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**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**June 13, 2023**

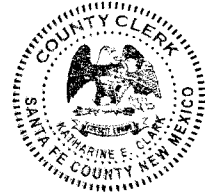
Anna Hansen, Chair - District 2  
Hank Hughes, Vice Chair - District 5  
Camilla Bustamante - District 3  
Justin Greene - District 1  
Anna T. Hamilton - District 4

COUNTY OF SANTA FE       )  
STATE OF NEW MEXICO    ) ss

BCC MINUTES  
PAGES: 83

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Katharine E. Clark  
Deputy Desty Romero County Clerk, Santa Fe, NM



**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**June 13, 2023**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:28 p.m. by Chair Anna Hansen in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

**B. Roll Call**

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

**Members Present:**

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

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

**E. O'ga P'ogeh Owingeh Land Acknowledgement**

**F. Moment of Reflection**

The Pledge of Allegiance and the State Pledge were led by Chair Hansen, and the Moment of Reflection by Jennifer Horta of the Public Safety Department. Chair Hansen acknowledged that this building and Santa Fe County are the original homeland of the Tewa people also known as Ogha Po'oga Owingeh, "White Shell Watering Place."

**G. Approval of Agenda**

CHAIR HANSEN: Manager Shaffer.

GREG SHAFFER (County Manager): Thank you, Madam Chair. The initial agenda for today's meeting was posted last Tuesday, June 6<sup>th</sup>, and the amended agenda was posted last Friday at approximately 6:25 pm online. The changes from the original to the amended agenda were as follows: The following items were added. They were Consent Agenda item 4. F, Miscellaneous Action item 6. D, Miscellaneous Action

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item 6. E. In addition, under Executive Session, item 11. A, we added numbers 3 and 4 to the Executive Session, Matters from County Attorney, and we also added item number 11, B, which at this point I think we can withdraw item 11. B concerning the settlement agreement between the City of Santa Fe and Santa Fe County. Item 11. B is withdrawn.

In addition, with regard to item 13. A, we did update the caption as well as add packet material. In addition, supplemental packet material was added to that item yesterday as well. I'd be pleased to stand for any questions but those are the changes to the original agenda to the amended agenda, and again, the request for today is to remove or withdraw item 11. B. Thank you.

CHAIR HANSEN: So, Manager Shaffer, can we just leave item 11. B on in case we have that discussion in Executive Session?

MANAGER SHAFFER: Thank you, Madam Chair. I think the discussion can still occur. I just don't think we'll have an action item is all I was attempting to say.

CHAIR HANSEN: Okay. Thank you.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I move to approve the agenda with the changes noted.

COMMISSIONER HUGHES: Second.

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

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

## **2. APPROVAL OF MEETING MINUTES**

### **A. Request Approval of the May 3, 2023, Board of County Commissioners Special Meeting Minutes**

COMMISSIONER HUGHES: Madam Chair, I move to approve the May 3<sup>rd</sup> minutes.

COMMISSIONER GREENE: Second.

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

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

### **B. Request Approval of the May 5, 2023 Board of County Commissioners Special Meeting Minutes**

COMMISSIONER HUGHES: Madam Chair, I'll move to approve the May 5<sup>th</sup> minutes.

COMMISSIONER GREENE: I will second, but I do have a correction. It's relatively minor, but in the opening agenda, the agenda seemed to be consistent but it had two different Commissioners motioning and seconding compared to what the Chair stated. It was unanimous decision so it really didn't matter. Is that a friendly amendment?

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CHAIR HANSEN: Okay.

COMMISSIONER HUGHES: So I move to approve the minutes as amended.

COMMISSIONER GREENE: And I will second.

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

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

**2. C. Request Approval of the May 8, 2023 Board of County Commissioners Special Meeting Minutes**

COMMISSIONER HAMILTON: Madam Chair, move to approve.

COMMISSIONER BUSTAMANTE: Second.

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

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

**D. Request Approval of the May 9, 2023 Board of County Commissioners Regular Meeting Minutes**

COMMISSIONER HUGHES: Madam Chair, I move to approve the May 9<sup>th</sup> Board of County Commissioners regular meeting minutes.

COMMISSIONER HAMILTON: I'll second.

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

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

**E. Request Approval of the May 15, 2023 Board of County Commissioners Special Meeting Minutes**

COMMISSIONER HAMILTON: Madam Chair, move to approve the May 15<sup>th</sup> Board of County Commissioners.

COMMISSIONER BUSTAMANTE: Second.

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

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

CHAIR HANSEN: All these special meeting minutes were on the budget sessions and I want to once again thank staff and the Manager and everyone for all the hard work that they did to present the budget to us.

MANAGER SHAFFER: Madam Chair, I was going to make a suggestion

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that given that we're clearly still having intermittent BoardDocs issues and we don't have our hard copy of the packet material, that perhaps you'd want to do executive session at this time so that all of that could come on time and we're still being productive of our time. I hate to make folks who are waiting for other items wait, but it's just a suggestion as to how we might move forward in a practical and efficient way.

CHAIR HANSEN: So Manager Shaffer, I think that we could move forward with the consideration of proclamations and possibly the Consent Agenda and then maybe go into executive session, because we do have people in the audience for the proclamations. So I would like to suggest we go on to do 3. A and 3. B and then the Consent Agenda, and then, if we still don't have everything moving we will go into executive session. Is that okay with you, Manager Shaffer?

MANAGER SHAFFER: Yes, Madam Chair.

CHAIR HANSEN: Okay. Thank you.

**3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS**

**A. Request Approval of a Proclamation Proclaiming the Month of June 2023 as "LGBTQ+ Pride Month"**

CHAIR HANSEN: Commissioner Anna Hamilton and Commissioner Camille Bustamante.

COMMISSIONER HAMILTON: Thank you, Madam Chair. I just want to start by saying I'm really, really happy to be co-sponsoring this proclamation with Commissioner Bustamante. I feel like being welcoming and accepting and respectful of everyone is just incredibly important. Being inclusive. And that's something that the County also, having been here for 6 ½ years I think really holds as an ideal. And it's definitely something that's incredibly important to me.

It can seem so easy to be judgmental and to sow discord. While this proclamation might seem like a small thing I think it's also very meaningful and an important opportunity to encourage our hearts and our actions in a better direction. So I'd like to pass it over to Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Commissioner Hamilton, for asking me to co-sponsor this with you. I'm going to be very clear, and I'm going to sound like – I'm going to go ahead and steal the words from a Stevie Wonder song. "Hate's goin' round breaking many hearts. Stop it please before it goes too far." Right about now there are things happening in this country that feel like even the 80s. Don't say gay in Florida. Well, we're in Santa Fe which is a highly tolerant town and sadly people are feeling what it's like to have people question one's existence. It's painful. And no child, no adult, should ever wonder whether their value is less because of who they are.

And unless you've sat in the seat where someone really questions your right to exist or they don't want to see too much of you, or putting a flag that represents something that one celebrates up as offensive. I will remind those who hide behind maybe even their religion that even this pope has asked for compassion. It is not an easy place to be. I'm certain, and I have not experienced this part, but to be a child and not

know what your identity is and then to have only hate spoken in your direction is deadly, not just painful. It's deadly.

So I'm grateful and I'm going to ask that Commissioner Hamilton start to read this proclamation, because we are a welcoming and tolerant city and town and county.

COMMISSIONER HAMILTON: Thank you so much. Those were just wonderful words. Santa Fe County Proclamation proclaiming the month of June 2023 as LGBTQ+ Pride Month.

Whereas, the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual (LGBTQ+) communities of Santa Fe are an integral part of our vibrant culture and climate; and

Whereas, the diverse LGBTQ+ community continues to make valuable contributions in academic, economic, artistic, and social spheres within and around our community; and

Whereas, it is important to recognize and address the systematic discrimination faced by the LGBTQ+ community, including limited rights, social stigma, barriers to healthcare and essential services, and alarming high rates of violence; and

Whereas, the month of June has been designated as *Pride Month* to commemorate the Stonewall Riots, which occurred in June 1969 and are widely acknowledged as a pivotal moment in the LGBTQ+ rights movement; and

COMMISSIONER BUSTAMANTE: Whereas, the LGBTQ+ communities of Santa Fe have thoughtfully organized a variety of receptions, festivals, concerts, walking tours, and other inspiring activities to engage in during *Pride Month*; and

Whereas, we eagerly anticipate the historic and significant Pride Santa Fe 30 event which will be held on Saturday, June 24, 2023, marking the 30<sup>th</sup> anniversary of the Human Rights Alliance and the 30<sup>th</sup> PRIDE Celebration in Santa Fe; and

Whereas, Santa Fe County remains committed to safeguarding the civil rights of lesbian, gay, bisexual, transgender, queer, intersex, and asexual communities, recognizing the crucial role of this iconic event in our collective pursuit of a more inclusive and just society; and

Whereas, the active and engaged LGBTQ+ communities in Santa Fe have an enduring impact on the quality of life in our city and county, and *Pride Month* serves as a reminder to us all to persist in the ongoing fight against prejudice and discrimination wherever it may exist.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the month of June 2023 as the LGBTQ+ Pride Month.

CHAIR HANSEN: Thank you, Commissioners Hamilton and Bustamante. I'm very honored that you both brought this forward. I was a little jealous that I couldn't be one of the sponsors also, but I get to make sure that it's introduced, because it's a really important resolution for us to recognize the tolerance that we have in our community and that Santa Fe County is a welcoming place. So I'll go to Commissioner Hughes.

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COMMISSIONER HUGHES: Thank you, Madam Chair, and I'm very glad that this proclamation has come forward. Thank you to the two Commissioners. I think this is – we do a lot of important proclamations but I think this one is especially important, given the times we live in the LGBTQ+ community is the victim of so much prejudice right now and you just have to open the paper to see another target on their backs from somebody trying to score political points. This is really the civil rights issue of our day and it's very important that we stand up and stand strong with people that are suffering and discriminated against and stand up for their rights. It's great. Thank you.

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

COMMISSIONER GREENE: Thank you, Madam Chair, and thank you to the two Commissioners to bring this forward. It's an honor to be on the dais with you and to be a part of this motion here. I was born in 1969 in New York City, a couple weeks before the Stonewall riots. I remember them clearly; that's right. But I do remember friends of the family that took part in them. And so this was part of the family knowing people that took part in this. It's a civil rights issue of our day but it was a civil rights issue of the sixties and it's taken us 54 years to get this far. We've still got a little ways to go. Thank you for everybody to get us this far and hopefully this will help bring us a little further along. I look forward to seeing everybody out at the Pride Parade on the plaza and marching alongside everybody on the 24<sup>th</sup> and thank you very much for bringing this forward.

CHAIR HANSEN: Thank you very much. With that could I have a motion?

COMMISSIONER HAMILTON: I'd be honored. Move to approve this proclamation.

COMMISSIONER BUSTAMANTE: Second.

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

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

CHAIR HANSEN: I think this is a great proclamation. Thank you so much for everyone's comments and bringing this forward.

**3. B. Resolution No. 2023-055, a Resolution Supporting the Administrative and Legislative Protections of the Upper Pecos River Watershed Through the Withdrawal of Mineral Rights**

CHAIR HANSEN: Thank you, Commissioner Hughes, and myself. We are the sponsors of this. I want to read a bit. Commissioner Hughes, do you want to just start off by reading the resolution?

COMMISSIONER HUGHES: Sure. We can read the resolution, and just maybe to preface that I'd say I think this is a really important issue. Not every part of the world has to be taken over by mining or human activity, and protecting the Pecos area,

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which is pretty much in its natural state, it's just so important and I'm really glad that New Mexico Wild approached us about joining our friends in San Miguel County, who I think have already passed a similar resolution in asking the Secretary of the Interior to withdraw the mineral rights for the period she's allowed to. And I'll go ahead and start the resolution, if that's appropriate.

A resolution supporting the administrative and legislative protections of the Upper Pecos Watershed through the withdrawal of mineral rights.

Whereas, the headwaters of the Pecos River's primary tributaries are located in the northeast portion of Santa Fe County and in neighboring San Miguel County; and

Whereas, Santa Fe County resolved to work with San Miguel County for protection of the watersheds and drinking water supply associated with the Pecos River and its tributaries; and

Whereas, the Pecos River Watershed provides critical water resources to many communities, including municipal, domestic, and agricultural users, and provides clean water to numerous traditional and culturally significant acequia systems; and

Whereas, clean water is essential for the health and well-being of Santa Fe and San Miguel County residents; and

Whereas, the greater Pecos Valley region has been the center of a thriving culture for thousands of years and holds deep cultural significance to the pueblos of New Mexico, including the Jemez and Tesuque Pueblos; and

Whereas, the greater Santa Fe River Valley region is adjacent to the Pecos Valley region and has likewise been the center of a thriving culture for thousands of years and holds deep cultural significance to the pueblos of New Mexico, including the Jemez, Tesuque, Cochiti, and Santo Domingo Pueblos; and

Whereas, for hundreds of years, the greater Pecos River Valley has been home to numerous Spanish Land Grants where acequia-based agriculture has depended on clean water, originating in the Pecos Watershed; and

Whereas, the greater Pecos Valley region upholds legacy archeological, sacred, and historic resources that are currently still in beneficial use by its descendants who still live and thrive in the Valley; and

Whereas, many Santa Fe County residents and visitors depend on the Upper Pecos Watershed for recreational activities, such as fishing, camping, swimming, and hiking; and

CHAIR HANSEN: Whereas, the local economy is dependent on clean water to support farming, ranching, and recreation-based activities in the Upper Pecos River Watershed; and

Whereas, the upper Pecos River Watershed provides fresh water downstream for hundreds of miles, contributing to high quality aquatic habitat for native fish, including New Mexico's state fish, the Rio Grande cut-throat trout, and supports both a cold-water fishery and the Lisboa Springs Fish Hatchery; and

Whereas, the Upper Pecos River Watershed hosts important habitat for federally endangered species, including the Mexican spotted owl, which has designated critical habitat in the area, and a rare endemic flowering plant, the Holy Ghost ipomopsis; and

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Whereas, in 2019, the New Mexico State Legislature passed SB280, which appropriated \$2,100,000 to fund improvements to visitor services and administrative facilities for the Pecos Canyon State Park; and

Whereas, the State of New Mexico, the Environmental Protection Agency, EPA, and others have engaged in reclamation efforts to rehabilitate the Upper Pecos River Watershed from toxic waste pollution originating from prior mining activity at the Tererro mine and mill site dating back to the 1880s. In the 1990s, contaminated runoff killed more than 90,000 trout, contaminating wildlife and community drinking water supplies; and

Whereas, in 2022, the New Mexico Water Quality Control Commission designated 180 stream miles and over 40 acres of wetlands within the Upper Pecos River Watershed as Outstanding National Resource Waters; and

Whereas, the ONRW designation prohibits any degradation of the existing high water quality and prevents increased pollution to these outstanding waters; and

Whereas, the recent ONRW designation has been approved by the EPA, extending water quality protections under the federal Clean Water Act as well as state law; and

Whereas, the recent ONRW designation encompasses several named waterways and their unnamed non-perennial tributaries within Santa Fe County, including Dalton Canyon Creek, Doctor Creek, Indian Creek, Macho Canyon Creek, and Wild Horse Creek; and

Whereas, on August 28, 2019, the Santa Fe County Board of County Commissioners adopted Ordinance No. 2019-2, which amended the County's Sustainable Land Development Code to adopt regulations to protect the County's environment, water, air, wildlife, habitat, natural resources, and cultural and historical resources from the negative impacts caused by mineral resource exploration, extraction, and processing; and

Whereas, on February 12, 2020, the Board passed Resolution No. 2020-16, "A Resolution Recommending a Reform of the 1872 Mining Law to Protect Public Lands and Local Economies and Supporting the Hard Rock Leasing and Reclamation Act of 2019," reflecting that the Mining Law of 1872 lacks sufficient environmental standards to protect water resources and fish, and wildlife habitats; and

COMMISSIONER HUGHES: Whereas, on June 27, 2019, the San Miguel County Commission approved Resolution No. 06-27-2019-01 in support of strong measures to protect water quality; and

Whereas, on September 15, 2021, the San Miguel County Commission adopted Ordinance No. SMC-No. 09-15-2021-P&Z to enact requirements for mineral resource exploration, extraction, and processing within the boundaries of San Miguel County to protect the citizens and the environment from harmful and hazardous toxic effects and nuisances that result from mining; and

Whereas, in 2021, U.S. Senators Martin Heinrich and Ben Ray Lujan and U.S. Representatives Teresa Leger Fernandez and Melanie Stansbury the Northern New Mexico Congressional Delegation, introduced the "Pecos Watershed

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Protection Act,” S. 182, 117 Cong. (2021-2022), a bill to legislatively withdraw approximately 166,600 acres of federal lands within the Upper Pecos River Watershed from future mineral entry; and

Whereas, the Northern New Mexico Congressional Delegation also signed a letter to U.S. Secretary of the Interior Deb Haaland dated November 2, 2021, requesting that the Department of Interior begin the process to administratively withdraw federal minerals within the Upper Pecos River Watershed from future mineral development, thereby providing interim protection until permanent protection is secured legislatively; and

Whereas, the Federal Land Policy and Management Act of 1976 grants the Bureau of Land Management and the United States Forest Service the authority to submit an application to the Department of Interior requesting the withdrawal of federal public land from settlement, sale, location, and entry under the public land laws, including the United States mining laws, and operation under the mineral and geothermal leasing laws, subject to valid existing rights for a period of up to 20 years; and

Whereas, FLPMA grants the Secretary of Interior the authority to approve the withdrawal of federal public land from settlement, sale, location, and entry under the public land laws, including the United States mining laws, and operation under the mineral and geothermal leasing laws, subject to valid existing rights for a period of up to 20 years.

CHAIR HANSEN: Now, therefore, be it resolved that the Board of County Commissioners of Santa Fe County, hereby: 1) Supports the administrative withdrawal of mineral rights for approximately 166,600 acres of federal lands within the Upper Pecos River Watershed, subject to valid existing rights, for a period of up to 20 years. 2) Supports the reintroduction of legislation to provide permanent protection to the Upper Pecos River Watershed through a legislative withdrawal of mineral rights for approximately 166,600 acres of federal lands within the Upper Pecos River Watershed, as proposed in 2021 by the Northern New Mexico Congressional Delegation in the “Pecos Watershed Protection Act.”

Be it further resolved that the County Manager is directed to forward this resolution to the U.S. Secretary of the Interior, the Director of the United States Department of Agriculture, the Chief of the United States Forest Service, the Deputy Chief of the United States Forest Service National Forest System, the United States Forest Service Southwest Regional Forester, the Director of the Bureau of Land Management, the Principal Deputy Assistant Secretary of Land and Mineral Management, the Chief of Staff at the White House Council on Environmental Quality, the County’s Federal and State Delegation, the Governor of New Mexico, and the Jemez and Tesuque Pueblos.

And I would like to make a motion to pass this resolution.

COMMISSIONER HUGHES: I’ll second that.

CHAIR HANSEN: Supporting the legislative protection of the Upper Pecos River Watershed through the withdrawal of mineral rights.

COMMISSIONER HUGHES: Right. That’s what I’m seconding, Madam Chair. Thank you.

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CHAIR HANSEN: Okay. Thank you.

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

CHAIR HANSEN: Under discussion.

COMMISSIONER HAMILTON: Can we still do discussion?

CHAIR HANSEN: Yes. We moved through all of this and I wanted to get it passed.

COMMISSIONER HUGHES: Enthusiastically.

CHAIR HANSEN: And I wanted to still give everyone the right, plus ask Ralph Vigil from Pecos to please come up and say a few words but first I'll go to Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair and thank you to Commissioner Hughes and Commissioner Hansen for bringing this forward. I love the Pecos Valley and the upper watershed has been a site or historic moments in my life and I don't think I'd be on the dais today if it wasn't for a decision made up in the Holy Ghost area. So it's nice to see some of this payback to the valley up there.

The natural beauty is pretty amazing up there. The waters are fresh, the trout is tasty, and the communities from top to bottom need our support in this. So this river goes over 900 miles into Texas and feeds into the Rio Grande and we cannot be supporting the pollution of that entire river system, so this is what we can do to request to take it out of that use. I wholly support this as seen by my vote, but thank you very much for bringing this forward.

CHAIR HANSEN: Commissioner Hamilton, since this is your district also.

COMMISSIONER HAMILTON: It is. And it's just – I'm so grateful that you guys brought this forward. There are always trade-offs and balances in life to seek between development that's needed and preservation that's needed. Commissioner Hughes said it very well, that there are places we have to look toward preserving for a whole variety of reasons and it's a judgment call. This is something that is just really important to do and should be very, very useful and is clearly so widely supported for very important reasons. So I really appreciate that you guys have really been paying attention to this and sponsored this.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I sincerely thank you for this. It feels like old home week and only because those are the lands where my father played as a little boy, and he's part of the Pecos area now, being buried in Pecos. We've heard about the mining for so many generations, sincerely, so this furthers something along that just has this historic scar, if you will, and I want to thank you both for bringing this forward and for the opportunity to really start taking steps in the right direction in protecting the wildness of New Mexico. So thank you.

CHAIR HANSEN: Thank you. Ralph, would you like to come and say a few words, please?

RALPH VIGIL: Good afternoon, Madam Chair and Commission

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members. I really appreciate you taking the opportunity on this side of the mountain to hear this important issue for us in the Pecos area. My family's been there since right after the Treaty of Guadalupe Hidalgo. Our great grandfather of the Vigiles had settled there after moving from here from Santa Fe, the first Hispanic Territorial Governor of New Mexico, so we have a lot of history there in Pecos and as stewards of the land and as an acequero who owns a farm in Pecos and who's farmed and worked the land and used the acequias and used the waters of the Pecos River and depended on it for many generations, I want to see that clean water continue to pass on for generations to come and not be impeded or destroyed by a foreign company coming to exploit our resources in a place that's so fragile and so sacred to many. So it's very important and I want to thank Santa Fe County's efforts in the past for continuing to update ordinances as necessary on our side of the mountains, as we know that New Mexico have been pretty ambitious since COVID and going from 20 mining claims impacting over 200 acres in the exploratory phase, all the way now to over 236 mining claims that could impact over 4,000 acres, all the way from the Doctor Creek area all the way down to the Thompson Peak right below.

So hydrologically, we don't know where the water flows, if water does come to the Santa Fe side, which I'm sure it does underground, and so we wanted to make sure that Santa Fe County and people are aware that these impacts could happen not only to a place that may enjoy recreating but also depend on water. So we've been moving forward with this, working with the regional forester and the Santa Fe National Forest and we're currently trying to get this admin withdrawal down during this administration that is favorable because we don't know what the future might bring us as far as opening up lands for exploitation in the near future.

So as we know that mining – a lot of these materials are necessary for technology and for federal government, the president has even said that this is a matter of national security for some of these minerals, so we need to be cautious of what we allow in our backyards as far as what might happen. And we've already gone through that and we don't still understand the impacts of our water within our community that we still might be – no studies have been really done on the health of our communities on what the past mining has done.

So I just want to thank you and thank you over and over again for bringing this forward and helping protect a place that's special for so many of us so that we can continue to pass this on for future generations and ensuring the water quality is great from the top of the Pecos till it dumps into the Rio Grande. So thank you.

CHAIR HANSEN: Thank you very much and thank you for being here. I have also a very special relationship to the Pecos. I was on a retreat when 9/11 happened in the Pecos and I was so grateful to be in such a healing, safe place at that time when 9/11 happened. So the Pecos Valley holds – and the Pecos River holds a tremendous importance in my heart and so I was really happy when Garrett VeneKlasen and New Mexico Wild contacted us and asked us to bring this forward. So thank you once again, it is now therefore approved and we will be sending it to all of our representatives. Thank you very much.

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

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**4. CONSENT AGENDA**

- A. Resolution No. 2023-056, a Resolution Authorizing the Disposition of Fixed Assets Worth Less Than \$5,000 in Accordance with State Statute (Finance Division/Yvonne S. Herrera)**
- B. Resolution No. 2023-057, a Resolution Authorizing the Disposition of Fixed Assets Worth More Than \$5,000 in Accordance with State Statute (Finance Division/Yvonne S. Herrera)**
- C. Resolution No. 2023-058, a Resolution Authorizing the Disposition of Fixed Assets Worth More Than \$5,000 in Accordance with State Statute (Finance Division/Yvonne S. Herrera)**
- D. Request (1) Approval of the 8<sup>th</sup> Supplement to Addendum to Master Agreement No. 2016-0377-AO/BT for Licensed Software, Hardware and Services Between Santa Fe County and TRTA Gov, Inc., Increasing the Compensation to the Agreement by an Amount of \$119,077 for a Total Contract Sum of \$926,355.81, Inclusive of NMGRT, and Extending the Term of the Agreement to July 1, 2024, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Finance Division/Bill Taylor and Assessor's Office/Jennifer C. Romero)**
- E. Request (1) Approval of Amendment No. 4 to Agreement 2021-0113-FIN/CW Between Santa Fe County and CliftonLarsonAllen, LLP, Increasing the Compensation an Additional \$338,981.25, for a Total Contract Sum of \$706,956.60, Inclusive of NMGRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Orders (Purchasing Division/Bill Taylor and Finance Division/Yvonne S. Herrera and County Manager's Office/Cindy McKee)**
- F. Resolution No. 2023-059, a Resolution Delegating to the County Manager the Authority to Negotiate for Workers' Compensation Coverage for Fiscal Year 2024 and Execute Purchase Orders, Agreements, and Other Documents Necessary or Advisable to Effectuate Such Coverage (Human Resources and Risk Management Division/Melinda Jagles-Moquino) (Item Added)**

CHAIR HANSEN: Are there any items that need to be removed?

COMMISSIONER HAMILTON: No, Madam Chair. I move to approve the Consent Agenda.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay. We have a motion from Commissioner Hamilton and a second from Commissioner Hughes.

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

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

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**5. APPOINTMENTS/REAPPOINTMENTS**

None were presented.

**7. PRESENTATIONS**

**A. Presentation on Accessory Dwelling Units**  
*[Exhibit 1: Staff presentation]*

CHAIR HANSEN: Maybe we'll jump to presentations since I see that Penny is here in the audience. I'm wondering though, will we be able to get the presentation up on the screen. Yes. Matt says yes. So welcome, Penny Ellis-Green and we'll have the presentation on accessory dwelling unit.

PENNY ELLIS-GREEN (Growth Management Director): Madam Chair, does everyone have a copy, or can you see the presentation on BoardDocs? I did make copies.

CHAIR HANSEN: I think a copy may be great, although I do see that we have it online also, but I'll take your hard copy.

MS. ELLIS-GREEN: Thank you, Madam Chair. So we'll go ahead and hand those out. So this is a brief presentation in the existing accessory dwelling unit requirements of the SLDC. To start off, what I wanted to discuss a little bit what happened prior to the SLDC. So the 1996 Land Development Code, and all previous codes did not permit accessory dwelling units. Only primary dwelling units were permitted. The density for these codes was based on hydrologic studies that had estimated 100-year water availability in different areas of the county. So under the old code, we had a zoning map that was hydrologic boundaries.

So the basin was our area with more water, for example, than the homestead area, which was around Galisteo, that portion of the county, and that had a one unit per 160 acres. So the density was dependent on the hydrologic zone, established using one acre-foot of water. It also allowed a lot size reduction if water use was restricted to a quarter acre-foot, and that's why we have a lot of water restriction covenants in the county.

So the density was per dwelling unit, and that was based on whether or not we would have water available from wells throughout the county. So the number of homes allowed was based on that lot size in the hydrologic zoning area and that was based on 1970s countywide hydrologic data for a 100-year period.

We saw a lot of variances of density to allow second homes, mainly to allow family members to be able to live on the property. Maybe a parent that was ill, wanted their own space, but wanted to be close to parents, or a child that was an adult child needed somewhere to live.

Under the SLDC it was decided that accessory dwelling units were permitted by the code as a means for where people can provide separate and affordable housing for elderly, single-parent, multi-generational family situations. The SLDC permits the development of a small dwelling unit, separate and accessory to a principal dwelling unit. An accessory dwelling unit may also be an attached dwelling like an attached apartment or just an area separate in your home that has its own dwelling for it.

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Design standards were established to ensure that ADUs are located, designed and constructed in such a manner that to the maximum extent the appearance of the property is consistent with the zoning district in which the structure is located, and in addition to that, that the accessory dwelling would be incidental, subordinate to the primary dwelling.

So Section 10.4, Accessory dwelling units, states that they should be clearly incidental and subordinate to the use of the principal dwelling. Only one accessory dwelling is permitted per legal lot of record. The heated area of the accessory dwelling unit shall not exceed the lesser of either 50 percent of the heated floor area of the principal residence, or 1,400 square foot. The accessory dwelling unit shall be of the same architectural style and of the same exterior materials as the principal dwelling unit, and the accessory dwelling unit shall not exceed one story in height, may not exceed of the principal dwelling unit.

Additional standards: The accessory dwelling unit shall be accessed through the same driveway as the principal residence. Water and electricity for the accessory dwelling unit shall be shared with the principal residence. And liquid waste disposal shall be in common with the principal residence.

Going back, sorry, to the liquid waste. We did work with the Environment Department and saying that it's in common can also include two separate septic tanks if the leach fields then join. That would be a common septic system.

So ADUs in major subdivisions: Platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and studies, reports and assessments allow this to be accounted for. So the State Subdivision Act, and Section 5.7 of the SLDC requires the Board to make findings when they approve a subdivision. That includes water in quantity and quality to fulfill the maximum yearly needs, satisfactory means to provide liquid waste disposal, satisfactory roads, and satisfactory means to protect against flooding and erosion.

So what that will mean is you're making those findings, and that will be based on the number of dwelling units you have. So at the moment, we've only had several subdivisions that have come through that actually have anticipated having accessory dwelling units. Actually one that was approved just about a month ago, Rancho Cielo Grande, proposed actually two primary dwelling units. For that, their traffic analysis assumed two homes per lot. Their water budget assumed two homes per lot, so everything was assumed that every single lot would have two homes.

Some of the other areas that that's happened over the years is Las Campanas, for example. A lot of the lots in Las Campanas were permitted either a principal home and stables for horses, or they could choose a principal home and an accessory dwelling unit. Again, that was through their density allowances and their studies, reports and assessments for the whole subdivision.

So a major subdivision can propose ADUs so long as their studies account for that. Subdivisions in our designated growth area, so SDA-1, cannot propose ADUs as most lots are clustered and very small and therefore couldn't accommodate a second home. But for example, some of the ranch-size lots could come in and say we would like a primary house on this and an accessory dwelling unit. But again, the studies, reports and assessments need to address that.

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And the last slide is possible amendments that we're looking at. Possibly, we're looking at allowing the administrator to approve separate access or utilities based on site constraints. We have seen a number of variances requesting that. For an example, an arroyo goes through the property so the real buildable area for your accessory dwelling unit is the other side of an arroyo so you would have to use a different driveway, a different septic system. We are also working with CDD and a contractor to look at how accessory dwelling units may be able to be used for long-term rentals to assist in providing long-term rental and affordable housing.

And I stand for questions.

CHAIR HANSEN: Thank you, Penny. Questions. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Penny. This is – I think I was one of the people requesting this so thank you for putting it together and I just want to bring more support to the use of the ADU as a vehicle for our affordable housing gap. It has a few different – serves a few different purposes. The main one we've always talked about is the mother-in-law's residence and it's the multi-generational home, which is about as traditional as a homesteading vehicle for New Mexico as possible. So it is a traditional home typology. And I find that our single-family homes that we are more typically approving here are not made for New Mexicans as a product mix, so not targeted as well as they could be.

The other thing that helps with an ADU is for somebody that may not be able to afford a mortgage on a single-family home, the fact that they might have a rental unit on board gives them the opportunity to rent the house as an entrepreneurial experience through real estate to help pay their mortgage. And so it helps with affordability there. So multi-generational support for kids coming home or bringing their family closer together, then the entrepreneurial side of being able to make your home affordable.

And then lastly, it's a small business opportunity for folks to, even if they don't use it as a rental they can have a small business out of there – an art studio. It adds the separation of a real estate product for people to have that outside of their home but on their own property. It's an efficiency thing there.

So one of the things that I'd like to look at is one, really turning this into an inclusionary zoning sort of solution. Right? By incorporating a certain percentage of ADUs into the approvals of subdivisions might actually spread out instead of having to have large apartment complexes that are not so popular in Santa Fe right now. We might be able to do this by distributing one ADU or 25 percent of the lots in a development having an ADU developed, potentially at the time of development.

And I'm going to bring this up as a major point because we talk about the dig once policy and how that makes things much more affordable to put utilities in the ground. Well, here's the same theory to build once. And so we need to mobilize to build a thousand homes in a development in Rancho Viejo in SDA-1, and if we could create an incentive to have 100, or ten percent, or 15, even 25 percent of the homes in that area to have an ADU built at the time of construction, that we wouldn't have very expensive remobilization costs and construction – you'd be able to build these at the time of construction and save significant costs in building an ADU and providing some more rental housing for our community.

And it's also, really, it's a yes, in my backyard as opposed to a not in my

backyard. You're literally putting your money where your mouth is.

I'd like to explore incentives for this in the future. Incentives could be reducing the water calculation, potentially. If these are smaller homes and potentially have less water usage through – whether they need a full quarter acre or whether they're going to be able to split a quarter acre per lot just to get that to use that as an incentive. Also to streamline the potential – make it faster, easier and cheaper. And to explore the ability to give people incentives to do it at the time of development. And so future support and future action that I hope to bring here to the Board to incentivize this and hope you know that I have – I support anything you bring forward to incentivize the use of the ADU for our housing solutions. So thank you.

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

COMMISSIONER HUGHES: Thank you, Madam Chair, and I do agree that ADUs can be a help in the affordable housing arena. I also know that several of the homeowners associations in District 5 are very concerned about ADUs in terms of water use and overcrowding of streets and so it's something we have to look at carefully, and I think you already noted in the presentation that if we are already approving a very, very dense development then there's probably not room for ADUs. We've sort of like done that part by putting the houses really close together in some cases.

It will be interesting to see what would happen in a place like Eldorado, now that we are connected to the County water system. The lots are big enough and the real constraint there was water, but whether the homeowners association and the homeowners would want to entertain doing more ADUs – I know people do it anyway, and then when they get caught they have to take the kitchen out or whatever. But I think there's a lot to discuss in this and trying to make it work for – to actually improve our affordable housing is great. Thank you.

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

COMMISSIONER HAMILTON: Yes. What both of you said contain some really important points, and I really wanted to say that on the one hand – in Santa Fe County and most places there isn't a one size fits all. So I recognize and Penny and I have talked about this, that there are places where this might not work, where lot sizes are already small based on development. And places within Area 1 and outside of it, like places like Cañoncito and Glorieta and whatever, where this would really work. And so I really feel that more and more as we go forward, the things Commissioner Greene talked about are going to become more and more important.

But it is true, what you pointed out that existing developments do water studies and traffic studies based on how many houses they're going to develop. But there's some places where that's not the big issue. Like Cañoncito and Glorieta, and places where it is an issue. And I think we could deal with those things differently and we could at least explore the possibilities because there are ways to think about commitments to water conservation, commitments to installing mitigation futures that help with water infiltration that would help even in the Eldorado area to encourage aquifer recharge that would be of sufficient community benefit, to serve as another kind of incentive. But very directly, water conservation can do that.

So I just think this kind of thing is really, really worth pursuing in the near term to address some real quality of life and affordable housing issues. Thank you.

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

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair. Penny, Section 10.4, an accessory dwelling unit shall be accessed through the same driveway as the principal residence. That sounds pretty comprehensive, and I hope that I have seen at least one example where it plain-old doesn't make sense from a safety – the logic had been you need one address if safety vehicles show up. Where the ADUs, or whatever, other dwellings on the property, might be more safely and quicker accessed than going through some of these yards that we have in some of our areas that are gravel, and if you really were looking at accessing someone.

So I'm wondering if you can share with me what the logic is for that. The only thing I've heard is for safety access.

MS. ELLIS-GREEN: Commissioner Bustamante, no. When we first did that it was really to make the accessory dwelling unit as incidental to the primary dwelling unit. So it's kind of it's next to your primary dwelling unit. It's a smaller unit. It accesses the same utilities, the same driveway, and we don't have additional road cuts. In some examples though there may be existing additional road cuts. There may be terrain that does not work in order to share the two driveways. And so that is one of the amendments that we're looking at bringing forward in those instances of allowing – rather than asking for a variance, allowing the administrator to make those decisions.

And I would point to the fact that for things like a small business, an art studio, something like that, we also permit accessory structures that are not dwelling units. And under that section of the code it does allow that exemption to allow the administrator to look at the terrain and allow separate access, separate utilities. So we would be looking at whether or not it would work better for the accessory dwelling units to have that same exemption.

COMMISSIONER BUSTAMANTE: Thank you. My next question, with regard to permitting, for a dwelling that would be on a piece of property that pre-dated either the permitting requirement – it was before 1981 or 1986?

MS. ELLIS-GREEN: 1981.

COMMISSIONER BUSTAMANTE: 1981. If it predated that requirement. And then someone purchase it, or is someone purchased it and did not realize that the previous owner – so even if it was after 1981, what are the ramifications to the new landowner who may have purchased the property, it had the unit on there, and they found out it had never been permitted originally. What type of – if you can give me a picture of what the holdup is. And I'm trying to think of the extra burden on that homeowner who unbeknownst to them, they think they're going to go forward, and it's, well, this was never permitted. What types of support do we provide that homeowner?

MS. ELLIS-GREEN: So Madam Chair, Commissioner Bustamante, whenever we have that situation we will look back at all of our aerals. We have purchased aerals from 1978 and 1981, so we've got pretty comprehensive aerals, and we will see whether or not structures were there pre-code. If it's pre-code and it's showing two homes on a property, then we're going to recognize both of them. If we're



seeing that it's something that came on to the home with no permit, like five years ago, then we would ask someone to permit it now.

The gray area is prior to 1996. So 1996 we changes all of our logging procedures and our permitting procedures to make sure that we had detailed information on every single permit file. Before that, we weren't necessarily logging everything in correctly. So now we log in a rural address, a name, an agent name, and we can pretty much find most of the files. Before that, that wasn't so.

So again, we would take a look at the aerials and we would see when the structure was permitted and if it is in that gray area and it does meet our current requirements, or we would have issued a permit for it – for example, if you were in the basin in 1989, the basin hydrologic zone, and you had five acres, we know we would have issued you two permits. So those are the things that we look at. If we realize that it was constructed illegally, we will then help you through a process to make application for an accessory dwelling unit. Some of them unfortunately have been purchased or have been converted in a two-story, or don't have the same driveway, or are too large, and people have had to apply for variances for that. We've seen that come through a lot for the short-term rentals.

So we do have the first wave of applications coming in now to apply for variances. Again, by making a change to allow the administrator to approve the second driveway, the different septic system, may cancel out a lot of those. But some of them are full-size dwelling units that don't meet the requirement of an accessory dwelling unit. So we'll help someone go through the Hearing Officer and Planning Commission process. If they did get denied to the Planning Commission that is when the Board of County Commissioners would hear them on appeal.

And for short-term rentals, just to reiterate, we're still allowing people, they've got temporary licenses, and when they submit their application to go through a variance, so even if it takes four or five months for them to hit every single committee, they're still allowed to run their short-term rental and we're still issuing them temporary licenses. If they get an approval they would then get a permit for the accessory dwelling unit and then they'll get a permanent business license or business registration.

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair, Penny. One last question. Just to clarify, if a person has a property – so we do have some of these properties with much older structures. So if the structure is pre-code – and it's just clarification because you did say it and I'm just wanting to clarify it. If it's pre-code, and then it's going to be sold, so there's a more modern or current structure on that property and then it's going to be sold, the structure that was pre-code, it doesn't have to be permitted post-sale. It's just grandfathered in perpetuity.

MS. ELLIS-GREEN: Madam Chair, Commissioner Bustamante, yes. That's correct. In addition to that, if somebody bought it and it's an older structure, they can permit to get it – do additions to it, reroof it, make it structurally sound, whatever they need to do. It's still considered a dwelling unit.

COMMISSIONER BUSTAMANTE: Thank you very much, Madam Chair, Penny.

MS. ELLIS-GREEN: Thank you.

CHAIR HANSEN: Thank you, everyone. I have a few questions too. So

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one of the issues that we deal with in the traditional historic village is lot splits. So when people come in and they want a lot split, but they don't quite have the land to do the lot split, are we suggesting to them that maybe you can do an ADU, like this is an avenue for you. Because I think we need to be more pro-active in helping people come up with a solution. Like if the lot split doesn't work and they're frustrated and can't figure out, oh, what am I going to do now? I want my daughter to live next door to me, but she can't.

MS. ELLIS-GREEN: Madam Chair, Commissioners, absolutely. We do that all the time. So someone comes in, say they want to divide their land into two, but they've got three homes. So we'll look at the size of the homes and we'll work out how they can do that so one lot would have a main home and an accessory. And the other way is they're talking about having – creating a lot and maybe they don't have the acreage to divide the land, we do offer accessory dwelling units. So we have done that a lot through the platting process as well.

CHAIR HANSEN: Okay. I think that's an important mechanism because I know that people in the village sometimes have smaller lots, but large enough for an ADU. But not large enough to split.

MS. ELLIS-GREEN: Correct. So maybe someone has a ¾ acre lot. They've got their primary house. Their daughter needs somewhere to live. We will recommend to them that they do an accessory dwelling unit.

CHAIR HANSEN: Okay. That sounds great. Are there any other comments or questions from the Board on this issue? Commissioner Greene.

COMMISSIONER GREENE: Just as aside but related. When we talk about sustainability and keeping our money local, large apartment complexes are usually developed by out of state interests; accessory dwelling units as rental stock are usually owned by locals.

CHAIR HANSEN: Right. And since we support buy local, keep it local – we can come up with another slogan. I know we have many of the buy local slogans already. Any other questions here? I'm wondering, Manager Miller – I mean Manager Shaffer. I'm sorry.

MANAGER SHAFFER: It's okay. It's a new drinking game.

## **6. MISCELLANEOUS ACTION ITEMS**

### **A. Resolution No. 2023-060, a Resolution Requesting an Increase to the Utilities Enterprise Fund (505) in the Amount of \$750,000**

CHAIR HANSEN: Welcome, Yvonne Herrera and Public Works, Brian Snyder.

YVONNE HERRERA (Finance Director): Thank you, Madam Chair, Commissioners. Public Works is requesting an additional \$750,000 to lower an unknown waterline that was encountered in the northeast-southeast connector project. The County is expecting reimbursement from the City and is working on drafting an MOU. In the meantime we would be using Utility revenue for these costs. And with that, Madam Chair, we stand for any questions.

CHAIR HANSEN: Any questions from the Board? Where exactly was this waterline?

BRIAN SNYDER (Public Works Director): Madam Chair and Commissioners, the waterline is located along Richards Avenue, and it's in conflict with the road. So we're needing to move this forward so that we can lower the waterline so we don't hold up the road construction. It's in the vicinity of the Dinosaur Trail roundabout with Richards Avenue.

CHAIR HANSEN: Yet to be built.

MR. SNYDER: Correct. Where the roundabout is scheduled to be built at Dinosaur Trail and the intersection with Richards Avenue. That's the vicinity.

CHAIR HANSEN: Okay. Any other questions from the Board?  
Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you, Madam Chair. So is the moving of the waterline going to slow down the overall road project a lot?

MR. SNYDER: Madam Chair, Commissioner Hughes, no. That's the intent of us bringing this forward to you now so that we can have this money where it needs to be so that as we move forward we do not impede the progress of construction.

COMMISSIONER HUGHES: Thank you. In that case I move for approval of item 6. A.

CHAIR HANSEN: Is there a second?

COMMISSIONER GREENE: I'll second. I have one more question if I may.

CHAIR HANSEN: I know you have a question so go ahead.

COMMISSIONER GREENE: How is the City involved in this? Is this a City waterline?

MR. SNYDER: Madam Chair, Commissioner Greene, yes. So right in the same vicinity is – just north of this scheduled to be constructed roundabout is I-25. That's the boundary between the city and the county. The water system, the line of demarcation is the master meter, which also happens to be in the same corridor. So the area waterline that is in conflict is on the city side, the upstream side of the water meter.

COMMISSIONER GREENE: It's a County waterline.

MR. SNYDER: It's a City waterline. It's on the city side of the master meter, but it's in conflict with our project. So that's why we're moving this forward at the same time of working with the City on an MOA to reimburse us for the cost.

COMMISSIONER GREENE: Great.

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

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

**6. B. Request Approval of Amendment No. 5 to Collective Bargaining Agreement Between Santa Fe County and New Mexico Coalition of Public Safety Officers Representing the Santa Fe County Deputy Sheriffs**

CHAIR HANSEN: Welcome, Assistant County Attorney, Rachel Brown, and Human Resource and Risk Management Division, Sonya Quintana.

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SONYA QUINTANA (HR Director): Thank you. Rachel and I are here to request on behalf of the County approval of amendment #5 to the collective bargaining agreement between Santa Fe County and the New Mexico Coalition of Public Safety Officers representing the Santa Fe County Sheriff's Department.

To provide a little bit of history, the Board of County Commissioners of Santa Fe entered into a collective bargaining agreement with the union effective January 2020, and that was expected to expire on December 31, 2023. We have made previous amendments on four different occasions to the collective bargaining agreement and that included modifying specialty pay and provisions governing uniforms, increasing wages, and implementing temporary retention incentives, and adjusting the insurance premium contribution tiers, and implementing a referral bonus program. And we were working on starting to negotiate with the union in May.

However, in lieu of those negotiations and in order to ensure continued stability in neighbor relations for an additional year, and to promptly implement salary increases, to continue to strengthen recruitment and retention within the Sheriff's Office, we are asking your consideration of approval of amendment #5 to the CBA.

The amendment will increase wages by six percent, effective July 1, extend the term of the agreement for an additional year through December 31, 2024, and then the sick leave incentives where employees are now earning a day of annual leave if they don't utilize leave during a six-month period will cease. In lieu of that program we will offer a more flexible leave program that doesn't require them to use leave in half hour increments. They'll now be able to use it in increments of one minute or however it's used. We don't want to encourage staff to not call in when they're sick. If they're sick we want them to stay home and take care of themselves.

In addition, Section 8, Insurance, effective January 1, 2024, the insurance contribution tiers would be adjusted by six percent to ensure that the cost of living increase would not then be a factor in kicking the employee into a new tier for insurance contributions. With that we stand for questions.

CHAIR HANSEN: Questions from the Board? Seeing no questions, what's the pleasure of the Board?

COMMISSIONER GREENE: Move to approve.

COMMISSIONER HAMILTON: Second.

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

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

**6. C. Request Approval of Amendment No. 3 to Collective Bargaining Agreement Between Santa Fe County and the New Mexico Coalition of Public Safety Officers (Regional Emergency Communication Center – RECC)**

CHAIR HANSEN: Rachel Brown and Sonya Quintana and it looks like we have one other person coming up. Do you want to introduce yourself?

ROBERTO LUJAN (RECC Director): Sure. I'm RECC Director Roberto

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Lujan.

CHAIR HANSEN: Welcome, Roberto. Good to see you.

MS. QUINTANA: Thank you, Madam Chair, Commissioners. We're here to request your consideration today in approval of amendment #3 to the collective bargaining agreement between Santa Fe County and the Regional Emergency Communication Center, RECC. The contract was effective December 14, 2021 and remains in effective through October 31, 2025.

The current amendment that we're proposing is intended to address ongoing staffing challenges at the RECC through improved recruitment and retention, with the following modifications: an increase to the pay scale for bargaining unit employees through application of the six percent cost of living increase. Currently in the budget for FY 2024, coupled with existing budget which will re-allocate the pay scale through the elimination of five emergency communication specialist basic positions; implementation of a referral bonus program whereby bargaining unit employees can earn up to \$1,000 by referring people to vacancies at Santa Fe County and having those individuals remain employed at Santa Fe County for one year; eliminating the sick leave incentive program, which again discourages employees from utilizing sick leave when they really do need to stay home, and offering again that more flexible sick leave incentive which allows employees to use their sick leave in increments as needed versus what's in place right now, which is requiring them to use it in half-hour increments. With that I stand for questions.

CHAIR HANSEN: Questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you for being pro-active with this. I know the vacancies at the RECC are sometimes potentially high risk for us and we definitely need to fill those vacancies, so anything you can do to bring people up to an attractive pay scale is great. I like the referral program. I think that's good because there's nobody better to tell you that this is a great place to work than somebody that already works there. So that's a good incentive out there, so I appreciate taking those pro-active and innovative stands. Thanks.

CHAIR HANSEN: Thank you, Commissioner Greene. Anybody else? Comments?

COMMISSIONER HAMILTON: Madam Chair, first of all, I agree with those comments, really appreciate them and I'd move to approve.

COMMISSIONER GREENE: And I'll second.

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

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

CHAIR HANSEN: I want to thank Sonya and Rachel and Roberto for your hard work on this. This has been challenging I know and I'm happy to see that we have come to an agreement. So I'm grateful. Thank you very much.

MS. QUINTANA: Madam Chair, Commissioners, we thank you also for all of your support in all of these efforts.

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6. D. **Request (1) Approval of a Memorandum of Understanding Between Santa Fe County and the American Federation of State, County and Municipal Employees/Local 1782; and (2) Approval of Resolution No. 2023-061, a Resolution Governing Incentive Pay for Certain Employees in the County Assessor's Office who Obtain Appraiser Certificates and Comply with Continuing Education Requirements and Repealing Resolution 2015-153, a Resolution Governing Incentive Pay for Appraisers Employed in the County Assessor's Office who Obtain Appraiser Certificates and Comply with Continuing Education Requirements**

CHAIR HANSEN: County Assessor Isaiah Romero. Welcome.

ISAIAH ROMERO (County Assessor): Thank you. My expectation is you want me to comment on this, Madam Chair and Commissioners?

CHAIR HANSEN: It looks like it. It's up to you.

MR. ROMERO: Yes. We'll talk a little bit about this. This has been a journey that Ivan and I and the Assessors Affiliate have gone through throughout this whole year. So there are a few people I would like to thank and just let you all know the importance of this matter. The importance of this matter, for those who are within our office who want to continue to increase their understanding and their knowledge of appraisal and to have those – this is something that Ivan and I have said. This is something that was important to us as we grew within the office.

The people I'd like to thank for supporting the bill were Senator Bobby Gonzales, Representative Cynthia Borrego, Commissioner Bustamante, Commissioner Hughes, County Manager Greg Shaffer, Deputy Manager Leandro Cordova, HR Director Sonya Quintana, Finance Director Yvonne Herrera, Attorneys Rachel Brown and Enrique Romero, AFSCME 1782, and the New Mexico Assessors Affiliate, as well as Jennifer Romero within our office and Ivan Berry, the Deputy Assessor.

I guess I'll stand for any questions about this item.

CHAIR HANSEN: Do I have any questions from the Board?  
Commissioner Greene.

COMMISSIONER GREENE: More a comment than a question. Just congratulations for taking the steps to make your team better, right? This is a specialization training that makes people stickier to you. It's a retention and an elevation. It's a great way to people have a career ladder within your organization. So thank you very much.

MR. ROMERO: Agreed. Thank you, Commissioner Greene. Great point. Many officers within the Assessor's Office now are incentivized to take these classes and learn more about their field and about appraisal, which some people will say that appraisal's not all that sexy, I guess, field to where something they may have had a knowledge of prior to but once they come into our office and have experience that related to our office they're able to grow within our office.

CHAIR HANSEN: Any other questions?

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COMMISSIONER HUGHES: Madam Chair, I'll move for approval of the MOA with AFSCME Local 1782 and the accompanying resolution.

COMMISSIONER GREENE: And I'll second it.

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

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

CHAIR HANSEN: Congratulations. Good job. I think building career ladders for people is incredibly important. So thank you, Ivan. Thank you, Isaiah, both for being here and supporting this and working hard on it.

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

**6. E. Request Approval of Amendment No. 2 to Collective Bargaining Agreement Between Santa Fe County and the American Federation of State, County, and Municipal Employees (AFSCME), New Mexico Council 18, Local 1413**

CHAIR HANSEN: Rachel Brown and Sonya Quintana, welcome again.

MS. QUINTANA: Madam Chair, Commissioners, we're here to request approval of amendment #2 to the collective bargaining agreement between Santa Fe County and the American Federation of State, County and Municipal Employees, New Mexico Council 18, Local 1413, which is our Corrections Department. We are requesting this in an effort to further efforts to recruit for these positions and we are doing that through this additional amendment to the CBA which also increases pay.

The pay increases will be funded through the application of the six percent cost of living adjustment contained in the 2024 budget, combined with funds allocated for 13 detention officer positions which will be eliminated from the tool. This will leave 23 vacant detention officer positions to be filled at a much more competitive pay rate.

The amendment also includes the implementation of a referral bonus program, so that bargaining unit employees can earn up to \$1,000 for each individual who is employed for a year with the County as a result of the employee's referral. This amendment also ends the sick leave incentive for this bargaining unit so that employees can be encouraged to utilize sick leave when it's needed, and would also offer a more flexible incentive in utilizing sick leave in increments of a minute, versus having to use them in increments of half an hour.

And then finally, we are also requesting with this bargaining unit the adjustment of their insurance premiums to be reflective of the rest of the County's insurance premiums, which would be increasing their tiers by the six percent as well. With that I stand for questions.

CHAIR HANSEN: Are there any questions from the Board?

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Just a quick comment. I'm happy that we're able to offer the six percent pay increase to our employees and help them keep up

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with inflation and hopefully keep people happy and working here. Thank you for working on this.

CHAIR HANSEN: Yes. I think it's a good solution to reduce some of these positions so that we can increase the salary for others. I think it's a really good thing that we built the trailer to give employees at the Correction facility the ability to have a place to go and take a break and rest. I think that's really important for their well being and for a good working environment. So with that, what is the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair, move to approve.

COMMISSIONER GREENE: Second.

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

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

**7. B. Presentation of Countywide Climate Action Plan Phase I**

CHAIR HANSEN: Welcome, Jacqueline Beam and do we have somebody from ICLEI here, or is he online?

JACQUELINE BEAM (Sustainability): Yes, Madam Chair. We do have ICLEI consultants online, Jake Leech and Angelica Greco.

CHAIR HANSEN: Great. Fantastic. Thank you. And I guess we're getting handouts passed around. I was working and looking at this this morning and I was very happy to see this, so thank you for your hard work on this, but I look forward to the presentation, and the floor is yours.

MS. BEAM: Thank you so much, Madam Chair, Commissioners, and thank you for the opportunity to finally present this. It has really been an iterative process and it has taken about three years for us to get to this level and birth of this plan. Also available online for questions and discussion are the ICLEI consultants which assisted us as subject matter experts. Jake Leech and Angelica Greco are online.

The Climate Action Plan process was constructed over a period of time following best practice protocols as sustainability initiatives and needs unfold and local government standards for global, federal and state climate change impacts become apparent. Something we can all be proud of is that the County is somewhat of a forerunner in recognizing the need for formally acknowledging the need of a sustainability path with the creation of a Sustainability Division in 2017.

The planning greenhouse gas emissions inventories for both operations and countywide, as well as the creation of actual goals through programming has ramped up, especially in the last six years in order to meet the 2015 Paris Agreement goals approved by the BCC in 2017. The Countywide Climate Action Plan is a BCC approved strategic goal led by the Sustainability Division. Yet, this multi-disciplinary project requires and all hands on deck approach by all departments and county residents in order to be successfully implemented.

This Phase 1 plan was drafted in partnership with ICLEI consultants and members of the ICLEI network, a government focused organization recognized by the UN and US

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Department of State, they are subject matter experts in climate science and modeling. ICLEI provides a best practice roadmap detailing the concerns the County is facing due to climate change impacts, and the next steps recommended for resiliency in navigating the obstacles that we have begun to witness and experience in operations and throughout our community.

While I will be focusing on the highlights in this report, the detailed plan and appendices provide much more information and resource documents for your knowledge-gaining pleasure, and I believe there are upwards of 700 pages in all, so you can also use it as a workout, which I've been doing. Those resources are also from plans that have been done in other departments, Fire Departments, housing, and so we really try to take a holistic approach in this first phase of strategies.

So climate change and the effects on the County's ecosystems – some of the most alarming impacts of climate change are increasingly experienced in the precious ecosystems throughout the county. This area is unique in its geographic setting and topography and holds many ancient practices and cultural treasures dependent upon weather patterns and nature, yet these patterns are projected to become ever more concerning over the next few years, worsening in ways that we as a county will need to pro-actively plan for in order to continue providing the services the community relies on, and for the sustainable protection of these very treasures we rely upon for our very existence and quality of life.

And some of the most alarming are increasing aridity, drought and groundwater depletion. They're expecting it to be much more frequent, severe and long-lasting, and I'm sure you've heard that in all the climate reports, but this was specific to our region and our area. So five to seven degrees warmer over the next 50 years is what they're expecting, as well as extreme temperature events, so the days being 100 degrees or over will increase up to 50 days over the next century. Our precipitation variability is expected to increase, even though the annual precipitation is somewhat flat in its trending, it is expected that variability will change. And so we can look for more flooding events.

And then all of this is an accumulative effect, which means less moisture in our soil and more wildfires. The wildfire risk is really the most alarming with 99 percent of properties at risk in the county due to increasing vapor pressure deficit, which is basically the atmosphere – thirsty, draws up moisture from the soil.

The changing climate section of the plan reflects the modeling of the topics that I just mentioned and events that the county is expected to encounter in increasing severity over the next few decades with heat, drought and wildfire risks showing the most uptick in frequency.

And this just reiterates that wildfire is really one of the largest concerning risks that we're facing and the 50 percent reduction in moisture of our soil.

And so for planning for climate action and resiliency, one of the most important, I thought, paragraphs, in the entire report, is that it is imperative that the County consider its shifting hazard landscape in future planning efforts. In order to build resilience. The County will need to work with a strong, inclusive coalition of partners.

Based upon the 2019 greenhouse gas emissions inventory data the County on average is responsible for contributing approximately 1,864,100 metric tons of carbon to the atmosphere each year. The sectors, in order of emission contribution are:

transportation at 46 percent, the built environment at 42 percent, waste and recycling 4 percent, agriculture, forestry and other land uses, 4 percent, water and wastewater management 2 percent, and process and fugitive emissions and industrial energy at 2 percent.

Some of the factors that were involved in the projections and the modeling are a 9.8 percent expected increase in population, renewable increase – so as our grid becomes more renewable they believe that it will trend towards an 80 percent reduction in emissions, and fuel efficiency standards. So as we transition to more electric vehicles and the CAFÉ standards, which stands for Corporate Average Fuel Economy – as those increase those are actually in our favor. And so those are all factored into the projections.

Based upon best practices and the mitigation of greenhouse gas emissions there are three high impact actions that need to be taken by the County: a reduction of overall energy consumption, accelerating the adoption of renewable and non-emitting electricity production, and the replacement of the fuel-based building systems and transportation with electric-based systems. And that is based upon best practices.

Some of the higher level strategies for each sector in order of greenhouse gas emissions contribution levels include, for transportation, the promotion of electrical vehicles, increased EV charging infrastructure, electrification of the County fleet with a focus on high use vehicles, and reducing the per capital vehicle miles traveled through the county, as we know most of the transportation emissions are the result of commuters who are commuting in because they can't afford to live in our area.

In the built environment, some of the higher impact areas include through policy and incentives, increase density as well as energy efficiency, increase building electrification and provide educational programs for increasing solar, energy efficiency and nature-based solutions and landscaping, water harvesting, capturing stormwater – all of the above.

And then in solid waste, we are looking at the promotion and education, increasing that education around recycling, reuse of materials, and incentivize through SLDC updates for commercial and construction services. Right now we do not have commercial recycling incentives, so those are all areas that we can expand and grow.

Water and wastewater energy use – we want to promote and education more on water conservation, which also means capturing the water. We are getting enough water. We just need to learn how to capture it and store it for our own use.

And forest and non-forest tree coverage – we want to increase the quality and the amount of the natural area in Santa Fe following the 30X30 global initiative because that is an incredibly important carbon sink for us in our natural environments, and we know that nature does it best.

So some of the comparisons and what was uploaded on line is slightly different now. They redid the calculations so the numbers are slightly lower than what is before you, but we will do a final run based upon all the final recommendations and come back at a future date with the final product. But the middle column, if you can see it, reflects the comparison of medium efforts, and across the board, by 2030, we're expecting to be at about 58 percent reduction if we follow the medium. I know that this column shows 61.5 but it's a little bit lower than that.

And then by 2050, which is our Paris Agreement pledge, we should be at about 98

percent reduction. These are all just following medium effort strategies. So by all means, if we can do the higher level of efforts then we want to do that, but that's not always feasible with capacity or funding, and so it was encouraging to me to see that all of this is possible, even with medium efforts by 2050.

And then by doing so, we can see here on this lovely chart, the arc goes up instead of up, and we can meet our goals if we're following our strategies. As we are all affected by the impacts of climate change it's important to emphasize the duty we especially carry as a local government and also as individuals. We're all responsible for the mitigation of these impacts which result in physical infrastructure, ecosystem, as well as community health burdens and challenges. While there's no doubt preparing for these impacts require investments and prioritization of pro-active planning, the cost of not taking action now far outweighs the cost of adaptive measures put forth in the plan.

Some of the recommendations made and already a topic of conversation and discussion among staff and leadership are a dedicated energy manager to analyze, track, and recommend paths forward in both operational and countywide energy usage, as well as the creation of infrastructure focused cross-departmental team focused upon sustainability applications and design and planning for development services for the community from all the department and all the divisions. Increasing partnerships for the development of a holistic network of support and stewardship in areas of common concerns throughout the community.

And since climate change is already in motion, resiliency is a matter of extreme import. Some of the recommendations provided in the plan include resiliency hubs, increasing shade structures and pop-up cooling stations and looking toward micro-grid and dispatchable batteries for more effective and localized energy use. And we're also of course looking at those nature-based solutions. We conducted several workshops with organizations that are involved with open spaces, parks and trails, as well as community services, to really discuss where we can expand upon the services we're already providing. And finally, engaging in the departments of the County through leadership in this cross-departmental team

And the funding sources – we have quite a few funding sources, thankfully to this administration right now that we can look into. We're already applying for the CFI grant, which is the EV charging station infrastructure, which went out today. Yay. And thank you to Taylor Hohensee who led that charge, and we've also looked at the EECBG grants and we've submitted our letter of interest, so all of these things are already happening. It's just a matter of patching it together in a strategic way and finding the funding is one of the biggest challenges, but it's also writing the grants, right? Because that takes time, and getting the funding out the door.

So as you can see, we're far from done, and next steps require more collaboration, work plans, a timeline for each sector emission reduction goal, funding identification and the implementation of work plans across all departments. Planning is a waste of time if it is not implemented and put into action, which is why whenever and wherever we can the Sustainability Division works to this end in numerous current programs, and just recently, through the submittal of the EV infrastructure grant application.

There's always a risk of patching together the strategy. However, leading to a duplication of efforts and overspending as a result is something that we want to avoid. So

working together within all of our departments and our divisions so that we have the same goals in mind as we plan is something that I believe is one of the highest strategy efforts that will have the most impact.

There will be a Phase II plan needed and we will come forward for an official and formal approval of this plan once we work out any recommendations that come forth from the BCC as well as department leaders, but at this point our plan is complete, at least Phase I and I want to thank everyone who has had a hand in this and there have been quite a few hands, people that are no longer with our division, that are still with the County or have moved on elsewhere, and so many efforts have brought us to this 700+ page packet. And so with that I stand for any questions, as does ICLEI consultants online and I do encourage you to ask any questions of them because they really have had a lot of experience working in local governments and are the subject matter experts.

CHAIR HANSEN: Thank you so much, Jacqueline, for this wonderful presentation. I want to just take a moment to say I think that everyone on this Board recognizes the threat from wildfires, and one of the reasons why I think this Board in the past brought forward the resolution with the Forest Service was that we were looking for ways that alternative protection of the forest could happen. And I have to say that the townhall on Thursday was a good step in what the EIS was meant to provide, is an alternative to giving the Forest Service information about how they could protect our forest and things that they could do to protect our forest, and I think it was very successful. It was very good to have -- and Peggy Darr there showing the County plan of what we are doing to protect our open space and forest in a different way than the USDA is, and that showing them how we can reduce the risk of wildfire, and that we're not opposed to working in that way but wanting a more collaborative approach.

I think that Commissioner Hamilton and I who brought forward the resolution both agree with that direction. With that I will open it up for questions and I'm going to go to Commissioner Hamilton next.

COMMISSIONER HAMILTON: Thank you so much. Thank you. I think it was incredibly foresighted and really well conceived for you guys to have undertaken this. This is a fabulous thing to have done. From my experience with other communities -- mostly at a higher level, states and what not or maybe much larger municipalities doing caps, because it really provides strategic direction for us, and it also enables us to get funding to follow some of these things. I don't speed-read that well but I do lift weights sometimes, so I surely may have missed some things, but the things that I really spent some time looking through, really good information, a good job on capturing some of our biggest threats.

And then it might have been because of having caught some things and not others, I felt like there was more detail on what to do for greenhouse gases and things that -- everything that was in there was important, but some of the impacts that I thought were captured really well. Soil impacts. Water retention and water cycle process impacts that affect forest conditions, that increase wildfires, but they also effect flooding because they reduce infiltration and that sort of thing, are really critically important, because the greenhouse gases are something that have to be mitigated as a cause, but the others are things that we want to mitigate as adaptations to make the place livable in the long run, which is what you guys were getting at.

Really well done. I would have liked – I think, unless I missed stuff – you have a brief mention even in here in the presentation on water capture, but I felt like I would like to see more on water capture and soil restoration because both things are so closely interrelated. I have to say, I thought you guys were incredibly foresighted – there's got to be a better word, having picked the rain garden demonstration to do this year was such an important thing to do. It is such a valuable thing – that plus other kinds of soil restoration activities, which individuals can do in addition to the County as a whole. I was just so motivated by what you guys did and how that could be applied into really great benefit within Santa Fe County. And I guess I would like to see just a little more about that as some of the activities we could undertake, both in terms of helping our constituents, individuals implement them, and the County implement them.

So maybe it's just a matter of emphasis. A little more detail on the kinds of things and why it would be so valuable. So I guess I just wanted to get that on record. I would love to talk to you more about it. But I can't say enough. This is a really great thing you guys did for our ability to really continue to address these, and also I'm so glad to hear you mention the idea of your department and other departments working together because there's so much opportunity to do that in a way that really makes what we do real, like these things could be implemented in our open spaces. They could be utilized as incentives. And you've mentioned all of those things. That's something that we didn't grow into very quickly, but your department is really perceiving how sustainability can be integrated into what we do in a way that wasn't done before. I really commend you for it.

MS. BEAM: Thank you, Commissioner.

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

COMMISSIONER BUSTAMANTE: Thank you. And thank you for this good work. Two things. I appreciate very much that you said it's just a plan and a plan isn't – I'll just say my experience with these plans, both with the City and the County now for at least the last 30 years when there's a plan, it's a good reason to justify something. Yes, it's consistent with the plan. Or we can get funding because it's in the plan. And it works and it serves its purpose as a plan.

I'm really thinking that there's an opportunity here for a tool called strategic doing. It sounds like I'm joking, but I'm not. It comes out of the Agile Systems Lab at Purdue University. We just used that and we were able to acquire a \$6.4 million grant because of a strategic doing process that gets the parties to the table to make the commitments, because some of these things – not some of them, frankly. It's such a good job that so many of these things are – all right, who's doing this in the next month? What happens in the following month? It's a very clear and concise process for getting those things that need immediate action done.

The lead for strategic doing in the State of New Mexico is out of New Mexico State University. They have consultants in the state, but it really is about putting the commitment and the accountability right in the laps of those who can make it happen instead of a plan. We have lots of plans and shelves of plans, and until the plan is updated we reference it for those things we need to get done. A strategic doing initiative is literally about a document that hasn't yet gone to the shelf, and it's about the actions that

are in order.

As well, as I've spent quite a – this past week I got to do a whole lot with regard to sewage. It was the story of the day. A whole day of sewage. Started in the afternoon and then I wasn't done with all that crap until late at night, and I'm quite literal in that respect. But I have had a history with waste, with solid waste, of trash and recycling, and I'm happy to see the word "recycling" on a piece of paper because soon enough this piece of paper will end up in a recycling bin. But without a market and having been a former member of the National Association – the National Recycling Coalition, and the New Mexico Recycling Coalition, and that was largely in the early 2000, it's actually gotten worse with regard to the development of markets.

Recycling is nothing if there's no market forward. As one of my fellow Commissioners said – I'm paraphrasing – it's a no-go. It's a joke. It's something that makes my mom feel real good about putting something in that box over there, because it was a little lower, different color, and she recycles. But the truth is, if she didn't buy a product made out of those materials – and I'm saying something out loud knowing very well that you know this, but it has to be said again, if we're going to discuss recycling, is it about creating market in our county or in our region or in our state to make the collection of those commodities something other than trash.

That being said, upping the ante, we're all heard about reduce, reuse, recycle. Why do we see recycling and not the reuse opportunities? We're going to – some of these big opportunities for taking the clothing that comes out of all the set stuff – I've told maybe some of my Commissioners that I spent a good amount of money on an outfit because Ann Hathaway wore it, and the truth is it went to a good cause and it came off of a film set and everybody loved it, but it didn't go to trash. Right? So how do we increase that reuse opportunity, and if we're going to recycle, who do we create that capability?

I throw those out because that's a strategic doing opportunity. It's how do we create more pathways for recycling commodity instead of something ending up in a pit?

So as grateful as I am, I hope that those two things are helpful because they are powerful tools, and if I made them up I take all the credit in the world, but I didn't. I love using them. I love using strategic doing. I actually get to say things get done. It's Ed Morrison who was the creator of this at the national level, but it is out of Purdue. It's the Agile Systems Lab. I say that for your reference. And if there's anyone – if I can put you in touch with a person at NMSU who is the state lead on this effort, it really is about getting things done, and I'm sure that you have a lot of the details behind the plan and that there are a lot of things of this is what we would do in the event of – and how we would address this plan, and I say take it to the next level, put some firecrackers on its heels and then set them and make them go because then they'll get done with the strategic doing process. Thank you so much, sincerely, Jacqueline, for your good work in Sustainability.

CHAIR HANSEN: Thank you, Commissioner Bustamante. One of the things that the people online, ICLEI, who we have worked with for the last five, six years, since I have been on the Commission is really at the forefront of helping us with this climate action plan, and I want to recognize them for being online and being here and working with Jacqueline and the whole sustainability team, because even through so far I haven't heard any questions I'm hoping that maybe I'll get some from the other side of

the dais. They're really an important part of this movement to get municipalities and counties engaged in working on the climate action plan and the race to zero, and doing the things that we need to do to transition to a more sustainable world. So I just want them to know that I recognize that they're online and I'm going to go now to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I do have a question. So, we're already starting on some of the actions, and I know you reported on that, maybe it was about a year ago. But are there things – I know we're replacing lots of light bulbs all over the place and fixing dimmers as well. But are there any of the things that we had set out to do that you feel like are stalled or need our particular attention at this point? Because I know we have maybe some plans to electrify some buildings and I know that's a lot more complicated than changing light bulbs. If you could just comment on where we are where you might need the Commission's support pushing some things forward.

MS. BEAM: Sure, Madam Chair, Commissioner Hughes. I would say we've stalled a little on the Quill solar, which was part of our greenhouse gas emissions reduction plan. Everything else has been implemented. We are at 100 percent on our guaranteed utilities savings contract for our facilities, and so then we move to the next 20 buildings. Where we need to move forward in this plan, because this is countywide, is more around policy and working together in our divisions, so that when we're rolling out infrastructure or planning for infrastructure we're really thinking about climate change and the impacts and looking at everything in a much more holistic way. And incentivizing our residents to do their own work in collecting rain and electrifying their buildings and so all of that involves some policies and ordinances that will be coming down the line.

And yes, it's absolutely important to be actionable in what we can do right now, but those ordinances will broadly capture some changes that are needed overall.

COMMISSIONER HUGHES: Good. I think that's really good to hear. I'm glad to hear some ordinances will be coming forward and I know we have probably some examples from other communities that we can look to and see what's worked for them and what hasn't worked, as well as what would work for Santa Fe County. So good. That's all for me now, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Hughes. So that's where ICLEI can come in. They're a resource for us to help write these ordinances, to work on our race to zero. So I really am emphasizing how important they are. Jacqueline and I went to the City Summit of Americas Conference where we made a lot of connections with a lot of different entities and it's those places where you get the information that we can bring back here to work on the ordinances we need to do.

So with that, I'm going to Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Jacqueline. Seven hundred pages is a lot to go through and that's a lot of hard work. I hope that there are executive summaries and some cheat sheets that you can create for each of the divisions, right? Go, sort of do the work. You know this work product the best, so whether it's a cheat sheet for Public Works or one for Growth Management or for Community Development or wherever that you're able to pass those on and say, call me

if you have any questions, but here, post this over your desk and remember this every time you wake up or show up at work, and so on. That's how strategic doing, which is definitely where we need to go, makes it a little easier.

Question about the staffing you are recommending for an FTE – is that in next year's budget? Is that part of something that we have already put in there for next year?

MS. BEAM: Well, not to open a Pandora's box –

COMMISSIONER GREENE: Sorry.

MANAGER SHAFFER: No. It's fine. It was a request that came forward.

It was recommended that we continue to focus on existing needs and FTEs with a recommendation that we revisit it either at mid-year or next budget cycle, depending upon recurring resources. In the meantime, what was in the budget and what was approved by the Board was the software that will be utilized for such analysis of energy trends across the County so that we can begin to see the work and see what existing resources might be able to do with that tool, but also plan for what an actual full-time equivalent position would be doing on a full-time basis.

COMMISSIONER GREENE: Okay. Great. Thank you. Also, encouraging you to go get all this federal money and make it as easy as possible. Again, you know, this is your life, right? This is literally your passion, your life. You know this area better than any of us will, so going and being pro-active and bringing projects to Public Works or to the capital improvement plans and things like that, bring those to us, especially as we're getting ready to do this in another week.

If there are things that you see us able to program in and get it – again, if you don't plan it doesn't get done, right? So we need to know about these things and I appreciate your pushing those in front of us and making us aware of what's available. I would love to hear what the EV grant – but not today, but in two weeks, maybe it'd be great to hear what the plan was that we put in for the grant proposal. It would be wonderful to hear that.

And then sort of leading by example, the County should be out in front of the EV thing, and I love that you put in prioritize high use vehicles. I've heard a comment of, well, we can test this with a car that doesn't go anywhere. And I was like, no, that's exactly the wrong way to go about this. So maybe it's something that your office can do is to get people over the sort of range anxiety. You may become the expert internal to our organization that can teach all of these different divisions to get over it. We can use EVs for the Sheriff's Department. We can use EVs. Help people understand that they're going to love it once they get it and then just get them into how a pilot project for each new vehicle in each new division and each use case can be put forward for next year and you guys take some ownership for that. Of course they need to be convinced but you have that sort of arm-twisting ability.

And again, planting trees. Greening our community and making sure that our streetscapes are beautiful and green. When you see a picture of a streetscape and you see just a blank sort of desert or walls, you don't see a vibrant street that you want to walk on or even drive on. Trees are one of the greatest uses for calming traffic and cooling the streets. You put a tree every 60 feet. It reduces your speed significantly enough, and I forget the statistic but I can go find it. A tree every hundred feet slows you down something like 50 percent because you have a rhythm, or I think it's every 60 feet is



significant because you have a rhythm that makes you feel like you're going faster and you space your trees and it also cools and makes it nicer to walk around.

So anyway, I look forward to ways that you can teach all of us and bring those things forward. So anyway, thank you.

MS. BEAM: Thank you, Commissioner.

CHAIR HANSEN: Thank you, Commissioner Greene. I want to just remind you that we have our Coalition of Sustainable Communities annual meeting in August, so I hope you will have a presentation at that time. And then I also want to invite you to come to Coffee and Tea under the Trees, because if we are going to get this out into the community and get people also engaged in making a change in their lives, they need to know how, and that's kind of the strategic doing. And so the next Coffee and Tea is July 1<sup>st</sup> so I'm hoping that that will be able to work out for your department so that we can start advertising it and making sure that we have a good community to hear these issues and about the climate action plan, because I do regularly get emails about what are we doing about sustainability?

And so I want to thank ICLEI for being here online with you and I know Paul must have something to say.

MS. BEAM: Madam Chair, he was just reminding me to mention that we will be bringing this back for a formal adoption and next steps, which will involve a little bit more – not a lot more detail, because most of the detail will happen when we have our cross-departmental team selected and if that's the next steps that are being approved then that team will come together and work collaboratively to create work plans for each of the divisions and how they approach their programs and policies.

And if I may, Dr. Leech, if he could say a few words about that because he has been in a county environment and he has worked extensively with the CDT, or the cross-departmental teams, and so I think he might have something to say that would help to inspire us.

JAKE LEECH (via Webex): Good afternoon, Madam Chair. Good afternoon, Commissioners. My name is Jake Leech. I'm with ICLEI USA, and I previously worked for the Office of Resilience of Palm Beach County here in south Florida, which is where I'm based. The cross-departmental team was an initiative that we started in Palm Beach County in 2018 by the Strategic Management Team in the Office of Financial Management and Budget, OFMB. There were six strategic areas [inaudible] by County admin or elected officials for the County to focus on, specifically a de-siloing project. We felt that the different departments in the County weren't speaking to each other.

Of the six strategic priorities, infrastructure is one. The way that these work, once we had buy-in from the County admin and from our elected officials is that it was relatively high level meetings, regularly scheduled between everybody who was either directly or indirectly involved in infrastructure. I represented the Office of Resilience on that team. We also had the director of the water utility, the county engineer, director of traffic, airports, transit, parks, facilities, etc.

We were able to get a lot of resilience and sustainability initiatives accomplished. For example, in the State of Florida we have a state grant called resilient Florida grant that allows us to perform vulnerability assessments, and then perform implementation

based on those vulnerability assessments because we were working so closely and meeting regularly with the water utilities and engineering we were able to [inaudible] highlight areas where that funding could be applied to hardened wastewater infrastructure or roads.

We also did a lot of other stuff too. In one case water utilities and engineering realized that every time engineering laid any road water utilities would bring it up to put in a pipe. By working together on this team, with our GIS team, they were able to combine their five-year plans and prevent that. Now when water utilities wants to put in a pipe somewhere where engineering wants to put in a new road they work together to make sure that that project is integrated. So it's resilient savings but it's also savings across the board.

CHAIR HANSEN: Thank you, Dr. Leech for your time, and Angelica for being here. I think we will move on. Thank you so much. Really great presentation. We really appreciate it.

MS. BEAM: Thank you, Madam Chair, Commissioners.

## **8. MATTERS FROM THE COUNTY MANAGER**

### **A. Miscellaneous Updates**

MANAGER SHAFFER: Thank you, Madam Chair. First I wanted to bring to the Board's attention, backtracking a bit to item 6. A, that there was a typographical error in the resolution itself. On the expenditure side it erroneously stated that the expenditure was for a previous project, an agreement to purchase water rights. That's being corrected by the Finance Division to accurately track what was in the narrative section of the BAR, which is namely the line description is the northeast-southeast connector waterline. So I did want to bring that correction to your attention. I defer to the County Attorney if we need to go back and do anything formal to correct that typographical error, but otherwise, pending different direction from Jeff we'll just correct that before the Chair signs it.

CHAIR HANSEN: So we're good with what happened?

JEFF YOUNG (County Attorney): Yes, Madam Chair. We'll make that correction.

CHAIR HANSEN: Okay. Thank you.

MANAGER SHAFFER: In terms of other miscellaneous updates, Madam Chair and Commissioners, we are starting to plan for our strategic planning summit to be held on Thursday and Friday, September 28<sup>th</sup> and 29<sup>th</sup>, if you could please just check your calendars and confirm your availability. If that poses any conflicts please let Cindy McKee and Sara Smith know. Details on that strategic summit will be forthcoming in the near future.

I also did want to update the Board and the public that per the Board's direction at the last BCC meeting, I did extend by letter an invitation to the City of Santa Fe to have staff present at today's meeting concerning the Paseo Real wastewater treatment plant. In response to that invitation I did receive from the City Manager a presentation that was given by City staff to the Public Utilities Subcommittee of the City Council as well as the video link to the meeting at which the presentation was given, and an invitation for a staff

level meeting and discussion concerning the wastewater treatment plant. My letter, the presentation and the video link were uploaded to BoardDocs under Matters from the County Manager, Miscellaneous Updates so that the public would have access to them. In addition, I did want to alert the Board and the public to the fact that the City's Public Utilities Director, John Dupuis, will be attending the La Cienega Valley Association Water Planning Subcommittee at the La Cienega Community Center this Thursday, June 15<sup>th</sup> at 6:30 pm to discuss wastewater treatment plant issues.

In addition to Mr. Dupuis, our own interim County Utilities Director, Michelle Hunter, will be present at that meeting and Michelle is working with John to ensure that both our Utilities Department as well as the La Cienega Valley Association Water Planning Subcommittee are alerted to lab testing results in real time so that both our Utilities Department and the La Cienega Valley Association Water Planning Subcommittee are receiving copies of email reports that are submitted to NMED and EPA concerning the water quality at the wastewater treatment plant. So I did want to update the Board on those efforts, that I was directed to undertake at the last meeting. And that's all I have in terms of miscellaneous updates. Thank you, Madam Chair and Commissioners.

CHAIR HANSEN: Thank you. I think that Commissioner Bustamante and myself feel very strongly that a presentation at the BCC is still something that is requested for the record. So maybe we need to figure out a way to make that happen. Commissioner Bustamante, if you want to say anything about that before I go to Commissioner Greene.

COMMISSIONER BUSTAMANTE: Madam Chair, Manager Shaffer, I agree. I think it's important for us to have information on the record to the County Commission. It isn't an exaggeration to say that it's been 50 years running in basic dialogue and different types of – I'll say remediative factors, things that are going to make it better in time. We have a very clear issue with violation of the NPDES permit and I think we want to do what we can to put things on the record in the interest of the protection of the community south of the wastewater treatment plant. So I appreciate whatever we can get by way of direct communication to the County Commission for this purpose. Thank you.

CHAIR HANSEN: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair and thank you, Greg, for putting that letter out and providing us a link to the video. I don't know if you all watched the video but I did and a 30-minute presentation didn't provide that much information if you did see it or if you haven't. But it did provide a kernel of impending issues. The main bit of information was that based on their assessment, the City's wastewater treatment plant, 70 percent of the facility is past its lifecycle. And so it's getting close to a major capital project for the City to do this. So we should be prepared for that. We should provide whatever we can in support, however we do that because we are down-streamers. So our constituents are there and whatever we can do to work regionally might be of mutual benefit. So thank you.

I would love to see something on the record and also to ask our experts, right? Because we're not wastewater people, I don't think. And having Michelle as our expert to sort of provide us with the right questions for this presentation would definitely allow us

to dig in and ask the harder questions. Obviously when I watched the City Council get their presentation they asked some decent questions but they didn't really know the questions that the down-streamers might have and they were more interested of the – oh, 70 percent is past its lifecycle. That's a real issue. That's good, but some of these real environmental issues need to be asked as a part of this as well. Thank you.

CHAIR HANSEN: Comments from anyone else? Commissioner Hamilton.

COMMISSIONER HAMILTON: I just have to agree that it would be really good to have a presentation to us directly because I found the presentation – I read through the presentation fairly carefully. I did not get to watch the video yet, but I found the presentation relatively uninformative and not useful for what I was looking for.

CHAIR HANSEN: Agreed. So thank you, Manager Shaffer, for the update.

**9. MATTERS OF PUBLIC CONCERN (cont. page 42)**

CHAIR HANSEN: Is there anybody in the audience who has matters of public concern? Okay, Daniel, do we have anybody on line who would like to speak under Matters of Public Concern?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, we did have three people that pre-registered to speak during Matters of Public Concern. I do see one of them online. Mr. William Mee.

CHAIR HANSEN: Okay. Mr. Mee.

WILLIAM MEE (via Webex): Chairperson Hansen and Commissioners, I wanted to address the over \$500 million elephant in the room, and this is the over \$500 million in City of Santa Fe infrastructure repairs that have accrued since approximately 2017. In 2018, the McHard Report was completed and the City halted all investments in infrastructure because of the reported growing deficit they were facing. In 2019 Public Works Director Martina Wheeler wrote an article for a local government infrastructure magazine stating that the deficit for roads was just over \$150 million and there was a plan to address the backlog.

In 2021 the City did the first bond issue in Webber's term for \$6.3 million in road improvements. There has been nothing done since then. An email from Mayor Alan Webber in September 2022 said the City backlog in road infrastructure improvements was over \$250 million. This email has been since scrubbed from his Facebook account. The deficit is now more than \$260 million without the cost of the West Alameda project. It is estimated by a former road engineer that the deficit increases some \$10,000 a day.

Roads like to be on a maintenance schedule and if you hit them with some crack sealing every three to five years then they'll only need a milling and an overlay every ten years. If you fail to do anything then the road fails because the annual freeze-thaw cycles, and then you will need a total reconstruction. Something that used to cost \$3 million a mile is now \$6 million a mile.

The City had typically done a \$30 million bond issue every two to four years. To address \$260 million at \$30 million would take 8.67 bond cycles, or possibly up to 34 years, assuming that the audit situation is corrected. The water system is reporting a \$30

million deficit in infrastructure improvements in 2020, and this is before all of the weekly leaks and failures of the water pressure regulating stations, and this is before the \$25 million return flow pipeline to the Rio Grande. Wastewater reported \$130 million deficit in infrastructure improvements in 2018. This is before the recent *e. coli* releases.

A recent fix suggested by City Utilities Manager John Dupuis is \$150 million, scaled back in staggered fix. The airport is a \$24 million project. The over 60 City-owned buildings are requiring at least \$25 million in repairs. Parks & Rec has a \$5 million repair wish list.

So what I just gave you actually totals to \$704 million. There are no figures for the Fire and Police Departments except the old \$30 million for the Meadows fire station, which would also serve as a police substation. We know in the 2012 UNM Bureau of Business and Economic Research study, the newly 17 annexed areas were going to cost more in service expenditures than the revenue they could generate. No bottom line figure was ever given but subsequent news reports said it was an over \$100 million figure. I think we might need to haul out this old study and update those figures, but it's a very dire situation for the City and just really shows total mismanagement. Thank you.

CHAIR HANSEN: Thank you, Mr. Mee. Daniel, is there anyone else online?

MR. FRESQUEZ: Madam Chair, I am not seeing the other two pre-registers online.

CHAIR HANSEN: Okay. If they do come online I will open the Public Concern again because they did pre-registered. So in a little while we'll see what we can do.

COMMISSIONER BUSTAMANTE: Madam Chair, I do see at least one resident from La Cienega who said they would be here for the public comment. They just walked in the room.

CHAIR HANSEN: Oh, okay. Is there anyone here to make public comment in the room? I asked once before and nobody raised their hand, of things that are not on the agenda. Okay. Do you want to speak, Mr. Romero? Okay.

#### **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 Greene.

COMMISSIONER GREENE: Thank you. I'll lead this off. Thank you, Madam Chair. First off, I want send my respect out to the families and fans of Cormac McCarthy, a great resident of Santa Fe who passed away today in Santa Fe. A great storyteller, as dark as it may have been in many of his stories, he did shed a light on a lot of different communities in society. And so our best wishes to his family and condolences to everybody involved.

On the good news side of things, I want to announce the grand reopening of the El Rancho Senior Center on Thursday, June 29<sup>th</sup>. It's been closed for probably, definitely a

few weeks. Maybe it's actually gotten to a few months because of staffing, and so my understanding is that staffing is now in place. There will be an inaugural barbecue and lunch provided on Thursday, the 29<sup>th</sup> from 10:00 to 2:00. Come on out and look around at the El Rancho Center. There's a pretty loyal following out there so we'll get the news out to all of them and I hope some of you can join us out there.

I've been working on broadband as you will hear me talk about all the time. I met with the State of New Mexico, OBEA, Office of Broadband Expansion and Accessibility to look at different projects and different ways that we can expand broadband in Santa Fe. We will be coming to all of you to discuss different projects in your districts and some ideas that we may have. There are potential – we hope good news coming by the end of the month for some major federal funding and hopefully by maybe the next meeting or at least two meetings from now we'll be able to celebrate something about that.

And working specifically on a project to lay conduit alongside of the Aamodt build-out in the Pojoaque Valley. So we'll be convening a working group for that. And then we got a great response from the City of Santa Fe to convene a working group on broadband with the City, the school district, the County, potentially participating in a sort of city/regional area of broadband and they responded very enthusiastically and very promptly, which was a nice thing to see.

Lastly, I've been working with just keeping an eye on the Vista del Rio project that I've mentioned in the past up in Española. It looks like the City of Española is mobilizing to purchase this and to make sure that the people, the families that are in that project are not displaced. And so Santa Fe County has stepped up to help a little bit, just in guidance and we were able to get Anchorum to pay for Project Moxie to give them technical assistance. It's progressing in the right direction. So good for us.

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

COMMISSIONER HUGHES: Yes, thank you, Madam Chair. Just a couple things. Last week Commissioner Bustamante and I got to participate in a planning event for the Thornton Ranch open space which crosses over our two Commission districts, and I got to attend both days. Commissioner Bustamante unfortunately still has to work for a living so she didn't get to come to the whole thing. And if you missed – well, you came to a lot of good stuff but the whole thing was really good. I was so impressed with the participation of the Native American tribes. We had San Felipe, Cochiti, Pojoaque, for the whole time and a few others, and even some representatives from the Kiowa Tribe from Oklahoma, who came all the way over to talk about Thornton Ranch. And you wouldn't have thought that this was such an important area but it's an undisturbed part of the county where there are lots of cultural sites. They're passionate about preserving as much as we can of that culture while we open it up for education and recreation purposes, was really inspiring and I think their faith in us, their willingness to work with us was really good. And so I would think that – and I talked to Manager Shaffer about this – I think at some point it would be great to have the pueblos make a presentation to the whole Commission about this area and how they would like to co-manage it with us. So that was really interesting.

Just a couple other things, June 22<sup>nd</sup> will be my next townhall. It's also Gabe Bustos' first day as my liaison, so he gets a trial by fire with my constituents. You may

have seen in the newspaper an article about the Regional Transit District's plans to buy electric buses. I'm our representative on the Regional Transit District and I think it's really exciting how quickly we're trying to move forward to purchase electric buses so that not only will riding the bus be the right thing from a public transportation standpoint but it will be a zero emission option as well.

And finally, I would just like to suggest that at one of our future meetings we get a report on the short-term rental licensing stuff. I guess we – I think June 1<sup>st</sup> was the deadline, right? So at whatever point that it makes sense that we have data on the short-term rentals we should probably get a presentation, which I'm sure someone else has thought of that too, but I wanted to mention that because I was thinking about it earlier. And that's it for me, Madam Chair.

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

COMMISSIONER HAMILTON: Thank you, Madam Chair. I wanted to invite everybody to join me next Wednesday night at the Lensic. There's going to be a special showing of a documentary called *Elemental, Reimagine Wildfire*. This seems hugely timely to me. We were just talking about it earlier with respect to our climate action plan. It's something that I think everybody in the county – I know how important and what a special concern this is to the people in my district. I was asked to moderate a question and answer session that's going to follow the presentation of this film. There's going to be some local and national experts who are going to participate in a panel discussion with questions fielded from the audience. This is supposed to be an incredibly visual film and also very well researched and insightful about what happens with wildfire and what some alternatives are. It was directed by Trip Jennings, who many people know. It was co-produced by Sarah Quinn and the executive producer Ralph Bloemers. I figured it will be an incredible opportunity to see a somewhat different take on what can be done with wildfire and I'm very pleased to be involved with this activity.

CHAIR HANSEN: That sounds great. So it's at the Lensic. What time does it start?

COMMISSIONER HAMILTON: Wednesday at 6:30.

CHAIR HANSEN: Okay. Wednesday at 6:30.

COMMISSIONER HAMILTON: Yes.

CHAIR HANSEN: Okay. Next we'll go to Commissioner Bustamante. I want to wish you a belated happy birthday that was last Thursday. [light banter]

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair. I have to reiterate, regretfully, that the City offered to direct, and we did discuss this briefly earlier, opted to provide information to the County Manager and not attend and be prepared to provide any amount of information to us in response to the County Manager's letter regarding the wastewater treatment plant on Paseo Real. I do know that there are community members who are very concerned and knew they would not be able to make a statement until after public comment today so if there is still someone who may come on the line, I do understand that they had prepared to do that.

That being said, I'm grateful that we have the support of the Commission in the interest of hearing about what the City will be doing with regard to that, because I do truly and sincerely believe in my heart that this is one of those areas that the City and the

County can work together in addressing, and collaboratively. If there is anything I can say about the County staff and the City staff is that people are committed to their jobs, committed to working together and committed to doing a better job for our citizenry. So for that, I think all I can say is that I have absolute gratitude.

I do also want to extend my regrets for not being able to be at the second day of the Thornton Ranch event planning dialogue. It was absolutely precious to sit with those tribal members who showed up. And what I appreciated – I would say most – but I would say in contrast to conversations that I have with other communities in some places was a direct conversation about the importance to future generations based on what past generations have done. I can only speak from – and I apologize if this is off-putting for anyone, but from a place of spirit that absolutely acknowledges that the ways of our ancestors can be a guide for the ways to ensure that future generations have what they need.

And in the week prior to that day I had been, as I mentioned earlier, flying around, looking at sewer treatment facilities and then looking at the outhouses in Madrid and everything was about – and I don't need to say the word – but nothing was – everything was more about the moment. And when I made a comment about future generations and surface water use, in the room with a group of people with nothing disparaging, but I had a bunch of blank stares about why are we talking about future generations when we're talking about using the surface water for this purpose. And I thought, well, because you don't want to commit surface water to toilets if you're going to be needing it, if you're going to grow food. It just seems like an understandable conversation. I say this in the interest of putting forward yet again of what we do, the decisions we make and the impacts that they may have on future generations.

So when we were at the Thornton Ranch meeting, to have deeply committed importance and reflection on not the management of the land, but to have that acknowledgement of the management of the people who will be on that land. The land manages itself. What does it take to have the people who come on be respectful of what is on that land. And that's a different conversation. That's a conversation about a value that we have in trying to continue to move the needle on the values that we have that will have us protect more and not try to engineer our way out of problems that we create all unto ourselves because of values we may not be exercising in the moment.

So I say that it was a very precious week in that interest. And then I do want to absolutely thank wholeheartedly Commissioners Hamilton and Hansen for the conversation that we had with the forest managers, and in this case I would say that it is the land management, that it is the Forestry Service. With all due respect to the Forestry Service, in their management of what they understand and how they may have been trained, historically on the management. So I appreciate what Commissioner Hamilton has said about other ways to manage undergrowth and things that will be causing fires in the future, that it doesn't always mean prescribed burn, and it became very evident to me in that meeting and just observing on no other day but my birthday. Yes, that is for the record, for future reference.

But I was sitting at that meeting and listening to the people who spoke in that meeting who absolutely – we have a community of really smart, well exercised – in other words, they have spent years learning issues of soil quality, land management, terrain –



all of these, and the conversation was such that the bureaucracy at the table was having a hard time receiving some of the wisdom in the room. And I don't say that lightly. I rarely throw out the word wisdom in the room, but it became very apparent that it was a very important conversation, and it is the type of thing that will make Santa Fe still – or keep Santa Fe a place where maybe we think a little differently in how we approach things and hopefully will not have some of those otherwise huge issues such as – it's just embarrassing to have had some – and I'm sorry to use that term all the time in this room – but to have someone say something like a prescribed burn – not ordinance, but the law that says you won't do this. The State of New Mexico is a state law; it doesn't apply to federal agencies when we know that that was part of what happened just over the hill here. So it was really incredible. Thank you very much for that conversation. Very important. Thank you very much.

CHAIR HANSEN: Thank you, Commissioner Bustamante. Yes, the townhall that we held with the US Forest Service on Thursday, over 110 people participated. Many had presentations about ways to work with the Forest Service to understand the different aspects of it, how important it is to continue to have a canopy and to make sure that we retain the soil moisture, which is a really important aspect of fire management. That is what is drying out is our soils and that is one of the reasons why wildfires get so hot because there is no water left in the forest. Also, one speaker spoke about how to protect the soil and the microbes and to keep the microbes in the soil.

So it was as Commissioner Bustamante said, a room full of wisdom and I was honored to moderate the panel and be able to bring everybody together. This is not the only time this will happen. We made clear with the Forest Service that we wanted this to be an ongoing conversation and with the new Forest Supervisor, Sean Sanchez, I believe that it will be.

And with that, I have my next Coffee and Tea July 1<sup>st</sup> under the trees at ReUnity Resources and that's it.

## **9. MATTERS OF PUBLIC CONCERN (cont.)**

CHAIR HANSEN: I'm going to go back briefly to Matters of Public Concern. We have a woman who signed up, Andrea La Cruz-Crawford, if we could please have her on line for two to three minutes, Matters of Public Concern, I would appreciate it. Thank you, Daniel.

ANDREA LA CRUZ-CRAWFORD (via Webex): Hello. My name is Andrea La Cruz-Crawford. Greetings, Madam Chair, Commissioner Bustamante. I wanted to thank you for having me here and allowing me to speak today. I'm speaking on two issues, as quickly as I can. But first of all I want to just express my – I'm the president of the La Cienega Valley Association. I represent about 255 people who are active members of the organization in La Cienega and La Cieneguilla and we have provided a letter as well to the County Commission ahead of this meeting with regard to fire response. We are also going to be speaking in support of the letter the County wrote to the City Attorney with regard to the wastewater treatment plan. We ask the County keep applying pressure to the City to fix existing issues with the illegal releases of *e. coli* into our community from the Paseo Real facility, as well as to fix the issues those illegal

releases have had on our community over the past 50 to 60 years that it's been in existence.

Without going into that further I'll leave that for another meeting but I hope that the County will keep applying pressure on the City to do something about that facility. It's been way too long and we've been – it's not good enough for somebody to put on a field to golf on but it's fine to release it into our river and into our community. That's the position we feel the City has taken with regard to these releases and it's untenable.

The second issue I'm speaking on is the need for emergency response personnel and also equipment and vehicles to support emergency response in the communities of La Cienega and La Cieneguilla. I spoke earlier today with Chief Jacob Black, the Fire Chief, and he – or someone from the Fire Department may also be on the line. He did mention to me that there was a resolution adopted in 2022, that was Resolution 2022-087, which did address some issues with staffing over the next five years for volunteer fire department, but mentioned that that resolution didn't address the need for a full-time expansion of our local fire response.

I don't want to read the letter verbatim. I will mention that I put the wrong title on my letter, but it's about the Fire Department and essentially, the main issue we have is that as expansion of the county occurs in terms of population growth, the need for emergency response grows as well. And right now, we only have four full-time firefighters that are serving the area from south of the county line all the way down to Sandoval County. And we are really in need of additional personnel, vehicles and equipment in the event that there's more than one emergency that happens at the same time.

So with that said, I don't know if there are any questions with regard to this or if there will be an opportunity for questions, but if there are I'll yield the remainder of my time for that. Otherwise, I can continue with some of the items in the letter.

CHAIR HANSEN: So thank you. Your time is up. Thank you for submitting the letter and we will take it under advisement. So thank you very much. Thank you, Daniel.

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

None were brought forward.

**11. MATTERS FROM THE COUNTY ATTORNEY**

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

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**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. Pending and Threatened Litigation Concerning the Petition Requesting the Board of County Commissioners of Santa Fe County, New Mexico to Adopt an Ordinance Declaring “Area 1B” to be Part of the Traditional Historic Community of Agua Fria**
- 2. *The City of Santa Fe v. The County of Santa Fe*, First Judicial District Court (No. D-101-CV-2023-00921)**
- 3. Performance Evaluation of the County Manager; and (4) Breach of Settlement Agreement and Related Agreements Related to Annexation**

CHAIR HANSEN: Next we will go on to Matters from the County Attorney. I want to let everybody in the audience know that we had difficulties earlier on today with BoardDocs and so we got started late, and we apologize for that, but we are going into executive session, and we will be as brief as possible. County Attorney Young, please.

MR. YOUNG: Thank you, Madam Chair and Commissioners. I would ask we go into executive session to discuss two particular items, limited personnel matters, as allowed by Section 10-15-1(H)(2) NMSA 1978, and 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 specifically including pending and threatened litigation concerning the petition requesting the Board of County Commissioners to adopt an ordinance declaring Area 1B to be part of the Traditional Historic Community of Agua Fria; *The City of Santa Fe v. The County of Santa Fe* in the First Judicial District Court, No. D-101-CV-2023-00921; the performance evaluation of the County Manager; and a breach of settlement agreement and related agreements related to annexation.

CHAIR HANSEN: Can I have a motion?

COMMISSIONER HUGHES: Madam Chair, I make a motion that we go into executive session to discuss those items just listed for us by Attorney Young.

COMMISSIONER HAMILTON: Second.

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

**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

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Commissioner Hansen

Aye

[The Commission met in executive session from 5:17 to 6:22.]

11. B. Potential Consideration and Action on Settlement Agreement Between the City of Santa Fe and Santa Fe County **WITHDRAWN**

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

COMMISSIONER HAMILTON: Madam Chair, I'd like to move we come out of executive session, noting that the only things we discussed in executive session were those that the attorney read us into to go into the session and no decisions were made.

COMMISSIONER GREENE: And I will second that. Thank you.

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

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

12. **PUBLIC HEARINGS**

- A. **CASE # 23-5100 H.S.S. Inc., Transfer of Ownership of Inter-Local Dispenser Liquor License. Kathleen O'Brien, the Successor/Sole Share Owner of H.S.S. Inc., Applicant, Adela Duran, Agent, Request Approval of a Transfer of Ownership of an Inter-Local Dispenser Liquor License (License No. 2570) with on Premises Consumption Only with Patio Service. The Site is Located at 96 B Old Las Vegas Highway (Harry's Roadhouse). The Property is Zoned Commercial General within Section 7, Township 16 North, Range 10 East (Commission District 4)**

CHAIR HANSEN: Welcome, Jose.

JOSE LARRAÑAGA (Building & Development Review Supervisor ): Kathleen O'Brien, the successor/sole share owner of H.S.S. Inc., applicant, Adela Duran, agent, request approval of a transfer of ownership of an inter-local dispenser liquor license with on-premises consumption only with patio service. The license is in use at 96 B Old Las Vegas Highway. The property is zoned commercial general within Section 7, Township 16 North, Range 10 East, Commission District 4.

Peyton Young and Harry Shapiro are the current owners of Inter-Local Dispenser Liquor License No. 2570. Kathleen O'Brien the successor/sole share owner of H.S.S., Inc. is requesting a transfer of ownership of Inter-Local Dispenser Liquor License No. 2570, with on-premises consumption only with patio service. The property is located at 96 B Old Las Vegas Hwy. Harry's Roadhouse is in possession of a current Santa Fe County Business License.

The zoning for this property is established by Ordinance No. 2016-9, the

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Sustainable Land Development Code. The site is zoned as Commercial General. Appendix B, Use Table, illustrates the uses allowed within the above-mentioned zoning district, subject to all other applicable standards of the SLDC.

The SLDC, Appendix B, Use Table, allows bars, taverns, and night clubs as permitted use's within the Commercial General Sub-district.

The State Alcoholic Beverage Control Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. The Liquor Control Act requires the Local Option District to conduct a public hearing on the request to grant a Transfer of Ownership of Inter-Local Dispenser Liquor License No. 2570 at this location at this location. In accordance with the Liquor Control Act, the BCC may disapprove the transfer of the license if the location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico; the issuance would be in violation of a zoning or other ordinance; or the transfer would be detrimental to the public health, safety or morals of the residents of the local option district.

Growth Management staff reviewed this request for compliance with pertinent Code requirements and finds the following facts to support this submittal: the SLDC, Appendix B, Use Table, allows bars, taverns, and night clubs as Permitted Uses within the Commercial General Sub-district; the Applicant has met the State of New Mexico requirements for noticing; the site is 2.2 miles from the nearest church and 6.2 miles from the nearest school.

Staff recommendation is for approval of the transfer of ownership of Inter-Local Dispenser Liquor License No. 2570, with on-Premises Consumption only with Patio Service, to be located at 96 B Old Las Vegas Hwy.

Madam Chair, I stand for any questions.

CHAIR HANSEN: Are there any questions from the Board?  
Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you. Just in what I see, 6.2 miles from the nearest school, I know that that's not true, and so I went on Google Maps and double-checked my math and what the maps say. And I've got a school that every recently existed next door, the Desert Academy, although I think it is not operating or maybe it has closed in the last year or two, but it's a traditional academic campus. And an active school, the Waldorf School, is a little less than two miles away. While this wouldn't preclude this, it just sort of calls to question, is anybody checking people's math when it comes to things like this. And so I would hope that we'd be checking a little better.

MR. LARRAÑAGA: Madam Chair, Commissioner Greene, those measurements came from the application from the Alcoholic Beverage Control Division. The Land Development Code does not limit or have a distance from schools or churches for a liquor license.

COMMISSIONER GREENE: I think it came from the applicant, but maybe somebody should be checking and maybe ABC is not checking quite as diligently as they need to, but that's just my point. So anyway, thank you very much for the presentation.

CHAIR HANSEN: I see the applicant standing. Do you have something

you wish to say? And would you please introduce yourself and do we need to swear her in?

[Duly sworn, Adela Duran testified as follows:]

ADELA DURAN: Good evening, Madam Chair and Commissioners. My name is Adela Duran. My address is 141 East Palace Avenue, and I realize that I am under oath. Thank you again, Madam Chair, members of the Commission. So Adela Duran, serving as agent for Ms. Kathleen O'Brien who is the applicant requesting your approval for the transfer of ownership of the liquor license. And I stood because I just wanted to address the question by Commissioner Greene so the person that actually lists the closest school and the closest church is the posting agent who works for the Department of Corrections. And so generally the applicant will put what she believes to be the closest school and the closest church and then the agent from the Department of Corrections who does the posting for the transfer of ownership for the liquor license confirms that information.

So I believe that what was put on the application was submitted by the applicant but also confirmed by the officer with the Department of Corrections.

CHAIR HANSEN: Okay. Thank you, Adela Duran. Commissioner Greene.

COMMISSIONER GREENE: Thank you for the presentation and I love the location but I just wanted for us to know that sometimes the math isn't working.

CHAIR HANSEN: Right. Appreciate that. Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. First of all, I think the Desert Academy has not been functioning as a school for quite a while. It was also built after Harry's Roadhouse had long had a license. I think being in my district, frankly, this is a long-standing establishment that does tremendous business and is very appreciated in the district. The reason for this is just a transfer of operational ownership makes complete sense to me. So I'd actually like to make a motion to approve this.

CHAIR HANSEN: Go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: I move that we approve this application.

COMMISSIONER GREENE: And I will second it.

CHAIR HANSEN: I want to go to Jose and make sure – do you have anything else.

COMMISSIONER HAMILTON: Oh, do we have to do a public hearing?  
Sorry.

CHAIR HANSEN: Yes. I think you're a little ahead.

COMMISSIONER HAMILTON: I am. My bad.

CHAIR HANSEN: So dismiss all that. I want to go back to Jose and I'll open it up for public hearing. Correct?

MR. LARRAÑAGA: Madam Chair, that's correct.

CHAIR HANSEN: So is there anybody from the public who wishes to speak about this matter of the transfer of ownership of the liquor license? Seeing none, I will close public hearing and then we will go back to a motion.

COMMISSIONER HAMILTON: So now I'd like to make a motion to approve.

CHAIR HANSEN: Okay.

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COMMISSIONER GREENE: And I'll second.

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

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

**13. CONSIDERATION AND POTENTIAL ACTION ON ORDINANCE**

- A. Ordinance No. 2023-03, an Ordinance Amending Ordinance Nos. 1996-16, 2004-1, 2006-12, and 2008-18 by Revising the Boundary of the Village of Agua Fria Traditional Historic Community and Declaring a Portion of "Area 1B" to be Included Within the Village of Agua Fria Traditional Historic Community (Final Action Postponed After Conclusion of Public Hearing on May 30, 2023)**  
*[Exhibit 3: Amendment of the Agua Fria Traditional Historic Community Boundary, dated 6/12/23]*

CHAIR HANSEN: I'm going to turn it over to our County Attorney, Jeff Young.

MR. YOUNG: Thank you, Madam Chair. As you know, action on the proposed ordinance regarding Area 1 was postponed after conclusion of the public hearing on May 30<sup>th</sup>. At the May 30<sup>th</sup> hearing, we had certain landowners of undeveloped areas of Area 1B put forth a proposal whereby the undeveloped land within Area 1B would largely be excluded from the Village of Agua Fria Traditional Historic Community and remain within the so-called presumptive city limits. Also at the May 30<sup>th</sup> hearing the Board directed County staff to develop a map that would effectuate the so-called carve-out proposal and notify landowners in the proposed carve-out and solicit their preferences as between within the presumptive city limits or becoming a part of the Village of Agua Fria Traditional Historic Community.

We did send notification letters out overnight mail on Thursday, June 1<sup>st</sup>, to those landowners. The letters asked the carve-out landowners to notify the County of their preference by 5:00 pm on Friday, June 9<sup>th</sup>, and a majority of those carve-out landowners did respond with a preference, which I can address a little bit later. County staff did revise a proposed ordinance and map attached thereto to reflect the proceedings before the Board on the proposed ordinance, effectuate the proposed carve-out, and include findings based upon the Board's comments and Commissioner comments at the May 30<sup>th</sup> meeting, as well as address interim zoning of the parcels to be included within the Village of Agua Fria Traditional Historic Community.

We do have a copy of the ordinance and map and I think Rachel is at that back. If anyone would like a copy of that here in the chambers we're happy to hand you a copy of that proposed ordinance and the attached map as Exhibit A.

A few specific items to note relative to that proposed ordinance. The proposed ordinance would formally adopt the supplemental petitions and signatures filed with the County Clerk on April 15<sup>th</sup> and May 1<sup>st</sup> for consideration. The proposed ordinance generally describes the areas included within the Village of Agua Fria Traditional Historic Community with reference to parcel numbers. We did that to be as specific as

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possible when describing those areas. The proposed ordinance describes the boundaries with reasonable particularity based upon the boundaries of flood zones, which we thought would be important to note, particularly with respect to the land bridge, described the parcel and village boundaries, as I mentioned, by parcel numbers, and the proposed ordinance reflects a default zoning of agricultural ranching for areas included in the Village of Agua Fria Traditional Historic Community, but does recognize the comprehensive zoning for those areas, including road standards, will need to be undertaken.

CHAIR HANSEN: Jeff, Penny, could you please give a map to each of the Commissioners because we don't have that map at the moment.

MR. YOUNG: Madam Chair, I would also note that there is a larger map at the entrance of the chambers showing those properties as well if you'd like a closer look on that.

So as a practical matter, when we're talking about zoning, the designation Ag-ranch does not seemingly impact existing owners within the areas to be included in the village. Due to what we would say in legal parlance, the vested rights doctrine, which does protect property owners who received approvals from prior zoning ordinances and took sufficient steps to have those rights vest based upon those approvals, and the fact the County recognizes legal lots of record that do not meet current minimum lot sizes which some of those parcels in the proposed area would not meet that.

You also find in your packet material a supplemental memo and chart that summarizes the preferences with respect to each parcel number based upon the responses we received as of Friday, June 9, 2023, and as mentioned, the majority of landowners expressed a preference, I think to be within a carve-out, remain in the presumptive city limits. There were properties that did express preferences to be the Village of Agua Fria Traditional Historic Community. I noted four landowners and four parcels there, so the map was updated to reflect those preferences. And there were a fair number, I think four landowners and ten parcels who did not respond. And so by not responding the default was that they would be included within the carve-out.

We did have one owner express interest who was in the carve-out area but also had a parcel that was to be included in the village, that owner expressed preference to have both of those parcels included in the carve-out area. So the map reflects that as well.

So Madam Chair, unless there's any questions that all I have. Thank you.

CHAIR HANSEN: Thank you, Mr. Young. Is there questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you to all of us for taking the time and staff for preparing this. Jeff, for guiding us on the legal ins and outs of something as complicated and as already judicious as has already come before us. Thank you to all of you, because you've sort of preserved a bit of democracy here. It's not perfect, but it is a solution. Folks on both sides of the line here that are in the room have worked sometimes passionately and sometimes a little less than professionally, but at the end of the day we came to a pretty workable solution, I think.

The City, parts of the City do not feel that this is a great solution, but they also addressed it and said we want to work together with you and so I invite them to work together to figure out how we can work this carve-out and traditional historic community

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together. And so I'm excited for this to be over. I'm excited for us to move on and plan this properly I think the folks in this neighborhood deserve, this, both with West Alameda and with the property around it, and with their own properties. It's been neglected and some of the – the City and the County is not the best in claiming maybe this is an opportunity for us to dig into this area comprehensively with architects, and urban designers, and landscape people, and civil engineers, to make sure this gets addressed really properly.

So I hope you all do that in good faith once this is decide today. Anyway, thank you for bringing this forward.

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

COMMISSIONER HUGHES: Yes, thank you, Madam Chair. I just want to say that I think this has been a long and a little bit of a hard process. I really want to thank the residents for their persistence and for, as Commissioner Greene said, exercising democracy. I think that it's been apparent what direction most people who live in this area wanted to go and I don't think we could ignore that, no matter what the City might have wanted otherwise, and so I think that it's totally appropriate that we're expanding the boundary of the Village of Agua Fria.

I'm also glad that we were able to come to a compromise that does allow affordable housing to go forward on those parcels that are appropriate for affordable housing, and I think that, speaking for myself and I think for all of us up here a little bit we are committed to making that work. And so Homewise and other landowners, I hope you will work with us as much as you need to. Hopefully, the City will go ahead and annex this and do what they need to do, but I know there'll be parts that we need to help with. And likewise, I'm glad that we will be helping plan whatever is left to be planned in the area that's being taken over by the traditional historic community, so I look forward to seeing that process go forward as well with a lot of input from the residents of the community.

So I think it's a good compromise. I know some people would have wanted us to wait and further consider, but I think people have waited a long time for this to happen and we should probably just move ahead, make this happen, and then we move on from there. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Hughes.

COMMISSIONER BUSTAMANTE: Madam Chair, thank you for this opportunity. I'd like to say that this is clearly – we said at previous meetings, the community has a right to petition under this law. They have to meet specific requirements. I think it's been made clear that those requirements have been met, so I would like to propose the approval of amending Ordinance Nos. 1996-16, 2004-1, 2006-12, and 208-18 by revising the boundary of the Village of Agua Fria Traditional Historic Community and declaring a portion of Area 1B to be included within the Village of Agua Fria Traditional Historic Community.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay. Under discussion. I want to thank everybody. As responsible elected officials, it is our job to represent our community and our constituents. It is also our job to compromise. That is what democracy is about, especially

these days, is figuring out how to find the compromise that is going to work for the most people. I think that we have made that effort. It is not what I would have wanted. I would have liked to have seen all of Area 1B become part of the village, but I also believe that compromise and respecting landowners is really important also. And so therefore this is the best of all the worlds that we could do at this moment. I feel like many of these residents have waited over 14 years, ten years, five years, for this to be finalized, and I'm grateful that I could fulfill one of my campaign promises to my constituents, because that is something that I take very seriously. I think all of us up here do. When we say something to our constituents we mean it, and we are trying to work hard to fulfill that.'

It is clear to me that this is part of the traditional historic village. The residents proved that 100 percent and maybe more than 100 percent. It doesn't say it has to be a traditional Hispanic village. All it says is it has to be a traditional historic village. That piece of property has many pueblo sites on it, Hispanic sites on it. It is a representation of what New Mexico is. We are a Spanish/Native culture that is the heart and soul of what New Mexico is. Those of us who might be Anglos, we didn't come here until the 1880s. I didn't come here until 50 years ago, so I am honored to be part of this land and I said to somebody on the phone, for the love of New Mexico and for the love of the land, protect our heritage. And that is what I believe we are doing here tonight.

So with that I am going to call and ask for a roll call vote. Thank you.

**The motion to approve Ordinance No. 2023-03 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: This ordinance has been passed unanimously. I am extraordinarily grateful to everyone for being here. I want to also recognize that Mike Loftin apologized to me at the last meeting. I want to publicly let him know that I accept his apology. I look forward to continuing to work with you on different projects throughout our time here in Santa Fe, and I look forward to working with all of you as my continued constituents and all the good work that we can do for you and your entrance into the Agua Fria Village. This is just the beginning. There's going to be more work to be done. So thank you very, very much.

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**14. CONCLUDING BUSINESS**

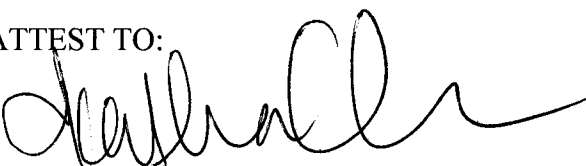
- A. Announcements**
- B. Adjournment**

Upon motion by Commissioner Greene and second by Commissioner Hamilton, and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 6:50 p.m.

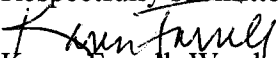
Approved by:

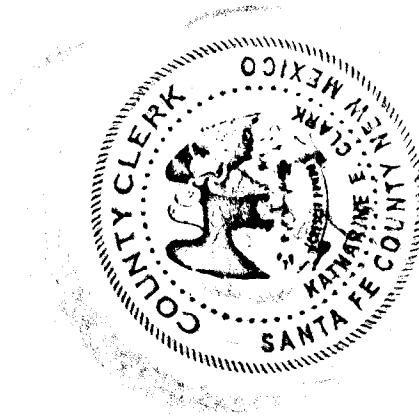
  
Anna Hansen, Chair  
Board of County Commissioners

ATTEST TO:

  
KATHARINE E. CLARK  
SANTA FE COUNTY CLERK

Respectfully submitted:

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



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# Accessory Dwelling Units SLDC

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## Prior to SLDC

- The 1996 Land Development Code and previous codes did not permit Accessory Dwelling Units.
- Density for these Code was based upon hydrologic studies that estimated 100 year water availability in the different area of the County.
- Density was dependent on the hydrologic zone and established for use of 1AF of water with a lot size reduction if water use was restricted to 0.25AF.
- The number of homes allowed was based on the lot size and the hydrologic area.
- Variances of density to allow a second home to house a family member were being requested.



## SLDC

ADUs were permitted by the SLDC as a means by which persons can provide separate and affordable housing for elderly, single-parent, and multi-generational family situations.

The SLDC permits the development of a small dwelling unit separate and accessory to a principal residence. An ADU may also be an attached dwelling like an attached apartment.

SFC6

Design standards were established to ensure that ADUs are located, designed, and constructed in such a manner that, to the maximum extent feasible, the appearance of the property is consistent with the zoning district in which the structure is located.



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Slide 3

**SFC6**    Made minor, non-substantive revisions.  
             Santa Fe County, 6/5/2023



# ADU Regulations

## Section 10.4. ACCESSORY DWELLING UNITS.

- Accessory dwelling units shall be clearly incidental and subordinate to the use of the principal dwelling.
- Only one accessory dwelling unit shall be permitted per legal lot of record.
- The heated area of the accessory dwelling unit shall not exceed the lesser of: (a) fifty percent (50%) of the heated floor area of the principal residence; or (b) 1,400 square feet.
- The accessory dwelling unit shall be of the same architectural style and of the same exterior materials as the principal dwelling.
- The accessory dwelling shall not exceed one story in height and may not exceed the height of the principal dwelling unit.



# ADU Regulations, Cont.

## **Section 10.4 (cont)**

An accessory dwelling shall be accessed through the same driveway as the principal residence.

Water and electricity for the accessory dwelling unit shall be shared with the principal residence.

Liquid waste disposal shall be in common with the principal residence.



## ADUs and Major Subdivisions

- Platted major subdivisions shall only be permitted to have an accessory dwelling unit if their approval and reports and SRAs allowed and accounted for this.
- The State Subdivision Act and Section 5.7 of the SLDC requires the Board of County Commissioners to make findings that the Subdivision can provide:
  - Water in quantity and quality to fulfill maximum yearly needs; <sup>SFC4</sup>
  - Satisfactory means to provide for liquid waste disposal;
  - Satisfactory roads; and
  - Satisfactory means to protect against flooding and erosion.



**Slide 6**

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**SFC4**    Added semicolons and "and" after second to last bullet.  
Santa Fe County, 6/5/2023

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## ADUs and Major Subdivisions, Cont.

A major subdivision can propose ADUs so long as their studies account (traffic, water supply, liquid waste, etc.) for them.

Subdivisions in our designated growth area, SDA-1, tend not to propose ADUs as most lots are clustered and very small and cannot accommodate a second home.



# Possible Amendments

## Possible text amendments being considered;

- Allow the Administrator to approve separate access or utilities based on site constraints.
- Working with CDD and a contractor to look at how ADUs may be able to be used as long term rentals to assist in providing long term rentals.

## Questions?



# Climate Action Plan

Phase I



Sustainability Division

EXHIBIT

2

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# Background & Purpose

2013: Resolution #2013-7-Lead by example

2017: Resolution #2017-68-Aligning the County with the 2015 Paris Agreement goals

2020: Resolution#2020-93-Support of 30x30 global initiative

2022: Race to Zero Pledge and Operational Greenhouse Gas Emissions Reduction Plan

2023: Countywide Climate Action Plan—ICLEI, Local Governments for Sustainability

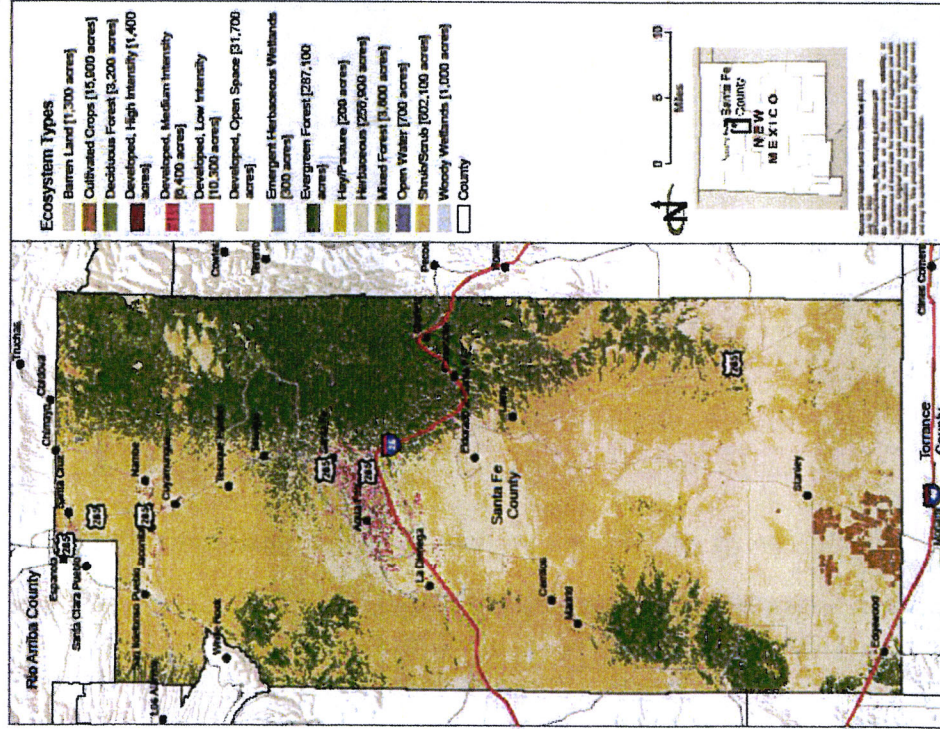
WHY?

Map the most effective and impactful route to zero greenhouse gas emissions countywide by 2050



# Climate Change in Santa Fe County and Ecosystems

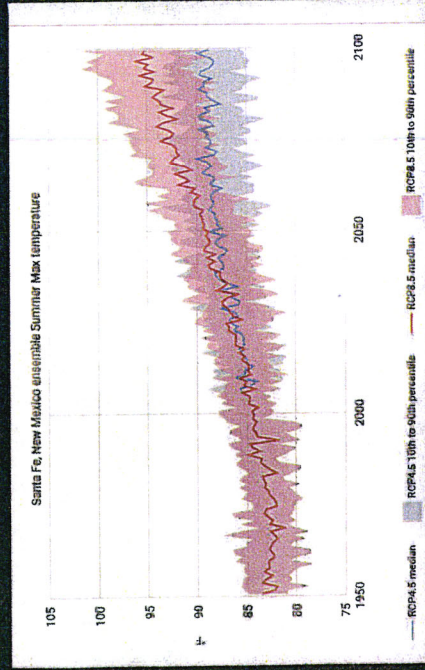
- Increasing Aridity, Drought and Groundwater Depletion: More Frequent, Severe and Long Lasting
- 5-7° F Warmer Over Next 50 Years
- Extreme Temperature Events Over 100° F Increase 8-50 Days Over Next Century
- Precipitation Variability is Expected to Increase--Annual Projections Reflect a Flat Trend. Yet, Increased Flooding Events are Likely
- Wildfires More Frequent and Intense: 99% of Properties at Risk in County due to Increasing Vapor Pressure Deficit



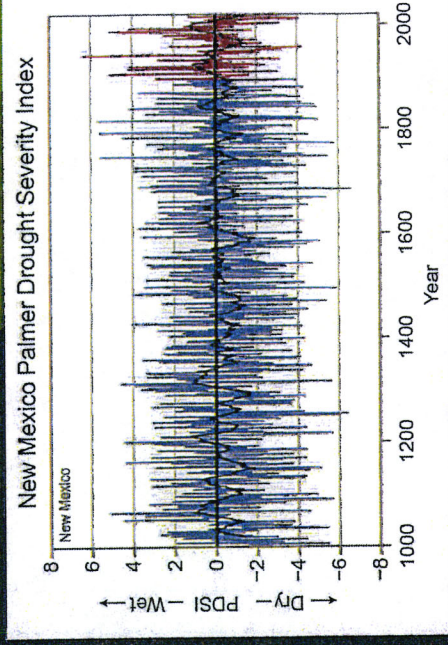


# Climate Models and Projections

## Heat



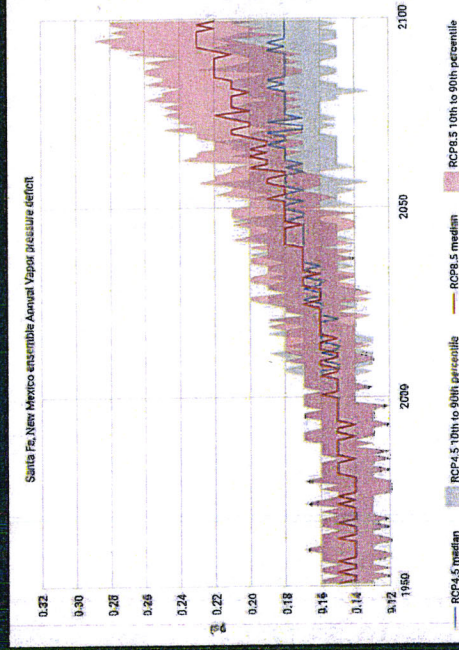
## Drought



## Floods

Asset Type	Level of Risk	Number of Assets at Risk
Residential	Minor	3,732 out of 58,293 properties
Roads	Moderate	1,145 out of 5,123 miles of roads
Commercial	Moderate	543 out of 4,771 properties
Critical Infrastructure	Minor	3 out of 68 facilities
Social Facilities	Minor	77 out of 467 facilities

## Wildfire Risk







## Local Summary: Climate Related Hazards

- Rising Temperatures: Hotter Summers and Extreme Heat Events
- Unpredictable Precipitation Patterns: Flooding
- Drought and Water Availability

# •Wildfire



## Planning for Climate Action & Resiliency

“It is imperative that the County consider its shifting hazard landscape in future planning efforts. In order to build resilience the County will need to work with a strong, inclusive coalition of partners.”

Santa Fe County Climate Action Plan-Phase I



# Climate Action Plan Components

GHG Emissions Inventory Based Upon 2019 Data: Total of 1,864,100 Metric Tons of Carbon Dioxide in Emissions Reported in the Following Sectors, in Order of Highest Contribution:

- Transportation-(46%)
- Buildings: Commercial and Residential-(42%)
- Waste and Recycling-(4%)
- Agriculture, Forestry, and other Land Uses (4%)
- Water and Wastewater Management-(2%)
- Process & Fugitive Emissions/Industrial Energy (2%)



## Factors Impacting the Projections

- 9.8% Increase in Population
- Renewable Energy Increase—Leading to 80% Reduction in Emissions Associated with Grid Electricity
- Fuel Efficiency Standards (CAFE Standards) Expected to Increase



## Recommended Three Best Practice Actions

- 1) Reduce Overall Energy Consumption
- 2) Accelerate Adoption of Renewable and Non-Emitting Electricity Production for the Grid
- 3) Replace Fuel-Based Building Systems and Transportation with Electric-Based Systems



# Recommendations by Sector

## Transportation:

- Promote electrical vehicles
- Increase EV charging infrastructure throughout County
- Electrify County fleet—focus upon high-use vehicles
- Reduce per-capita vehicle miles traveled through increasing/improving bicycle lanes
- Support policy for lowering tailpipe emissions

## Built Environment:

- Increase residential, commercial, and industrial building efficiency—weatherization programs
- Energy savings educational outreach
- Increase building electrification—incentive programs and SLDC
- Support incentive programs for increasing residential (community solar) and commercial solar



# Recommendations by Sector Cont.

## Solid Waste

- Promotion and education on recycling and reuse of materials-residential/commercial incentive programs-SLDC updates for commercial/construction services

## Water and Wastewater Energy Use

- Promotion and education on water conservation and solarizing wastewater treatment facilities

## Forest and Non-Forest Tree Coverage

- Increase quality and amount of natural area in Santa Fe following 30x30 Global Initiative



# Comparison of Low, Medium and High Effort Strategies: 2030

Table 5: Projected 2030 emissions reductions due to low, medium, and high-effort implementation of strategies (MTCO2e)

Sector	Low	Medium	High
Transportation	718,227	429,136	245,450
Residential Energy	271,274	168,263	22,601
Commercial Energy	172,537	120,586	60,846
Industrial Energy	1,997	1,786	1,595
Solid Waste	160,808	133,226	111,688
Water and Wastewater	12,993	12,611	12,266
Land Use	-222,253	-232,669	-232,669
Process and Fugitive	11,652	11,625	11,625
<b>Total</b>	<b>1,127,235</b>	<b>644,591</b>	<b>233,429</b>
<b>Percent reduction from 2019</b>	<b>32.6</b>	<b>61.5</b>	<b>86.0</b>



# Comparison of Low, Medium and High Effort Strategies: 2050

Table 6: Projected 2050 emissions reductions due to low, medium, and high-effort implementation of strategies (MTCO2e)

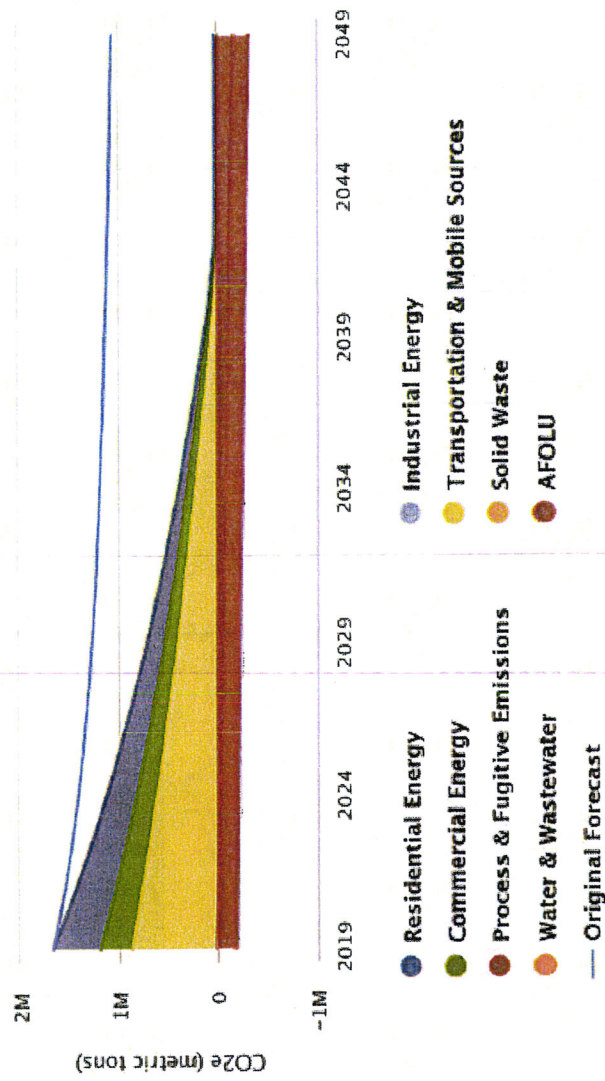
Sector	Low	Medium	High
Transportation	542,904	139,965	81,311
Residential Energy	215,909	42,528	25,726
Commercial Energy	135,722	12,014	5,755
Industrial Energy	113	83	61
Solid Waste	173,418	121,330	104,242
Water and Wastewater	10,244	10,190	10,150
Land Use	-285,654	-323,570	-323,570
Process and Fugitive	13,685	13,685	13,685
Total	806,341	13,225	-82,620
Percent reduction from 2019	51.8	99.2	104.9



# Results of Medium-Effort Strategies

Figure 14: Results of medium-effort implementation of strategies

Projected CO<sub>2</sub>e Values With Reductions Applied





## Leading by Example and Cohesive Strategizing

- Energy Manager FTE
- Creation of infrastructure-focused Cross Departmental Team (CDT)
- Partnerships



# Resiliency Planning

## Built Infrastructure:

- Resilience hubs
- Shade structures and pop-up cooling stations
- Energy resilience—microgrids and dispatchable batteries

## Nature-based Solutions:

- Urban forestry and green streets program
- Climate-smart landscaping practices
- Green infrastructure codes

## Other Recommendations:

- Incorporation of climate resilience into comprehensive plans through Cross Departmental Team (CDT)
- Climate-smart codes and zoning-SLDC Updates—Mirroring IECC
- Youth outreach



## Potential Funding Sources:

- <https://www.epa.gov/green-power-markets/inflation-reduction-act>
- <https://home.treasury.gov/system/files/136/Fact-Sheet-IRA-Equitable-Clean-Energy-Economy.pdf>
- <https://fundingnaturebasedsolutions.nwf.org/programs/neighborhood-access-and-equity-grant-program/>
- <https://www.dot.nm.gov/nevi/>
- <https://www.transportation.gov/rural/ev/toolkit/ev-infrastructure-funding-and-financing/federal-funding-programs>
- <https://www.transit.dot.gov/funding/grants/fta-program-fact-sheets-under-bipartisan-infrastructure-law>
- <https://www.fs.usda.gov/managing-land/urban-forests/ucf>
- <https://www.energy.gov/eere/articles/us-department-energy-announces-buildings-upgrade-prize>

Additionally: Bond Funding for Capital Investments and Improvements



## Next Steps

- Assignment of Cross Department Team Members & Meeting Schedule
- Work Plans & Timeline for Each Sector, in Order of Impact Priority
- Funding Identification
- Solicit Funding
- Implement Work Plans Across All Departments
- Draft Phase II of Climate Action Plan



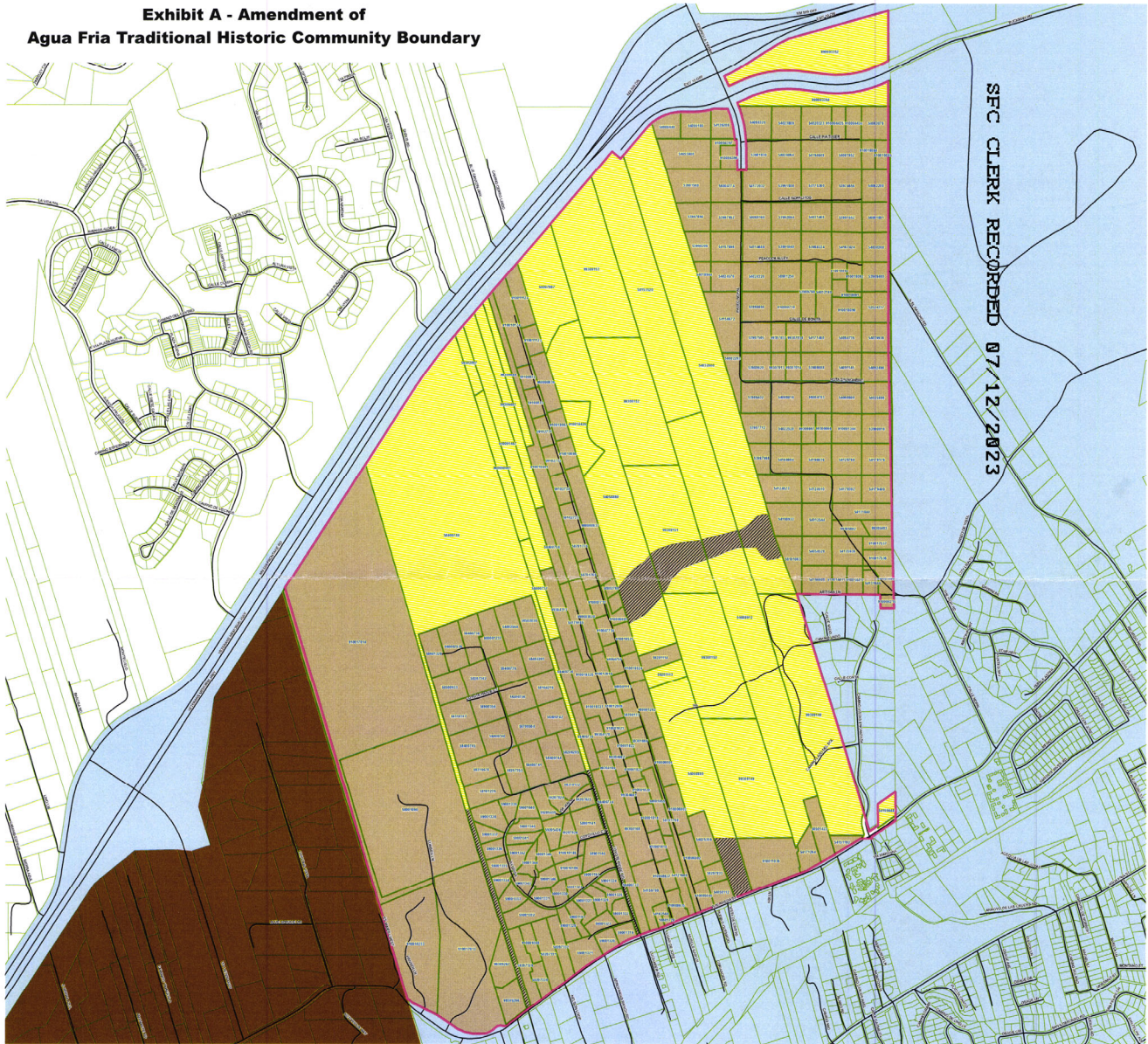
Thank you  
for supporting the path to ZERO Emissions  
and a healthy, livable, resilient community!

Sustainability Division, Community Development Department  
<https://www.santafecountynm.gov/community-development/sustainability>





**Exhibit A - Amendment of  
Agua Fria Traditional Historic Community Boundary**

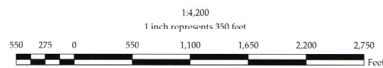


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- Areas to Remain in Presumptive City Limits
- Addition to Agua Fria Village THC
- Land Bridge Areas (within Addition)
- Agua Fria Village THC (Existing)
- Property Lines with Area 1B
- Annexation Area 1B

- Other Property Lines
- City of Santa Fe - Current
- Roads



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.



June 12, 2023

