark on it. Where did that go? And is that the same position that we have under the training?

CHIEF BLACK: Madam Chair, Commissioner Bustamante, yes, ma'am. So currently we have a captain of district liaison and recruitment and retention. The goal there was to separate the district liaison portion out of that and allow that individual to focus solely on recruitment and retention, and that position would have been moved from underneath the operations assistant chief to now to work directly under the battalion chief of training. So in this screen, that would be the captain of recruitment, a vacant position under the training BC.

COMMISSIONER BUSTAMANTE: And I guess just in a real general – I was trying to follow how the need for the restructure and what ultimately – because it's both the need for restructure and then the last slide with the bullet points and trying to understand how the revisions will address the personnel issues more than some of the physical issues with the outcomes. The increased support to the fire districts – can you explain to me how these changes directly affect the fire districts when the fire district line, with the exception of support from a deputy chief again, I don't know what that person does, but the line otherwise is the same from the fire district down to each of the – what are essentially the volunteer organizations. So how does that actually increase that support? Just trying to understand.

CHIEF BLACK: Madam Chair, Commissioner Bustamante, yes, ma'am. So our goal is to give them more touch points, so basically more avenues for assistance. So the districts, we want to set them up for success. So a number of things that we are hoping to allow this to facilitate is having mechanisms in place that if the district chiefs need assistance with getting apparatus to a location, the district chiefs getting new purchases, the district chiefs scheduling training, they have different abilities to reach out and different, more avenues for help. So for example, if there is a question on policies or procedures, they can go directly to that battalion chief of operations. If there's a personnel matter they can go to the deputy fire chief. And then they also have the ability to come straight to the fire chief if needed. The goal is to create more options for them to have support when it comes to their day-to-day operations.

CHAIR HANSEN: Madam Chair, Chief Black, that creates a concern for me because do we follow the line of authority, having been trained in emergency operations and creating more touch points for someone who's following someone's lead to have other places where they can go directly to somebody, in an org chart like this creates the type of scenario where too many chiefs – and I don't mean that in our indigenous population. I'm talking about too many chiefs – that's not – I'm going emergency response.

Who do they report to from that line if the fire district is overseeing them but they can go to the two other chiefs? That creates a dynamic for – a real potential dynamic or

undercutting problematic relations in an emergency organization. Usually there's a very clear chain of command and what you just explained sort of all of a sudden throws a whole new – oops. Wait a minute. That's not usually what we're trying to do in a circumstance for emergency response. There's usually a very clear, frankly mandated, clear chain of command. So that raises a flag for me.

CHIEF BLACK: Madam Chair, Commissioner Bustamante, yes, ma'am. I understand, and you're absolutely right. In an emergency situation there is a very clear chain of command. What we're trying to achieve here is support for the district chiefs in not necessarily emergency operations but in non-emergency operations. Our district chiefs are tasked with formulating their budgets, their procurement, adhering to ways to keep their stations tidy and in order, complying with all – making sure all their buildings are maintained and things of that nature.

What our goal here would be really is to create a system so that they have the supports through also the assistant chief of training and logistics to be able to have mechanisms and a clear objective for facilities issues – we need to go here. For purchasing, for fleet, we have avenues and mechanisms in order to achieve that. And I understand that it may not be clear necessarily in this chart but that is our overall goal and intention is to give them more support in the non-emergency operations to achieve their operations within their department from the day-to-day facilities, apparatus, and things of that nature.

COMMISSIONER BUSTAMANTE: Madam Chair and Commissioners, I don't have more questions except to understand, because I'm still trying to understand, not clearly getting the job, specifically the tasks involved with the jobs that have been renamed and what they would do in that new capacity and how this would support succession planning. I do have concerns about what it means to – I will say non-emergency or not, learn a chain of command in the workplace, even in non-emergency settings can create a dynamic that is problematic in a workplace, and this is one type of work that you just really need people to work closely together, get along, and not have any blurred lines as to who they report to and where, especially when working with volunteers. And I say this with about that much lack of understanding as to what each job is doing, to have this accommodated with even a brief job description to say this individual is responsible for. Otherwise, it's not completely clear to me. Thank you.

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

COMMISSIONER HAMILTON: Thanks. And thank you for this, Chief Black. I know you all have put a lot of effort into it. There's no easy answer for how to do this but I actually do, as I think about it, it's possible some of these questions are just – I'll go about it in a different way – some of it is how it's implemented. So one of my questions does have to do with kind of a follow-on from what Commissioner Bustamante was talking about. To be perfectly honest, I'm not so concerned about chain of command for exactly the reason you said. It's more than just emergency operations. Like, chain of command on a fire scene; that's really important. Knock that down.

But you need to be able to go across a lot of things because there are a lot of departments. So one of the things that the more I think about it that occurs to me is in the old structure, in theory, a volunteer chief could go to somebody to get help with budgets

or ops, different people with various questions. But the issue was that there was nobody who was representing the volunteers in the command staff. Nobody represented the volunteers in the command staff. And so that was the whole idea in approving a deputy chief in charge of volunteers.

So now the deputy chief – the implication, I don't know who you're planning to have fill the deputy chief, the implication is the deputy chief is now higher so that becomes the line of succession. Line of succession – that means a lot more than just naming a position. The deputy chief is now in charge of all of ops and where there's a line to volunteers but there's no representation. So that position has been changed from the original intent.

So that's one concern, and the associated question is how do a deputy chief and a battalion chief who is also in charge of both operations and district liaison give them more support when they're – he was never used for that purpose. There used to be a captain whose sole responsibility was theoretically volunteers.

CHIEF BLACK: Madam Chair, Commissioner Hamilton, yes. Your first question regarding representation of the district chiefs to command staff – that was considered, or at least when I was looking at the deputy chief position, one of the things that we were – I was trying to navigate was Ordinance 1997-11 that clearly states that the district chiefs report directly to the fire chief. And so with that I felt like putting the deputy chief in between necessarily the fire chief and the district chiefs was a non-starter. And so that was kind of where I was approaching that. If there's more discussion to have on that I'd be happy to have that discussion.

COMMISSIONER HAMILTON: Yes. And just for the record, I really appreciate that you tried to show this to me a few weeks ago, and that's not lost on me. But it takes time to absorb something, and what I'm concerned about, and clearly, you're really sensitive to this, but I don't think this fixes the problem necessarily. Your intent is to fix the problem, but it is an issue to have someone. It's an important thing you said to have someone involved in between the district chiefs and you. But nevertheless, there's never been someone between the district chiefs and the chief, but the chief was never in a position or never took – the previous chiefs never took the position of being the one that represents the volunteers, and nobody else does either. So this doesn't fix the problem either, so I think there is some more thought that's needed here. You don't want somebody in between but then you don't have anybody representing them. It's a very tight little logic problem. Very small circle. But that's one concern.

And so then another question about span of control. I guess across the fire chiefs or the assistant chiefs, now it's the assistant chiefs plus the deputy chief – some of them had too much stuff to do and some didn't. But except for moving like the recruitment captain and the A, B, and C shirt captains, training division was always over underneath the assistant chief of training and logistics. It used to be called support services. So what's moved over is the EMS captain and lieutenant. I don't know where finance is listed. Some things have gotten renamed. I'm not sure as a practical matter how it changes span of control. Like it's not really clear whether it changes who reports to you and who doesn't, and who reports to that first senior level.

CHIEF BLACK: Madam Chair, Commissioner Hamilton, yes, ma'am. So to aid in alleviating some span of control and to create the synergy, we did move from the

operations side, we moved the fleet under logistics. Also under training and logistics, additionally, another change that we made was we moved facilities from training and logistics to fire prevention. That is a tremendous amount. The Fire Marshal has a tremendous responsibility when it comes to fire prevention, and then also the facilities is a very large undertaking as we have a total of 35 facilities. And so that in and of itself is a large component when it comes to moving span of control.

Additionally, Commissioner Hamilton, you mentioned the finance component. That finance component has been again working collaboratively with the Public Safety administrative support team. Our operations manager, Maricela Martinez, has taken on a majority of – and her team has taken on a majority of those finance components, and so they have taken on the brunt of the financial components.

COMMISSIONER HAMILTON: So like all the financial and some other administrative things are going to be consolidated – Public Safety. So across fire and detention and all that?

CHIEF BLACK: Yes, Madam Chair, Commissioner Hamilton. The answer is yes. I can defer that to Deputy County Manager Bernardino for further details, but the goal is to have the administrative team of Public Safety really take on a lot of the finance components, and that is another component that we're supporting the district chiefs in. We're really trying to support them by if they get us a quote then we'll take care of the IPR, we'll take care of the purchasing and all of that. That component as well.

And then also the administrative components is going to be – it's something that we're working on, redistributing throughout the organization to support that span of control as well.

COMMISSIONER HAMILTON: Who's currently the assistant chief in charge of training and logistics?

CHIEF BLACK: Madam Chair, Commissioner Hamilton, that position was my own vacant position.

COMMISSIONER HAMILTON: So it's still vacant.

CHIEF BLACK: So that one is vacant.

COMMISSIONER HAMILTON: That's what I thought.

CHIEF BLACK: Yes, ma'am. So currently all of those duties are still reporting directly to me.

CHAIR HANSEN: Commissioners, if you have more questions maybe we need to have some – maybe this needs to take a breath since we're still also working on what's going to happen with the assistant fire chief and you could have more time to meet with the chief and go over some of these things and talk to him. Is that a reasonable suggestion at this point?

COMMISSIONER BUSTAMANTE: Madam Chair, I would be grateful. I sincerely just want to understand. It's 30,000 foot and if I glance down I might get some glimpses. I'm realizing as I was looking at this that I was making assumptions about things that may or may not be what your intent is. If your request or your question is asking for a motion to table for some additional information, I would make that proposal. I would make that motion, if that is your request.

COMMISSIONER HAMILTON: Is that what you were suggesting?

CHAIR HANSEN: I was. Yes.

COMMISSIONER HAMILTON: The one thing –

CHAIR HANSEN: I want to know if I have a second.

COMMISSIONER HAMILTON: Well, I could second it. I wouldn't want to table it for very long, because – so tentatively maybe two weeks.

CHAIR HANSEN: I think that's reasonable because I think there's some questions here that Chief Black could really have conversations with Commissioners and really get a little more detail, especially we have two new Commissioners who are just learning. You're also new to the position, which I think you're doing a great job and I'm happy to see a reorganization chart. And the thought into it and the thought process, because it is not something that you just came up with overnight. I know you've been working on this and so I really appreciate it.

COMMISSIONER HAMILTON: Can I just add to that? Because I just want to acknowledge – I wish I could speak in the vernacular but I need to be polite – we've dumped a lot on Chief Black. There's a lot of pressure both to improve staffing and to improve an almost completely gutted volunteer service to deal with directly and indirectly with emergency management stuff. And so even – we have a lot of questions on this and I think they're about the questions, but it's a sincere effort. This becomes the basis for the way Chief Black ultimately has to respond to improving the department and addressing those changes. I just wanted to acknowledge that's a very big deal and it's a very big ask.

CHAIR HANSEN: Right. So that's why I wanted to make the suggestion that maybe we take some time, give Commissioner Bustamante and anybody else some time. Commissioner Greene has had his hand up. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Chief Black. So the two questions I have –

CHAIR HANSEN: I don't want to go into questions because we do have a tabled motion.

COMMISSIONER HAMILTON: It's not tabled yet. It hasn't actually been formally seconded.

CHAIR HANSEN: We do have a motion to table.

COMMISSIONER GREENE: Things that I hope can be addressed prior to the next thing. So the first one would be we gave an open-ended timeline for the OEM report, and so I meant to ask this earlier. Do we have a rough estimate on that new as soon as possible? That's the first question. You don't have to answer that today necessarily. And then the second one is do you think – you mentioned a constraint by the ordinance that organized you all, are you recommending that maybe a change in the ordinance would allow you to move that battalion chief or deputy chief into position that would be better organized between you and the fire districts so they didn't necessarily report all to you. Maybe it's better; maybe it's worse, but whatever you recommend I think we would all entertain as part of this reorganization so you're not constrained by that if that was your recommendation.

CHIEF BLACK: Madam Chair, Commissioner Greene, to answer your first question, sir, I don't have an exact date yet for the OEM Task Force. We will be meeting in the near future.

CHAIR HANSEN: We have another item on the agenda that addresses

that.

COMMISSIONER GREENE: Okay.

CHIEF BLACK: And Madam Chair, Commissioner Greene, to answer your second question, I believe that that is something that we would like to discuss at some point. The district chiefs and I did discuss looking and revisiting the ordinance of 1997-11 in the attempt to find a way that we can have an ordinance that would support an adaptable organization that can work and meet the needs we're faced with in the ever-changing environment. And that was something that the District Chiefs Association was receptive to and they actually made a motion and will be forming a working group to evaluate that ordinance.

COMMISSIONER HAMILTON: The district chiefs?

CHIEF BLACK: Madam Chair, Commissioner Hamilton, yes, ma'am.
The District Chiefs Association.

COMMISSIONER HAMILTON: That's a good idea. May I ask just one more question? Are you good with two – is two weeks –

CHIEF BLACK: Madam Chair, Commissioner Hamilton, yes, ma'am.

COMMISSIONER HAMILTON: I'll second the motion.

CHAIR HANSEN: I thought you already did.

COMMISSIONER HAMILTON: I said I would, depending. Now I did.

CHAIR HANSEN: Okay, now all those in favor say aye.

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

CHAIR HANSEN: Thank you, Chief Black, for all the hard work.

COMMISSIONER BUSTAMANTE: Madam Chair, if I may just commend Chief Black. The ambition is very clear and what you're saying you're going to do is very clear and the connection I'm trying to make is how will it do it, given that positions are new and some are moving that people sit in, and that changes the dynamic of an organization. That can be painful or good. So I thank you sincerely.

CHAIR HANSEN: Okay. Thank you.

MANAGER SHAFFER: If I could, Madam Chair, I did want to just address two things and I appreciate very much the conversation and the feedback because I know Chief Black does, but I did state that the idea of having the Deputy Chief actually be in the chain of command with the district chiefs, my understanding was visited with district chiefs by the previous chief and it was not well received. The district chiefs wanted to have that direct reporting structure to the fire chief. And I do want to very much comment on Commissioner Hamilton's observation about representation of the district chiefs and to share from my own personal perspective that Chief Black I think is making a very real effort to make sure that they do feel represented and heard in all major decisions affecting the Fire Department, including as you mentioned the presentation and input into the organization chart itself. So I do think that there are structural items that can assist there but I do think it very much starts as with most things at the top and that Chief Black is very much trying to make it very clear that their input in all management decisions of significance is very much desired and valued. So thank you very much for the productive feedback and we look forward to continuing to answer your questions.

CHAIR HANSEN: Yes. Thank you, Manager Shaffer. I agree. I think this is a really important discussion and thank you for taking the time everybody.

7. PRESENTATIONS

A. Presentation on the United States Forest Service

CHAIR HANSEN: Welcome. Welcome to Santa Fe. Welcome to our chambers and to Santa Fe County. We are so happy to have you here and the opportunity to get to meet you, and we all, I know, look forward to working with you.

SHAUN SANCHEZ: Thank you for having me her today. Like the Commissioner said, my name is Shaun Sanchez and I'm the new Forest Supervisor here with the Santa Fe National Forest. This is week five on the job and so still learning a little bit about the Forest Service. I spent the last 22 years of my career working for the United States Fish and Wildlife Service managing national wildlife refuges throughout the country.

And so this is really a homecoming for me. I grew up here in northern New Mexico. I was born in Las Vegas. My parents have a small ranch in Mora County, in Buenavista and I'm looking forward to being able to come home for a long time. I went to high school at Robertson High School and for those of you with St. Mike's connections I want to say congratulations on the state championship win this weekend. It was a little painful being a Robertson Cardinal Alumni but hopefully you all don't hold that against me and looking forward to next year.

I went to Highlands University, graduated there. I joke and I said that I thought that my career that I would go to school, get a degree in biology and become a welder, because my dad his own welding business in Las Vegas for about 40 years, Martin's Welding. And I was very fortunate though that I was able to connect with the US Fish and Wildlife Service. Had a passion for the outdoors. My connection started not only on our ranch there in Mora but hunting and fishing, spending a lot of time all over the mountains here, the Sangre de Cristos and I was fortunate enough that I've been able to make a career out of it and a profession.

Also, I've been gone for 22 years. I've worked here in New Mexico, a little bit down in Bosque del Apache. I moved on to Oklahoma, Texas, got to fulfill a life-long dream and work in Alaska, was out in bush Alaska for a few years. Went to Las Vegas, Nevada from there and then moved to Atlanta, Georgia overseeing the southeast region as Deputy Chief of the National Wildlife Refuge System there. And then the last eight years I've been in Washington, DC as Deputy Chief of the National Wildlife Refuge System.

So I want to just give you a little bit of background on who I am, where I'm from. This last year as it was for many of you it was really difficult for me and my family. The fires of last year – felt pretty helpless, being so far on the east coast and not being able to help and contribute, and so that very much helped to be a catalyst for me to find a way to come back home and see how I can help and so that's why I'm here before you all today. I just want to introduce myself. Like I said, brand new. I know there's a number of areas of interest with the County and the County Commission leadership. We shared with many resolutions on the Caja del Rio, read that. Also resolutions on the Santa Fe Resiliency Project, and so I'm quickly kind of trying to get up to speed on Forest Service

procedures, policies, and at the same time understand issues and perspectives of you all and the constituents you all represent and the people we serve.

I was fortunate to meet Commissioner Hansen at the Hispanic Leadership Council that was brought together by HECHO, the Hispanic Enjoying Camping and Hunting in the Outdoors a couple weeks ago and I shared there a little bit of kind of my perspective and philosophy and some of the expectations I've set with our district rangers and with our leadership on the forest about priorities and getting to know and relate to our community is really important to me. Getting to meet with you all individually and knowing and relating to the community is that each of you should know who your district ranger is in your area because you have a personal relationship with them You all know who I am; you have a personal relationship with me and I have relationships with the people that you represent and the public that we serve.

And then the second part of it is to really be that community asset and to take that knowledge and that understanding and being a community asset and helping to manage the lands in a way that they help sustain us into the future. And so with that, if you have any questions or thoughts or comments, I just wanted to come and sort of introduce myself broadly to the Commission and I look forward to working with you all individually and also collectively.

COMMISSIONER BUSTAMANTE: Madam Chair.

CHAIR HANSEN: Yes. Go ahead, Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Sir, it's a pleasure to meet you. I am always thrilled and impressed, grateful, blessed, when we have someone from northern New Mexico who on behalf of the work that they've done in northern New Mexico, even just being a kid who grew up in the Mora area and Vegas area, and I don't know if you worked with Salomon Ramirez who was out of Rociada. He was appointed Deputy Secretary in the Obama administration. He's now buried there; he's since deceased, young man, tragic. But the work that you do, aligned with where you're from – I have no other way to say it but it means a lot and it means a lot to this country, frankly, because you are of it. You are from that land. You understand those issues that you work on, because that's some place – it's part of who you are.

So I'm really super happy to meet you and grateful for your introduction, sincerely.

MR. SANCHEZ: Thank you. I appreciate it.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: As an environmentalist in my other life, there's a real nexus between things that we do for management or natural resources and as a retired volunteer firefighter there's an additional nexus, right? I've sat at my house up in Glorieta and looked across and watched the whole progression of the Hermit's Peak fire and stuff. So you're walking into a lot of challenges, right? That we all are facing. So it is recognizing that. It's very appreciated that you're making yourself so available to talk about things.

MR. SANCHEZ: Thank you.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Welcome.

Thank you for the presentation and introduction. I look forward to working with you on a

bunch of aspects and feel free to approach I'm sure any of us but myself if you need an ear to get something done in Santa Fe County. If you feel like you need to work with one of us I'm here to help, but I'm sure each one of us would do it for our districts. In my district I have a number of pueblos as well that may need this introduction as well so if you can reach out to them. I know Nambe has a lot of forest land and Tesuque has some land up on the mountains that needs probably some help from you. So if you can make yourself available to them I think they would appreciate that as well, if you haven't already. But thank you very much. If there's anything I can help you with please feel free to reach out.

MR. SANCHEZ: Absolutely. Thank you. I've been trying to get around and I've been in the Mora County Commission, San Miguel County Commission. I've been able to meet with the Pueblo of Jemez. I think I have Tesuque Pueblo scheduled next week. Cochiti Pueblo in a couple of weeks, so that very much is my interest is to – until my calendar no longer becomes my calendar, to be able to get out and really connect with people. So thank you for that reminder.

COMMISSIONER GREENE: Five weeks on the job, that's a lot of introductions to do, so thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I'll just mention I represent the smallest district so there's no forest in my district, but I'm still glad you're here. The forests are very important to all of us. Thank you.

MR. SANCHEZ: Thank you, Commissioner.

CHAIR HANSEN: So I want to take an opportunity because I feel the constituents of Santa Fe County are incredibly concerned about the Santa Fe Mountain Resiliency landscape project, and I think that it is incumbent upon yourself to educate yourself with the constituents, not just with us up here who represent them. I do my best to represent a broad spectrum of constituents who care deeply about the forest and feel that the Forest Service never listens to them, and so in some ways I became their voice, myself and Commissioner Hamilton worked on the resolution that I sent you. But that resolution also came from the community, and the feeling that the Forest Service in the past has not listened to them, has not recognized that the forest is a watershed, not a fished.

And it's insulting to these people, many of our constituents who care so deeply and who are scientists and have lots of education and want a different approach. I'm actually thrilled that the Forest Service has hired somebody from outside of their chain of command because I think you might have a better opportunity to listen to these constituents who are thinking in a different way about the forest. Like they don't see it as a place to do grazing allotments. They see it as a place to sequester carbon and maintain our watershed. The Santa Fe Mountain Resiliency landscape project actually insults them because they feel like, oh, you're just making it a park land and not a place where climate change can grow, so that we can sequester the carbon. We can be aware of the issues, the climate crisis is bringing to us.

Trees are our friends, and especially here in Santa Fe, San Miguel. My heart breaks for the Commissioners and the constituents in San Miguel and Mora and Taos and Colfax who have lost acreage and trees that they have loved and cared for their entire

lifetime, just like your parents and your family before you, as what Commissioner Bustamante said about coming home is such a great opportunity. And it is a great opportunity because I see that you are from a different agency so therefore a different way of thinking might be possible. Not that the bureaucrats change always a lot, but we can hope that we can move forward in a new, collaborative method. I know that is what the constituents from all of our districts would really like to see is more engagement, more honest dialogue about how they feel about the forest.

I don't know if you read the *New Mexican* but I did bring you a copy of Theresa Seemster's article if you didn't read it. I found it really quite good and I think that – I obviously could go on. I'm very passionate about this issue, but I also respect that you came here and that you are making the opportunity to outreach to all of our communities, and that this is just the beginning. This is not a one-time thing. We all expect to meet with you, to see you often, and anyway we can do that, I want to personally invite you to come to my Coffee and Tea under the Trees at ReUnity Resources, because I know that a lot of constituents would love to be out in the outside with you in a farm area and be able to have discussion in that format.

And so I do it once a month during the summer and I'm personally inviting you right now, and I'm going to leave it there. I think that we are fortunate that you have come home to New Mexico. We are very happy to have you here and we look forward with all our hearts to working with you.

MR. SANCHEZ: Thank you, Commissioner. I took note to get with you for Coffee in the Trees and am looking forward to working with you all individually and if there's folks that you feel like it would good to make connections with I welcome the insight and the advice. Thank you very much.

CHAIR HANSEN: Then also I know I have your contact information but we'll make sure that the rest of the Commissioners also get your contact information.

MR. SANCHEZ: Thank you. I appreciate it. I'm very much ill-prepared; I don't have business cards yet, so I could not –

CHAIR HANSEN: And you don't even have a uniform

MR. SANCHEZ: I do not have a uniform either, so there's a little bit of work I've got to get done to be fully functional. Thank you for having me.

CHAIR HANSEN: Anything else from any of the other Commissioners? Thank you. We're grateful for your time. So thank you very much. Thank you for sitting through the first couple hours of our meeting.

MR. SANCHEZ: Thank you. Take care.

7. B. Presentation on Developments of Countywide Impact (DCIs)

CHAIR HANSEN: Robert Griego. Welcome, Robert. Nice to see you.

ROBERT GRIEGO (Planning Manager): Good afternoon, Madam Chair, Commissioners. I have the pleasure this afternoon of discussing the developments of countywide impact with you. In regard to the overview of policies and regulations in accordance with our Sustainable Growth Management Plan and our Sustainable Land Development Code.

So the Sustainable Growth Management Plan is our policy document, our general

plan, our comprehensive plan, and that provides policies for the regulations in our Sustainable Land Development Code. The Sustainable Growth Management Plan identified potential developments of countywide impact. It also provided the rationale for regulating developments of countywide impact, so the policies and the strategies in the SGMP we'll discuss, and the Sustainable Land Development Code, our regulatory document provides the specific regulations, identifies specific development of countywide impact types, and provides specific regulations and procedures for this application type.

The Sustainable Growth Management Plan describes DCIs as developments that have far-reaching effects on the community, place demands on the County's public facilities, have a major impact on the County's Capital Improvement Plan, and affect the environment, the public health, safety and welfare beyond impacts on the immediately neighboring properties.

The SGMP also defines specific types of DCIs and potential DCIs. The oil and gas was the first DCI that was created and it was created prior to the Sustainable Growth Management Plan and the Sustainable Land Development Code. It also defines hard rock mining, large-scale sand and gravel mining, large-scale sand and gravel mining with blasting, reshaping of land surfaces, feedlots and factory farms and wind farms. These are all the types that were identified in the SGMP. All of these have not been regulated. There are some types of DCIs that are reserved and some types that we have not yet tackled.

The purpose of the SGMP establishes that DCIs are necessary to protect the health, safety and welfare of the citizens, residents and businesses of the county from the harmful or hazardous impacts and effects and instances resulting from mineral or rock, sand, gravel, limestone, bedrock, landfills, mining, quarrying, excavation or fill activities. Regulations of DCIs is also necessary to preserve the quality and sustainability of life, the economy, infrastructure, environment, natural resources and natural landscapes consistent with the SGMP.

DCIs should also be required to fully mitigate all adverse land use impacts. The DCI policy and strategy includes establishing a process, procedures in the Sustainable Land Development Code for how we accept applications for DCIs. The process was to create an overlay zoning district for applications of these types of large-scale developments that occur in the county. The strategy is to support the SLDC process where significant impacts beyond the immediate vicinity of the projects are anticipated, including environmental, public facility, land use compatibility and economic impacts in order to minimize or mitigate these impacts.

The Sustainable Land Development Code, our regulatory document, provides the purpose of regulating in accordance with the SGMP. And again, the language for the purpose for regulating DCIs was identified in the SGMP and includes additional language to include far-reaching effects on the community, place major demands on public facilities and the County's ICIP budget, have the potential to affect the environment, public health, safety and welfare beyond the impacts of immediately neighboring properties, including adverse noise, light, odor and vibration, explosive hazards, traffic congestion and burdens on County emergency response services.

The types of developments regulated in the SLDC as DCIs include landfills, junk

yards large-scale sand and gravel extraction and processing to include blasting, the concentrated animal feeding operations is in the SLDC but that section is reserved. Oil and gas drilling production was established by Ordinance 2008-19, and is referenced. And then the mineral resource extraction and processing was adopted by Ordinance 2019-2, and the result of that process was the DCI amendments for hard rock mining which resulted in revision of the entire Chapter 11, DCIs. This was a multi-year process. The County coordinated with – established stakeholder working groups to include advocates of hard rock mining and industry experts that were both within the sand and gravel and hard rock mining, as well as environmental stakeholders.

Staff reviewed national and international standards and regulations, contracted with experts in mining regulations. We also consulted with state agencies. We had all of the public meetings throughout the county. The process that we went through to amend Chapter 11 was initiated by the Board in 2018 and the Ordinance 2019 was completed in 2019.

The application procedure for DCIs again, first requires an establishment of an overlay zoning district. That is a process that needs to happen before the DCI application comes in. There are a number of public hearings required for this in addition to the pre-application staff meeting. There's pre-application neighborhood meetings, and then there's public hearings in front of the Hearing Office, Planning Commission and Board. Any necessary federal and state permits are necessary to be acquired before the applicant applies for the DCI conditional use permit, and that is reviewed again by County staff and the process for that also entails a public hearing process before the Hearing Office, Planning Commission and Board.

So the purpose for DCIs and the procedures and regulations, the purpose of this presentation was to provide you with that information and I stand for questions from the Board.

CHAIR HANSEN: Thank you. Commissioner Hamilton.

COMMISSIONER HAMILTON: So I wanted to point out and I was going to mention it earlier but Robert just confirmed it. When you guys are considering pollution and issues from junk yards, that's one of the reasons they were put originally in as a DCI. And so there should be, I assume, some nexus between those two things.

CHAIR HANSEN: The junk yard in Agua Fria is 50 years old.

COMMISSIONER HAMILTON: The specific issue if you think is grandfathered in, if there's an issue, but if you're now trying to deal with the impacts of junk yards and groundwater protection, which is actually a stated purview, but there can be something. You would think this is one place for it.

CHAIR HANSEN: Yes. Thank you.

COMMISSIONER HAMILTON: Of course.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair and I think the reason for this presentation, we got a letter from the San Marcos Association suggesting that large-scale solar panel installation should be considered a DCI. There are of course with community solar and PNM and others developing solar projects. I think there are a number coming forward. But as I look at these requirements I don't know that the solar panels quite fit. I don't know that they have an impact beyond immediate neighbors. Do

you have any comment on that suggestion by the San Marcos Association?

MR. GRIEGO: Madam Chair, Commissioner Hughes, in regard to identifying a type of application for a DCI I think there is – there does need to be a significant – it is a significant change to regulate something. I think within the Sustainable Growth Management Plan we do have a renewable energy element in the Sustainable Growth Management Plan to support sustainability and such. The SGMP does not identify solar facilities as developments of countywide impact so there would need to be something to make that amendment to the Sustainable Growth Management Plan and to provide the rationale for that. I think that's in regard to the regulations for hard rock mining and the process that we went through for that. It had been identified as a potential development of countywide impact and we had to go through a pretty significant process to establish those standards and regulations so that we would have a balanced approach in order to regulate in accordance with the relevant impacts of that type of development.

COMMISSIONER HUGHES: So you're saying if we were to add another category it would take a long time to develop the regulations.

MR. GRIEGO: Madam Chair, Commissioner, I do believe it would, yes.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Robert. I think along the lines of solar arrays, I think that there is an impact when you have a large scale – there's a lot of ground disturbance as well as environmental and natural habitat impact there. But also, I think one of the issues was the battery storage that they were proposing with this project or one of these projects coming down the pike and the impact that that might have on fire or response times or some large-scale explosive potential. So god forbid, but we need to definitely take that into consideration there.

Do you have any recommendations going forward given times change and technologies change and these things that are coming down, whether solar is now affordable at scale or battery storage, or wind, I think was mentioned in here. Do you have a set of recommendations for us to start looking at to update the ordinance and to make sure that these are addressed pro-actively as opposed to in a crisis situation?

MR. GRIEGO: Madam Chair, Commissioner Greene, if I understand your question, I think part of our current development application procedures do require studies, reports, and assessments to include an environmental impact report for all types of development, not just DCIs. So again, to define impacts beyond that scale that we described for the purpose of a development of countywide impact, the specific developments that come in will require an environmental impact report which does have to identify what the potential environmental impacts of the development are, and then there is a review of that environmental impact report to identify whether, again, for instance, battery storage, if that was a potential impact in the community, they would need to identify how that was mitigated and then the County as approval of that development would be able to identify whatever those concerns were in order to justify approval of that.

So, again, I guess that the scale is maybe what you're asking if it's a large-scale countywide impact project, I think we probably wouldn't know that until we've reviewed

the application to determine what the impact was. Otherwise it's speculation.

COMMISSIONER GREENE: If I may follow up. Is there a scale? Is there – like is it a 200-acre? Is it a 500-acre? Is it 1,000-acre? At what point does something become big enough to trigger something like countywide? Are there any other triggers by scale is I guess my question.

MR. GRIEGO: By scale, again, I don't know that the scale is more displacing major demands on adequate public facilities. Again, I don't know what that would be. A major impact on the County's capital improvements planning and have the potential to affect the environment, and public health, safety and welfare. Again, this is the SGMP, our policy document says these kinds of developments that have these kinds of impacts should be regulated in the SLDC. If we were to consider other developments we would need to go through that process to determine whether they fit that category.

COMMISSIONER GREENE: This is a last little – like on a solar project, I think that that would be sort of impervious surfaces, right? We have rain and runoff from panels that maybe underneath the solar panels the water can percolate down into that, but if you have a 200-acre solar array, that's 200 acres of potential impervious surfaces of some –

COMMISSIONER HAMILTON: It's never evaluated that way.

COMMISSIONER GREENE: I mean not entirely.

COMMISSIONER HAMILTON: It's probably not entirely.

COMMISSIONER GREENE: Great. Thank you, Robert.

COMMISSIONER BUSTAMANTE: Madam Chair.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you. Robert, a quick question. Why – I'm just thinking and this is one of those just sort of out of the box, if you will. When we think about climate change, things like defoliation of tree removal when we have projects that – let me just say I've been privy to a lot of social dialogue out there about the new northeast-southeast connector and look at how they took all those trees and blah blah blah. How does that not fall into this when we think of climate change, the importance of trees for the canopies, things like that, where these have been long – it's not part of this and I'm wondering where something like that, for those considerations may come up. Because it would theoretically have long, broad impacts on our overall environment if we're removing a lot of trees in a place that really needs to cool.

I have to say I was just wondering how or where that gets addressed in the SLDC if it's not in the DCI? If you W-I-L-L.

MR. GRIEGO: I noticed you got a couple of those acronyms out, but Madam Chair, Commissioner Bustamante, I think in regard to again impacts of a project, so again, that's what the environmental impact report should identify are there impacts to wildlife? Are there impacts to the vegetation and those kinds of things? And what are the mitigation measures for that? So again, as we review an application, I think there's – I was going to try to do a comparison kind of thing and it's like what is the potential for x-amount of houses within that area, versus x-amount of solar panels in an area? Again, how do you compare different types of development? Because development – again we do have a development code that does allow development so long as you meet the

regulations in the code.

And so again, I think there's probably maybe a comparison of different development types and what impacts more? Again, a solar panel or a house or a shopping mall?

COMMISSIONER BUSTAMANTE: Thank you, Robert. I'm thinking more along the lines of trees. I'm really thinking where we had a presentation from our forester. When we think about the importance for the cooling of the planet and when we remove a lot of trees what type of mitigation takes place. If we're going to clear a bunch of trees, create a big pile, when we do this type of planning are trees replaced? It's kind of things that we didn't really have to consider as much before, that we have to acknowledge more actually help us keep the planet cooler. So, thank you.

MR. GRIEGO: Absolutely. Madam Chair, Commissioner Bustamante, I think that is an important part of it. How do we mitigate it? How do we be sustainable in the future? And I think that was the intent of what the SGMP was trying to accomplish and with the perspective that when we're regulating we need to ensure that we are managing that.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HANSEN: Thank you, Commissioner Bustamante. Robert, so one thing I want to say is I believe that any of these solar panel projects are conditional use projects, meaning that they would come to the BCC. They are not administrative. So I think that that is one level of protection. But if I'm wrong I want to know.

MR. GRIEGO: Madam Chair, the Land Use Administrator, Penny Ellis-Green just wanted to point out that a conditional use, it does go through a process and it is approved through the Hearing Officer and recommended through a public hearing in front of the Planning Commission and it is approved through a public hearing in front of the Hearing Officer and approval through the Planning Commission. It doesn't come to the Board unless it would be appealed.

CHAIR HANSEN: Okay. Since we have had one – we've had a number of items that have been appealed and they did come to us. But there might be some consideration of that on this Commission because I do think that there are things that are happening at the administrative level that I think the Commission is concerned about. Trees are definitely a concern, obviously. Our resolution about the Santa Fe Mountain Resiliency landscape project is about protecting the trees, because we're in a climate crisis. But also I do believe that developers are required to plant trees, especially when they're building a roadway and even ourselves as the developer of the northeast-southeast connector, or are we just going to leave it bare out there? Because I think that's really what Commissioner Bustamante was asking.

PENNY ELLIS-GREEN (Sustainable Growth Director): Madam Chair, Commissioners, in our code there's a general statement about trying to preserve trees. The only area you cannot remove trees are when there are significant trees on 30 percent slope and that's related to erosion issues. So there are certain areas that you do need to landscape. For example, a subdivision, you would landscape along a road. That can be reduced with berming and other things like that. So there is nothing hard and fast that says if you remove a tree you have to replace a tree.

CHAIR HANSEN: So what Commissioner Bustamante I think is referring

to out in the Community College District is the southeast-northeast connector is taking out a large swath of land and will the County be replacing some of those trees or will we be planting sustainable trees that fit in with the migration of that development? Like one of the things I remember when I worked at Oshara was that we were required to put trees along the roadway.

MS. ELLIS-GREEN: Correct. Subdivisions are required to do some landscaping along the roadway. This is a roadway, not a subdivision, but I'm looking at Brian to see whether he knows whether or not they're going to replace any of the trees.

CHAIR HANSEN: I'll let Brian come up. Thank you, Brian. Good to see you.

BRIAN SNYDER (Public Works Director): Madam Chair and Commissioners, I don't know off the top of my head if we're replacing any trees. I do believe we're doing some landscaping but I don't know how many trees or specifics on that.

CHAIR HANSEN: I think Commissioner Bustamante cares about that so maybe we can find out.

COMMISSIONER BUSTAMANTE: Madam Chair and Brian, thank you. I do care, but as I stated, this is something that I'm privy to in the conversations out there. I think that – and for those of you who've been with the County for quite some time, as a newbie I am wide awake now when somebody says something about did you see what the County did? And suddenly I'm paying attention. And there is big concern, or big dialogue, about what's happened with the trees and are they going to allow people to use the wood? What's going to happen? And they've taken out all of that coverage that provides a canopy. There's a lot of conversation right now happening socially that I happen to be privy to only because of where I worked formerly, etc. That being said, it's not just me who's concerned; there are people out there who are concerned now and I'll say since I was this big it was concern when somebody would just bulldoze a bunch of trees and I was sad. I'm one of those people.

But we're in a whole new world now. We're in a world that really relies on the canopy to help us keep things cool. Help us keep our soil down. As it turns into dust it blows away pretty easily around here. And now that I'm sitting with the County and look what the County did I'm listening much more clearly and that's what birthed that question. So thank you.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: So just to summarize the point, I think both Commissioner Bustamante's point about trees, it's their environmental importance for managing small-scale climate conditions. And to Commissioner Greene's point about impervious surface, which that was related specifically to, and I might have disagreed on solar panels themselves. Impervious surfaces is a hugely important issue with respect to the impact of development and pollution. Right? Major impacts. I don't think we have anything that covers either of those. I don't think we deal with that level at all. When we permit something like a development, do you have enough water and do you have – there's been – we can think about it on the incentive side as well as on the, I don't know what you call the negative side, the compliance side, because in my mind, incentives for reducing impervious surface as a restoration technique and having trees for controlling

temperature and water management are both big issues. But it would be something we'd have to consider anew.

CHAIR HANSEN: I don't know if it really fits into the DCI but I see you out there conferring, so do you want to make a comment, Penny?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I did want to let you know that development projects do need to do drainage and grading plans. So they will have to look at the impervious surface and whether or not they are needing retention or detention ponds.

CHAIR HANSEN: Of course. I completely remember that. What I am concerned about with the solar project is not so much the solar panels; it's the batteries. It's the lithium batteries that could create fire, and the fire spreading. We're dealing with new technology. We're dealing with new issues that are coming to the surface and so I think it is wise to think about those and be aware of what we might be facing.

MS. ELLIS-GREEN: Madam Chair, Commissioners, just to let you know that the environmental impact report, we are requesting a third party with you for that, because I don't think staff has the expertise. So we are at the moment going through a process to choose a company that would be able to do a third party review of the EIR, and available for any public testimony.

MANAGER SHAFFER: Madam Chair, if I could, just a note of caution that we do have, I believe, at least one pending application. Has it been submitted?

MS. ELLIS-GREEN: Yes. Madam Chair, Commissioners, we do have an application that's specifically about that application and as we stated before, it doesn't at Planning Commission, we may expect an appeal. It may come in front of you. So the specifics about that development, we shouldn't really be discussing until it comes.

CHAIR HANSEN: I agree, but I do think it is something that the Commission might need to think about is these large-scale – we have wind farms as a DCI, so why isn't solar farms also a DCI?

MS. ELLIS-GREEN: Madam Chair, yes. We did list those as possible potential DCIs. We don't have a section for that. When I walked in I heard that there was a discussion about scale. When we did the sand and gravel mining and the hard rock mining, that was an awful lot of background work for well over a year to try to identify size and scale with consultants to see at what point are you a DCI and at what point are you not. So anything else that we write into the DCI section we would need to go through an extensive review period and through that get direction from the Board as far as whether it was wind farm, solar farm, anything like that, as far as what the actual details would be of at what point would it be a DCI? What would the standards be? There's no point in having a DCI unless you have standards. And so we would have an awful lot of background research to do before we could even bring forward any kind of potential change to Chapter 11 again for any of the DCI sections.

CHAIR HANSEN: Thank you, Penny. Thank you, Robert. I think we've asked all our questions and we appreciate you giving this presentation. I think it's a really important as we approach a whole new world, kind of, and facing many things within climate change. So thank you very much.

MR. GRIEGO: Thank you, Madam Chair, Commissioners.

7. C. Presentation on Santa Fe County's 2023 Affordable Housing Plan

CHAIR HANSEN: Welcome Denise Benavidez. This is a long time in coming, so welcome, and we're happy to see you.

DENISE BENAVIDEZ (Community Development): Thank you so much, Madam Chair, Commissioners. So this afternoon we are here to give our presentation on the affordable housing plan. We believe it to be one of the most comprehensive and certainly realistic plans out there. Today, doing our presentation we have Carlos Gemora from Sites Southwest. Sites Southwest was the vendor chosen by the County to assist us in putting the structural components of the plan together and also going after and seeking additional information that's housed in that plan. So I'm going to turn it over to Carlos and certainly we'll be here after to answer any questions that you may have.

CARLOS GEMORA: Good afternoon, Madam Chair and Commissioner. As Denise said, my name is Carlos Gemora. I am a senior planner with a community planning firm in New Mexico. Before this I was working on affordable housing and land use regulations for the City of Santa Fe. Just to provide some context, I think two important things that the County has been working on that kind of precipitated this plan, one is a UNM Housing Data Report that was worked on 2019, 2020 and completed 2021. That developed a lot of data in thinking about affordable housing and some of the impacts that Santa Fe County is facing.

Another large kind of contribution is the Board of County Commissioners passed the resolution supporting the Affordable Housing Trust Fund, which was recognizing how important the affordable housing issue is, and also trying to provide a commitment for affordable housing support there. Something that that resolution was requiring was that the County goes through a plan, it tries to identify what the scale is, what the scope is, and some potential solutions. I'll also say that these plans also have a technical state or legal purpose as well.

The state requires that before you are able to give any kind of donations for affordable housing you have to approve a plan like this that identifies that a need exists and that you are not surpassing that kind of need. And so that is also what this plan does. This plan identifies a need and identifies – provides a legal nexus for the kinds of programs that you can provide funding for.

The contents are regulated by the New Mexico Mortgage Finance Authority, so the contents of this plan, we talk about the community profile. We talk about a housing profile and analyze housing data. We identify housing needs for different demographic groups in thinking about different housing types. We're required to do a land use and policy review. I do want to be very clear; this isn't a comprehensive land use plan. This doesn't have comprehensive land use requirements. That would be part of a much larger, different conversation. This is just identifying some of the land use and policy that are impacting affordable housing.

And lastly, this plan provides different kinds of goals, policies and objectives that can be used and are legally justified.

The sources we used for the plan – lots of census data, and that census data was a range of different years and sources within the census. We relied heavily on the UNM

Housing Data Report, which also had a lot of different census sources, data services interviews, and lastly we relied on a lot on local experts. So for over a year we were meeting with community stakeholders representing a broad group of community participants and organizations associated with affordable housing services, the Association of Realtors. We also had interviews with public affordable and market-rate developers.

In the report that I believe you all have is a one-page summary, an executive summary. It's a little bit complicated. There's a lot of data on this plan. I'm going to try to speed through this pretty quickly but we'll be talking about some of the community changes, about housing prices, about some of the ways to think about the housing crisis, and some of the recommendations that we're providing support for.

One of the first ones is recognizing that there's a lot of migration, community changes happening in Santa Fe County right now. I think of this as a lot of churn. The population is churning. So just in 2019, we identified that there was around 11,400 people that moved into the county. That's about eight percent of the total population, and 10,800 people that moved out of the county. That's around 7, 7 ½ percent of the population. People who are moving in tend to be older and wealthier. People who move out tend to be younger and less wealthy.

And something that's really important is that this is five to nine percent of the total population so it is causing a lot of population changes. Some of this is due to a shortage of available housing. So I've got two graphs here. The first graph is just looking at how the population of Santa Fe County has changed over time, and this is Santa Fe County, the county and all the incorporated areas including the city. But we can see that the population has been increasing. That's the blue bars there. But something that's important to recognize is that the growth rate has actually shrunk. So while it feels like there's a lot of kind of churn, a lot of growth in Santa Fe County, we actually find that the growth rate is much lower than it has been in past decades.

Throughout the late 20th century population growth rates were around 30, 50, 20 30 percent, hovering around there, and between 2010 it dropped down to 12 percent and between 2010 and 2020 it dropped down to seven percent. So we are seeing quite a decrease in total population growth rates in Santa Fe County. And this is also recognized when we look at permitted residential dwelling units. So the graph to the bottom, one is looking at Santa Fe County permitted dwelling units and the other is looking at the City of Santa Fe. So the City of Santa Fe has been growing quite a bit. Still we've got quite a low population growth rate. One way to think about that is Santa Fe County, prior to 2007 was around 500 to 700 dwelling units per year. That dropped down to around 100 or 200, kind of between 2007 in 2016, and in 2016 the number of units dropped again. Now it's below 100 units per year. And so that's one way to kind of think about – Santa Fe County kind of has this game of musical chairs. There's just not enough housing for everybody that wants to live here. Some are excluded. Some are able to actually stay.

Another way to think about the crisis is looking at affordable housing prices. So the prices we have here are Santa Fe County only. This excludes the City of Santa Fe, but when we look at housing prices, the median, the average median single family sales price, \$789,000. Right? This is a very large number. A very, very large number. And average rent around \$1500. If you look at the graph to the left you can see how some of

that has increased over time, and I think it's really important to compare where the median single family sales price has been going, versus what the price of an affordable home would be for a median income household. So that's where we're comparing that.

The yellow line is increasing quite a bit. The price of homes is increasing quite a bit, but the blue line has been relatively flat, and actually decreased last year because interest rates rose.

Stepping back, thinking about the whole region between 2016 and 2021, single family home prices increased 61 percent; rent increased 58 percent; income increased only 16 percent. So another way of kind of just identifying income is not keeping up with rising housing costs.

We have documented quite a bit of different data. A lot of it is fairly alarming, looking into how many homes cannot afford different kinds of housing. In general, about one in three of all Santa Fe County households are cost-burdened or presumed to be having some difficulty affording their existing housing. We calculated there's a little over 6,000 subsidized or affordable rental units that are needed. We also calculated that there's more than 17,000 additional housing units that would be needed to meet the fairly low growth projections by 2025. And again, these numbers are thinking about Santa Fe County total, that's the unincorporated and incorporated areas of Santa Fe County.

So we've got a set of primary recommendations. Some of these have to do with housing supply, suggestions for how Santa Fe County can be thinking about housing supply. Some of that is incentivizing affordable housing, so more specific ways that affordable housing could be encouraged and increase that supply there, and then some of the other strategy updates are more related to thinking about and doing more comprehensive land use analysis. The comprehensive land use changes, there's not specific recommendations on what should change, more just considerations on how to think about affordable housing and how land use affects that.

The focus of the plan though, again, kind of from the legal perspective is the housing programs and services. So we identified a variety of different housing programs and services that are supported by this plan. These programs I believe would be coming through different resolutions, but again, this kind of establishes some of that framework to begin implementing or expanding upon some of these programs. So the Affordable Housing Trust Fund is that critical funding source for a lot of us. Then we've got a variety of new expanded or refined programs, and then we also have some existing programs that we're still recommending moving forward with.

With that I'll go to questions.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Denise and thank you, Carlos. This is – I've been looking forward to this since before I took this seat up here, so thank you for presenting this to us. I have sort of three questions from the beginning. There was the increase in the city's population. Does that really reflect annexation or is that actual – a real increase in their population and residential dwelling units, that bottom chart, or the upper either of them?

MR. GEMORA: Can you rephrase the question? It is around residential permitted dwelling units, not population.

COMMISSIONER GREENE: So it is actually the number of units that

have gone up? A thousand units a year recently?

MR. GEMORA: Correct. So I didn't put labels on that but I believe the City of Santa Fe went from around 100, or 300, to around 1,000 units over the past few years.

CHAIR HANSEN: But annexation happened between 2008 and 2014, and so Las Soleras was annexed into the city, which had been previously in the county, and so therefore that was a large source of supply that was built in that time.

MR. GEMORA: Correct. Yes. Yes. So the annexation did decrease the amount of kind of developable land the county had, increased the amount of developable land that the city had. The city has been – I don't want to mischaracterize it but a lot of the building permits have been in the more recently annexed areas. Correct.

COMMISSIONER GREENE: So if it's possible to, when we start comparing apples and apples, if we could see how many annexed rooftops were annexed in, not necessarily in new homes but to show, okay, the City of Santa Fe was 80,000 rooftops and then we annexed in, or they annexed in an extra 10,000 rooftops, if that – and how that sort or compares apples to apples.

The next question I have is how do all these things compare at like the state level, the regional level, and the national level? Because we hear about how we're in a crisis here, and I agree. I believe that. But how would Denver compare with this? How does Albuquerque compare with this? How does Los Alamos compare with this? We're taking on a lot of the burden from Los Alamos now because they are really, really landlocked. And they have a buying capacity, an income capacity that is much higher than our population here, and I remember when I was at UNM, one of the professors there had made a very specific initiative to exclude Los Alamos from our metropolitan statistical area. So it made our affordable house or our median income go from about \$60,000-something down to about \$40,000-something.

But if we're now – if these commuters from Los Alamos are coming here, that is part of what is gentrifying or displacing a lot of our population. So whether they're older and wealthier, they're wealthier and may be employed by Los Alamos and creating a burden here. I'd like to be able to include that into our study, so that we can present that to Los Alamos County and to Los Alamos National Laboratories and say, wonderful. Thank you for the jobs and thank you for the employment base but you have a burden on us right now and it would be great to quantify that somewhat.

MS. BENAVIDEZ: Thank you so much, Commissioner Greene. I just want to let you know and add to that that we have been recently – I have been having conversations with LANL's Economic Development Division. We're discussing the impact that Los Alamos is having on surrounding communities, Santa Fe County being one of them, and the other thing that we're discussing is, we do have a meeting with LANL set up for next week. We're going to be meeting with their Infrastructure and Policy Division Director and so we're also going to be discussing the impacts to Santa Fe County and how we can maybe partner and share resources, funding being one of the main ones, and just collaborating together.

So we hope to form a partnership going forward with Los Alamos. They recognize the impact. Their main concern of course is in housing individuals and not just housing them but providing jobs but what's happening is that the jobs that they're

providing for individuals that are from either out of state or other areas, they're not staying because there's no housing. And as far as economically, the conversation that I had with the Economic Development Division is that the other thing that is causing hardship in some cases is that they are taking a lot of the local individuals because they already live here.

But what's happening is that they're taking away jobs. And so it's an impact on some of our smaller businesses and on even larger businesses in our area because we're struggling to employ individuals now. And by far, they can pay better in some instances than we can, but the discussion was let's put together some programs then. And let's get LANL to provide either payment in the form of scholarships to some of these individual that can work at LANL but also either are going to be housed here or there's some sort of impact to both. The partnership needs to work both ways. And so those are conversations that we're having with LANL and we hope next week that our conversations go well with them and we can form some sort of a partnership. They are looking to Santa Fe County for housing of course, and they want it to be specific to some of their individuals.

We did talk to them about a percentage of their population of employees need to be affordable, which they do fit that bill, and we're already had that conversation with them, so we hope to move forward in bridging some of those gaps. Just a little bit of information.

CHAIR HANSEN: If I just may. When I was in DC in the beginning of February I met with Undersecretary of NNSA. This was a very big topic of conversation that we had, and I'm happy to hear and see that it is filtering down, because it is not just housing. It is roads. It is broadband. It is around the board, and the problem that I have had with LANL in the past is that they think that they should be granted certain gifts, so to speak, and I don't think that that's the case.

MS. BENAVIDEZ: Absolutely.

CHAIR HANSEN: I think that there has to be a much better – they have to be going above and beyond what they need to be doing. This is a minimum.

MS. BENAVIDEZ: Madam Chair, you're absolutely correct. One of the first conversations I had with their Economic Development Division was just that. It is that they were very one-sided and they weren't looking at the entire picture. And so that's one of the things that I brought up is that if we were to partner with LANL, it can't just be one-sided. They think about what their needs are, but they don't realize what's happening out there in the community that's being caused by LANL. And so those have been some open conversations that we've definitely had.

CHAIR HANSEN: And they're not just stealing jobs from local small businesses. They're taking jobs from county and state and city.

MS. BENAVIDEZ: Absolutely. Absolutely. And those are conversations that we've had with them and that we hope to continue to have, and hopefully next week, our meeting with them will be productive in all of those areas. So we hope they will be.

COMMISSIONER GREENE: So we had – I went up to Los Alamos about ten days ago to lay out a bunch of these things, and there was a nice change in their attitude as to how they can contribute. Part of it was they didn't want to talk about tax equity across the other counties and so I think there's an opportunity for us to get them to invest, for lack of better term, in the initiatives that will help us help them and help us all

collectively.

But having as much data in something like this, and sort of almost have a qualified impact of what LANL is doing, both in terms of housing demand, but also housing – the contractors. How many contractors are working on LANL projects right now and can't be building housing for us, so it inflates the cost of housing and labor and we saw a ten percent increase in the RECC project that we had to throw an extra half a million dollars at today.

And so those are all factors of LANL building a \$4 billion pit manufacturing facility.

CHAIR HANSEN: Eight.

COMMISSIONER GREENE: Eight. Terrible. And then the last area that I didn't see in this and that I would hope would be quantified somehow is that I'm okay with a level of large-scale apartment complexes that we can discuss that. But there's a lot of push-back from the community. The other aspect that has sort of been discussed is a gentle densification and more in line with what I would call what people want to live with beside them and in their backyard, and leading by example is a YIMBY – yes in my backyard, is the ADU facilitation.

If everybody threw an ADU in their backyard and didn't turn it into a short-term rental we would double the density. We would have less impact of large-scale apartment complexes, and we would sort of make a product, an architectural product, housing product, that would be aligned with what people sort of want to have as their ideal. A lot of people move here not necessarily to live in an apartment complex. They're getting away from that in wherever they lived, and their dream is kind of a casita in somebody's backyard. And this is the opportunity to give that product. It's a rental. It is an entrepreneurial opportunity for landowners to defray some costs. It doesn't necessarily have to be for an outsider moving in. It can be for your next generation. It could be for your in-laws and your – we used to call it the mother-in-law's unit. Keep her at a safe distance, not in the same house, but on the same property.

That provides a product that is more in line with what I think Santa Fe and Santa Fe County, especially, should be looking at. And so having a way to facilitate, whether that's for streamlined permitting, reduced water or wastewater aspects in this, and that's something that I hope to bring forward as a resolution to sort of facilitate that but in this conversation when you're doing all this work right now I would hope that there would be some recommendations that I could work from to help facilitate some ADU development and see reduced permitting cost, reduced permitting time, reductions in property taxes, as a strategic move in there. Anyway, I would love to hear more about ADUs in the final draft if that's possible.

MR. GEMORA: Madam Chair and Commissioner Greene, we have referenced some changes like ADUs. We did want to be careful not to get too far into land use suggestions without actually having a more comprehensive land use plan. So the suggestions are more phrased as consideration for things like ADUs, but again, we wanted to be a little bit careful to not overstep our boundaries regarding broader land use changes.

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

COMMISSIONER HUGHES: Thank you, Madam Chair and thank you for the plan and all the work that went into it. I do understand this was a beginning. Most of my questions have to do with what comes next. But I guess my first question is are we sure that this meets all the requirements for the Mortgage Finance Authority so this will get us to where we need to be with that?

MS. BENAVIDEZ: Great question, Commissioner. MFA has pre-reviewed the plan and they gave us a huge thumbs up. They stated that it was one of the best plans they've seen yet. We do need to send it back for final. We are currently working on the ordinance that will adopt the plan. That should be coming to you we hope soon. It's in Legal currently. It's got to go to MFA for approval before it comes to the Board of County Commissioners, so those are our next steps to get those to MFA for final approval and then thereafter we're going to start working on the resolutions for all the programs and you'll see some of those coming forth to you as well as we go down the path of putting those programs together and making sure that we're where we need to be with funding.

I know that that's one of your questions. I'm currently working on a budget that will detail out some of where we expect to have some funding from. We do have some currently that's not recurring. We do know that there's several grant opportunities out there, so we're working on some of those things currently. We do have presentations scheduled that are coming up towards the end of the month with other stakeholders and individuals and other entities that are very interested in the plan as well that we may partner with in the future. So that's yet to come as well. So all of those things are in the works and we should have those completed shortly.

COMMISSIONER HUGHES: Thank you. And that's what I get for asking my questions before the meeting, most of them. I was going to ask you about the resolutions and the budget. So do you anticipate some of those resolutions happening before we do this budget cycle that we're going to be about to be in in the next month or two, so that we can put some money into some parts of this plan?

MS. BENAVIDEZ: So in reviewing the current budget, Commissioner, we budgeted for down payment assistance of course. We budgeted for our foreclosure prevention program. We did have some ARPA funding that we had set aside for rehab as well as there was a grant that came through, sustainability, because anything that we do rehab we want it to be sustainable and so we brought some of that funding. We're currently looking at other sources, the home fund being one of them. The sources that are indicated in the resolution being others.

So we're going down that path. We hope to have some of them come to you. We've got the loan fund ready. We've got the rehab ready. DPA, down payment assistance is ready. So we do have some of the money. I don't know if we'll make it with the resolutions before that time. We may. We have to have the ordinance approved and then we'll go.

COMMISSIONER HUGHES: Okay, and then my final question. So we anticipated in the resolution that set us up to do this plan. We also anticipated setting up an Affordable Housing Trust Fund which would just be I guess a part of our budget that we would sort of set aside each year for affordable housing. Do you anticipate a resolution specifically around the Affordable Housing Trust Fund or how do you see us

proceeding with that?

MS. BENAVIDEZ: I'm going to say yes, that we want to just make sure – so once the ordinance is approved, then we can go forward with all those resolutions. It will be quicker than we anticipated, Commissioner, because originally we thought we needed an ordinance for each program, and in having the discussion with MFA we don't have to do that. We have the one ordinance and now just resolutions detailing out the specifics of each program. And so we've already begun down that path. The other thing that we're going to be doing is Director Penny Ellis-Green and I are going to be working together on a couple of weeks to revise Chapter 13 to enhance that and make some changes so that we can move forward and work together on some of those things. Both our division and Growth Management are looking at software to automate that. That's another big piece for us.

And right now, I met with a developer this morning, we're continuing down the path of educating also developers, which is huge, because having them educated and understanding how affordable works – there's that myth out there that it's just low income or it's just public housing, right? And that happens a lot with individuals coming from out of state that don't want to live next to somebody who is deemed affordable or who has an affordable home. We're also educating those individuals as well in that the homes are going to look exactly identical, so we're trying to put all those fears at bay. And so definitely you're going to see some more coming your way.

We've kind of pre-warned Legal that I'm putting together a spreadsheet for them to let them know what's going to be coming their way. We don't want to inundate them, but so that they know what we have in the works. It's going to be coming fast and furious to them.

COMMISSIONER HUGHES: Okay. Thank you. And then I guess in terms of – this is just a comment – in terms of considering any of the land use recommendations, I would hope that we would do that in conjunction with the consideration of revising our Transfer of Development Rights program, because the purpose of that program was to increase density. And so I think we should – rather than giving up our Transfer of Development Rights program because it's never worked, we should try and fix it so that it works, because I think it would be a great tool, not only for increasing density and making housing more affordable but also in preserving some of the trees out in the rest of the county that we want to preserve to fight climate change. Thank you very much, Madam Chair. That's it for me.

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

COMMISSIONER HAMILTON: Thank you, Madam Chair. I just wanted to commend Commissioner Greene for what he said about ADUs and add my support for how important I think it is. I would really like to see that looked to. All the specifics Commissioner Greene mentioned just were hitting all the points and I just think it would be hugely valuable. So I really support seeing some attention paid to that. Thank you.

CHAIR HANSEN: Okay. Commissioner Bustamante. No? Okay. I have a few comments. So I think one of the really big problems with the multi-housing problem that we have in the city now is that they don't look like Santa Fe. They don't hold Santa Fe style and I am disappointed that the City of Santa Fe did not require these buildings to

have a Santa Fe style. Because if they were brown or tan or some of the colors that we love here they wouldn't show up the way that they do show up when you're driving down the road. They would have a more esthetic appeal in some regard and I think being aware of that when we're thinking about multi-complex and when we're talking about land use and we're talking about the ability to build these apartment complexes that they need to look like a pueblo. They need to look like a Santa Fe style. They need to remain true to our integrity of what has made us the city and the county that we are. And so that is one of my big concerns.

I agree with Commissioner Greene and Commissioner Hamilton on ADUs. I think – I live in a neighborhood where around me most of the houses have an accessory dwelling unit. I would love to build one but it's not within my income level, but I would do it because I see it as a really valuable way to create more housing and so I think that that is really important. I think that this plan is going to have a strong impact on land use and we're going to have to look at how we can help Land Use with staffing and with the affordable housing to build up that ability to make these changes in the SLDC because it is going to make changes in the SLDC.

MS. BENAVIDEZ: And we're currently working really well together and I think we can definitely work on that. I'll address the multi just really quick with you. We are concerned as you are about the look of a multi-family facility and the one that we got through Planning Commission got through because of that. The Planning Commission did require a color change and a little bit of an esthetic change to match Santa Fe County style.

So we're currently working with a second multi-family developer and we've already told them that same thing. Anything that gets in in the county we would like it to be Santa Fe style and follow the beautiful colors of our valley, our area. And so they both have changed their plans to accommodate for bringing Santa Fe style looking multi-family complexes. So that's something we've addressed.

CHAIR HANSEN: And maybe you could share that with the City. But also, I think that the burden from LANL is real. It is a real issue. It is not something we need to take lightly. That is why I brought it up with the Undersecretary at DOE because the impact that LANL is having is devastating, and they need to be a real partner. And I know I've already said this once but I'm saying it again, because it is a fact. It is not, oh, we can build roads. We need roads. We need sewers, we need broadband, we need sewers again. I will say that. Every single pueblo in the state probably needs infrastructure. And even though that housing may not be on the pueblo because it's a sovereign nation, it still needs help with basic infrastructure that they have been denied over the years. And so there are many things that I think we need to consider when dealing with them and talking to them. My personal opinion is I don't want pit production here, but until we stop that their impact is incredibly real.

MS. BENAVIDEZ: I think we have an advantage with LANL right now because number one, they're landlocked, and secondly, they need housing. And thirdly, what they've discussed with me is that they struggle, especially where affordable housing is concerned, they don't have the staff to understand housing and certainly not affordable housing so I think we have an advantage. This is a great time to be speaking with them and partnering, hopefully.

MR. GEMORA: I did want to provide a little plug, just as far as Los Alamos County. Los Alamos County has been trying to get more housing within the county that's obviously outside of LANL but right around LANL, and they did just do comprehensive land use revisions to get more of that housing located within Los Alamos County. Of course that is still very, very limited, so take that with a grain of salt. But they are trying to make some of those changes.

PAUL OLAFSON (Interim Community Development Director): Madam Chair, Commissioners, I just wanted to close with thanking the whole team here. It's been a real big group effort to put this all together. There's a lot of data, there's a lot of information and congratulations to Carlos, Denise, Jordan, our planner Daniel, and I thank you for your support and also the Manager has given us a lot of support, the Manager's Office. Legal has helped a lot, so it was a group effort. This is just the beginning of what we really want to get going. We have to adapt the plan in order to get the options to start funding other things. So that's where we want to go and we're not going to do it alone. The County's not going to solve 17,000 units. That's just not going to happen. But it's a public-private partnership and I think too, all of your points, get as creative as you can and as nimble as we can to move forward as quickly as possible. Thank you, Madam Chair.

COMMISSIONER GREENE: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER GREENE: Two points. Back to Los Alamos. One, I've heard anecdotally that 50 percent of the job offers that are going out from LANL, which used to have almost a zero percent rejection, close to 50 percent are being rejected because of the housing issue. And these are career-making jobs for LANL. People literally change their paradigm of their future, and they're saying no because they can't get housing either in Los Alamos or even in Santa Fe County. So that's one aspect. And so if you can research that to show that that is a real impact there. I've mentioned it to the director, to Director Mason up at LANL. I said this is impacting your mission, and when you use the word mission they stand up and the listen a little closer. And it's true, and he agreed and so I think this is part of that argument to show how it is impacting their mission but it's also impacting our mission. How to keep our community safe? Keep shelter for everybody that needs it in our community?

And then the second aspect is Los Alamos County is actually looking at investing in Espanola. You all in Espanola, you probably know this well. There's the Prince property. I guess it is an old farm. It's terrible to take an old farm out of production, but they're looking at investing, in partnering, to help Espanola or Los Alamos County in some way, invest in the infrastructure to house and create a new subdivision in Espanola that the city may not have the capacity to do themselves, but they own the property so it becomes some sort of multi-jurisdictional partnership and that we should look at how – if they're not interested in tax equity that we can actually get tax equity through alternative means.

So that's a way to say, look, invest in our Planning Department. Invest in our road capacity. Invest in all of those things. And this is what they recognize as a critical need.

MS. BENAVIDEZ: That's exactly what we did, actually. Commissioner, you're correct. And not only did we do that in Espanola but we recognize that it's

affecting LANL's bottom line as well. They deal in money so when you talk to LANL you've got to talk in money. And what's happening is that anybody that they're hiring they're not staying for more than six months because there's no place for them to live. There's no investment for them. They're paying large, large moving bonuses for them and housing for them for the short period that they're here. They were flying people in on Mondays and flying them out on Fridays. They're no longer doing that.

But it's definitely affecting their bottom line. And so we're working in Espanola on several other partnership ideas that we work with the County here.

COMMISSIONER GREENE: I'd like to see Santa Fe County look at that partnership and we had that conversation up in Los Alamos County about a week ago and part of what they laid out were all of the areas where some of it was public works, some of it was housing, some of it was broadband, some of it was economic development and Ambra and I had a list of these areas that we need to then reconvene the functioning areas. So the housing group and the economic development group will go meet with their economic development group and start to have these regional partnerships that we can work to really make them put their money where their mouth is.

MR. OLAFSON: Commissioners, I just wanted to add to that last point about economic development. They are all intimately tied. We just have an Economic Development Manager, Juan Torres, who is in the audience with us. This is his second day, so he's getting a kind of fire hydrant of info and data, but I just want to make that note too. And thank you all so much.

COMMISSIONER GREENE: Congratulations to Paul and welcome, Juan. Welcome back to Santa Fe County. I know you were just somewhat of a lateral. Sorry. Thank you, Madam Clerk for not standing in the way, I guess is all you could have done.

CHAIR HANSEN: Thank you. Welcome, Juan. We're happy to have you here at Santa Fe County in the Economic Development Department for sure. Okay. The Prince property, the Northern Rio Grande National Heritage Area is also working with the City of Espanola on that piece of property, so that is one of our projects that we helped fund, so we're also involved in that. This is an exciting project that you have all been working on. I am grateful, and thank you so much for your dedication to affordable housing and to the housing plan. We absolutely need it and we're grateful to have you here. So thank you everybody for your hard work.

MR. GEMORA: Thank you.

MS. BENAVIDEZ: Thank you.

8. MATTERS OF PUBLIC CONCERN

CHAIR HANSEN: I just want to state for the record though that we have a public hearing on the STRs this evening, so that will not be part of Matters of Public Concern. So if you have other topics besides the STRs, I will please entertain public comment. So I see Warren Thompson. Please come forward.

WARREN THOMPSON: Thank you. Warren Thompson with Rancho Viejo. I wanted to address the affordable housing plan. I think it's great to go through these and update them. It's an important step to do. One thing that I noticed wasn't included was a look back at what we've done. I think it would be helpful to sort of audit

what we've done. Are the people we think are living the affordable houses that we sold still there? Are they being used the way they're supposed to be or not?

If we need to make some adjustments this would be the right time to do it. And so I would like to suggest that we audit our process in there to understand how it's functioning over time. Thank you.

CHAIR HANSEN: Thank you, Warren. It was good to go out and look at your apartments that Commissioner Hughes and I did. So thank you for the tour.

MR. THOMPSON: Thank you for taking the time to do that.

CHAIR HANSEN: Is there anyone else who has Matters of Public Concern that is not part of the STR? I see there are some people. I wonder if they're online, Daniel. Are there people online who wish to speak?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, we have Debora Wofford online.

CHAIR HANSEN: Okay. Thank you very much. Hi, Debora.

DEBORA WILLFORD (via Webex): Hi, am here. My Matter of Public Concern is the AES Rancho Viejo project that's going in next to Rancho San Marcos where I currently reside. My concern is in regards to the BESS units which were mentioned earlier today, and I want to let everyone know that they are a huge concern for many, many residents who reside in this neighborhood along with other neighborhoods. We definitely want our Commissioners and the Land Use Department to take these matters seriously and make sure that every avenue is explored before this project can even be considered to be approved.

It does not fit in with the land use, for the Highway 14 Scenic Byway in any way. I haven't seen anything in regards to how it's beneficial to Santa Fe County, much less the state of New Mexico. There's no benefit for any of the residents here. The power will be transported out of New Mexico and put into a grid and we have no idea where it will go. There's no tax benefit. So really, I would like the County Commissioners to really take this seriously and make sure that they are diligent in their approval or denial process or exploratory process, or whatever it entails. Thank you very much.

CHAIR HANSEN: Thank you, Debora. Next.

MR. FRESQUEZ: Madam Chair, our next speaker is William Mee.

CHAIR HANSEN: Welcome, William.

WILLIAM MEE (via Webex): Chairperson Hansen and Commissioners, I'd like to talk a little about the crime wave in Agua Fria Village, which you addressed at the beginning of the meeting with Sheriff Adan Mendoza and Lt. Tim Benavidez and Enforcement Officer Robert Hollingsworth. It was an excellent dialogue and it's really put me at ease on the cooperation that's going on at Santa Fe County. But of course our community is still very uneasy about the whole situation. Lt. Benavidez and Officer Robert Hollingsworth are really helping us out in the village, and I give them a lot of credit.

I wrote a letter on March 7th to District Attorney Mary Carmack Altwies and the four magistrate judges. So preparing for this meeting I asked the DA if she would respond to my letter and here's the result:

Mr. Mee, I am in receipt of your letter and have been in contact with Commissioner Hansen about the issue. I dispute the notion that our office is a revolving

door. I certainly can see how it feels like one. Due to the bill reform amendment passed by New Mexico voters several years we're only asked to keep certain individuals in custody based upon certain criteria. Even then it requires a motion to the courts and a hearing, and only about 50 percent of those motions are granted. We too are frustrated that we cannot keep offenders in jail when they commit serious crimes over and over again. Now that we attempt to rectify this we've asked the Sheriff's Department for a list of frequent offenders so we can fast-track their cases. Once we have those offenders with active criminal cases we can ask for certain conditions of release and keep people in jail if they violate those conditions multiple times. We have similar agreements with the Santa Fe Police Department to follow frequent offenders very carefully.

That was at 11:05 am this morning so at 12:57, after I responded to her, the District Attorney said we've received the list from the Sheriff's Office and have forwarded it to our intake unit and we'll start to follow those people closely. The legislative session is nearly over but I will reach out next year to people about pre-trial detention bills that you may want to support. This is the only way we can get these awful rules changed.

And thank you for listening to me and hopefully we can resolve this in the next couple of months.

CHAIR HANSEN: Thank you, Mr. Mee. It's good to see you. Next.

MR. FRESQUEZ: Madam Chair, our next speaker is Carol Beidleman. It is my understanding that Carol has joined via phone. To unmute, please hit star 6. We are displaying a three-minute timer so please be aware of that.

CAROL BEIDLEMAN (via phone): Thank you. Thank you for the opportunity to comment at this Board of County Commissioners meeting. It's regarding the request by the San Marcos Association that the Sustainable Land Development Code be modified to include utility-scale solar and renewable energy projects as developments of countywide impact. This is a timely topic given the previous discussion about the revised org chart for the Santa Fe County Fire Department.

I'm an avid supporter of distributed rooftop solar; I have one on my roof. However, after a 45-year career in conservation I know that large-scale renewable energy developments can have significant negative impacts on both the environment and the communities surrounding them, so it's critical to have well crafted plans, regulations and procedures in place to guide appropriate locations and adequately evaluate such proposed projects and their impacts.

Unfortunately, these are not currently in place and are not included in DCIs. The latest is the proposed 1,000+ acre Rancho Viejo solar project for which the AES Corporation has submitted a conditional use permit application to Santa Fe County. This permit application is wholly inadequate in its assessment of potential impacts and a more extensive review period is warranted. Without such regulation and procedures in place, private landowners, in this case Rancho Viejo Partnership and private for-profit companies, in this case AES Corporation can proprietarily devise utility-scale projects like the Rancho Viejo solar project in locations that are economically beneficially to them but detrimentally to the environment and nearby residents without adequate transparency or public input about the negative impact until far down the road.

Since more utility-scale project will soon roll out, we need to get ahead of this

trend with strategic planning and not allow private, opportunistic projects to be without a thorough projects. For comparison, the community solar project proposed in the same vicinity as the Rancho Viejo solar project, including on land also owned by Rancho Viejo Partnership will each cover about 25 acres with about 11,000 solar panels. However, the Rancho Viejo solar project will cover over 1,000 acres between Rancho San Marcos, Rancho Viejo and Eldorado communities, and have over 239,000 solar panels. More importantly, the utility-scale project will include a lithium-ion battery energy storage system larger than a football field with 69 containers located only one mile from the edge of Eldorado housing. Such battery storage systems are vulnerable to thermal runaway fires, explosions and hazardous gas leaks, and AES has had two recent incidents at their Arizona facility which caused evacuation and seriously injured firefighters.

Suppression of fires at these facilities is technically very difficult and neither the Turquoise Trail volunteer fire department or Eldorado Fire and Rescue has the capability to deal with a fire involving these hazardous materials, and I'm not sure if the County does either.

CHAIR HANSEN: Thank you. Carol, your time –

MS. BEIDELMAN: I'll race through and I'll just state, there are over 2,000 homes in the area so I strongly support the request of the San Marcos Association to put a moratorium on this until regulations are developed and include these utility-scale solar projects under the DCI. Thank you.

CHAIR HANSEN: Thank you, Carol. Next, Daniel.

MR. FRESQUEZ: Madam Chair, the next speaker is Camilla Brom. She is also joining via telephone. Please hit star 6 to unmute, and I will start the three minute timer.

CAMILLA BROM (via phone): Hi. My name is Camilla Brom and I live out off of Highway 14 in Rancho San Marcos. And my comment is regarding the San Marcos Association letter sent to the Commissioners in January in regard to the designation of utility-scale renewable projects as developments of countywide impact.

I know that since New Mexico has implemented the Energy Transmission Act in 2019 we're seeing a lot of companies coming into the state and rapidly develop and put facilities to meet the goals of this Transmission Act. But when you bring up utility-scale renewable projects such as industrial solar projects, and I use utility-scale and industrial interchangeably because they're basically the same. We're talking about industrial size projects and they're much more than just a large number of panels out in a field. These are projects which entail a lot of other equipment and some of the equipment being so dangerous it requires razor wire around sections and specialized training for firefighters to fight fires that can't be extinguished like lithium batteries for example.

And although all of the energy generated in these facilities is renewable we can't assume they are automatically harmless projects. Industrial scale renewable energy power plants entail complex equipment and should be held to the stricter oversight and guidelines prior to consideration of approval. These facilities generate electricity that it sold onto the grid. They aren't small scale. They aren't community solar facilities. Utility-scale facilities that San Marcos Association and many of us out here are concerned about are large scale and carry real risks of harm to the public, environment, and not just to the immediate vicinity, but I'm talking about far-reaching in the county.

Projects, when we talk about imposing risks for fires, explosions, release of toxic gas, water contamination, excess water use for a lithium fire, harm to first responders from the lithium battery fires, negative impacts to wildlife in our ecosystem, lack of fees. I'm talking about when we're discussing projects that are using 1,000 acres for this. Lack of feasible evacuation plans in place for the surrounding residents, and overall limited awareness given to county residents – all of that is of extreme concern to many of us.

And so we have a real problem here that must be addressed now and without appropriate oversight and guidelines to match the complexity and potential harm that these facilities bring, the county residents and environment are put in a vulnerable situation, and it must be avoided.

It's not right to move forward with these sort of projects of this magnitude without first ensuring the public has been made fully aware of them, including all they entail, and not just solar panels, but all the equipment.

CHAIR HANSEN: Thank you. Camilla.

MS. BROM: Can I say one last sentence? Can I say one last thing?

CHAIR HANSEN: Okay.

MS. BROM: Is it possible to say one thing? I just want to say that despite the fact that it could take a lot of time to designate these projects as DCIs, it's to the best interest of the public and environment. It should be done regardless and better to do it now than later. Thank you so much.

CHAIR HANSEN: Thank you very much. Daniel, do we have anybody else?

MR. FRESQUEZ: Madam Chair, our next speaker is Debra Anderson. Ms. Anderson, if you are a phone caller please hit star 6.

DEBRA ANDERSON (via phone): Hi, my name is Debra Anderson. I'm a documentary filmmaker and I live in the Lone Butte area. I've covered the topic of energy often in my work, including a film about industrial solar for *National Geographic*, and an Emmy award winning *Split Estate* about fracking. Currently I'm working on a film about clean energy. Solar farms and lithium-ion battery facilities are industrial scale power generation and because of their scale and significant hazards they are developments of countywide impact.

Lithium-ion battery storage at this scale is still new technology. Of great concern are solar farm and battery storage fires. Called thermal runaways, such fires cannot be extinguished like a normal fire but only contained while it burns out, which can take weeks. Such fires are incredibly dangerous chemical fires that can cause explosions. Communities have sometimes been forced to evacuate. I have seen many kinds of chemical and toxic injuries through my work and personally. A chemical injury from inhalation of toxic smoke can be life destroying and can kill.

I would ask Commissioners to read the Arizona Corporation Commission inquiry of the 2019 surprise Arizona battery fire. Firefighters went to the hospital with head injuries and chemical burns to body and lungs. Many such fires have occurred in other locations as well. Arizona Corporation Commissioner Kennedy writes, what has become apparent is that utility-scale lithium-ion batteries are not prudent and create unacceptable risks, particularly those with chemistries that include compounds that can release hydrogen fluoride in the event of a fire and/or explosion. To appropriately plan for such a

catastrophic event the large-scale lithium-ion battery facility would need to be built in isolation far from everything else because an explosion could potentially level buildings at some distance from the battery facility site. The energy stored at the two megawatt facility is equivalent to 1.272 tons of TNT. Also large amounts of hydrogen fluoride could be released and dispersed that would affect and harm the public at a substantial distance downwind.

There would be concerns also about lingering hydrogen fluoride contamination in the affected areas. A severe explosion and fire that burns for weeks emitting a chemical plume and shifting winds that could cause evacuation of our communities would be a tragic development of countywide impact.

And then I would just like to add to your discussion of trees, if I understood it, it's not just trees. Grasslands account for about 15 percent of global terrestrial carbon storage, likely exceeding the carbon stored in temperate forests. Many prairie grasses have exceedingly long roots containing much more carbon in below-ground biomass and that is from Paul Hawken book, *Ending the Climate Crisis in One Generation*. Thank you.

CHAIR HANSEN: Debra, thank you very much. Daniel, do we have anyone else?

MR. FRESQUEZ: Madam Chair, our next speaker is Dennis Kurtz.

DENNIS KURTZ (via Webex): Good evening, Commissioners. Thank you for allowing me to speak. I am president of the San Marcos Association and so you've received a letter and I really appreciate the thought that went into your comments. It's clear that you read this letter. I'd like to make a few points for your clarification. Number one, although I think solar is on people's minds, the letter is not about solar. It is about utility-scale renewable energy projects, which could be solar, they could be wind, they could be geothermal, they could be some technology that are not even invented yet.

Those are the sorts of things that a lot of people think, oh, I know about solar. I know what a solar panel does. I have one on my house. I have one out in the garage. It's different when it's utility scale, and the Sustainable Land Development Code and Section 11, the section that identifies what should be considered as DCI almost was written specifically it seemed like, for these large utility-scale renewable energy projects. Section 11.1 said DCIs are developments that have the potential – when Mr. Griego gave his presentation and it was very thorough, I noticed he never actually said that word. At least I didn't hear it. They have the potential to cause impacts much greater than what would happen in their given area.

San Marcos Association is in favor of reasonable and well planned development, but the fact is that the power plants that we all grew up with are not the power plants of the future. A solar plant or a wind farm or a geothermal energy plant doesn't look like the coal plant or the oil-fired plants that have occurred in the past. We don't understand them, not truly. They're not regulated, and so the San Marcos Association respectfully requests that the Board of County Commissioners employ a process much like Mr. Griego described for the hard rock mining issues. Invite stakeholders from all around the county, throughout the industry, both for and against, to look at all the different possible impacts that could happen from these large-scale utility energy projects. As an earlier speaker said, best to do it now rather than down the line when something is happened and it's already gotten a bit out of control.

So unlike a lot of groups that say to the Commission, you all do this and you all do that. San Marcos Association stands ready to help, ready to assist you in any way to move forward with this. So with that, thank you and good evening.

COMMISSIONER HUGHES: Thank you, Dennis, and thank you for sticking to your time perfectly. Daniel, do we have anyone else?

MR. FRESQUEZ: Mr. Chair, I do not see anybody indicating that they'd like to speak for public comment.

COMMISSIONER HUGHES: Okay. Is there anyone in the room who didn't get to come forward who wanted to speak about something other than the short-term rentals? Okay, Madam Chair, since you're back I think we're done with Matters of Public Concern.

CHAIR HANSEN: Thank you, Commissioner Hughes.

JEFF YOUNG (County Attorney): Madam Chair, before we get to Matters from the County Manager, I would just mention, as was noted earlier, there is a pending application before the County for that solar project and so if and when that matter comes up for public hearing we would make the minutes of today's meeting available to the applicant and interested parties according to our process.

CHAIR HANSEN: Thank you, Attorney Young. I appreciate that, so please everyone remember that we are not allowed to comment on this application moving forward. But thank you, Attorney.

9. MATTERS FROM THE COUNTY MANAGER
A. Miscellaneous and COVID-19 Updates

MANAGER SHAFFER: Thank you, Madam Chair. I'll be very brief. I did want to acknowledge publicly that the County did end its COVID-19 emergency effective March 4th, emergency policies that went into effective relative to COVID-19 came to an end on that date, so we're no longer doing visitor screening, cloth face coverings and social distancing is no longer required of employees or visitors as well as moving away from the vaccine mandate for existing and potentially new employees. So I did want to state that publicly.

And then finally, we will be working to start to identify budget study sessions with the full board, likely beginning in April, so we'll be working through your liaisons to start to identify times for a series of budget study sessions in advance of submittal requirements to the Department of Finance and Administration. Thank you.

CHAIR HANSEN: Thank you, Manager 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

CHAIR HANSEN: Welcome, Mr. Hvtce Miller.

HVTCE MILLER (Intergovernmental Affairs): Good afternoon, Madam Chair and Commissioners. What I'll be presenting is an overview of bills related to resolutions that we have which isn't contained in the report that was on BoardDocs and

I'll go over those items which are moving and which items are no longer in play, and I will also go over a brief overview of the budget House Bill 2, and also an overview of the tax package, which is House Bill 547.

So to start, this last week of the session, the session will end this Saturday at noon, and right now we have four, I would say five bills signed into law by the Governor. The Governor did sign the gun bill regarding safekeeping of firearms away from children today. So that was signed into law.

On page 2, single-use plastic, these particular items haven't moved since our last meeting and they have sat there in their committees. That's not to say with time left and the budget out of the way now that these items still can't move. So I'll continue monitoring there and be able to support them once they do show up again in committee.

Once again, on the bottom of the page, House Bill 9, Unlawful Access to Firearms by Minors, that was signed into law today, and on page 4 of the gun bills, House Bill 306 did make it through Senate Judiciary and its next stop is the full Senate for a vote on the Senate floor. So those are the two main items which have traction regarding gun bills.

Next, on page 6, there was the resolution regarding ending homelessness, and what I have been able to gather is that there are several funding sources contained in the junior bill and Senate Bill 192, and there's \$150,000 statewide. There's additional funding for programs in Las Cruces and Hobbs, and there's also \$180,000 for Santa Fe specifically within the junior bill, Senate Bill 192 regarding homelessness issues.

CHAIR HANSEN: How much money?

MR. MILLER: \$150,000 statewide, and \$180,000 for Santa Fe specifically.

At the bottom of page 6 I have the legislation related to alcohol-related harms. House Bill 230 is the bill that was adopted, and that's a component of House Bill 547. And so that was not the increase which was favored by our Community Services Department but it is a start and it is an increase to the liquor tax and I believe it's 15 cents per drink, per glass of beer, glass of wine, glass of hard spirits and I can go over more of that when I speak specifically about House Bill 547. So that is the main bill that is incorporated now into House Bill 547 and that's the tax measure related to alcohol-related harms that's going forth now.

As for item on page 8, reduce greenhouse emissions, House Bill 228, improvement, special assessment, which is a solar energy improvement special assessment district which local entities can enact which has made it through most of its committees and has passed the House and it is currently sitting in the Senate Judiciary. So that has a likelihood of carrying forward, making it to the full Senate for a vote.

The next item within the greenhouse emissions bills is House Bill 365, Expansion and Funding of Geothermal Research and Project Development. That's gone through its committee assignments and passed the House and is currently in Senate Finance. Of the greenhouse emission bills, those are the two that are still in play right now.

Senate Bill 398 under Municipal Housing Changes, Commissioner Hughes knows a lot about this. He's been there as it's been making its way through the Roundhouse and it has had a quick start and a quick go, since it's our last meeting, and it has passed through the Senate and is on to the House side now. So that looks like it has a good

chance. Senator Rodriguez is the sponsor. She's been held up with a lot of the finance and budget issues, so once those are all cleared through I think she'll have a little bit more time to devote to this particular bill and get it through its final passage.

COMMISSIONER HUGHES: Could I just add one note? It's on the agenda for House Judiciary tomorrow. I just checked. So I'll be there.

CHAIR HANSEN: What time?

COMMISSIONER HUGHES: 1:30. It's number 3 on the agenda.

CHAIR HANSEN: Good job, Commissioner Hughes.

MR. MILLER: The next item I wanted to speak about was House Bill 67 on page 13, and that is House Bill 67, Deduction for Energy Storage Equipment, and that's actually include now in House Bill 547, so that deduction is part of the tax package and will be carrying forward and that will be a sustainability issue. That's going to make it through the full session. We'll have to see if the Governor keeps it within House Bill 547.

House Bill 95 on page 14 has passed through both houses and is waiting on the Governor's signature currently. House Bill 142 on page 14 is an element included in House Bill 2. House Bill 412 on page 15 is included in House Bill 547, and that's the electric vehicle tax credit.

Senate Bill 77 requires photovoltaic systems and EV receptacles on new residences. It has made it through the Senate committees and is currently on the Senate agenda. So that still needs to make it through the House side.

Senate Bill 182, Statewide Waste Reduction or Recycling Program, that has cleared both houses currently.

Moving on to community development related legislation, on page 19, House Bill 8, Creative Industries Division and Fund, that has made it through the House and is currently on the Senate agenda waiting to be brought up for its final reading.

Moving on to page 21, Senate Bill 286, Bar Against Discriminatory Restrictive Covenants, our Clerk has been there for this bill and it has made it through the House, made it through Senate committees and it's currently waiting on the Senate agenda. So almost there to the finish line.

On the bottom of page 21, Senate Bill 165, Local Choice Energy Act, this has gotten through its first committee and it's been waiting in Senate Judiciary since the 10th of February, so I'm not sure if that one will be resurrected but it still has a chance and it's still waiting there. On the Senate side the logjam occurs within Senate Judiciary Committee and Senate Finance Committee. On the House, same thing. The Judiciary Finance Committee for that house.

And lastly, on page 22, these were the four item on which action was taken at the last Commission meeting on February 28th. House Bill 46, I was sitting there listening to that during the public comment and we were opposed to that and the fact that it would – let me read the title. Public Works Projects Contributions Apprenticeship and Training Programs. So that would enact a certain amount of labor costs to contribute to the apprentice programs, and that did make it through its Senate Tax, Business and Transportation Committee just a few moments ago. Unfortunately, that is still moving and its next stop will be Senate Finance and we'll make another go of it to see if we can get it stopped there.

House Memorial 36, LANL Tax Distribution Study, that currently has not had any movement. Senate Bill 12, Film Production Tax Credit Act, that has not had any movement either since its first committee, and it's supposed to head next to Senate Finance. Senate Bill 124, PERA Return to Work and Maximum Benefit Changes, This has had some movement but it's hard to say whether this will move on or not. This was a priority of the Governor to get more retired workers back into the government sector for a limited time, even if they were PERA retirees. So I will study, stay on top of that particular bill and let you know how it proceeds.

Page 23, it goes through the elements of the tax package. So in previous meetings I had been here before letting you know that there was a whole different proposal coming forth for tax breaks, tax rebates, tax decreases, tax increases, and these are what have finally made it through, and these are in – I would say they're working in conjunction with the state budget as a whole itself as well. And I have highlighted on here the particular bills that are now included within this broader tax page, House Bill 547.

Let me start by saying this: The main positive that came through House Bill 547 was that the initial pyramiding proposal that was included in this particular bill, which would decrease GRT for local governments including Santa Fe County, has been stricken from the tax package, so that's no longer a concern of the County that we'll be getting that reduction in GRT from the anti-pyramiding. It includes House Bill 433 which extends an exemption for armed service retirement pay. It includes House Bill 119, which reshapes the income tax rate schedules for all those paying personal income taxes. It includes House Bill 81, which relates to the low income comprehensive tax rebate, and extends the eligible modified gross income maximum for those that fall within those income tax brackets.

The next one relates to House Bill 38 and House Bill 351, relating to rural healthcare tax practitioner credits, which is encouraging medical services within the rural areas of the state. House Bill 144 changes the lower income brackets, the child credit, and will help those with children in their households. House Bill 120 reduces the capital gains tax reduction, and that relates to people who may have a business and when they decide to retire they're able to sell their business and get a greater tax benefit, because it is perceived that the selling of your business when you're going into retirement is your retirement. So they don't want to penalize you for going into retirement if your retirement relates to the selling of your business. So that was that change.

Oh, Senate Bill 12, which is included now in the tax package is the benefit to everybody in the state, and this is the rebates that everybody will be getting in the state. So \$300 for individuals or \$600 for married persons filing separately.

CHAIR HANSEN: Hvtce, I thought I read in the paper it was \$500 and \$1,000 for couples. Is the paper wrong? \$500 per person.

MR. MILLER: \$300 per person and \$600 for married filers.

CHAIR HANSEN: The paper said it was \$500.

MR. MILLER: I'll have to check again on that. I believe that there was some discussion and changes might have been made. I apologize for the inaccurate amount reported.

House Bill 412 is a refundable personal income tax credit for persons purchasing a qualified electrical vehicle. And let me go down to the items at the bottom of page 24,

which is House Bill 367, and this reduces the overall GRT rate paid within the state. So from 7/1/23 to 6/30/24 the rate will go down from 5 percent 4 ½ percent, and then it will decrease again on July 1, 2024 and go from 4.87 percent to 4.375 percent.

House Bill 137 is new tax deductions for childcare assistance and also for pre-kindergarten services. House Bill 220, which is included in the tax package allows gross receipts tax deductions for receipts of a provider meeting the requirements of a Medical Assistance Division for environmental modification services reimbursed by Medical Assistance Division.

Lastly, on page 25, there's an increase on tobacco products, certain tobacco products, and lastly the inclusion of House Bill 230 which is the liquor excise tax, increases rates by 15 percent per unit for large producers – spirituous liquors, beer, cider, wine, and it excludes small producers. So local craft distillers and local craft brewers will be exempt from this liquor excise tax increase.

Next, I wanted to point out some particular appropriations within the House Bill 2, which has passed both the House and Senate now, and these are some favorable items for Santa Fe County, which we had been following within the particular overall budget. There is a \$3,500,000 contribution under the special appropriations with House Bill 2 or regional tourism development, so our own regional tourism office, which is within Community Development, will be able to benefit from that allocation. There's \$7,500,000 for community food, local grown agriculture; \$10 million to the Local Government Division of DFA to provide grants to local governments to support housing and infrastructure; the Public Education Department got \$7,500,000 for school meals and statewide food waste reduction initiatives, and there's also funding allowed for senior citizens in New Mexico, \$1 million for food insecure teens.

Lastly, before the County Manager goes over the capital outlay overview, I wanted to just go over some particular pieces of legislation that have passed both houses, but they're not particularly shown on any of our resolution-supported pieces of legislation. House Bill 388, Cybersecurity Fund for state, local and tribal governments. That's \$35 million to the Department of Information and Technology. So that will be an avenue for us to utilize as a local government funds for cybersecurity.

Senate Bill 4, the Healthy Universal Schools Meals Act, this is a big component of the Governor and the inclusion in the budget but this also helps or it relates to Santa Fe County in the fact that within this particular bill there's incentives for use of state-grown foods. So it will help out our local food producers within the county.

Senate Bill 43 has passed both houses and that is the Acts of Intimidation Against Election Clerks and Agents.

And lastly I wanted to mention Senate Bill 324, which is increasing county compensation to assessors and appraisers. So it allows county assessors to receive additional cumulative compensation from the Board of County Commissioners up to \$3,500 per year, depending on the level of appraiser certification. The appraiser has to both compensate appraisers for their level of expertise and to motivate appraisers to seek higher level certificates. So that will be an eventual budgetary item for the County to consider now that this has passed both houses and I will let you know if it is signed into law.

With that I would go to our County Manager to provide the overview for the

capital outlay.

MANAGER SHAFFER: Thank you, Hvtce and Madam Chair and Commissioners. I'm going to be exceedingly brief given items of business that remain on this evening's agenda. We do have a good sense of what will likely be in the final capital outlay bill due to the House Taxation and Revenue Committee substitute for House Bill 505. All told, we score about \$13.82 million in appropriations to Santa Fe County being included in that bill if it proceeds as is and subject to the Governor's partial veto authority. Of the approximately 24 appropriations that we score as coming to Santa Fe County, 18 of those relate to projects specifically on the County's ICIP, which I think is an encouraging sign relative to our efforts to vet projects before the legislature starts appropriating funds. That totals about \$11.77 million, or about 32.1 percent in total of the funding gap that we estimated on our ICIP so we appreciate the individual legislators' and Governor's support of those County projects.

Of the six that don't appear on the ICIP, it's worth noting that approximately \$1 million of those funds relate to existing County facilities or ongoing projects that the County is the fiscal agent for. In particular we believe there's a \$100,000 appropriation for a domestic violence shelter in Santa Fe which we believe to the existing County facility that we lease to Esperanza Shelter for Battered Families, Inc.

And in addition there's an \$850,000 appropriation for the new Santa Fe Recovery Center facility within the City of Santa Fe. As you know, we are administering existing grants for the acquisition and renovation for that much needed facility. And so those funds would help address that.

So again, of the six projects that were not on the ICIP totally a bit over \$2 million, almost a million of that directly relates to existing County facilities or projects that we're already administering.

We'll provide that information to the Board in a fairly easy to follow spreadsheet but I did want to give you that high level overview of the capital appropriations.

CHAIR HANSEN: Thank you, Manager Shaffer. Comments or questions from the Board? Commissioner Greene..

COMMISSIONER GREENE: Thank you, Madam Chair. Hvtce and Manager Shaffer, did Nueva Acequia get any funding? I seem to see that it didn't, and I just want to confirm.

MANAGER SHAFFER: Madam Chair, Commissioner Greene, that is correct and I think our understanding relative to the rationale behind that is that there are other monies that were appropriated specifically for affordable housing that could be a potential avenue to fund that project. So that was, I think, our understanding relative to some of the rationale. But Hvtce if you want to expound upon that if I got it wrong, please let me know. But you are correct that there were no monies specifically appropriated for that project.

MR. MILLER: Madam Chair, Commissioner Greene, that is correct. There is still a mechanism that was passed into law in the 2022 regular session, which was Senate Bill 134, which takes a percentage of the severance tax bond capacity of the state, and that now creates a recurring amount to the New Mexico Housing Trust, and so that equals to about \$24 million that's going to be pumped into that fund every year. And there's actually a bill that's ready to make it through the entire session this year, which is

Senate Bill 381 and that moves up that distribution to have that \$24 million be available this summer.

COMMISSIONER GREENE: Is there anything that we could do to make our position more favorable for funding? Is this in Community Development and affordable housing? Is this a lobbying effort on our part? What do we need to do?

MR. MILLER: Madam Chair, Commissioner Greene, in my conversations with legislators about the funding for Nueva Acequia, they were more than willing to help out the County, to go with us to MFA to start the process to get the funding that we need. So the funding is there and we will have the support to do so.

COMMISSIONER GREENE: Okay. Thank you, Hvtce.

CHAIR HANSEN: Any other questions? So I'm a little confused. Like how come the Climate Investment Center would have been one of our priorities, considering one of our resolutions, and a number of the other climate bills. I didn't hear a whole lot of report but I understand there hasn't been much movement on climate bills in the legislature and that is really quite sad and depressing that people are not recognizing the Climate Investment Center is actually a mechanism to get money from the green bank that is in the federal bill. And so the fact that we're not able – Senator Stefanics has stripped out all the appropriations so that we could possibly get just the Center created. I find it concerning that the legislature, that we can't get it out of Senate Finance, or even get a hearing. And there are probably some other climate bills that haven't made it very far, which is unfortunate.

Do you have any idea what's in the junior bill and how that's moving forward?

MR. MILLER: Madam Chair, other than the homeless shelter, and I was looking at food-related, local food growers within the junior bill, I think it's Senate Bill 192, I will have to do an extensive look within that to see all the projects that are related to Santa Fe County, and I can also do that for the entire House Bill 2 to look at anything that's related to Santa Fe County that's climate change related, housing related, food security related, wildlife security related – anything related to resolutions that are in place now. I can do a further in-depth analysis of House Bill 2 but I don't have that available at this current time.

CHAIR HANSEN: And so the other thing that I have been thinking about is what I recognize is we really need to spend more time with our legislators in each of our districts and educate them on how much a project actually costs. I don't think they realize that a sewer on one street costs around \$800,000. I think they think, oh, if they give me a million dollars for my sewers in Agua Fria that that's enough. That's enough to do one and a third streets, which I think there needs to be a lot more education from us to our legislators and a constant reminder of the things that we actually need in this county, because I've found I don't lose sleep a lot of times over things, but I definitely lost sleep over the capital outlay. I think that we just need, as a Commission and as a County to do a better job of letting our legislators know that we need money and that we're doing a good job and in many ways I felt like we were being punished for being good citizens.

I know \$13 million is a lot of money, but I personally think we should – being the fact that our books – we have a AAA bond rating, we should be recognized for our good work and that our audits are always in on time. I just had to say that because I am disappointed in some of the projects that we had, like especially at the jail, the recreation

center that we have wanted to fund. To me that is something that is really important to our inmates to be able to provide a decent place for them to recreate and the fact that the legislature obviously didn't understand how important that could be for the well being of inmates.

And so I think there are things that we need to do better and I just have to say that because I really don't lose sleep over many things but I did over that and I'll leave it there.

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: Commissioner Hamilton.

COMMISSIONER HAMILTON: Sure. First of all I wanted to mention because I know how important it is to everybody that today is Pi Day. So if you're into really arcane numbers, and pi is a really groovy number and maybe a silly thing to have a day on, but it is 3/14, so there you go.

Although this is way in advance, we'll be doing Coffee with the Commish in the middle of April, the 19th, so look out for the invitation and anybody that has anything to talk to me about should definitely attend.

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

COMMISSIONER BUSTAMANTE: Yes. Thank you for the opportunity. We at the time came on, Commissioner Greene and I heard from all operations and the overwhelming message is that we are short-staffed. And I'm wondering if there isn't a way – and I just sort of put this out there – for some type of opportunity to create either maybe a task team, but someone to look at how we might be able to address the vacancies in the County, since every operation is down. And I'm seeing other entities do similar types of either events, job fairs, we're open, we're hiring types of activities, but something that puts it top of mind and has some type of overall recruitment strategy. So that's one thing.

I do want to absolutely thank all of our first responders and our Emergency Management Chief, our Assistant Chief Vigil who worked with the Village of La Cienega since last year in planning an exercise and thank you to Commissioner Hamilton who showed us the Smokey Bear 1. We had Smokey Bear 2 this past Saturday. It was successful. The awareness that it creates if nothing else, everyone in our community, and I mean everyone because they all got information about what would you do in the event of having to evacuate our community?

And then we had a number of people who volunteered to create a cluster and a problem at Las Golondrinas. The reality was the cluster wasn't as much as it would be if we would have had an event actually happening at Las Golondrinas, and it really was informative to that end that, wow, this was something just with a small number of people. What would it be if we actually had an event and there was a brush fire because someone

threw out a cigarette butt and now the entire bosque is on fire. So it was very, very informative.

I have to thank not only all of the responders. We had the volunteer departments. We have everyone show up in their trucks ready to go, but I need to thank the County Manager's Office and Sara for helping pull together some really important things like insurance coverage in the event that something really did happen in a normal exercise, that we would have everything we need. So a special thank you to our staff as well as our liaison, Brittney Montoya who was there and communicating with the teams as the exercise occurred. It was a cold morning. People were active and really realized that we were doing was important that Saturday.

The other thing that I would like to bring up to the Commission, I don't know how, if what, but in understanding, and we just had a report, that the local choice legislation seems to be stalled and the Village of La Cienega and District 3 in most of its capacity does not have the ability to get solar. I don't know that or what it would be for the Commission's end except to put whatever kind of pressure, need, communication it would take to get PNM to actively address the infrastructure requirements to allow for continues residential solar. If we're not going to have utility solar available, which I will say I'm a firm believer in our ability to have our own energy right where we are at our homes, right now there are people in District 3 who are not able to do that and would not be able to do that given the infrastructure that PNM does not have. So that has been not only brought to my attention; it continues to become more important as lose things like, or we continue to move forward on things like having local energy. But we have parts of our county that couldn't go solar if they wanted to, and couldn't have residential solar if they wanted to.

So those are the things that I want to share with the Commission at this time. Thank you.

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

COMMISSIONER GREENE: Thank you, Madam Chair. First an announcement for Tuesday of the rescheduling of Representative Romero and the County and the Bureau of Reclamation and the State Office of Engineer's presentation on the Aamodt settlement and the progress of the Pojoaque Valley water system will be presented on Tuesday, the 21st, from 5:30 to 7:30 at the Pojoaque High School gymnasium over there, and please come out and see the presentation. There will be a lot of experts there to explain what's going – the progress and what's going on out there for that.

Second, I know that a lot of people have said that the acoustics in here are a little less than optimal so I think I have a solution for that so I'd like to talk to the County Manager or Public Works about how to put some sound-ending pads around the back end of this room to help with acoustics, because a lot of people up here have an issue with it and I'm sure a lot of people back there do too.

I think that's it for now. I'll leave it at that. Thank you.

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

COMMISSIONER HUGHES: Thank you, Madam Chair. I just have real

quickly, on April 4th we're going to do our townhall in District 5 and it's going to be dedicated to answering everybody's questions about the northeast-southeast connector project – what the timing is, when the trail will reopen, where the parking for the trail will be, whether or not Richards Avenue will be affected, at what point it will be affected, when the roundabouts are going in – all the questions that people have been asking me. We're going to have the Public Works Department there and the engineer, and they'll be able to give an update. So anybody listening or if anybody hears of someone who has questions about the northeast-southeast connector project, which is of course a big construction project in the Community College District, come April 4th at 5:30 and we'll answer all the questions.

CHAIR HANSEN: Where?

COMMISSIONER HUGHES: Online. It will be on Webex. My district is split in two, so it's easier to do Webex rather than make people drive an hour and a half one way or the other.

I also wanted to mention we had a meeting with the Community College and learned that the College Drive part that would connect the southeast connector to the college more directly is not going to be built by the developer of the apartments there, because the apartments' developer has backed out; their costs are too high to both build the road and the apartments. So now the college is going to work with the County and maybe try to raise some money to build that, because if you don't connect College Drive to the southeast connector to get the College from the southeast connector you'd have to go all the way up to Avenida del Sur, south on Avenida del Sur, over, and then back north again to the college, which is kind of – it may not be as effective and people may just stay on Richards. So ideally the College Drive connection would be made. Anyway, that's it for me. Thank you.

CHAIR HANSEN: Thank you, Commissioner Hughes. I agree with you. Road connections are something I care about. I think I've said this on the dais, I love roads and what I really love is efficient connections that make our lives easier. Anyhow, I want to thank KSWV and Richard Eeds and Xubi Wilson and Living on the Edge for having me as a guest. During the last couple weeks I got on. I spoke about of course, the short-term rentals and a lot of other things that were going on in the County. I had a meeting with the new state BLM director and she is invited to come to our May meeting, and I also met with – I spoke with Pamela Mathis, our Taos Field Office and I believe that the best day will be the last meeting in May or them to attend, but I will make sure that they are available.

Tibetan Freedom Day was very exciting at the Roundhouse and then on the plaza. We had 50 people out there marching through the town, reminding people that Tibet was invaded by China the same way that Ukraine is being invaded by Russia. We have to remember these things and hold them in our hearts.

Regarding the PNM residential solar in La Cienega, that is a PRC issue that needs to be dealt with at the PRC with PNM. There were a number of meetings that were happening on that and I think we as a Commission completely support you in getting solar out there, but it has been a transmission issue and whatever those boxes are everywhere. So any help you might need getting on the PRC agenda because I think that is where we need to have this discussion to begin with.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HANSEN: And then on the Aamodt meeting, we might need to notice that. I do plan to attend. I don't know if anybody else plans to attend on the regional water system for the Pojoaque Valley. And I think that's all I have for right now. Yes, of course, Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Another aspect that was brought up to me was from the Auditor's Office to look at our assumption of fiduciary responsibility for the BDD, Buckman Direct, and for SWMA. And to figure out what our capacity is to potentially take that on because of the City's ongoing issues with their audit. I don't know how to move forward with that but that's for us to all discuss I think.

CHAIR HANSEN: Over the years, Commissioner Greene, I have supported that SWMA be moved to the County. That is the first and easiest move because it's not connected to the City water system the way BDD is. It is a standalone entity but it is also up to our Finance staff to see what kind of capacity we have. As Commissioner Bustamante mentioned, staff shortages are a real thing and I would want to make sure before we do anything like that that we have a thorough analysis of how much we can take on. And I do recognize that that is something I've been on for the last five years so I do agree that at least SWMA –

COMMISSIONER HAMILTON: Six.

CHAIR HANSEN: Six. But I was giving them a break. So I know Commissioner Hamilton and I have spoken about that many times.

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

CHAIR HANSEN: Madam Clerk.

CLERK CLARK: Thank you, Madam Chair. I have a few items. The first is that as you know the congressional budgeting project has started and I signed on to a national letter asking for programmatic budgetary request for elections coming out of the federal delegation. President Biden has asked for a certain amount of money and of course there is push-back on making sure that HAVA funds reach the states from the national budget. And so clerks all over the country have started asking their congressional delegation and their senatorial delegation to match the programmatic budget that President Biden has proposed to make sure that \$400 million and increasing amounts get down to local election offices.

Tomorrow we are going to be working with Espanola at the state legislature. They're having Espanola Day and we will be doing a booth there as the Clerk's Office to talk about voter registration and other Clerk functions at Espanola Day at the Roundhouse.

I did want to make a presentation to the Commission next meeting about SB 180, which is the administrative changes in election, and HB 4, which is the Voting Rights Act. Those will have some administrative costs associated with them for us as the County, including increasing my need for space, and so I have revised space

requirements that I need for elections warehouse based on the changes that are being required from SB 180 and HB 4.

The Board of Registration met last week and determined the number of voters who would be purged from the voter file based on the National Voter Registration Act, so essentially we sent out a confirmation mailing to voters who have been identified as potentially no longer living in the county or have received undeliverable mail. They have to have not voted in two subsequent general elections, and then the bipartisan Board of Registration determines if that list is accurate and then requests that the Clerk's Office remove those voters. So we will be completing that process this week.

There has been talk of the Soil and Water Conservation District potentially changing identity and being on the ballot, and I did want to remind the Commission or Management that if we are going to be changing a district, because I am so understaffed in my Bureau of Elections, part of the Clerk's Office, that we would need a month to be able to move voters and that notification is due some time in July, because the City and the school boards have redistricted, the way that it works in service means that I have to by hand move every single voter and we have 110,000 registered voters. So it does take us some time to move voters around, based on changes to boundaries and districts. So if there is talk of moving or changing a district we need to know about it ASAP.

And finally, because I'm having such a retention issue in my office, I would like to discuss salaries in executive session next meeting, so that way we can talk about things that typically would not be talked about in a public meeting. Thank you very much.

CHAIR HANSEN: Thank you, Madam Clerk. I want to just thank you for reminding me about Espanola Day. The Northern Rio Grande National Heritage Area will be present there. I will also be at Espanola Day and I look forward to next year when we have a Santa Fe County Day. I miss us not being at the Roundhouse. Who knows? Maybe that would help us with our capital outlay. You never know what works with the legislature. At the Northern Rio Grande we'll have a small table.

And then with the Coalition of Sustainable Communities, I want to announce hot off the press that the Bernalillo County Commission has joined the Coalition of Sustainable Communities, so we are growing and as chair of that organization I am very proud. I had the opportunity to meet with Chair Barbara Baca a month or two ago and it was good to see that they have joined the Coalition.

11. MATTERS FROM THE COUNTY ATTORNEY

A. Statement for Inclusion in Meeting Minutes Concerning February 28, 2023, Executive Session

JEFF YOUNG (County Attorney): Thank you, Madam Chair, Commissioners. First, just a housekeeping matter. It's mentioned on the agenda, at its February 28, 2023 the Board of County Commissioners went into executive session at the end of the meeting, did not reconvene in open meeting. Consequently the Board wasn't able to include in the minutes of its February 28th meeting the statement required by the Open Meetings which is matters discussed during the closed meeting were limited to only those specified in the motion for closure. Therefore, we would be seeking a motion to have the minutes of this meeting reflect the matters discussed during the February 28,

2023 executive session were limited to only those specified in a motion for closure.

COMMISSIONER GREENE: So moved.

COMMISSIONER HAMILTON: Second.

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

- 11. B. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:**
- 1. Acquisition of Real Property Interests for Solid Waste Convenience Centers**
 - 2. In Re: National Prescription Opiate Litigation, MDL-2804, U.S. District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-md-2804**

MR. YOUNG: Thank you, Madam Chair. Secondly, we'd ask to go into executive session 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 acquisition of real property interests for solid waste convenience centers; and secondly, in re: National Prescription Opiate Litigation, MDL-2804, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-MD-2804.

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

COMMISSIONER HUGHES: I move that we go into executive session to discuss those items mentioned by Attorney Young.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: I have a motion by Commissioner Hughes, a second by Commissioner Greene. May I please have a roll call?

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 6:20 to 7:10.]

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

COMMISSIONER HAMILTON: I move we come out of executive session where the only things that were discussed were those read into the record on the motion to go into session and no decisions were made.

COMMISSIONER GREENE: And I'll second that.

CHAIR HANSEN: Okay, I have a motion by Commissioner Hamilton, a second by Commissioner Greene.

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

11. C. **Resolution No. 2023-031, a Resolution Authorizing Santa Fe County to Enter Into Settlement Agreements with Teva and Allergan 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**

COMMISSIONER GREENE: Resolution 2023, a resolution authorizing Santa Fe County to enter into settlement agreements with Teva and Allergan 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. This came from the County Attorney, Jeff Young and I motion to approve this.

COMMISSIONER HUGHES: And I second that motion.

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

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

12. **PUBLIC HEARINGS**

- A. **Ordinance No. 2023-01, an Ordinance Amending Ordinance No. 2022-07, the Short-Term Rental Regulation, Registration and Licensing Ordinance, and Ordinance No. 1992-3, the Business**

Registration and Licensing Ordinance

CHAIR HANSEN: Thank you everybody for being so patient and waiting for us. I will go to Ordinance No. 2023-__, an ordinance amending Ordinance No. 2022-07, the Short-Term Rental Regulation, Registration and Licensing Ordinance, and Ordinance No. 1992-3, the Business Registration and Licensing Ordinance. Growth Management Department, Penny Ellis-Green, welcome.

MS. ELLIS-GREEN: Thank you, Madam Chair, Commissioners, on October 25th of last year the Board approved an amendment of the Business License Ordinance which regulated short-term rentals. That was Ordinance 2022-07. This ordinance required all STRs to hold a business registration for owner-occupied STRs, or a business license for non-owner-occupied STRs by March 15, 2023.

On February 14th and 21st of this year the Board discussed the STR procedure and heard that many STR owners had not applied or scheduled appointments through Growth Management to discuss their application, and that many STR owners were requesting to operate STRs and structures that were not legally recognized or permitted as dwellings. Therefore, on February 21, 2023, the Board authorized the publication of title and general summary of an ordinance to amend Ordinance 2022-7. This title and general summary was published on February 27th and March 9th of this year.

The proposed ordinance finds that additional time is needed for short-term rental owners to make submittals and extends the dates for short-term rental owners to obtain a business registration or license to June 1, 2023. The ordinance also adds a new Section 8, Temporary Registration and Licenses, which allows for a temporary registration or license to be issued to a short-term rental owner operating a short-term rental on property that is not either 1) a legal lot of record; or 2) within a dwelling that is legally recognized under the code. Provided that the STR owner has made an application to remedy the non-compliance prior to June 1, 2023.

The temporary registration or license will expire when the application for the remedy has either been granted to or denied by a final decision of the County that may not be further appealed to a County decision-making body. The ordinance further clarifies that the deadline to submit a renewal application for a non-owner-occupied STR business license shall be 30 days prior to the expiration of the business license. This ordinance is considered an emergency as the current deadline to obtain registrations and licenses is March 15, 2023. Therefore the ordinance would take effect immediately upon adoption by the Board and recordation by the County Clerk.

Madam Chair, Commissioners, I do want to present a few additional items. For unpermitted development and businesses, that's a fairly common occurrence. We treat all of these the same throughout the county and we have always allowed applicants to go through a permitting or business license process and do not close the business down if they are diligent with moving forward. The direction that the BCC gave this ordinance devised a process to allow short-term rental to be treated exactly the same, not close them down while they are going through the process to obtain their business license and business registration, even if that means an after-the-fact permit or a variance is needed.

This is needed due to the possibility that a rental platform may not allow a short-term rental to operate without this business license or registration. Other businesses

wouldn't need that section because there's not a body that lists their businesses and would close them down. So this section of the ordinance would treat short-term rentals just as we would treat any other business in the county.

Enforcement is consistent with all applications, with any complaints, any sweep we do in the county, or an issue found by Code Enforcement when they're working in the field. We receive direct complaints from people. We receive them through the County comment form, or through Commissioners and their liaisons, and we follow up on all complaints that we've got and we regulate the same throughout the county.

Related to permits so far, we have taken in 66 owner-occupied and 78 non-owner-occupied short-term rental licenses and registrations. Some are missing small items such as a CRS number and proof of mailing. We're now calling all applicants for this information so we can finalize their process. We have had an issue with the actual license and registration being issued as working needed to be added to the template and go through the Treasurer's contractor but we've now got that solved and we have licenses and registrations that are created and we have now started issuing temporary licenses or registrations as soon as people come in and they've made a complete submittal.

The most common issues that we've found – the most common one is a lack of a GRT number or CRS number. Then we've also found that often we are not getting a letter of consent or a contractor from the owner when an agent is the one that's submitting. We also have issues of unpermitted development, no legal lot of record, or requiring a new road name. To address what happens when unpermitted development happens, this relates to the SLDC, not the Short-Term Rental Ordinance. We're consistent with all types of development, businesses, and every permit. As of now we've not yet had anyone apply for an after-the-fact permit or a variance.

Accessory dwelling unit permit: an application is required or an accessory dwelling unit, that is an application, a fee, and drawings. The extent of drawings will depend on the individual situation. So if the construction plans are available we would ask for those. If not we will accept hand-drawn site plans as we do with the short-term rental application, hand-drawn floor plans, elevations, with dimensions added on to them.

I would like to point out that a permit is for our approval process. We issue a development permit and review against density, access, minimal fire standards such as turnarounds, and design standards like septic systems, setbacks, water harvesting, retention ponding, terrain management. We do not issue a C of O and we do not review for actual building code. That is what happens when you go to CID. We package up an application and we send it with the applicant to CID for their approval. What we understand is CID may issue a permit if it's after the fact for a house and usually if certified by an architect or an engineer. Otherwise they may not issue a permit or may just register. But the County process will have been done and we will issue our permit and therefore the full license or registration.

Again, I'd like to point out this is current practice now for any unpermitted structures. We do this fairly often.

Related to a variance: Submittals are an application form, a fee, and a letter addressing the variance criteria. The variance criteria are these: 1) where the request is not contrary to the public interest; 2) where due to extraordinary and exceptional situations or conditions of the property the strict application of the code would result in

peculiar and exceptional practical difficulties or exception and undue hardship on the owner; and 3) so the spirit of the SLDC is observed and substantial justice is done.

We would require those three things, plus any other backup that an applicant wants to submit. Once that's submittal, the same as when an accessory dwelling unit application is submitted we can then issue a temporary license under the ordinance as proposed. The hearings for a variance are Hearing Officer and Planning Commission. The timing is two to three months, and then a final order goes back to the Planning Commission. The timing will vary based on the time that it's submitted within the month because we do have to meet deadlines as to when the Hearing Officer meets and when the legal noticing is due in order to get to that hearing.

Also, if we are going to have multiple or high numbers to process at the same time, that could slow things down. But the proposed ordinance would still allow a short-term rental to operate while this process goes on.

I do want to point out as well each variance is reviewed individually, so we can't predict an outcome or pre-judge an outcome. Each case is reviewed upon specific circumstances.

To conclude, I'd want to state that with this ordinance we will be treating STRs like any other type of development or license that we've got. Staff recommends approval of the ordinance and we stand for questions. Thank you.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Just very quickly, Penny. Madam Chair, Penny Ellis-Green, three things that I just want to make sure, or if you can just address that this has happened. I think we've all received emails and information about what the process has looked like and we've had the statement that the applicants did not receive any return call or answers to their questions, and I just have three of them. So one, no one ever replied to my questions. We were stated that we would have these requirements and then additional requirements were added after the fact. And then what the clear path would be if the County does not have a record on file. Can those three elements be addressed? I'm not going to question whether or not they have or looking for an opportunity to get after someone, but those are concerns, if people have submitted questions and then they haven't been replied to or if the County – if the application comes with a highlighted – this is kept at the County file, what is the clear path for the applicant if that is not available. Thank you.

MS. ELLIS-GREEN: Okay. Madam Chair, Commissioners, regarding the questions, we now have the phone number specifically for short-term rentals. Not only do we have that ring at some of my staff's desks it also rings at the desks of the five Commissioner liaisons, and they have been really helpful in answering questions and making appointments for people.

Regarding additional requirements, the requirements are laid down in the application. If it comes that we're finding there are multiple homes on a property, we're seeing that those multiple homes did not show up by aerials on the property until well after 1981, even into the 2000s. Then at that point people are being asked, did you have a permit? What were the names of the permit? Let's look at the previous owners to see if they pulled any permits, that kind of thing. So that's where you would be getting additional requirements. If you have one home on one piece of property and you're

coming in and you have everything that is required, you will get your temporary license or registration then and there.

The path to go forward is – it will completely depend what the issue is. So if you don't have a legal lot of record, for example – so somebody had a 10-acre tract and five years ago sold off five acres through a warranty deed. It will all depend on what the minimum lot size of that area was. Were you allowed to create a five-acre lot or is it in a 10-acre minimum? Is if it's in a 10-acre minimum a variance would be required. If it's in a five-acre minimum, then yes, you could now come in and do a survey plat and go through that process and have that approved.

Same as with a house. If you've got an accessory dwelling that you have converted from a garage or an office building that you had that was never permitted as a dwelling, if it meets the requirements of an accessory dwelling unit then it's the middle of an after-the-fact permit. If it doesn't meet those requirements then it may involve a variance as well So it really is a case by case basis. We have to see what the situation is, but we have our GIS staff in there. They do have aeriels from 1978, from 1981, from 1992, from 2002. They've got a lot of aeriels that you can pull up, so if we're seeing that there were houses there in 1981 or 1978, we've really answered that question ourselves.

So we're looking at that. We're looking at Assessor's information. We're looking at our permit information. We're looking at all of that while someone comes in to apply.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Two questions. Did I hear you say we've processed about 150 applications total, between owner-occupied and non-owner-occupied?

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes. We have taken in that many. So we are now going through the process to issue the temporary licenses because many of them either didn't bring in a letter of consent or didn't bring in a tax number. So now we have to call them back and ask them to give us that information so they can get their temporary license, pay their fee, and bring back their certification of mailing. When we started doing this, we were giving people the document that they would go away and mail. Now they will have the option of mailing it here at the County for a fee. We're giving people those options. So then we don't have to call them back.

So, yes. We've got that many that we are ready to issue licenses for as soon as we get their mailings back and things like that. We are putting additional staff on to – two more administrative staff to be logging these in and calling applicants and asking for that information to come back.

COMMISSIONER HUGHES: So if we think there's 500 to 600 short-term rentals in the county, we're only about a quarter of the way through?

MS. ELLIS-GREEN: Madam Chair, Commissioners, we've had way more appointments than that, and some people are just gathering some additional information and then they're going to bring it back. So I think we are – I can't say exactly how far we're through. We also don't know if all of those 600, 650 are going to come and apply. Some people may leave it until the end of the year because maybe they only list their property if they go out of town for several months in the winter. We've heard a lot of people say that that's what they do, so are holding off. Because they wouldn't be listing

in June, July, August and they would have that additional time. So the number really fluctuates on any given day as to how many units we get reported. Anything from 550 to 650.

[Audience disturbance.]

CHAIR HANSEN: Please, you will have a chance to speak

COMMISSIONER HUGHES: No, she said 150, about.

CHAIR HANSEN: Please, stop.

COMMISSIONER HUGHES: So my other question is the phrase when you're getting the variance, there's a phrase that says that may not be further appealed to a government decision-making body. Does that mean appeals aren't possible, or does that really mean when all the appeals have been exhausted.

CHAIR HANSEN: It's 8.2.

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes, that's correct. A variance will go to the Hearing Office and the final decision is the Planning Commission. If anyone doesn't like the decision of the Planning Commission they get to appeal that on to the Board. So what that's saying is that it would be after the Board has made a decision.

COMMISSIONER HUGHES: Okay. I think that's worded confusingly.

CHAIR HANSEN: It's worded very badly. It does not say that to me.

COMMISSIONER HUGHES: It makes it sound like it can't be appealed.

MS. ELLIS-GREEN: Right. It can't be appealed any further to a County decision-making board. So if the Board of County Commissioners – you're the final appeal through an administrative process. After that someone would have to appeal to District Court. So that wouldn't be a County decision-making body.

CHAIR HANSEN: It's not written well. So I'm going to read it to you. In the ordinance it says, To remedy the non-compliance have either been granted or denied by a final decision of the County it may not be further appealed to a County decision-making body. That sounds like there's a decision made in Land Use and it cannot be appealed anywhere else. That's – when I read that, that what it says. So it's not very clear to me, so I think as an attorney I would hope that you would try and clean this up.

[Audience disturbance.]

COMMISSIONER HUGHES: I'm just wondering if our County Attorney could come up with a phrase that means more like when all the appeals have been exhausted.

COMMISSIONER GREENE: May be appealed to this body, then this body, then this body.

COMMISSIONER HUGHES: Or however.

COMMISSIONER GREENE: Whatever the process is.

COMMISSIONER HUGHES: Anyway, those are my questions and suggestions.

CHAIR HANSEN: We are a little out of order here but I think – I really feel like I have read this a couple times and obviously my other Commissioners have read this also and so I think this needs work and I don't understand why there's a quotation at the end.

MR. YOUNG: That is a quotation from a section right there. Section 8 is a

new addition, and that's why it's quoted at the beginning and the end. If you'll notice at the 1.11 as well, it's also quoted. But we can certainly clean up that language, but that's correct. It's sort of when all appeals have been exhausted, it's a final decision. That is when the temporary license would end, essentially.

MS. ELLIS-GREEN: Madam Chair, Commissioners, just to clarify as well, a permit or a land division or a variance would actually fall under the SLDC, and the SLDC very clearly lays out what the decision making bodies are and the fact that you can appeal. So you can appeal a permit application to the Planning Commission and then on to the Board. You can appeal a variance from the Planning Commission onto the Board. So I think that's why maybe it's not – it kind of has to be read with that section but I think it can be cleaned up.

CHAIR HANSEN: I would agree it could be cleaned up. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Ms. Ellis-Green. So first, that is not clear and that should be rewritten before we leave tonight.

CHAIR HANSEN: It's not going to be passed –

COMMISSIONER GREENE: As is. So that's the first one. Then the question is, have we actually – is anybody through the process and how many people are through and able to rent. If we did nothing today, how many people would be able to rent their house this weekend? Have legal permits and/or whatever the format is. Have we issued anything at this point? Is the Treasurer – have the permit numbers gone out to people at this point?

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes. The Treasurer has issued some permits. Since they only became available for them to print them last Friday they've issued just a handful of those. But as I said, what we are doing is the other 100 and however many is what we're calling them and issuing them immediately their temporary licenses. So I had my staff doing that today.

COMMISSIONER GREENE: Thank you. So we were a little behind on our own in rolling this out, obviously, but this is – we're now where we are and we're here to sort of extend the date, I think, at least at a bare minimum here.

The next question I have, well, first off, I'm going to ask a question about – first, I have constituents that have said that they are not getting timely calls back. They said they called Monday, Wednesday and Friday of last week and got a short, five minute phone call at 4:45 on Friday when somebody was obviously leaving and just wanted to say, sorry. I needed to call you back. So we're not – customer service is lacking in this situation here and that is another – regardless of what we do with this, customer service is obviously lacking and we need to realize these are our customers.

Next one: Alternative structures. We have this opportunity, we have this model where we have homes and what I would call regular development, and then we have a campground sort of ordinance in there. But there's this in-between of people with yurts or hogans or domes or whatever, and in speaking with my wife the other I day I was thinking, the last two times we've done an Airbnb, we did alternative structures. We did an airstream somewhere. Those are not allowed under this ordinance. And we did a Hogan on the side of the Colorado River. It was an amazing thing. It had a smoke detector. It had a plug, and it had enough to get two people comfortably in a non-

commercial campground setting. But as a small, boutique, two, three, four person setting that we can have for the experience of Santa Fe, right? Because Santa Fe is a pretty funky place. Santa Fe County is definitely a funky place

And some of these experiences should be somehow regularized, whether it means having the Fire Marshal be able to do a walk through and say, look, there's two exits or the windows work, or there's a smoke detector, or your heating thing is inspected by a plumber or whatever it takes to get these alternative mechanisms, these alternative dwellings, regularized for this purpose. Because this is part of our experience. So I ask you, do you foresee this, or is this something that we're going to have to come back in a month or two, and I'm happy this is to tell some of the folks that are in the crown today. I'm happy to take this on before this part sunsets and hopefully two other Commissioners will add to this.

[audience applauding]

CHAIR HANSEN: Please, please stop.

COMMISSIONER GREENE: This is the alternative that makes us charming. Whether it's something up in the woods, or something in the back of somebody's property, some of these places are beautiful and are really worthy, but they need some level of regularizing, and then a certificate that says that this is not a home. Right? This is a trailer. This is an airstream, and you get what you're paying for and know that it is inspected, but it is not a full – you don't get a full bath, you don't get – whatever. All those things.

MS. ELLIS-GREEN: Madam Chair, Commissioners, we have a way right now to be able to do that under the Camps, campground, and other related overnight occupancy in our code. We allow that as either a permitted or as conditional use in every zoning district other than industrial. So whether you've got one, two, three, we still need to look at your septic system, where you're getting water supply, etc., etc. So it may only be one unit instead of 100 units in an RV, but we can do that now.

COMMISSIONER GREENE: Are we offering that to people?

MS. ELLIS-GREEN: Whether it's a yurt – absolutely. I've spoken myself to several people that have one or two RVs and they want to rent them out and we've let them know months ago that they could make application.

COMMISSIONER GREENE: For a variance.

CHAIR HANSEN: No.

MS. ELLIS-GREEN: It's not for a variance. It would be a site development plan in an area that's a permitted use that's handled administratively. If it's an area with a conditional use permit, maybe in the smaller zoning districts, a few of those conditional use permits, it would be a conditional use permit that would go in front of the Hearing Officer and Planning Commission. But the things that we would look at is do you have road access? Is there a supply of water for people? Is there a way to get rid of the septic waste? That kind of thing. So we have been taking those in, or we have been available to take those in. We may have had one application for four or five. They called it glamping. I think we've had one of those applications in.

Once you've got your business registration, and again, whether or not you live on the property, that's considered a business registration because you've come through the process and you've got your approval. That would be renewed every single year and at

that point it wouldn't matter if you advertised on your own website, if you advertised on Airbnb, Vrbo, wherever you want to: They're not dwellings; they've never been considered dwellings under the code, but we have another way that we can permit them and our staff is available if people want to come in and speak about their zoning district and what the process will be for them.

COMMISSIONER GREENE: Thank you.

CHAIR HANSEN: Okay. Questions from the Commission. I would like to request that the comments be about what's in the ordinance that we are here to listen to today. You will have two minutes to speak and please do not repeat yourself. I have read comments. I have read comments from October. I have read comments from a month ago. We have all heard many of these issues. We are here to decide on extending the time and the after-the-fact temporary registration, so with that I'll go to the people in the audience first and then afterwards will go to people on line. And Daniel, also, somebody mentioned to me that there were people who could not get online and were having trouble with the website and they're being kicked off so if you could make sure that the website and the link is open and make sure that it's available to them. So with that I will start public hearing. May I please have the first person who wants to speak.

[Those wishing to speak were placed under oath.]

CHAIR HANSEN: Welcome.

RICK GOLDBERG: Rick Goldberg, 207 New Mexico 76, and I am under oath. A year and a half ago, my wife and I bought a property in Santa Cruz, our third property here in Santa Fe, just east of Espanola. Based on the current County laws and regulations when we bought it, we put significant money into it to improve it. Now, you have a moratorium, I need to sell this property as a result of this change, and what I want you to hear is the impact the moratorium has on selling a property. It's reduced the buyer pool who now can't buy a property and offset the cost because maybe it's a second home for them like it was for us.

And so property values have come down. The pool of buyers and investors who want to invest in this great city that we've been a part of for seven years now is reducing. Your values are coming down too. Everyone's values are. The mural behind you says equal justice under the law, and it seems like neighbors of short-term rental owners, whether they're in state or out of state, are being treated more favorably, not equally, under the law that we've passed. What about the equality for housekeepers, landscapers, vendors who've all built businesses and forged companies based on short-term rentals and based on that market that's been here for a long time.

The moratorium is reaching deep into everybody's pockets and my concern is that there really wasn't a significant amount of time to research and study this. I'm in the research business. I know what it takes to study an issue. Did you conduct research that revealed what the negative impact on this moratorium would be? If Penny is here, I ask her, did she study that? And I'm afraid that she didn't. And if she did she would have shared it and in fact these 80 short-term rental – I'll wrap up right now. These 80 short-term rental owners, not one was ever contacted to reveal what the other side of this equation is. So I'll conclude there. The system at your office does need some polishing, does need some work. We actually went through last Friday, it worked out okay. But it does have some loose ends that you could work on.

CHAIR HANSEN: Thank you, Rick. Next please.

AMANDA TUCKER: My name is Amanda Tucker. I am the wife of Rick Goldberg, 207 New Mexico 76. I'm under oath. I just want to address a couple of things. I think he covered a lot of it. I don't think that you guys looked at the impact from STR owners. I don't think there was any research conducted. I haven't met one person who was contacted. I think that's a fail. I don't know if you looked at other cities, but if you looked at other cities like Austin and New Orleans, there's a lot of litigation that's against the city because the moratoriums and the impact that it's having on personal property rights are not legal. And the appellate courts are overturning those, and I really think that's not a wise way for the County to spend funds, but that's me.

I want to address what Commissioner Greene said about these beautiful STRs he stayed in. I wish maybe you'd stayed in those before you agreed to these regulations which are now going to prevent other people from experiencing Santa Fe but the response about the alternative housing and what Ms. Penny Green said that a site development plan, I think was the solution. Some of you may know us because we had a wedding venue in Santa Cruz and we tried that site development plan. That's a bunch of you know what.

And so if you're making people go through that because they have something that's not a dwelling, I'm just going to say I think that is abhorrent. It costs a lot of money. It costs a lot of time. You have to jump through a ton of hoops and in the end nobody wins that has an STR or a business they're trying to have in the county that was legal and allowed before all of these regulations came into place. You're not considering what people have invested in their properties. You're not considering the time, the money, the marketing, everything that we do to try to bring money and economy and people to Santa Fe. I don't know why that doesn't matter to you that you're preventing people from having experiences in the county.

Not everybody wants to come and stay in the plaza. Not everybody wants to stay in a hotel. They want to have family trips. They want to have things that they can do as a community. You guys are just stripping that away. And I really think that to piggyback on what my husband said, when did you ever look at the other side of this and where's that data? I feel like since our property rights are being impacted, we deserve that data. Where is it?

CHAIR HANSEN: Thank you. Next.

LIZ EMMENS: Good evening everyone. My name is Liz Emmens. I live at 43-B Lavadero Road in Tesuque. I think it's really important to point out something that Ms. Green said tonight. She reported that the Land Use Department and the SLDC has nothing to do with public safety. It has to do with zoning. They're not inspecting for plumbing. They're not inspecting for electrical. All the things – they're not going in there looking for smoke detectors, fire extinguishers – all the things everyone here has talked about which is critical to short-term rentals, to having guests, to being a responsible host. Nothing she said that is under the purview of Land Use addresses public safety.

So why are we having this under Land Use? Why? What is our motive and intention here? Why are we making people who have had homes, just because they cannot be the third, fourth, fifth property owner and you can't produce the original building and development permit you're subject to a new zoning code. You're not

rezoning your property. You're asking for a business license and you're supposed to be demonstrating that your property is safe for someone to stay in it. Proper ingress/egress. Do your windows work? Can you get out if there's a fire? Do you have a fire extinguisher in the kitchen? Do you have carbon monoxide detectors? Do you have an ash bucket?

Why has this become such the mess that it is? In addition to the other things that people have offered up, it is violating our property rights. There's two folks in here that live in the city that would never be subjected to the SLDC. Have you looked at? Our building code in 1981 went from 290 pages to over 700. This isn't Denver or Chicago with complicated occupancies here. What happened? And we are we being subjected to this? I think that's what you need to be asking at this point. It's not addressing public safety.

[audience disturbance]

CHAIR HANSEN: Please do not applaud. Please do not do that because it is disrespectful. Thank you.

CORY DOUGLAS AHRENS: Corey Douglas Ahrens. 43-B Lavadero, Tesuque, New Mexico, and yes, I'm under oath. So as an example of trying to get a permit, let's say not to do STRs but say a solar panel. Five years ago we tried to get our federal tax rebate to install solar panels. I'm sure the County Commissioners are all for green energy, sustainability. I was quite surprised to hear what our contractor said. Mr. Ahrens, you need to call the County because they won't issue you a building permit. So I called and spoke to Mrs. Green and she said, well, you guys don't have a building permit. We bought our property seven years ago. It was built in 1981. The County has zero records, zero building permits from that time. I spoke to the CID. They said, hey, we don't issue any after-the-fact building permits. I'm sorry you guys live in Santa Fe County, but you're screwed. We're not going to give you another permit.

This is the state, so this is how after-the-fact building permits are going to work. The state's not going to do it. After speaking to Ms. Green she said, well tear down one of your structures; it doesn't satisfy the SLDC. I said over my dead body am I going to tear this down. The next thing you're going to hear from is my attorney. Two days later I get my permit.

The SLDC is illegal. It infringes on our property rights. It's garbage. To my wife's point, it does nothing for public safety. You guys are here to protect the public. The SLDC does not do that. Do your jobs.

CHAIR HANSEN: Thank you. Next please.

JANE ROSENTHAL: Jane Rosenthal, 23 Mesa Encantado, Unit 230, and I'm under oath. Interesting that Mr. Goldberg mentioned the equal justice under the law that I've been staring at too for 2 ½ hours and I believe that being a non-owner-occupied leasor is also – I just feel like there isn't justice for the people that are out of town versus the people that are living here. I'm living here six months a year; why am I being chastised and having to pay more? So I just want to put that down because it's interesting that he motioned that.

So we've heard everyone's arguments which are pretty articulate and to the point as to why this process hasn't been working, including the communication from staff, and I'm sure you guys are getting kind of tired of hearing it. Right? It's getting kind of

arduous for everybody. So my big resounding question which I asked a couple weeks ago, is what is the process going to be moving forward? Are we going to really have to go through this again year after year and use staff time and resources and basically taxpayer dollars to go through this arduous process again? I don't think you guys want to be here.

So I think looking forward to the future, getting through this process at this point actually is not working and I think you guys are all very fully aware of that. What are we going to do for next year? Because everyone's mentioned all the things that are absolutely right and correct, including the fact that are property rights are being violated, but what are you guys going to do about making this less of a hassle for you, staff and the taxpayers, which are us?

Another thing is, if you guys are so concerned about affordable housing, get the tax dollars that the City has from the lodging taxes and go out and buy some land and do some housing on it. That will solve the problem. We're not taking anything away from the long-term renters. We are providing experience to out of state guests that have been coming here for 200 year. This is the destination resort. It's really a disservice to our guests, just us. Thank you.

CHAIR HANSEN: Thank you.

CYNTHIA CARTER: My name's Cynthia Carter and my address is 17 Cloudstone Drive and I'm under oath. Thanks for listening to me tonight. I ask that you please consider removing the requirement for an ATF building permit for STRs. It's unfair to ask that people get an ATF permit bringing homes up to today's standards after the home has been inhabited safely for years, in some cases, 30, 40 years. Imagine how impossible this requirement would be if all homeowners, homebuyers, or long-term rentals, which are also businesses, were asked to comply. Then there are businesses that have operated for years, renting out yurts, cabins – will they be forced to be closed if they had to get a permit to run.

The reality is no one can afford to do this and this will effectively put STRs out of business and impact those who work for the STRs in an economy that's largely supported by tourism. Extending the deadline for the ATF permitting process doesn't help this fact. I ask you to consider the following: Will forcing a local Santa Fean out of their STR business support our community, jobs, and economy? Will it create a better environment for visitors to stay in the kind of places they like to stay in our tourist economy? Most visitors enjoy homes, not hotels. Will it support visitors to be directed to local businesses and activities that support our tourist economy? And speaking to the affordable housing, we could actually collect the taxes and provide housing for people.

So I ask that you amend the application, remove the process from Land Use and requirements for ATF permits and instead ask STRs to set up a typical business license that requires certification the safety items have been provided and implemented. Or consider setting up an inspection process so homes may be inspected for safety concerns, like people that have alternative places to stay, like yurts and RVs or places like that. At the very least grandfather in STRs that have been established businesses until research is done on a better way forward. So having building permits does not address safety or long-term housing issues.

CHAIR HANSEN: Thank you. Next please.

KRIS LESLIE-CURTIS: Good evening. My name is Kris Leslie-Curtis. I live at 142 Vaquero Road, and I understand I'm under oath. Madam Chair, fellow County Commissioners, I come before you once again as a county resident and as president of the Santa Fe Short-Term Rental Alliance, which represents over 300 short-term rental owners in the city and the county of Santa Fe. A lot of what I was going to touch on has been said so pardon me while I skip through this. Thank you for extending and considering the extension of the March 15th deadline. I think that is extremely important at this point in time for both County staff and for short-term rental owners. However, the extension is not fixing the systemic problems with the application process.

We have heard testimony tonight that suggests that the SLDC is really the problem here and the processes of going through obtaining a variance and an after-the-fact permit is arduous to say the least.

I want to just jump ahead now to just say this is about what is reasonable and what is not reasonable. And what has been rolled out is not reasonable for many short-term county owners and it will put some people out of business. I think we need to acknowledge that we are messing with people's livelihoods, people that are seeking to comply with a reasonable ordinance, and yet I would like to believe that this is not an attempt to discourage or prevent the licensure of STRs in the county.

However, what has happened here with one person being allowed or one Board having the discretion to arbitrarily go through an administrative approval or disapproval of licenses without setting forth clear guidelines in the ordinance was declared unconstitutional recently in Nevada in the District Court case of Clark County. So I think we have a similar situation where we have one entity that has had the ability to basically look at each case individually and not have a clear set of guidelines on what is approved and what is not. I know I'm out of time but I will say that I do think that we need to go back and look at some very important aspects of this ordinance and its constitutionality. People in the county are mad and we really want to have a fair ordinance that allows people to continue in business.

CHAIR HANSEN: Thank you, Kris. Next please.

BONNIE SCHWARTZ: My name is Bonnie Schwartz. I live at 7 Bajada Place and I understand that I'm under oath. I just want to point out a couple of things. One, as many people have said, the communication between the people seeking permits to operate short-term rental licenses and the people in charge of issuing those permits is really broken. It's really hard to get responses to questions, not only in a timely manner but sometimes at all.

And then secondly, what I want to point out is that I have gotten directly conflicting information about one particular property that I'm trying to get a license for. The first time I went in I was told there's no density issue. The second time I went in there was a density issue. We had a lawyer's letter showing that there was no density issue. The lawyer did a lot of research on it, and it's taking a long time to kind of sort through this particular density issue for this particular property and it's confusing and it's costing us a lot of money in legal fees to kind of parse this out.

So I think that this ordinance was rolled out – it feels like it was rolled out very quickly without really thinking about all of the various repercussions and it's causing a lot of us a lot of strain, frankly. So I just wanted you to hear that from me and I appreciate

you listening.

CHAIR HANSEN: Thank you, Bonnie. Next please.

ROBERT REINE: Good evening, 223 North Guadalupe Street, Unit 605. My wife and I moved here in December for a job opportunity and the last three months we've been trying to find a house. Found a house we wanted which was a current Airbnb and have been trying to negotiate a purchase of that house. Because of the complexities of this proposed ordinance we've had to secure the services of a real estate attorney, architect, met with the County, was told by the County that a yurt on the property had to be permitted even though it was not part of the STR.

I called the County five times today to ask for a copy of the new proposed ordinance. They couldn't find it. It's not on the web. County officials that I talked with said, oh, we're having a meeting about it this morning. How can you have meaningful public participation if you don't even let the public look at the document? That's it. I can't talk anymore about it because I can't even look at the document. Thank you.

DEBRA TOMPKINS: I'm Debra Tompkins, 29 Kachina Road, Santa Fe, 87508. I understand I am under oath. Commissioners, respectfully, you know my name, you know my face. I've been up here three times now. I'm going to keep it short. I heard from Ms. Green – thank you, Ms. Green – I appreciate your coming here again today, and I appreciate all the work you and your staff are doing. What I heard today was 144 applications came in today for STRs. Sixty-six of them are owner-occupied, 78 are non-owner-occupied. I still haven't heard how many licenses or registrations have been issued.

I'm going to say this again. By June 1st I guarantee you you will end up with an empty bag. You will have a fraction of registrations and licenses for Santa Fe County. Why? Because a good amount of our properties do not comply with the SLDC. There is no way we will ever be able to. We will end up with no additional tax revenue. That is we, all of us, for the County. Us, our property owners as a result, will end up with decreased property values. We are going to have a difficult time if we want to sell our properties ever, because all of our structures on our properties – if you have one ADU, two ADUs and a main house, you are non-compliant. I'm sure many of the Commissioners on this bench have non-compliant properties. That decreases your property values. Thank you.

CHAIR HANSEN: Thank you, Debra. Next please.

SANDY DURAN: Good evening. I'm Sandy Duran, 66 Avenida Vieja in Galisteo. Thank you for listening to us and my question really is is anybody listening. I've been to a few of the meetings where I was able to make it and despite our heartfelt entreaties that you listened to our concerns you voted to go ahead and pass things based on staff recommendations without any really digesting what it was that we were putting before you – our livelihoods, what we've spent so much time and energy working on. As a fifth, sixth generation – I don't know how long my family's been here – forever. I feel bereft of opportunity when things like this come to pass in such a totalitarian way where people can't even applaud or express themselves.

It's disturbing. My house was built in 1910. What's going to happen when I go through this process? In five months you've managed to do a handful of the total. Is June 1st or whatever for the proposed extension enough time to let everybody be heard? To let

these things be considered, digested? It seems implausible.

Anna Hansen, you mentioned earlier on a different matter, you felt like you were being punished for being a good citizen. That's how I feel. That's how many of us feel. Are we heard? It doesn't seem like it. Are hotels held to the same standards and the same requirements because they're all getting into the STR business now. How is that going for them? Do they go through the red tape that we go through? The whole short-term housing thing, when I eventually – if this doesn't work out for me because of the age of my house and everything else and I go to sell it, I guarantee it's not going to contribute to any housing shortage.

These are all things that I would beg you all to consider and please listen to us before moving forward and just making resolution and not even considering what we have to say to you. Thank you.

CHAIR HANSEN: Thank you. Next.

TREY CORKERN: Trey Corkern, 13 Blue Corn Trace. I realize I'm under oath. Thank you. So thank you again for listening to us. Sorry about the disruptions. I hope you understand that this is an emotional thing for us. This is our livelihoods regardless of what many of you may think of how we make our livings or whether we're destroying the housing market or anything like that. This is my dome on the cover of *New Mexico Magazine* here, and is this person in danger, is what I'm going to ask you, and Ftwo things here. I'm perfectly willing, like I've said the other times I've been up here to speak. I even said well, why instead of an \$85 permit why don't we make a \$100 permit and give \$15 to affordable housing. Like I'm into being a good citizen.

But the problem here is the SLDC requirement. If we get rid of this, if we didn't have this, is my opinion, then we would already be through this. We wouldn't need an extension. This has just opened a huge, huge can of worms on everything, and then for me having a dome, which I built during COVID and called the building office to say, hey, what should I do here? Well, I could never get a call back for a year and a half. So I did what I thought was good and safe and fire extinguishers and carbon monoxide alarms.

So that's where the problem is. I like that we've finally got an answer that there may be a path for people like me. However, my neighbor tried to get a campground, just a permit for five little RV spots, just two houses down from me and he quit after a year and a half of trying to get it. It's not like that's just an easy thing that's going to happen. So if we get rid of the SLDC requirement, not only will it make this go faster, people are going to step up and come get their permits. People are hiding from her. Just so you know. Thank you for your time.

CHAIR HANSEN: Thank you, Trey. Next.

BOB CLANCY: Hello. My name is Bob Clancy. I'm at 11B Blue Crow, and we're in San Pedro and we're under oath. I'd like to thank Commissioner Greene very much for hanging out in the fun places – the airstreams, the yurts, the domes. That's something just doesn't fit into the pigeonhole they're trying to get pushed into.

I'd like to say something really basic. The ordinance does some good things. It says that it's designed to ensure the safety, welfare, peace, the enjoyment of people's communities, protect the water and the environment. Those are all good things to do. I think everybody that has a B&B wants it to be safe, clean, a nice place. Implementation of this is horrendous, escalating into the SLDC, 700 and some pages of it, after-the-fact

permits, bringing up old documents, variances, it just really does nothing to carry out what is spelled out in the ordinance. Safety, the environment and such.

Another thing that really impacts me individually is the owner versus non-owner. Section 1.5 says the owner-occupied STRs, etc., etc. – I'm running out of time, the STRs rented and the owner can be presumed to have a vested interest in maintaining the quality of life in the community and the owner is generally onsite when it's rented. That fits us to a tee. But between our residence and the B&B there's an invisible line on the ground and it just doesn't work very well, and I see no recourse to have anybody in the County look at our situation and straighten things out. Thank you.

CHAIR HANSEN: Thank you, Bob. Next please. Is there anyone else in the audience who wants to speak? If not, I'm going to go to the people online. Daniel, do you have people online?

MR. FRESQUEZ: Madam Chair, we have Scott Bennett that would like to speak.

CHAIR HANSEN: Okay. Thank you. Hi Scott. Are you there?

JULIE BENNETT (via Webex): This is Julie Bennett speaking. My husband Scott and I live at 5 Rancho Valle, Espanola, in the traditional community of La Puebla. I'm hearing a very bad echo so it's distracting. Can someone help me with that? Okay. We are neighbors of Rick and Amanda who have lovingly restored their historic house. We've been on this plot for 40 years, lovingly caring for it and turning it into our retirement income. We have no other. And when Rick and Amanda's wedding venue was shut down we lost business. Also, their housekeepers and their landscapers lost business. We have full-time, part-time house photographers, cinematographers from France who were photographing, documenting Georgia O'Keefe. We have Lao employees and post-docs We house traveling nurses. I recognize how much work you guys have done, staff and Commissioners alike, but to what end? What is your intention? You've created unreasonable, an unattainable, and unenforceable ordinance.

And I beg you to consider the chaos that has been expressed here tonight that has uprooted and taken so much time from your constituents and also the taxpayers, that I can elaborate on. Nobody knows where this tax money is going or even if we're being recognized as paying the proper taxes as short-term rental owners. So please try to go forward honoring your power and using it wisely. I appreciate you.

CHAIR HANSEN: Thank you very much. Next, Daniel.

MR. FRESQUEZ: Madam Chair, we have to call-in users that would like to speak. I'm sending the request to unmute to the first one.

CORY SHIRK (via phone): My name is Cory Shirk. I'm calling on behalf of 154C Ojo de la Vaca. I just wanted to let you know we are absolutely in favor of regulation for STRs for the benefit of the county. We also feel it is very important not to adversely affect the neighborhoods nor the neighbors of STRs. We bought a single-family home. It was built in 1979 and it's been functioning as an STR for 10 years. We employ, just like you've heard, pretty much everyone, landscapers, housekeepers.

The relationship with the neighbors has been and continues to be very good. So I just wanted to let you know we were approved for one. We have a two bedroom, two bath and one bedroom, one bath, pretty typical for Santa Fe, a main house and a casita. So we were approved for the main house.

Two weeks later the committee reneged and disapproved, and then the re-approved, so it was a bit of a ping-pong back and forth. We asked the committee members what would be allowed for evidence for the one bedroom to be approved under the pre-January 1981 and they gave us basically four criteria. We met all four criteria, and then after that they said we needed more information, more permits. So we came back with more material – photos of a log pole showing kids' height on one of the poles; a warranty deed from 1988; original floor design with a state seal Environmental Department; survey plat with the County's seal showing a dwelling from 1988, and that was not enough, right? So they keep pushing us to the after-the-fact process.

More material that we've gathered, more evidence. We've got aerial photos from 1980 showing the dwelling. We've got photos from the original owner. We actually got in touch with the original owner from 1979 dated photos. Testimonials from the owner. Testimonials from the neighbor. It seems like whatever evidence is being asked we've provided and it's not enough.

And I think there's a big divide between the applicants and the committee members that are deciding upon this, and I agree with the others in the room that I think the extension to June 1st doesn't really get to the core issue, the problem. So I think it's probably a good idea for the Commissioners and those involved just to reconsider the process, and just know that we're not boogey men. We're not trying to take residences away from people. Right? We actually purchased this property. We come up once a month from El Paso. We probably spend quite a bit of time over the summer up in Santa Fe. We eventually would love to move to Santa Fe but we cannot make a mortgage without the rental income of the STR. So please listen to us. It's a good dialogue. Thank you.

CHAIR HANSEN: Thank you. Daniel, next.

MR. FRESQUEZ: Madam Chair, our next speaker is another call-in user. I am sending a request to unmute right now.

MYRA CANTERBURY (via phone): Hello. I'm Myra Canterbury and I own 15 Mesa Encantado. [poor connection] Unit #227. And I'm calling to ask that you please extend the deadline but also that someone at the County please return phone calls. Please allow us to make appointments on the calendar. It's very frustrating to not get a call-back. It's very frustrating to not make an appointment except two weeks into the future. So I have to drive to Santa Fe to do this and I'd like to be able to do it while I'm there. That's all I've got to say. Thank you.

CHAIR HANSEN: Thank you, Myra. Daniel, do we have any more people who wish to speak?

MR. FRESQUEZ: Madam Chair, we have one more person. The next person is Andy Klein.

ANDI KLEIN (via Webex): Hi. This is Andi Klein, I'm on 22 Madre de Dios and I understand I'm under oath. I just want to point out, like in your ordinance, 1.3, it says excessive occupancy in STRs poses a risk. We have a one-bedroom STR. We're living on the same property. Are you actually implying that we're going to double rent it out for the time we have? We rent it out for 108 days a year, and so I don't understand why 108 days a year is going to be a lot more problem for our septic system than the long-term rental.

The other thing I would like to mention is on the 20th of January we had our first meeting we were told we were missing our CRS number and we provided this three days later, January 23rd, and since then the only response we got from the County was we'll come back to you when there are news. So I appreciate that the Commission thinks customer service is a great idea, but we haven't seen it. So we're three and a half hours away from in violation of the ordinance. I'm somewhat skeptical that this will be resolved.

The other question I have is did actually anybody check how much that costs? We were meeting with five people from the Santa Fe County for forty minutes, and in that time we spent probably about \$200 on everybody sitting there while you can expect \$35 from us as an owner-occupied rental place. So is Santa Fe County in such good shape financially that we can afford this? Thank you very much.

CHAIR HANSEN: Thank you, Andy. Okay, Daniel, is there any more comments from online?

MR. FRESQUEZ: Madam Chair, I am not seeing anybody else indicating that they would like to speak during public comment.

CHAIR HANSEN: Okay. I will one more time ask if there are people in the audience who would like to speak.

KATIE TOY: Hello, I have not taken an oath, so you probably need to do that.

[Duly sworn, Katie Toy testified as follows:]

MS. TOY: My name is Katie Toy. My husband and I are in the process of moving here so my address right now is 223 North Guadalupe Street, #605, which is a P.O. Box. We've been, as he mentioned, in the process of purchasing a home. It's been very challenging. The current owner, she doesn't have the wherewithal to address the ordinance, which is part of the reason that she's selling the home, but she's had a difficult time because it's really designed to be a vacation rental.

My husband and I are a little bit more apt at dealing with this sort of thing because he's an attorney. I work in compliance. So we can read an ordinance and maybe understand it. But I do feel there may be a lack of outreach from to the community. Some things are hard for people to understand, these building codes and things. People buy houses not knowing what they're getting themselves into sometimes. It seems like there hasn't been enough meaningful participation from the community, and I know we're new to it, but we couldn't find the ordinance online, the new revisions. So I haven't had a chance to review it, but we decided to come anyway. I couldn't find it on the website. We called and they told us it would be available at this meeting.

So I think there may be a lot of people that have short-term rentals that may not even be aware that this discussion is occurring. I know that letters go out to homeowners but there could be a little bit more outreach and education from the County to help people, a broader audience, not just the people in this room, who are the same people I think were at the meeting on the 21st. It seems like there's just a small group of people that are actively participating and that understand kind of what's happening. So a lot of people are getting – probably going to get a lot of surprises with this and still at this time even though it's been since October I think, may not fully be aware of the implications and so that's all I want to say. I don't know how the County could do that but I think it

would be good to give maybe a little bit more time and to do a little bit more outreach so that people can have the opportunity to speak and to fully understand the implications of the ordinance. Thank you for giving me the opportunity to speak.

CHAIR HANSEN: Of course. Thank you. Is there anyone else? This is the last call to speak on this ordinance. If not I am closing public comment. So Commissioners, comments from the Commission? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Ms. Ellis-Green, I have a question about the dwelling definition that you spoke about and the concern that some of the alternative dwellings that I was speaking about are not covered under the SLDC and would then be precluded. So whether it's a yurt, a dome, or some old historic barn, whatever it is. What sort of definition includes those, to make sure those are inclusive in this ordinance?

MS. ELLIS-GREEN: Madam Chair, Commissioners, accessory structures that are not permitted as dwellings wouldn't be considered a dwelling. So our accessory structure ordinance from the early nineties spoke about accessory structures like barns, sheds, things like that and it's clearly stated they're not considered for dwelling purposes. So for something like that we wouldn't be looking at the same information as we would for a dwelling. But if somebody wanted to convert it, you could convert with a permit, if you meet density.

So we've had density regulations in the code since 1981. We've basically had a code for the last 40-some years that says anyone doing development of any kind, and development includes dividing your land, as well as a business use, needs to comply, needs to get a permit, and we've had density regulations. The zoning map that we did with the SLDC was based on similar density requirements but we also looked at what was existing out in an area. So for example in our old basin area, we were seeing a lot of 2 ½ acre lots. That translates now to the residential estate zoning district.

So we have used what we have had since 1981 and we have built on that for our zoning map. So our density is related to how many units you can have per however many acres. So for example, residential estate is one dwelling unit per 2 ½ acres. The SLDC in 2016 was the first time that we allowed people to also have an accessory dwelling unit. We had seen over the years a lot of people coming in saying we need a home for our kid, for our mom, for whoever else, and so the direction from the Board – that was to allow those accessory dwelling units.

Before 2016 the code didn't allow people to then have a second unit on that property. We do now. We've issued a number of accessory dwelling unit permits. We've had people come in that had converted garages years ago and have said, now I can get a permit for this.

COMMISSIONER GREENE: Thank you. That's not what I was asking. I was asking about the glamping, the sort of alternative structures that may not classify as a dwelling under the SLDC, but are perfectly good in the experience of Santa Fe and can be deemed safe with either a fire inspection and some level of life safety inspection. Pardon me, Trey, but I'm going to use you as an example, but a dome that looks like a great glamping experience somewhere out in Cerrillos, how do we get that person and that example – sorry. It may not work for everybody here, but we're going to use this one here. How is that person supposed to walk themselves through this if they are not

considered a dwelling under the definition. Is a camping ground going to be issued a short-term license?

MS. ELLIS-GREEN: Madam Chair, Commissioners, no. A camp site, an RV site, even if it's only one dome, one yurt, would come through the process and they would get a business registration for that, for the RV campground, camping establishment. And then they wouldn't need a short-term rental license. They wouldn't go through both. So they would come in – just like, for example, we have hotels in the county and resorts that went through conceptual plan, site development plans, all sorts of different processes. Some of those are now advertising on Airbnb, Vrbo. But they hold their license for overnight occupancy through a business registration. They don't need a short-term rental license.

So the people that have that don't need to be looking at the short-term rental ordinance. We can take them through a process to get them permitted and licensed to operate whatever other use it's got. It's not a dwelling.

COMMISSIONER GREENE: They would be subject to GRT but not to the short-term rental lodgers tax?

MS. ELLIS-GREEN: I'm not that familiar with the lodgers tax, whether or not a different kind of overnight occupancy would have to pay that. I'm not that familiar with that.

COMMISSIONER GREENE: Okay. Well, I think this case for the glamping folks out there, you've resolved it all, right? They just have to come in and make sure that – what do they need to pass that? I'm sorry. I can't ask a question of you but I'm going to try to think of what you would ask.

MS. ELLIS-GREEN: Madam Chair, Commissioners, it would depend which zoning district they're in, whether they're a permitted use or a conditional use, and they would submit either a site development plan or a conditional use permit. It would basically be your deed and plat to show that you've got a legal lot of record, an application form, and a report and site plan that would address what you're doing with your septic, what you're doing with your water. So how are you providing water, septic systems? Whether or not you're putting any signage up, whether or not you have access to your property that's accessible to the Fire Department with a turnaround. That kind of thing.

COMMISSIONER GREENE: Okay. So there's a checklist for that. So these folks wouldn't need an STR license.

MS. ELLIS-GREEN: No.

COMMISSIONER GREENE: So they're going to post their properties on the platforms, and the platforms are going to ask them where's your short-term rental license.

MS. ELLIS-GREEN: They will have a business license for overnight occupancy.

COMMISSIONER GREENE: Is that all you're asking for? A business license? I can get a business license tomorrow. Nobody's going to know that it's one that it pertains to a short-term rental. Right? A short-term rental is a short-term rental. That is a specific class of license that is made for these platforms, for this use.

MS. ELLIS-GREEN: As I said, we have hotels. We have people that have

come through the full bed and breakfast process over the years doing a master plan/development plan that are now listed on those sites.

COMMISSIONER GREENE: So then I'm going to go to the enforcement side of this. When we're all said and done with this in three months and we extend this deadline to June, you're going to come back and you're going to look one by one for all these things and try to parse out who has a license, who doesn't have a license, who has a hotel, who doesn't have a hotel. It's just going to be chaos. But it's fine; it's going to be your chaos; it's going to be out chaos, but I don't think that that's the way we should necessarily be rolling out a program that is clear cut and allows everybody to follow the rules, but a very clear, easy to comply with rules that are safe and effective.

It looks still complicated to me. I'm not sure where to go with this right now, other than extend it and say let's find an alternative. Let's plan on being back here in a couple months. Anyway, for now, I think that's it. I just see a few complications in this. Thank you.

CHAIR HANSEN: So tonight we are here to address this ordinance. I am very sorry to the people who could not find this ordinance. It is on our website and it has been there for over a week, and it is under County Commission meetings and I'm sorry if it was difficult to find, but it has been there. This meeting has been noticed for over a week, and the ordinance has been posted. I want to be clear about that because this is an Open Meetings requirement and there is no way that we would post this draft ordinance without people being able to see it. So I apologize that you couldn't find it. Sometimes I can't find things on our website also. It doesn't mean that we can't do better. We should do better. We should make it as easy as possible. But I think there is a link right when you open the website that says agenda. And if you go to agendas, there's the meeting and the packet material should be there.

So I apologize to those people that couldn't find the ordinance. The ordinance is very simple. Basically we are extending the deadline to June 1st and we are adding a temporary registration and license aspect so people can still do business, and we have change the language in 8.2B, and I'm going to ask the County Attorney to read the language that you've change it to.

MR. YOUNG: Madam Chair, Commissioners, what we've done is – it's basically, it's one sentence – well, I guess it was one sentence before, but it's a shorter sentence. "A temporary business registration or business license will expire upon completion of the application process at the administrative level, when all appeals to County decision-making bodies have been exhausted."

And again, that says that it will expire once it's the highest at the County level. If there is a judicial appeal to a District Court level that would not cover that situation. It's going to expire at the administrative level at the County level.

CHAIR HANSEN: That's all it says? Would you repeat it again?

MR. YOUNG: "A temporary business registration or business license will expire upon completion of the application process at the administrative level, when all appeals to County decision-making bodies have been exhausted." Depending on the case, as we were discussing earlier, it could be the Planning Commission that's the ultimate body, or it could be the Board of County Commissioners, depending on the case.

CHAIR HANSEN: Okay. Is that clear enough for everybody? I feel like

saying that it ends at the administrative level is a little scary to people out here, because they feel like they want to have another level of recourse, so do you want to read it one more time?

MR. YOUNG: Sure. "A temporary business registration or business license will expire upon completion of the application process at the administrative level, when all appeals to County decision-making bodies have been exhausted."

CHAIR HANSEN: Okay.

COMMISSIONER GREENE: If I may.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Jeff, you mentioned the concept of abandonment. Is that something that you wanted to put in there as well?

MR. YOUNG: I appreciate that, Madam Chair, Commissioner Greene. So I think that the decision is made, that someone has abandoned, they're no longer pursuing the process. They will receive a notification from the County saying, it appears you've abandoned that and your application is denied, that person could I guess conceivably appeal to a decision-making body at that County. So I think in looking at this a little further, I think we are encompassing that scenario as well. So I deleted that excess language just to make it more to the point.

COMMISSIONER GREENE: That's great. Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I do think that's clearer, what Attorney Young suggested. It doesn't leave the ambiguity of when the appeals are exhausted. I did hear people saying they want the extension tonight. I also heard people say that rather than the temporary business license people would rather us not have the SLDC involved at all. I don't know that that's really viable, given that we unfortunately don't know when someone hasn't met the SLDC requirements whether it's – as in most cases it's probably fine but in some cases it might be a Tuff shed that was wired with an extension cord and that's what we want to not have.

So I don't know how we avoid that without some sort of process. But I do at least like the sentence that Attorney Young put in there and I don't know if anyone else has a suggestion for anything different. I know we can't go too far afield from the ordinance as it was presented a week ago because that would not be fair to people who may have read it online.

CHAIR HANSEN: Commissioner Hughes, this is just a short ordinance to extend the deadline, and allow the temporary after-the-fact permit. Nothing else. It doesn't change anything else. It's very straightforward in that regard.

COMMISSIONER HUGHES: Right. Right. And I guess what I'm saying is I think we can't probably go beyond that tonight.

CHAIR HANSEN: Right. And for those people who are concerned about the moratorium, the moratorium ends in October or November, and we want to get people licensed and we hope that you all will get your license. And we will hopefully help you in any way we can to get appointments. My constituent liaison spends two days a week answering phones, and she's very nice and very helpful. If you want to call my office, her name is Laura and she has been helping people. I know other liaisons, Olivia, Brittney, Tina. Call our offices. Talk to our liaisons. They will help you. I see my liaison on the

phone all the time. I'm not talking to people in the audience. It is improper. So do I have a motion on the floor? Would anybody like to make a motion?

COMMISSIONER HUGHES: I'll make a motion and then we can continue discussing. I'll move that we adopt the ordinance as presented with the modification suggested by Attorney Young.

CHAIR HANSEN: Okay. Do I have a second?

COMMISSIONER GREENE: I'll second for discussion purposes. I had some additional language that I wanted to make sure was clear. But I'll second that.

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

COMMISSIONER GREENE: My I continue?

CHAIR HANSEN: Yes.

COMMISSIONER GREENE: Thank you, Madam Chair. So one of the things I'd like to – in Section 1.11, to prevent immediate danger to public health, peace and safety, I wanted to make sure that we were being very clear that alternative structures and shelters that were deemed safe for overnight camping, as defined by the SLDC would be included in this. And so I've crafted a little bit of language. I don't know if it's necessary, but I really feel like it would probably bring peace of mind to some folks that are here with that sort of situation.

CHAIR HANSEN: I think that might be a little bit far afield.

COMMISSIONER GREENE: Well, it's already been listed in this, but okay.

CHAIR HANSEN: But to add in – you're wanting to add in –

COMMISSIONER GREENE: A letter either C or D. I had potentially two. One was C. A historic structure with an established age of over 80 years old with an appropriate life safety inspection, and D. within an alternative shelter that is deemed safe for overnight camping as defined by the SLDC. Alternative structures and campgrounds may only be operated as STRs from April 1st to October 31st.

CHAIR HANSEN: I don't know. That might be a little too far afield.

COMMISSIONER GREENE: That may be a little much.

CHAIR HANSEN: I'm going to defer to my County Attorney.

MR. YOUNG: Madam Chair, Commissioners, this section is a finding related to the extension, so as Penny had mentioned earlier those are not going to be governed by the STRs and we can certainly clarify that at a later time but it's the County's position that those would not be covered by the STR license. It would just be a straight up business license, I guess, with the permits as she had mentioned. So I would caution against that just because it is, as the Chair had mentioned, it's a bit outside what that paragraph is doing. And it might be better left to another revision at some later date. But at this point I don't think he was in jeopardy, but I would certainly defer to the BCC as to whether to add that provision.

COMMISSIONER GREENE: Thank you. As long as my fellow Commissioners are willing to revisit this in a few months if there's a few headaches that come forward with these alternative structures I hope that we can address that because that's part of the character of Santa Fe. So thank you very much.

CHAIR HANSEN: Thank you, Commissioner Greene. Commissioner

Hughes.

COMMISSIONER HUGHES: Yes, I just want to say I think what we were hearing from people is they may be concerned that the ordinance that allows them to establish a campground might be even more complicated than the short-term rental ordinance and we might want to revisit this. But I also agree that this is probably not the right place to put it in the ordinance, so I think we would really need to study it. Otherwise we are subject to the criticism that we're writing laws on the fly, which we definitely don't want to do, because we might make it more of a mess than we intended to fix.

CHAIR HANSEN: And it has not had the opportunity for the public to see it.

COMMISSIONER HUGHES: Right. That too.

COMMISSIONER BUSTAMANTE: Madam Chair, Attorney, and thank you, sincerely Commissioner Greene. I agree and I actually really affirm the spirit in which you wanted to put those forward. I would like for us to make sure that we would commit to looking at what it means when we say a campground, but what I'm here is that there are structures that can really make for a nice place to stay. It's a unit. What does it take to help people get there from here? And I hope that we will stay vigilant in making that happen, and I'm looking forward to working with you on that.

CHAIR HANSEN: Thank you. I too – I agree. I definitely think we need to figure out how to include these out of the box experiences. An airstream, a yurt, a dome, a trailer – those are what people come to Santa Fe to experience, and I have a girlfriend in another city who has a number of trailers on her property. They're antique trailers and you get to have the experience of being in an antique trailer for a night or two. So I think that it is something that we should visit.

This is a complicated process, just for every one of you to know. We are not doing this as an intent to be mean or punish anybody. We are doing this because as many of you have mentioned, we would like to get the lodgers tax instead of having to go to the City. And if we don't have an ordinance, we don't get lodgers tax. So this is part of the process of doing that, and it's also a public health and safety. So I know some of you don't agree with that. I'm sorry. But so far we have a motion and a second. Is there any more discussion? I need a roll call.

The motion to approve Ordinance No. 2023-01 passed by unanimous roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Aye
Commissioner Hughes	Aye
Commissioner Hansen	Aye

CHAIR HANSEN: Okay. First ordinance of the year.

13. CONCLUDING BUSINESS

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

Commissioner Greene moved to adjourn and Commissioner Hamilton seconded, and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 8:55 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



SFC CLERK RECORDED 04/17/2023