

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**June 27, 2023**

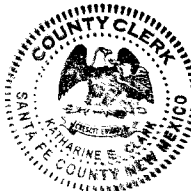
Anna Hansen, Chair - District 2  
Hank Hughes, Vice Chair - District 5  
Camilla Bustamante - District 3  
Justin Greene - District 1  
Anna T. Hamilton - District 4

COUNTY OF SANTA FE       )  
STATE OF NEW MEXICO    ) ss

BCC MINUTES  
PAGES: 76

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**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**June 27, 2023**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:24 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. 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 Jaome Blay of the Fire Department. Chair Hansen acknowledged that this building and Santa Fe County is the original homeland of the Tewa people also known as Ogha Po'oga Owingeh, "White Shell Watering Place."

**G. Approval of Agenda**

CHAIR HANSEN: Manager Shaffer, any changes to the agenda?

GREG SHAFFER (County Manager): Thank you, Madam Chair and Commissioners. Our initial agenda for today's meeting was posted last Tuesday, June

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20<sup>th</sup>, and the final, amended agenda was posted on Friday, June 23<sup>rd</sup> at approximately 5:06 p.m., which is more than 72 hours in advance of this meeting as required by the Open Meetings Act.

The substantive changes to the agenda were the addition of the following items: Request of approval of a letter of comments from the Board of County Commissioners to the Department of the Interior, Bureau of Land Management, regarding the conservation and landscape health proposed rule for managing public lands. In addition, Miscellaneous Action items 6. I and 6. J from the County Clerk's Office were added relative to polling places and consolidation of precincts.

Item #2 was added to Executive Session and those were the substantive changes to the agenda and in addition various packet material was added but I won't go over that. Thank you, Madam Chair.

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

COMMISSIONER BUSTAMANTE: Madam Chair, motion to approve the agenda as presented.

COMMISSIONER HAMILTON: Second.

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

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

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

CHAIR HANSEN: County Manager Greg Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair. I did want to take a few moments both all of those who are starting their careers with Santa Fe County, those who are achieving significant milestones with the County, and those who are ending their career with the County. Starting with years of service, we have several employees who are celebrating five-, ten- and fifteen-year anniversaries with the County. The five-year mark, we have Manuel Lovato in the Housing Department, Ulises Nieto-Quezada in the Sheriff's Department. We have three who are celebrating ten years with the County: Ana Laura Hernandez in Project & Facilities Management, Manuel Gallegos in the Fire Department, and Michael Judge, also with the Fire Department.

Finally, we have two individuals who are celebrating 15 years with the County. They are John Arnold in the Fire Department and Jaison Dixon in our Information Technology Division. So again, congratulations to those employees on achieving those milestones.

On June 30<sup>th</sup>, so Friday, we have one retirement, Juan Rios in the Sheriff's Department. He's the public information officer for the Sheriff's Department and we wish Juan all the best in his retirement. Looking forward to the month of July, and I mention this only because he may be present for an item later today, or two items, Robert Griego in Growth Management in the Planning Division will also be retiring during the month of July. So please wish Robert all the best if he is in fact present today for some open space related issues.

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In terms of new hires, I'm pleased to announce that we have four people joining the Corrections Department in various roles, ranging from case manager to admissions/release recording manager, as well as a detention officer. They are Lori Borrego, Emeterio Chavez, Guadalupe Gallegos Torres, and Alea Henderson. Eric Lucero joined the County Assessor's Department as an appraiser trainee. Scott Blanchard joined the County Clerk's Department as an election supply tech messenger. Sofia Garcia joined the Fire Department as an accountant. Desauri Maestas joined the Health & Human Services Department as a driver/cook's assistant. Trista Turner joined the Health & Human Services Department as a certified prevention specialist.

I'm pleased to announce that we hired Lisaida Archuleta as the new Deputy Growth Management Department Director. Project & Facilities Management, we have a Project Manager II, Robert Walton, and finally, a sign technician, Nicolas Lujan.

So again, we welcome the new hires to our team. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Manager Shaffer. I want to wish at this moment, wish Juan Rios who I think I've known for 25, 30 years. Congratulations on his retirement as I'm going to be sad to see him go but I wish him all the best. Then of course Robert Griego who when I said I was sorry that he was leaving he said, oh, don't be sorry. Be happy for me. So I'm trying to be happy, but I know that we will miss him in Planning and we will miss all his knowledge and the important things that he has offered and done for the County and I look forward to seeing him in a little while here in the chambers.

I also want to congratulate all the new hires. Welcome to the County. And then I also want to congratulate all of the members of our staff for their five, ten and fifteen years. Thank you very much. It's a pleasure to have all of you here working with us. We could not do this job without you. You are the most valuable asset that Santa Fe County has. So thank you to all the employees.

**2. APPROVAL OF MEETING MINUTES: May 30, 2023**

COMMISSIONER HUGHES: Madam Chair, I move to approve the minutes.

COMMISSIONER GREENE: I'll second.

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

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

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

- A. Request Approval of Letter/Comments from the Board of County Commissioners to the Department of the Interior, Bureau of Land Management re: The Conservation and Landscape Health Proposed Rule for Managing Public Lands**

CHAIR HANSEN: I was going to have this letter just on Consent but I am

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extremely happy that it is actually not on Consent because this is an incredibly important rule. But there has been a number of things happening recently on BLM land that has come to my attention, that there was going to be insecticide spraying up in the northwest part of Rio Arriba County, which has become very serious and a big concern for many residents. It's a very highly toxic aerial spray that they have been planning to do. Many organizations did not find the notice on this issue and I'm bringing that up because I do believe it is connected to this rule, because this rule is a way to increase awareness within BLM.

So with my discussion this morning with Pamela Mathis, she has assured me that no spraying will happen on public land until after a more thorough investigation of the EA, which is really important. Many tribal entities have felt they were also not consulted, so there is a larger discussion going on. But then I'm going to go on to my resolution, which they are seeking comments on this proposed rule, and the attached letter expresses the Board of County Commission's support for this rule. The new rule proposes new regulations allowing BLM to prioritize the health and resilient ecosystems across certain public lands, and add conservation as a use within the framework of the federal land policy and management of 1976 multi-use framework.

We commend the BLM for clarifying that conservation, which includes restoration and protection is a multi-use within the agency's management framework on par with any other uses. Protecting BLM land, like areas of critical environmental concern, conserve cultural sites and scenic areas. For example, the Caja del Rio, which is located on 106,000 acres of BLM and US Forest Service public land in north central New Mexico, contains a dense concentration of sacred pueblo sites, structures, petroglyphs, irrigation systems and other indigenous cultural resources. The recent history of the area also includes the passage of the Camino Real de Tierra Adentro through the area, Spanish land grants, communities utilizing land for centuries, and the continued utilization and direct connection of the area's indigenous communities, increasing the coordination of higher level of protection of this area is the only way to prevent destructive behavior and ensure that the Caja del Rio is here for future generations.

And so you can see why I have brought up earlier this aerial spraying that is going to be happening on public land. I have also contacted Undersecretary Torres Small and received word back from both BLM and US Forest Service that no spraying will happen immediately on public land. The toxic chemical that they were planning to spray to eliminate grasshoppers would be going into the Rio Chama, which the Rio Chama flows into the Rio Grande, and the Rio Grande is where we take our drinking water from. And so it is of vital concern to Santa Fe County also. And with that I will go to Commissioner Bustamante. I think she had a few comments.

COMMISSIONER BUSTAMANTE: Chair Hansen, thank you very much for bringing this forward and for all your good work on this. I mean that sincerely. Commissioner Hansen has been working on this for a while and it had been pulled from the Consent Agenda because I wanted to make sure that we were able to address something that I was aware of in a previous iteration of these documents with regard to the uses of this land. And when I pulled it up everything in there is about the assurance of protecting the lands based on the cultural values of land use and the integration of human activity as something that is protective and not just to degrade the land.

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A previous iteration and some documents referred to all the opportunities for hiking and that's not a bad thing. It's just that oftentimes when we open things at that capacity there tends to be more of having – it's not about land management; it's about the people management and it becomes a degradation issue with the natural environs. The way this particular resolution is written, and I am absolutely grateful to our legal team and to our Commissioner for assuring that those historic values, both our indigenous and our Hispano culture values of protecting the land for its commons, if you will, for the common use for its own protection and recognizing humans as a part of that ecological system, this really addresses that. So I want to thank you and I appreciate this moving forward. Thank you.

CHAIR HANSEN: Any other comments? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair, and thank you, Madam Chair for bringing this forward. I think having our input with the federal government and BLM is important and to make sure that we're clear about our stance about specific aspects of this. I have just one question. Given this emergent issue of spraying on there, if there might be space for some comment regarding these sorts of actions. Like the BLM, when proposing these things, go seek comment from downstream and watershed communities that may be impacted, to always look at the greater –

CHAIR HANSEN: So just to give you a little background. So the US Forest Service was the people who were going to do the spraying, but that had to go through BLM to get approval of their EA, and Pamela has said she does not approve their EA and will not allow the spraying to happen on public lands. So we are extraordinarily lucky to have the Taos field office's Pamela Matthis, who is really committed to working with local elected officials on issues like this. But it was noticed in March in the New Mexico Journal and it seems that a number of organizations, including the Sierra Club and New Mexico Wild missed this.

And so I think it is incumbent upon all of us. And I don't know if because it came from the Forest Service it's not really relevant to this rule at the moment.

COMMISSIONER GREENE: To that point, I wonder if it is relevant, if not in this case, right? And if not for Pamela Matthis would we be subject to uncontrolled spraying.

CHAIR HANSEN: That is also true and also the State Director, Melanie Barnes, also oversees this so we are lucky to have active and good public servants.

COMMISSIONER GREENE: I'm fine. If there was a paragraph that spoke to spraying and other environmentally impactful things that there's a requirement that downstream, some sort of –

CHAIR HANSEN: That doesn't fit with this rule, which is talking about conservation and would you agree with me on that, County Attorney?

JEFF YOUNG (County Attorney): Yes, Madam Chair, I would agree with that.

CHAIR HANSEN: But I think it's important that we continue to write. One of the questions that was asked to me last night was what is the difference between a City Councilor and a County Commissioner? And the biggest difference that I have understood – there are many differences, but one of the big differences is the fact that we interact directly with federal agencies, such as BLM, DOE, DOI, Housing. We have the

ability to directly interact with federal agencies because we have a larger land mass and a larger area to be able to interact with. And I think that is a really valuable tool that we as County Commissioners have to be able to take advantage of that, and I encourage all my Commissioners to follow my lead and continue to participate in NACo and engage with your federal partners on housing and everything that we possibly can do. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just want to thank you for taking the time to write the letter. I wanted to do it and I didn't get around to it and so now you have done it for me. So thank you very much. Well, I can't take all the credit. I have to give the credit to the County Attorney, who I did give him a good amount of information to go from and he did use our resolution from 2022- that Commissioner Garcia and myself introduced last year. So thank you. It was a last minute thing to make sure we got it on the agenda because the deadline was extended. And with that, can I have a motion from the Board?

COMMISSIONER BUSTAMANTE: Madam Chair, I'd like to make a motion to approve the resolution as written.

COMMISSIONER HAMILTON: Second.

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

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

CHAIR HANSEN: No one's opposed. I appreciate everyone's support on this. I consider this an incredibly important issue. I consider our relationship with BLM and DOI as extraordinarily important. So, thank you very much.

**4. CONSENT AGENDA**

- A. Resolution No. 2023-062, a Resolution Authorizing the Disposition of Fixed Assets Worth Less Than \$5,000 in Accordance with State Statute (Finance Division/Yvonne S. Herrera)**
- B. ISOLATED FOR DISCUSSION**
- C. Resolution No. 2023-063, Delegating to the County Manager the Authority to Negotiate and Execute all Documents with the 200 West DeVargas Street Association Necessary to Continue the County's Access for Parking and Continued Remediation and Monitoring Activities on the Association's Parking Lot (Public Works Department/Scott Kaseman)**

CHAIR HANSEN: Is there anything on the Consent Agenda that anyone would like pulled off?

COMMISSIONER HUGHES: Madam Chair, I'd like to talk about item 4. B separately.

CHAIR HANSEN: Okay. Anything else? Seeing none, could I have a motion to approve the Consent Agenda without 4. B?

COMMISSIONER HAMILTON: Yes, Madam Chair. I move to approve

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the Consent Agenda with only items A and C.

COMMISSIONER GREENE: And I'll second.

COMMISSIONER HAMILTON: Okay. I have a motion from Commissioner Hamilton, a second from Commissioner Greene to approve the Consent Agenda with A and C.

**The motion to approve items 4. A and 4. C passed by unanimous [5-0] voice vote.**

**B. Request (1) Approval of Amendment No. 3 to Agreement No. 2020-0186-CSD/CW Between Santa Fe County and Santa Fe Recovery Center, Increasing Compensation an Additional \$300,000 for a Total Contract Sum of \$1,200,000, Inclusive of NMGRT, and Extending the Term of the Agreement for an Additional Year, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I was just wanting to ask staff if we have any data on the success rates yet for the Santa Fe Recovery Center, or if we could maybe in the future have a little – I think it's great that we're funding them and that we're funding recovery. I also know – I know just enough about recovery to be dangerous, which is dangerous, but I would like to know that we're doing the up to date practices. I know that there's some disagreements about what the best methods are and also I think it would be good to know if there's a way to measure the results of the money we're putting in on the people who suffer from substance use disorders. Alex, thank you.

ALEX DOMINGUEZ (Behavioral Health Services): Madam Chair, Commissioner Hughes, thank you for that question, and foresight for that, we have been working with Santa Fe Recovery and I know that under their new leadership they've come up with a lot of new objectives regarding not only detox but the continuum of care when it comes to substance use disorder treatment. So today we're fortunate enough to have the presence of chief executive officer, Martin, from Santa Fe Recovery, and Chief Operating Officer, Laura Grant, here with us that are more capable or better equipped to answer those questions for you. So with that, I'd like to bring them up here and have them answer some of your questions.

COMMISSIONER HUGHES: Thank you.

LAURA GRANT: Good afternoon. Thank you so much, Commissioners, for the partnership with Santa Fe Recovery Center. It is a critical partnership, not simply for the Recovery Center but for the community, and the community's ability to help some of our most vulnerable neighbors to work against those rates of recidivism you were discussing earlier, and to ensure that people are on the right path also to get out of emergency rooms. So that's part of why this partnership is so critical that we have with you and with Christus St. Vincent Hospital who's one of our referral sources.

Your question is an important one and it's one that's riddled with a lot of differing

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opinions, as you noted. For the Recovery Center, part of why the funding is so critical and why we're so grateful for this possible increase in funding is for us to have an ability to get a better line of sight into those outcomes. So we have a new EHR system, which sounds, I know, super exciting, but it's critical to figuring out what those outcomes are. As part of our strategic plan we're also looking at navigating services beyond treatment into both prevention and recovery, which we know will help with those outcomes, and we've elevated the role of the medical director to chief medical officer to do just as you suggested, in looking at best practices both in the medical sphere and also the clinical sphere, to get a much more integrated look at what is happening in treatment, so that we've got some tools and levers in recovery.

It's also going to position us to be a much more robust partner with critical entities like the County, other organizations in the community, to work on all of the social determinants of health to see how we can either be a partner or look at ways to increase access to affordable housing as you were talking about earlier and also areas of transportation that are so critical to recovery.

To your question, at this time, we have about 30 percent of the people who come into detox have a successful completion, and that's five to seven days, and of that, about 50 percent go into residential treatment, which is a decent number, and four percent of those go into intensive outpatient. Part of our strategy is to increase access for the outpatient; residential care is not always feasible for everyone.

So our goal is to increase 30 percent. The \$300,000 will help us, again, with the new EHR system in leveraging data and figuring out what those recovery tools need to be following detox. That was a long-winded answer.

COMMISSIONER HUGHES: Well, and a good answer, and perhaps not long enough, which is why maybe when you have some more data and you've gone down the road a little bit more maybe we could have a presentation because this is such an important issue in our community, everything from DUI to the fentanyl crisis that affects a lot of people. As you mentioned, the most vulnerable people in our community that we're trying to help get on a better path. I think you are an important partner and I think we want to make sure that we're all working together and using the most up to date information we can on the best methods, as well as making sure that we track the success rates of people going back into the community.

And I know it's not easy and I know it will not be in the 90 percent range ever. It's always a struggle. I know I've heard people sometimes have to go through treatment, five, six, seven times before it really takes. But I appreciate the answer and with that I would move to approve item 4. B, unless there are other questions, of course.

CHAIR HANSEN: I second that. I don't get to usually second so I'm going to take advantage of it. So there's a motion from Commissioner Hughes, a second by Commissioner Hansen.

**The motion to approve item 4. B passed by unanimous [5-0] voice vote.**

CHAIR HANSEN: Thank you very much for being here. We're grateful for our working relationship with the Recovery Center.

MS. GRANT: Thank you. We're grateful as well. Thank you for the

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partnership.

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

**5. APPOINTMENTS/REAPPOINTMENTS**

None were presented.

**6. MISCELLANEOUS ACTION ITEMS**

- A. Request (1) Approval of Agreement No. 2023-0133-CSD/BT, Between Santa Fe County and Behavioral Healthcare Services, Inc., dba New Mexico Solutions, to Plan, Develop and Implement an Assertive Community Treatment Program in Santa Fe County for a Total Contract Sum of \$275,000, Inclusive of NMGR, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR HANSEN: Welcome, Mr. Taylor. Nice to see you.

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, Commissioners. Pleasure to be here, and my team from CSD in support. The Community Services Department requested to initiate a new behavioral health program – well, not new, but to create one and establish an Assertive Community Treatment program within Santa Fe County. Purchasing issued a request for proposal, a competitive sealed proposal. We received two proposals and the committee selected New Mexico Solutions as the highest ranked and most qualified firm to provide this service. The amount of the contract for the initiation and implementation of this program is \$275,000; therefore, it's before the Board for approval. And with that I'll stand for questions and defer to the department to answer any specific questions regarding the ACT treatment program.

CHAIR HANSEN: Do we have any questions from the Board?  
Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Just – I think Assertive Community Treatment has been very successful and my only question is how are we going to track this? The same question as I had with the last one. I think it's important that we track this and make sure that our – even though it's been very successful in other places that our implementation is successful.

MR. TAYLOR: Thank you, Madam Chair, Commissioner Hughes. Very good question, and it's in the contract, where there are critical key milestones that they have to achieve. Number one, receiving Department of Health certification to provide this program, and staffing, and office facility, and so there's certain milestones that they have to get to over an 18-month period and have so many clients that they're seeing at that time. More specifically, I would defer to Mr. Dominguez to answer that specifically as far as contractual obligations that are going to be expected and required.

CHAIR HANSEN: Welcome, Alex.

MR. DOMINGUEZ: Thank you, Madam Chair, Commissioner Hughes.

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That's a very good question. This has been a big learning curve for me as well as far as Assertive Community Treatment program and the fluidity of this model. What we do have today is chief executive officer for New Mexico Solutions, Dr. Ley, who can better answer those questions in regards to really the way that this model is established to help track exactly what you're asking about. So with that being said, Dr. Ley.

CHAIR HANSEN: Welcome, Dr. Ley.

DR. DAVID LEY: Thank you, Madam Chair. Commissioners, thank you. We're really pleased to partner with the County in support of this program.

Commissioner, it's a very good question. In the first year, as Mr. Taylor and Mr. Dominguez said, we're really looking for implementation kind of goals. However, Assertive Community Treatment is a model that has a number of critical outcomes that we measure ongoing as part of the fidelity to the model. These are things like reducing hospitalization, reducing incarceration, medication compliance, addressing co-morbid health issues – diabetes, cholesterol issues, are way significant with the adult chronically mentally ill population.

We monitor all of those simply because of fidelity to the model and ensuring that we do internal good quality. We report those to our funders; ACT is Medicaid funded. After the first year, we're not anticipating receiving ongoing funding from Santa Fe County. However, New Mexico Solutions is very transparent with this information. If the County ever wants information about outcomes related to our ACT program in Santa Fe we are more than happy to provide it.

COMMISSIONER HUGHES: Thank you. I think I would like to see those after the first year and then in years to come, because I think it should be a very important addition to all the things we're offering here. Thank you.

DR. LEY: It is. One of the things that we've seen at the Crisis Triage Center that is funded by Santa Fe County is an extraordinary number of folks with very serious chronic mental illness who meet criteria for ACT but don't have access to it simply because of the limited services available in Santa Fe County. So we are hopeful, actually that bringing up a new ACT program will be able to support folks that we're seeing at the Crisis Triage Center in desperate need of those ongoing services.

COMMISSIONER HUGHES: Great. Thank you. That answers my question. Thank you, Madam Chair.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, Commissioner Hughes, and Dr. Ley, and possibly Rachel O'Connor, the opportunity – I guess the question that I have is how people get referred into ACT, then the opportunity to use the tool of the Santa Fe CONNECT, the Unite Us system, which is both FERPA AND HIPAA compliant, and how once an individual – if this is a tool that can be used with this particular endeavor, with ACT, and then be able to track a person through the program – is this something that is already been considered to be integrative?

DR. LEY: It's a great question. I hadn't really thought about that. Because we will be doing referrals, at least initially, referrals from the Crisis Triage Center to the ACT program, I don't see any reason that we wouldn't go through Unite Us. I will say also that I know that Unite Us is in development works with one of the large managed care organizations here in New Mexico to potentially integrate with some Medicaid kind

of tracking and services, which we in our ACT program would be part of. So it makes perfect sense.

RACHEL O'CONNOR (Community Services Department Director):  
Madam Chair, Commissioner, if I could just add a little bit to that. New Mexico Solutions as part of their contract with Santa Fe County with La Sala is required to and does use the Unite Us system. So many of the people that we serve through the outlying agencies who will go into ACT are in our Unite Us system, and I agree with you, we would want to continue that throughout the time period that we fund New Mexico Solutions to provide that service.

COMMISSIONER BUSTAMANTE: Thank you very much.

MS. O'CONNOR: And if I could just double-back two seconds. I don't want to take too much of your time, but I also wanted to add that we do collect monthly data from both Santa Fe Recovery Center and New Mexico Solutions, Commissioner Hughes, to get back. I didn't want to leave you with the impression that we didn't. We do look at monthly data that comes in and that data is required as part of their contract. Some of it is anecdotal and so it's implementation data and some of it is outcome data. And so I just wanted to follow up with that comment that we will, and plan on continuing to look at what kind of outcomes we're getting from our behavioral health programs. Thank you.

CHAIR HANSEN: Commissioner Bustamante, and Rachel, we're always happy to see you and answer any of our questions and you are always – we are happy to take the time to listen to you.

MS. O'CONNOR: Thank you.

COMMISSIONER BUSTAMANTE: So thank you for that. It leads to a next question. So within that closed loop referral system, is the data not sufficient within that system to show who you're providing services to through Santa Fe CONNECT? You mentioned that you do get data from Santa Fe Recovery and the other, but I'm wondering to what end the data coming out of the closed loop system is adequate for that purpose.

MS. O'CONNOR: Madam Chair, Commissioner Bustamante, it's a timely question because we just had a small data pull done in cooperation with Aspen Solutions to look at that issue in terms of how we're using our data. And I think we have some work to do to refine that data so that it can be outcome based. But I also think that the data that's provided to us monthly, while it's much more mundane, is able, for example, to tell us how many beds do we have available at Santa Fe Recovery Center; what number of clientele are referred to us at La Sala from the City's Alternative Response Unit; how is the 911 system or the Santa Fe Sheriff's Department doing to get people that are in the county over to La Sala. Those kinds of answers we can generally answer monthly.

But absolutely, you are correct in that in the long run, CONNECT should be the tool to tell us how we're doing in services.

COMMISSIONER BUSTAMANTE: Thank you, Rachel.

MS. O'CONNOR: Thank you.

CHAIR HANSEN: Okay, I'm going to read the request approval of Agreement No. 2023-0133-CSD/BT, between Santa Fe County and Behavioral Healthcare Services, Inc., dba New Mexico Solutions, to plan, develop and implement an Assertive Community Treatment program in Santa Fe County for a total contract sum of

\$275,000, inclusive of NMGRT, and delegation of signature authority to the County Manager to sign the purchase order. What's the pleasure of the Board?

COMMISSIONER BUSTAMANTE: Madam Chair, I'd like to pose approval for the agreement #2023-0133 as written.

COMMISSIONER HUGHES: Second.

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

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

6.     **B.     Request Authorization to Publish Title and General Summary of Ordinance No. 2023-\_\_\_, an Ordinance Adopting the 2023 Santa Fe County Affordable Housing Plan and Establishing the Santa Fe County Affordable Housing Assistance Grant and Loan Ordinance Pursuant to the New Mexico Affordable Housing Act and the New Mexico Mortgage Finance Authority Rules; Repealing and Replacing Ordinance Nos. 2009-14, as Amended, and 2011-3, as Amended**

CHAIR HANSEN: Welcome, Denise Benavidez from the Community Development Department.

DENISE BENAVIDEZ (Affordable Housing): Thank you so much, Chair, Commissioners. Before I get started I just wanted to introduce Carlos Gamora with Site Southwest. He's on via Zoom, and also Justin from MFA is with us today in case there's any questions regarding any of the verbiage, language, within the ordinance, and also we've got Legal here of course, with us. I'm just going to give a quick background.

Back in May of 2021, staff put together a resolution that allows us to create an affordable housing trust fund, but before we could do that we had to either update or adopt a new affordable housing plan. So in November of 2021 we moved forward. We created a group of stakeholders of over 30 individuals, some of which were entities, and they assisted in compiling data, reviewing data, and just giving us recommendations of what they wanted to see in that plan. There are several areas that comply with the act that are part of the housing plan. Some of those are community profile, an assessment of housing needs in the county – there's a lot of those, as we all know, right? Goals and objectives to overcome these gaps to further create housing affordability, recommendations for future programs and regulatory changes directly related to housing affordability, and of course recommendations for funding and capacity building in order to achieve those affordability goals.

In addition, the housing plan will allow us to put together several programs that we are currently working on today. Some of those, just to name a couple, are the home and rehab program, the affordable housing loan program, down payment assistance, which is really important to us and developer incentives which we're currently working on today.

So with that, we respectfully request authorization today to publish title and general summary of the ordinance to adopt that housing plan.

CHAIR HANSEN: So it's been a long time coming.

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MS. BENAVIDEZ: Yes, it has. We're excited.

CHAIR HANSEN: Almost two years. Okay. So comments from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Denise. Thank you to everybody on the hard work to get it this far. Maybe we're ready to get it over the finish line. The question I have is in a previous presentation one of the concerns I had was how the ADUs, the accessory dwelling units fit in this and in an off-line conversation with Carlos Gamora he said that there were some updates to it, and could you specify and how that fits into this plan right now?

MS. BENAVIDEZ: I'll go ahead and defer to Carlos. We've had several meetings. We're currently meeting regarding some of the suggested changes to code that are within that housing plan, and a lot of those do refer to ADUs and we are looking to incorporate a lot of those in the programs that we're currently working on. But I think Carlos is online and I can defer to Carlos a bit for that.

CARLOS GAMORA (via Webex): Commissioners, thank you very much for having us here. Yes, Commissioner Greene, I think to your question about ADUs, the housing plan documents different ways that ADUs can be used to fill in some of the affordable housing needs for the county. Those suggested changes in the code, just as Denise was saying, the County's moving forward right now with creating some of those code updates, those amendment to the SLDC. And so we're hoping to have those in the next couple months, have some actual code language that would follow the plan. The plan, however, is really that foundational document that's identifying what some of those needs are and what some strategies are, but I think a lot of the work after this plan is actually creating that implementation. A lot of that's been done by staff and there's a lot more that's being worked on right now.

COMMISSIONER GREENE: Thank you. Thank you, Carlos. Thank you, Denise. Just to reiterate, the ADU as a typical typology for northern New Mexico for multi-generational housing and the opportunity to provide local equity in the rental market. When we approve a 200-unit project, those are typically owned by Wall Street, whereas a house with an ADU is typically owned by a local landowner, and so it keeps some of the equity and some of the money local. And to be a town of NIMBYs, the YIMBY is literally building an ADU in your own backyard and doing your own contribution to the solution. So thank you for incorporating that. I look forward to finding more solutions that we can do to update the SLDC to encourage ADUs all the way to the point of maybe including ADUs in development plans that come forward for large developments so that they can be built at the time of construction and so that we can get the economies of scale of building those rental units at the same time as building a whole bunch of single-family homes that we seem to favor in our community. But thank you.

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

COMMISSIONER HUGHES: Thank you, Madam Chair, and I'm really glad to see this coming forward. I know it's been a very well thought out plan. Do I understand then that the four things that you list here – the housing and rental rehabilitation program, the affordable housing loan program, down payment assistance program and developer incentives, those are all still being worked on and will come

before us at a later date. Is that correct?

MS. BENAVIDEZ: That's correct, Commissioner. There's actually a total of nine programs that we're working on, so these are just a few that are currently in the works. The rehab program is ready for the team to review. Down payment assistance is also ready for the review. And the loan program is also ready for the team to review. So once we make our way through those we'll get them to Legal and then they'll be ready for presentation.

COMMISSIONER HUGHES: Okay. And so mainly today we're just approving the plan overall.

MS. BENAVIDEZ: Correct.

COMMISSIONER HUGHES: Thank you, and good work.

CHAIR HANSEN: Other questions from the Board? So one of my major concerns with this affordable housing plan is making sure that residents can access this to put in sewers and grinder pumps and ability to improve their quality of life in the county. And so I want to make sure that that has been addressed in this plan.

MS. BENAVIDEZ: Thank you, Madam Chair. Absolutely. All of those issues being currently addressed and they are addressed not specifically within the plan but they are going to be addressed. It's really important to us as it is I know to Commissioners that quality of life is big for us with those individuals, especially those of lower incomes. We're working on several items currently because of the housing prices. We're working with developers. We just met with a developer and we're going to continue down the path of meeting with developers and realtors and other individuals that play overall in housing.

We're coming up with several ideas that will help us bridge some of the gaps between interest rates and the housing costs and the high costs of development. And so hopefully you'll see some of those ideas coming before you as well. We are trying to address all of those gaps so that we can get individuals into some of these homes that we have out there, especially those individuals that we already have under contract. We want to move those forward to get them into homes.

So I just wanted to also clarify that today we're just requesting, Commissioner Hughes, authorization to publish title and general summary. Just so we're clear on that. The housing plan approval will come next.

CHAIR HANSEN: I hear that, but I am concerned about these grinder pumps and sewers and making sure that low income people have the ability through this plan, just as we have done with the Happy Roofs program that they have access to be able to find money through this plan, through the County, to install these items.

MS. BENAVIDEZ: And one of the ways that we're going to do that or accomplish that, Chair, is through the rehabilitation program and through the funding that we're going to provide through that program.

CHAIR HANSEN: Paul, would you like to say anything.

PAUL OLAFSON (Community Development Interim Director): I just was going to say what she just said.

CHAIR HANSEN: Okay. That's a good thing. I don't mean belabor this point but it is incredibly important to me that our low income communities and people who have lived in generational housing as Commissioner Greene has talked about have

access to 20<sup>th</sup> century plumbing.

MS. BENAVIDEZ: We agree.

CHAIR HANSEN: So with that, do I have a motion to publish title and general summary?

COMMISSIONER HUGHES: Madam Chair, I'll make a motion to publish title and general summary for the affordable housing plan of 2023.

COMMISSIONER GREENE: I'll second.

CHAIR HANSEN: Okay. I have a motion from Commissioner Hughes, a second from Commissioner Greene. This is as I will say once again, this has been a long time coming but once again, another big accomplishment. We just have to get it over the finish line. So thank you very, very much for the presentation and we look forward to the continuing success of this program.

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

**6. C. Request Approval of COLTPAC Recommendation to Acquire Ten Little Hills via Donation for Addition to the County Open Space & Trails Program and Directing Staff to Proceed with Acquiring the Property Contingent Upon Appropriate Due Diligence**

CHAIR HANSEN: Growth Management Department, Adeline Murthy.  
Hi, there.

ADELINE MURTHY (Open Space): Hi. Good afternoon, Madam Chair, Commissioners. Today I will be presenting COLTPAC's recommendation for the acquisition of two open space properties starting with this item, Ten Little Hills, and I'd also like to take this moment to introduce the COLTPAC chair, Christopher Mann, and vice chair, Steven Forde, who are running in via Webex and available to answer any questions regarding COLTPAC's recommendation that you may have.

CHAIR HANSEN: I don't quite see them on the screen. I'm sure they're there. I see that Daniel has stepped away. But why don't you go ahead and we'll hopefully be able to see them in a moment or two.

MS. MURTHY: Sounds good. Thanks. So the property in question, Ten Little Hills, is a 2.16-acre parcel located near Cerrillos Hills State Park, which is a Santa Fe County-owned open space that is managed by the New Mexico State Parks. The landowner would like to donate this parcel to the County, and in accordance with the acquisition process established by Resolution 2009-206, COLTPAC voted to recommend acquisition of this property at a COLTPAC special meeting in August of last year.

And before going into more detail about the property itself, I'll present an overview of the open space acquisition process as regulated by Resolution 2009-206. In accordance with that resolution COLTPAC reviewed the application, conducted a site visit, and held a special meeting to discuss the property and decided to recommend approval of the acquisition. Staff must now present the proposed acquisition, along with COLTPAC's recommendation to the Board and if the Board is to approve this acquisition then the resolution directs staff to move forward with the process to acquire the property and proceed with negotiations with the property owner to enter into a binding

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commitment to acquire the property, but that is contingent upon any and all due diligence that staff and the County Attorney's Office deem prudent.

Due diligence measures can include but are not limited to a title report, an environmental survey, and an archaeological survey.

Now, to give a bit more information about this property. The current owner is Victoria Warner Shepherd and Ross Lockridge, who is president of the Cerrillos Hills Park Coalition, submitted the acquisition application to Open Space and Trails program staff on behalf of the landowner. As I said, the landowner would like to donate this parcel to the County and the value of the property was recently appraised at \$60,000.

This property is unique in that a perpetual trail easement for Elkins Canyon Trail runs through the parcel. This trail serves as a connection to other trails in Cerrillos Hills State Park. The acquisition of this parcel would protect the trail as well as the viewshed from potential future impacts such as residential development.

As per the application, the primary purpose of the property would be to conserve land from development, protect the viewshed and maintain recreational access into the state park. The parcel does not need any improvements and would require minimal maintenance. Several volunteer groups including the Santa Fe Fat Tire Society and New Mexico Volunteers for the Outdoors have participated in workdays to maintain trails in the state park and leading to the state park. The state park also supports this acquisition and there is a letter of support from the park manager in your packet.

To conclude, staff is requesting the Board's approval of COLTPAC's recommendation to acquire Ten Little Hills for addition to the County's Open Space and Trails program, and direction to proceed with acquiring the property contingent upon appropriate due diligence. Thank you, and I stand for questions as do the COLTPAC chair and vice chair if you see them on there.

CHAIR HANSEN: I'm trying to get them to be available but I don't know. Manager Shaffer, can you help me in any way?

MANAGER SHAFFER: Probably not, but I'll try.

STEVEN FORDE: I'm here. This is Steven Forde. I'm the vice chair, co-chair, whatever.

CHAIR HANSEN: Thank you for being here. And you're saying the chair is also online. And his name?

MS. MURTHY: Christopher Mann.

CHAIR HANSEN: Christopher Mann, would you like to speak or something. Maybe that would help you show up on the – technology, I don't always know how it works. Anyhow, is there any questions from the Board on this Ten Little Hills? Sounds really sweet. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Adeline, and thank you to COLTPAC for sourcing this end to the folks to donate it. My main point is just asking for – not necessarily today, but on future recommendations like this, a site plan is great here but it doesn't put it in context and it would be great to see when we talk about the Cerrillos Hills State Park or our open space, how this fits into it. And when we talk about trails that are existing on it to show those trails in this so that we have a context and although it's not necessarily as pertinent to this but this one is to the next case, also to talk about an access plan, to make sure that we're not just taking over

land without an access and a management plan to understand what the impacts would be, both for maintaining the land but also that how people can get there. So if this is part of the trail system, that's great. If it's not part of the trail system, not so great.

So this is a donated piece, so it's more about management plan, and understanding what the ongoing costs might be for us to keep this, but I'm for this at this point, so thank you very much.

MS. MURTHY: Thank you, Commissioner Greene. I can send you that site plan that shows the parcel in relation to the state park and the existing trails after the meeting.

COMMISSIONER GREENE: Wonderful. Thank you.

CHAIR HANSEN: Yes. I would like to see that too. When I was looking through this I did see there was a map on the next one, but not on this one so I think it's good for us to be able to see exactly where this is located in relationship. I know that this is in Commissioner Bustamante's district so I'm sure she knows exactly where it. And I can imagine where it is but it would be nice to see it, so I agree with that. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, Commissioner Greene, the other opportunity, just to be able to scroll around is to go to the Assessor's site and you can look at the parcel and then you can see its relationship to the village proper, and then all the surrounding areas, but it does give you an opportunity to sort of slide around and see where it does fit in. Thank you.

CHAIR HANSEN: Okay. So what is the pleasure of the Board? I'm going to go to Commissioner Bustamante, since it's her district.

COMMISSIONER BUSTAMANTE: Madam Chair, I'd like to motion to approve.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: I have a motion to approve from Commissioner Bustamante, and a second from Commissioner Hughes.

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

**6. D. Request Approval of COLTPAC Recommendation to Acquire the San Pedro Expansion via Purchase for Addition to the County Open Space & Trails Program and Directing Staff to Proceed with Acquiring the Property Contingent Upon Appropriate Due Diligence**

CHAIR HANSEN: Ms. Murthy.

MS. MURTHY: Thank you, Madam Chair, Commissioners. This property, known as San Pedro Expansion is comprised of two parcels north of the existing San Pedro Open Space, which is located near the Town of Golden. One parcel is 40 acres and the second is 120 acres. The current landowner is Campbell Farming Corporation and they would like to sell these parcels to the County. In accordance with the process established in the acquisition resolution COLTPAC voted to recommend this property for acquisition at a COLTPAC special meeting in January of this year. And since the acquisition process is the same for this one and Ten Little Hills, if you're okay

with it I'll move on directly to move details about the property.

So a recent appraisal found the value of the property to be \$530,000 - \$205,000 for the 40-acre parcel and \$325,000 for the 120-acre parcel. As per the application, the acquisition of San Pedro Expansion would allow for larger contiguous open space and improved access to the open space along Highway 14. Currently access to the existing parcels is not ideal. The primary purpose of the property would be to conserve land from residential development and eventually develop recreational trails. No immediate maintenance needs or improvements are anticipated until the parcels are developed for recreational access.

COLTPAC's letter of recommendation is include in your packet as Exhibit D and includes the following terms and conditions: 1) that the cost is no more than fair market value in accordance with a formal appraisal conducted by a licensed appraiser; and 2) when appropriate, seek funding for trails and other infrastructural improvements for community use, environmental protection, sustainability and enhancements for recreational added values.

Due to its high aesthetic value and protection of viewsheds in adjacent rural communities as well as its potential to provide improved public recreational opportunities by providing access to adjacent BLM and County Open Space land, COLTPAC recommends that the Board of County Commissioners acquire the parcels. So staff is requesting the Board's approval of COLTPAC's recommendation and direction to proceed with acquiring the property contingent upon appropriate due diligence.

I'd also like to take a moment now to address the question as to whether – the balance that needs to be struck between acquiring more open space properties or focusing on preserving and maintaining the properties that we do have. On one hand, there are properties in the Open Space portfolio that are still in the queue for the implementation of property management plans, which include in some cases the development of recreational trails. While the County also has a commitment to conserving land through the 30X30 goal, the County also has a duty to meet its adequate public facilities regulations and accompanying levels of service as the County's population grows, which is required by the Sustainable Land Development Code.

But of course, the County doesn't have unlimited resources. However, if the Board were to approve this acquisition in the short term, the costs of holding the property until recreation infrastructure can be developed aren't going to be huge as the property is already fenced and will be closed to the public until that time. So it will remain at a preservation state until resources are allocated for the development of trails. Although the cost of this acquisition would compete with other County priorities, it won't compete with operational resources until such time as the Board thinks that it should by allocating funds for the development of recreation infrastructure.

It's also fair to say that we are at an inflection point right now with the Open Space and Trails program. We're close to what we can manage given our current staff capacity, so as we look towards the next budget cycle, we need to think about and assess the staffing needs to accelerate the implementation of existing plans and continue to grow the Open Space program, if that's the direction that the County would like to take. Thank you, and I stand for questions, as well as the COLTPAC chair and vice chair.

CHAIR HANSEN: Thank you, Adeline. So I just want to take a few

moments to say a few things about open space. One of the things that I really support about Santa Fe County is that we have acquired open space over the last 23 years and we had a bond to acquire a lot of open space beginning in the 2000s. I think that we have been incredibly responsible in trying to take care of those areas. I support this expansion because we have this opportunity, but it doesn't mean that I want to see it jump in front of some of the other open spaces that we have in line with plans already. Because I think that that is really important, that the things that we are committed to and what we talked about earlier, even in the Housing Department about Nueva Acequia and Galisteo that other projects don't get put in front of projects that we have been planning for quite some time. I think it is really important that we have that respect for the plans that we have worked on. So I really felt like I wanted to say that.

The other issue that concerns me and that I am still concerned about with San Pedro is the shooting. And the shooting out there and others is another area where we have had the opportunity to work with BLM and BLM has been a good partner in trying to come up with a solution for this area that is difficult for the residents who live there. And if this somehow might help in some way in the future to alleviate some of that stress on the residents who live there and the shooting that is taking place in their neighborhood, even better. I don't know if it will but it may. There's always that possibility.

So I just wanted to say a few of those words before I go to the rest of the Commissioners. So I'm going to go to Commissioner Hughes first, and then Commissioner Greene, then Commissioner Hamilton, and then I'm sure Commissioner Bustamante. So thank you very much for your presentation. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you, Madam Chair. I have a question and then a couple quick comments. So my question is are there any cultural resources on this site that we're proposing to buy, or the adjacent County property that this would make more accessible or even the adjacent BLM land such that this would be another opportunity for co-management with San Felipe and the other pueblos?

MS. MURTHY: Thank you, Commissioner Hughes. It's my understanding that the adjacent land, specifically the San Pedro Mountains is culturally significant to San Felipe Pueblo and possibly this area that we're considering as a space that they would pass through to reach those areas. So consultation with San Felipe Pueblo is warranted.

COMMISSIONER HUGHES: Okay. Thank you. And I just wanted to say that I attended one meeting of COLTPAC where this was discussed with quite a bit of enthusiasm and so I think COLTPAC has done a good job. They make – we appoint them to make recommendations. This is the first time since I've been a Commissioner that they've actually asked us to approve a purchase that costs money, and I want to respect that they were careful about this and that this is an important parcel. Thank you.

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

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Adeline. The question I have is – first starts from a comment. When all you have is a hammer, everything looks like a nail, and for COLTPAC, everything looks like an open space project. And when we are here with multiple missions and an opportunity to solve

two problems with one solution, is there a way that we could start to look at these projects as opportunities to do two things at once. And so what am I talking about?

We come here and we put an affordable housing proposal or a plan in front of us, and that same group has the goal of dealing with affordable housing and not dealing with open space. And at the same time, your group has open space but not affordable housing. But when we're dealing with 160 acres adjacent to a small village, it doesn't mean that we have to put housing on all 160 acres of it, but there is the opportunity to find a cluster of homes that could help bootstrap this project and get the amenities built for the entire community as opposed to banking the land.

So an example would be if on 160 acres if we put a small cluster of two to four acres and 15 homes on it that could be politely and properly sited on this, not to damage too much of the land but to solve some housing issues for us, at the same time maybe generate some income for the County to be able to develop the trails and open space amenities that everybody in the area wants, then maybe we're able to solve this in a proactive way. We're paying hard money for this – over \$500,000. We're probably going to need another \$500,000 or who knows what the number is to actually put the trails and amenities on here. Is there a pro-active plan that COLTPAC or some part of Growth Management could come forward with these proposals in a pro-active way to say, this is how we actually do this faster and more cost effectively for the County, solving our housing needs, solving our open space needs, and solving our budgetary constraints.

It's not necessarily for this project, but maybe specifically for this project, asking is there a way to look at maybe the areas adjacent to Golden for a cluster of homes that might help the Golden community grow appropriately, at the same time as we reserve 98 percent or 95 percent of this property to be open space. This is sort of rhetorically but it's a way to look at how our open space planning can actually solve our housing needs and our budgetary constraints at the same time as getting us some open space.

So I'm trying to think of solving two things at once. Maybe there's not an answer at this time but I'm wondering if we think in those terms when we look at open land.

MS. MURTHY: Thank you, Commissioner Greene. That is definitely an important point, and there is a nexus that exists between open space and affordable housing, particularly through the transfer of development rights program, and that is a recommendation that COLTPAC brought forward in November of last year to transfer development rights off of open space properties in sending areas outside of the Sustainable Development growth areas, and then transfer those development rights to the County's identified growth areas to allow exactly for higher density housing and more options, opportunities for Santa Fe County.

And I'd also like to mention right now that COLTPAC is concerned about the funding element of the program, and they are currently drafting a memo that they would like to bring forward to the Board with some of their funding ideas.

COMMISSIONER GREENE: If I may, and just along those lines, if COLTPAC came to us and said we recommend this; it's going to cost us \$500,000 now up front, but we have a solution that solves a housing problem. It only disturbs ten acres of 160 acres and solves the funding, the housing shortage. It's like – it's starting to plan holistically as opposed to with brute force and – I advocate for open space, versus somebody who advocates for housing. So, like work together and let's solve this. And it's

not only affordable housing, right? This might not be the perfect place for affordable housing. This is just providing housing to increase our stock and to allow for Golden, this small community, to grow appropriately in what is right for that.

So I ask us to think in these holistic terms as opposed to in the singular, siloed ways. So if there's a way that we can do that I look forward to that.

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

COMMISSIONER HAMILTON: Thank you. That's actually quite thinking out of the box. That's a very interesting concept. I think open space is hugely important. It really is. And there are periods, and I think it was well done by the County over the last few decades of acquiring a fair amount of open space. I also kind of feel like you get to a point where you need to put – we can get ahead of ourselves. And that's been a complaint. We've been kind of ahead of ourselves for a while and during your presentation you just mentioned that kind of at that of inflection – the threshold where you go beyond where you can accomplish what needs to be accomplished to actually manage and develop what we already have, which we need to do both of. We need to manage what we have and we have some places that are just hanging out, just like this place would be.

We need to do plans and we need to do development. But actually, I also think we need to put money where we haven't really put money before. People say climate change – one of the first things people do is go, I'm going to put LED lights in, or solar panels on my house, all of which is critical, but there are other things we need to do. I think we actually need to put more money into the management we do in our open spaces to do restoration, to do restorative soil management, to do water retention. I think Sustainability did an absolutely brilliant job picking a rain garden project for this year. It was hugely timely. It was incredibly instructional. I think we actually have to take that seriously, and I think that kind of advanced management of our open spaces benefit the open spaces but it would also benefit many of the problems that we are going to see with climate change including improving resilience to drought and managing water resources.

And so I hate to be like odd man out but I feel like it's not an unreasonable price; it's half a million dollars. That doesn't seem like all that much except that I really think that ought to be put to this kind of more advanced management that we need and let us catch up. It's like doing other kinds of projects. We can keep adding projects or we can fund out the rest of the capital projects that we haven't been able to finish because we weren't in a position to, that we could do now. And I feel like we're in the same place with this.

Just my opinion. But I am really serious. I think it would be really fabulous if we could expand our thinking on how – what we want to do to manage open space to make it and the County more resilient to what some people categorize as secondary effects of climate change, not just the heating but the impacts on soil and habitat and what not. I think it's going to take some effort and money and resources to do that.

You're at a perfect position to think about that sort of thing, given your whole background. Thank you. Thank you, Madam Chair.

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

COMMISSIONER BUSTAMANTE: So this area has been – I think there's more work that needs to be done in the interest of whether or not this is a – I don't want to say not a wise purchase, but there's some homework that does need to be done. We did receive in our packet that there was a concern with regard to cultural artifacts, and the application stated that there weren't, but that it was close to these other areas.

With regard to access to more of the residential locations, and I will say I do know that this has been on an agenda for quite a while to be an open space. So it might be a new proposal to us here today but it is something that there are residents who've been working on this for a while.

The concerns that I have are similar to Commissioner Hansen's that with regard to the proximity to the shooting range, and it is my understanding and part of the opportunity there is to acknowledge also that this is on the periphery of what is disclosed as pueblo land and one thing that's important with regard to those areas and very similar to cases that we've had before, that when we have a residential location, the tribal use expanded outside of that. So it wasn't something that wouldn't be expected to find things like arrowheads and other things that would make that an important location to those tribes that used that land again in the interest of gathering the food and being in the open areas that they had available to them at that time.

If in fact that shooting range is something that we're able to close and have it somewhat – I'm going to say relatively close location to this as that open space, there is a huge opportunity here.

With regard to the other notions of affordable housing, the infrastructure isn't there at this time. I do appreciate the opportunity to consider open space acquisition and its relative opportunity for residential, but this is a pretty remote area that we have in front of us. So in that interest, and to what the costs would be, I'll say that as we were discussing the final budget yesterday, there was some discussion as to where they may be savings and use of some dollars to acquire this land, and for what it would mean to offset that use and have things managed appropriately, that's another part of a budget element that I don't believe has been addressed at this point.

My general sense, and as much as I'd hate to do this to some of my constituents in the area who said this is something we've been working on for a long time, is to not necessarily move on it immediately but make sure that the study of in fact what the tribal interests might be, what the – for acquisition, if it's going to be a protected site, the neighbors, and some are in favor of more hiking trails along that area, and I'll just say those who I have been in communication with very in favor of it. There are others who may not be. I've not heard anything from them.

But then to go to the next question that has been already raised today is sure, the acquisition of the land is a cost, but I haven't seen anything – and I say, if I oversaw it my apologies, but for what it would take to actually manage this space when we have other things like the Thornburg property and how we're going to actually assure that we have the finances allocated for that purpose

So I say that not to sound – it's not about being wishy-washy. I'm going to say I don't feel like we have enough information before us to make the final call on whether or not this would be a smart acquisition at this time. But that's just my general sense at this moment. And I would say ultimately the next moment if given the opportunity. I don't

know if Commissioner Hughes has already spoken. My general sense is I would make the motion, if you're open to hearing a motion to table this.

CHAIR HANSEN: I want say a few words. I'm going to go back to a resolution that I brought forward in 2020 with Commissioner Hughes about protection of 30 percent of the land and so I think that it is important that we follow that resolution in protecting the land. I also know and I have sat at meetings with members of San Felipe Pueblo about this land and when we were talking about the shooting range and there are areas definitely in the BLM, which they are interested in acquiring that does have sacred sites. I have no idea about this piece of land particularly, but it is adjacent to the County land that we already own, so I think it is a valuable piece of land to own, and I don't want to see us lose the opportunity. I don't know if we have a deadline or if there's – like if we don't purchase it is this going to be sold somewhere else? It is a relatively good price at the moment and I think there's a lot of possibilities. I'm going to go to Commissioner Hughes since he was raising his hand, and Commissioner Hamilton.

COMMISSIONER HUGHES: Yes, you already mentioned this but I was going to ask the chair and co-chair or Adeline, is there, like you said, a deadline? Is there a reason to purchase this now that might not be available to us later?

MR. FORDE: Commissioner Hughes, this is Steven Forde; I'm the co-chair. When we talked to them on our site visit they were apprehensive that this was going to be sold out from under them sooner or later. The company that owns this parcel that's for sale also owns a much bigger parcel just south of that if you have the map in front of you. And they apparently are hoping to develop that. They are interested in selling this little piece. So I think the neighbors around there are concerned that if the County doesn't purchase this now or soon it will be developed.

COMMISSIONER HUGHES: Okay, thank you. That's my concern too is that if we table this we may not have anything to bring back. And also, I guess the other point I want to make, which I said before, is we appoint people who are experts in open space and trails and environmental stuff to be on our COLTPAC and I think we want to trust their judgment that this is an important step for us to take, and given that we do know that we have money right now and we have the opportunity, that's why I'm a little concerned about tabling it because I think we may lose the opportunity.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. The point about COLTPAC being the experts, I totally agree. I take their recommendations seriously. But this particular property is not being – it's being recommended in part – all the things that have been said about the community, some of them being in favor of this, all makes sense to me, but there is no other particular special reason. This is not like preserving a rare and unique habitat. There's no reason like that, or endangered species. I have to say that the 30X30 preservation target is critically important. It is a global goal. It is not a justification for specific purchases in Santa Fe County. If you look at Santa Fe County and look at how much is in national park and federal holdings and state holdings, beyond what is the County holdings.

I don't think our issue is how much land we have preserved to meet that goal. I think our issue is how we manage that land, because having 30 percent of the land in Santa Fe County as dust bowl is just an empty goal. What we need to do is acquire what



we can manage at this time. It's kind of like arguing a second or third – Commissioner Hughes just made the argument for previously, an additional affordable housing project when we can't even do the one that we have on the books. That's where I think we are with this.

So what you're saying, open land is incredibly valuable. Opportunities for recreation and for preservation for our people is valuable. I do not think there is a compelling reason to purchase this land. I think there is a compelling reason to use the money for better management and to use our efforts for better management. Thank you.

CHAIR HANSEN: Commissioner Greene:

Commissioner Greene: Thank you, Madam Chair. What is the current zoning for this? Would this be one unit on 160 acres? Would it be – like if it was turned over to developers it would be 400 homes, or one home?

MS. MURTHY: It is one dwelling per 40 acres.

COMMISSIONER GREENE: So the worst case scenario here is three units on this property. Or, sorry, four units.

MS. MURTHY: Yes. That would be it. I'd also like to briefly bring up a few points about wanting more information about the property. I'd just like to point out that management plans is part of the planning process of course, but those are completed after a property is acquired and not before, because there's a lot of effort that goes into a management.

And then in terms of community support, another point I'd like to make is that this would protect one mile of the viewshed along the Turquoise Trail and the vision for the area, the whole regional area is for a regional trail hub and also for the Rio Grande Trail to pass through that area.

COMMISSIONER GREENE: Four homes on 160 acres does not probably destroy the viewshed. So I think that there's a level of crisis of misaligned to the threat versus the actual preservation part of this. And honestly, selling all four units here as developable clustered homes closer to Golden and protecting the rest of it would probably again, solve two problems with one solution in a way that might generate enough money to bootstrap this project and sort of make it its own self-fulfilling project. And I kind of ask that COLTPAC actually be empowered in a way to say if you're going to ask us to come up with hard money – if it's donated land, so be it; let somebody donate it into County coffers and we'll figure it out at that point. But if it's land that's going to be hard money out of our coffers, maybe there should be a preliminary management plan, a low impact development plan that makes it a self-sustainable, truly sustainable project.

If every time somebody comes up to us and says, here, buy this property, it only costs half a million, well, guess what. We don't have half a million for every one of these opportunities. Why can't COLTPAC have some sort of internal mechanism to say we would recommend putting four units on this, just like it's zoned for, but in a clustered way to protect 98 percent of it and solve different things. Make it where it's financially sustainable, protects the view shed, fits the goals that we're trying to do, in a way that these folks can put a sort of turn-key solution to us to preserve it, make it financially less impactful for the County, and to actually get some access to it. that would be my challenge to COLTPAC, to come back to us with those sort of things, recommendations.

And I would support Commissioner Bustamante. It's in your district, if you're

willing to table I'd be willing to table, second that.

COMMISSIONER BUSTAMANTE: Madam Chair, I have to say that hearing the planning that would come after and the chairman has – we do have experts who are working on this. I love your idea, and I don't know – the idea we do for future projects, and I don't know that there's anything that can happen with this one at this time, that when we acquire lands to have a cluster development that protects the rest of it and that things could be – to assure that there's housing availability and not to have just sparse four houses out there over – it's the kind of thing where there are going to be these really high end, the person who can afford that. It's just not the right way of doing things.

And out of absolute sincere respect for the plan to protect the land I would have to say that I understand that other information has come forward in my timing to table it. It seems as though if we did, we could lose an opportunity to acquire something. I have to actually look to Commissioner Hughes who had said something yesterday that was very clear that said, and if we were able to acquire that, if the Commission voted at that time, this wouldn't affect this portion of the budget. Do you recall that aspect of that?

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Yes. Thank you, Madam Chair. What I was saying was that in the capital plan we were presented yesterday, the \$1.1 million for Eldorado roads hadn't been applied to Encantado Road in the chart we were given, but subsequent to that chart made, we learned the ECIA did want to apply that \$1.1 million, so it puts another \$1.1 million back into the pot, so to speak. So that I know the staff really wanted to make sure we had – I think it was \$13.5 million in reserve, so that would bring it up to \$14.5, and then if we did this purchase it brings it down to \$14 million, so it's – It was just saying that those two things, while not really related, they all relate to the capital budget. Thank you.

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair.  
Commissioner Hughes, thank you.

CHAIR HANSEN: I'm going to ask Jeff a question. Is it possible, if we bought this open space land that we could take ten acres and develop it at the far end north of the property and make it available for housing? Because that is right near the Town of Golden. There's a little – at the top of the triangle.

COMMISSIONER GREENE: Find the goals in between what we're talking about here and use this as an opportunity.

CHAIR HANSEN: We can make a compromise.

MR. YOUNG: Madam Chair, Commissioners, just in talking with Robert there, we were having a discussion about whether there would be adequate utilities to serve that area in an affordable housing development and given where the location is that isn't likely that we would have adequate utilities. Something to consider there. But we would need to probably analyze that further, I think, Madam Chair.

CHAIR HANSEN: So could we state that we will buy this property as open space with the possibility of looking into developing the ten acres of the north, because that is right at the edge of the Town of Golden. Even though it might not have utilities – I'm trying to come up with a compromise.

COMMISSIONER GREENE: They could be off-grid. It could be perfect.

CHAIR HANSEN: It could be, exactly, off-grid, or it could be – I'm

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trying to think outside the box like Commissioner Greene to come up with a solution because I know that the community really wants us to purchase this land, and so if there's a way that we can do that with also including some housing out in the rural area, does this appeal to you at all, Commissioner Bustamante?

COMMISSIONER BUSTAMANTE: Madam Chair, absolutely. And I don't think it should prohibit. I think that if it were contingent on, I don't know that that would be as important as let's make sure that we do, but I do think it's important to protect this. And when I think back on the earliest conversations in when this was going to be preserved is probably at the time, and I apologize for not having the dates, I do think it's important to bring it up but I believe that it was Chair Javier Gonzales, when it was the first time this area was being discussed as open space. And I don't think I'm off.

CHAIR HANSEN: You're right, I think. It was in the late 90s, early 2000s that they started buying open space. Paul Campos was on the Board and Javier Gonzales.

COMMISSIONER BUSTAMANTE: For this particular area on that site. So I am absolutely amenable to your suggestion in making the recommendation that we would purchase that contingent on looking into it, like we would make sure that we looked into it, but if it was prohibitive, that we would still consider the purchase, that we would still purchase it, I guess. I would like to move the dial, if you will, a little more to erring on, yes – I would like to make the recommendation that we purchase, but we don't make it contingent upon whether or not this is developable in that particular area.

CHAIR HANSEN: Do I have a second?

COMMISSIONER HUGHES: Second, and I just wanted to add that I think we have a history of selling open space for housing and so that process wasn't necessarily the best one last time but I think if we improved our process we could look at selling the ten acres on the north side, either to like four individual affordable housing homeowners or a developer. I think that's possible. And I'm seconding her motion.

COMMISSIONER HAMILTON: Commissioner Bustamante, you just said this was a very important area to preserve but that information isn't really – I would really catch onto that. Can you say a few words about why you say that?

COMMISSIONER BUSTAMANTE: I absolutely can. I'll just say, have you driven between Madrid and Edgewood almost every day for several months?

COMMISSIONER HAMILTON: Well, no, but I have driven there.

COMMISSIONER BUSTAMANTE: So when we talk about just even the viewscape is an understatement. This is pristine, beautiful land and to be honest, when I think of how developable it is, and yes, next to Golden would make it possible in that particular area, we're looking very much at these rolling hills and then it goes up and over mountains, and it's treeS, it's gorgeous. It does have historical significance as another byway for people. But it's one of those that with regard to the resources that may be available in the future and I'm thinking of just water accessibility, to really make sure that the infrastructure were there for full-scale development. Now, I'm thinking well out of our lifetimes. I don't know how. It wouldn't be in my lifetime but we would have the infrastructure out there, unless something really miraculous happens. It's a very – it's like diverse terrain. It's different. And it's gorgeous. And it's got its meaning to those people who live around that area for a long time, but it's also right up against existing open space. So for all the reasons that have already been stated, yes, I do see that it would be

more important to do that than to open it for full-scale housing and some even future generational multiple housing unit would really ruin that particular area. That's my personal bias. So you asked to share. Thank you.

CHAIR HANSEN: Okay, so I have a motion and a second. Under discussion.

COMMISSIONER HUGHES: I just want to clarify, the motion is to go ahead and authorize the purchase of the property, with the consideration that we might try and create affordable housing on the north side.

CHAIR HANSEN: We might try and sell some of the land to –

COMMISSIONER HUGHES: Accommodate affordable housing.

CHAIR HANSEN: Accommodate affordable – or not –

COMMISSIONER GREENE: Or not affordable housing. Because affordable housing [inaudible]

COMMISSIONER HUGHES: Some kind of housing.

CHAIR HANSEN: Yes. Housing.

COMMISSIONER HUGHES: Okay.

CHAIR HANSEN: That is my compromise.

COMMISSIONER HUGHES: Right. And that's the motion, right?

COMMISSIONER BUSTAMANTE: Well, if I may say that that's the motion, with consideration, so not just cut out a portion of that but have it close to the already existing development. That if we did decide or a future Commission were to decide, okay, well it was done with a ten-acre cutout to be put, then it is near the cluster of existing –

CHAIR HANSEN: Exactly.

COMMISSIONER BUSTAMANTE: -- humanity If you will. So yes, I would take that friendly amendment.

CHAIR HANSEN: Okay. So I'm assuming, Adeline, it's the northern section. When I look at the map that's what I'm looking at, the northern section that borders the Town of Golden.

MS. MURTHY: That's correct.

CHAIR HANSEN: Okay. So that's where I'm talking about.

COMMISSIONER GREENE: Not to exceed ten acres, maybe as a limit.

CHAIR HANSEN: Right. Ten acres, which might recover some of our costs, which would seem like a reasonable amendment. Robert, welcome. We're going to miss you, so if you have something to say I want to hear it.

ROBERT GRIEGO (Planning Manager): Thank you, Madam Chair. In regard to this property, again, if there was a ten acre piece there, again, the density as we identified was one dwelling unit per 40 acres, and again, if we cut out a ten-acre parcel on it, we could do TDRs on the property, we could direct growth to our receiving areas, but if we didn't do that again, you would only be able to do one house on that ten acres.

CHAIR HANSEN: But don't we have the authority to change the zoning.

MR. GRIEGO: That is the Board's discretion.

COMMISSIONER HAMILTON: Thank you. That's what I thought.

COMMISSIONER GREENE: Madam Chair, we're getting creative up here. Let's do it.

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CHAIR HANSEN: That's how I understand how it works and I have thought that this Board has come up with some good compromises recently and I think that we continue to think about ways that we're solving problems on a larger scale. And so if we pull out the ten acres then at some point we have a developer who comes along and says, hey, I'd like to build eight houses here, we could rezone it.

MR. GRIEGO: Madam Chair, yes. In regard to the rezoning process, the rezoning could be done to a higher density development such as a planned development district, which would require adequate public facilities and services. So in addition to water system, sewer system, etc. And I also want to point out as was discussed earlier in regard to Campbell Ranch does have significant other holdings. So there is a potential for this property, along with other Campbell Ranch properties to request to do a planned development district to do higher density in the area. Campbell Ranch has had discussions with the County over the years in regard to what their potential what the larger Campbell Ranch holdings might be.

So again, this area could see higher density than the current zoning which is the one dwelling unit per 40 acres. So if the County were to rezone it it would also require adequate public facilities.

CHAIR HANSEN: So there is a possibility with –

COMMISSIONER HAMILTON: Isn't that a problem?

COMMISSIONER GREENE: We don't know.

COMMISSIONER HUGHES: Madam Chair, I think implicit in our motion is that if the staff recommends that really the best way to get affordable housing is to get the development rights off and transfer them somewhere else we would consider that as an alternative, if we can't do the ten acres.

CHAIR HANSEN: And that is another possibility. But that's already in law, or that's coming up next. Commissioner Greene.

COMMISSIONER GREENE: I think there's two points here to our discussion. One, we're starting to think creatively on how to bootstrap some other land protection at the same time as provide housing that we need. And so being creative and doing that we don't necessarily have enough information for this specific piece, but going forward as different opportunities come forward, we can look at them and say our impact is not \$500,000 on this but it might pencil that the true impact to us would be \$100,000, right? Because we'd be able to sell off four 2.5-acre lots near Golden in that clustered development area so we start thinking in creative ways to finance more preservation and just thinking in those terms. So anyway.

CHAIR HANSEN: Okay. So we have a motion on the table and a second. I'm going to call for a vote.

**The motion passed by majority [4-1] voice vote with Commissioner Hamilton casting the nay vote.**

COMMISSIONER HAMILTON: I actually – I really, really like the compromise, you guys. I love the creative thinking and I respect the desire to preserve that area. But I still think my concern about spending the money on restorative management stands.

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CHAIR HANSEN: Thank you. We accept that. We don't always get a unanimous vote and that's okay. I want to say also to Adeline congratulations. I didn't know that you were going to have a baby so I can't help myself but say congratulations.

MS. MURTHY: Thank you, Madam Chair. Thank you, all. I really do appreciate your thoughtful considerations and engaged discussions with this.

6. E. **Request Authorization to Publish Title and General Summary of Ordinance No. 2023-\_\_\_, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9 to Amend Section 12.14 (Transfer of Development Rights) to Amend the TDR Ratio to Increase the Number of Additional Dwelling Units Allowed per TDR; to Establish TDR Transfer Ratios for Dimensional Standards; to Make Minor Technical and Grammatical Changes; to Revise Procedural Standards; and to Add a New Section to Allow a Density Charge Option in Lieu of TDRs**

MR. GRIEGO: Good afternoon, Madam Chair and Commissioners. I'm here with Senior Planner Angela Bordergary who will be coordinating the TDR program for the County. As you mentioned, Madam Chair, this item is to request authorization to publish title and general summary of an ordinance to amend the Sustainable Land Development Code, Section 12.14, Transfer of Development Rights.

I did appreciate the conversation in regard to the policies and I wanted to outline some of the Sustainable Growth Management Plan policies. The County adopted the Sustainable Growth Management Plan which included goals, policies and strategies to guide land use and development in the county.

Goals included promoting sustainable development patterns in accordance with the growth management strategy to include compact development in areas with adequate public facilities and to minimize sprawl and land consumption in areas with less dense development and mate these objectives to land use tools and land transfer options and techniques. These goals, policies and strategies include the following: establish the use of TDRs in designated receiving areas to promote higher density in priority growth areas and to incentivize the protection and conservation of open space, agricultural land and environmentally sensitive areas.

Policies include supporting the creation of a transfer of development rights bank to purchase or to sell development rights and support these goals.

Chapter 12 of the Sustainable Land Development Code, Growth Management chapter, also established regulations for the transfer of development rights to include general standards and procedures. The Board has also established resolutions in regard to the TDR program and the TDR bank.

In addition, the County's strategic plan included a goal to revise the TDR section in the SLDC to execute growth management policies to conserve open space, agricultural land and environmentally sensitive areas in sending areas, and to direct growth to receiving areas with adequate public facilities and services in our Sustainable Development Area 1 areas.

Staff did present the proposed amendments to the Board in May. Some of the

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proposed amendments that were discussed include amending the – the redlines to the proposed ordinance are identified in your packet. There's also a clean version of the proposed amendments there as well. Proposed amendments include amending Table 12.2, the TDR density transfer ratio to increase the number of dwelling units per TDR from one TDR in the sending area from the current standard of one TDR is equal to four additional dwelling units in the receiving area. We are proposing to increase that for one TDR would equal five additional units in the receiving area.

For example, the discussion that was just held in regard to the San Pedro open space at 160 acres that could have four development rights on it in accordance with the TDR program open space conservation program, those four TDRs could current result in 16 development rights in a receiving area with adequate public facilities. The proposed change would change that to five and you'd be able to get that 20 dwelling units in the receiving area with that.

Other proposed changes to the TDR density transfer ration in Table 12.2 is to add an additional category for residential rental to allow one TDR is equal to ten residential rental units and this would help support the increase for rental units in the county which is also an identified need.

Additional proposed changes that were discussed include amending the TDR dimension transfer, addition a TDR dimension transfer ratio standard for the receiving area zoning district to allow greater dimensional flexibility in accordance with the provisions of Chapter 8, Zoning, of the Sustainable Land Development Code. The existing SLDC zoning allows adjustments to density dimension standards with TDRs in receiving areas in the following zoning districts: mixed use, planned development district, industrial/light zoning district, and the commercial general zoning district.

In addition to those changes, the proposed changes include a new section for affordable housing exemptions. So this would allow – in order to incentivize the development of affordable housing to meet the following definition: affordable housing is defined as any housing unit built to benefit households whose gross income is 120 percent or less of the area median income for Santa Fe County and whose monthly housing payment would not cause the household to be housing cost burdened pursuant to HUD guidelines.

So these proposed changes then would try to direct – meet the County's growth management policy and code to direct growth to areas with adequate public facilities and to incentivize affordable housing in the county.

Additional changes include adding a new section to establish a density transfer charge option. This section would allow payments in lieu of TDRs that would provide the same adjustments to receiving areas as base standards as TDRs. So for instance, currently we have developed – the TDR program has preserved 214 acres, give or take, of land in the county and those have resulted in TDRs that have been sold to developers. There are – in addition, if a developer wanted to purchase development rights, currently there are no TDRs available for sale, so if somebody wanted to develop at higher than one DU per acre in our receiving areas, they would need to acquire TDRs. They're not required to purchase the TDRs until the final development plat. However, developers have expressed concern or reluctance to move forward with the development without assuring an adequate supply of TDRs. They don't want to go through a process to submit for a

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development without assurances that there would be development rights available when they move their process forward. So this new section would establish a process for the County to establish a price development rights that developers would then be able to purchase, and then those funds would go directly into the TDR bank and that would allow the County an opportunity to go out and purchase development rights from property owners in accordance with the TDR program goals.

Additional changes include proposed amendments to clarify the language regarding the TDR bank and to provide the TDR bank administrator the authority to negotiate sales of development rights subject to approval by the Board.

And finally, the program, the technical changes – when the code was originally established we did not yet have a TDR program. Since that time we've developed qualifications and certification processes and we have technical changes that are in the redline version in your packet that identify changes and procedural standards based on TDR program operations.

So these are the main proposed changes that we are proposing to move forward with and with that I stand for questions from the Board.

COMMISSIONER HUGHES: Thank you, Robert. This is the first time I've gotten to chair the meeting but only for about 30 seconds, so I'll ask if there are any questions from other Board members. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Robert. Thank you, Angie too.

So just as a sort of fundamental question, just at the beginning of this, we have these receiving areas that have in theory adequate facilities – water, infrastructure and so on. Why shouldn't we just rezone those? And just rezone the land use map to jump start those areas? The TDR program to me at a fundamental way is meant to do what we just talked about with the preserving land within that – in the San Pedro area. We've got 160 acres. We want to encourage cluster development to preserve 150 of the 160 acres. That's a transfer of development rights within a zone, within an area, in a way that clusters it and doesn't move it out of the area.

But in the area of the Community College or any of these areas that are in these receiving areas, why aren't we just going with a fundamental, hey, let's look at this map and take everything that's one dwelling unit an acre, let's move it up to two or three or four or 25. I'm exaggerating, but in this proposal here we're in theory actually getting 20 units an acre, right? So if we're willing to talk about allowing somebody to do 20 units in an acre, let's do it, right? Instead of making somebody go jump through hoops and go find a house somewhere outside of this area. It's just a fundamental sort of, let's do it. If we have growth that we need to plan for, let's plan for it in that holistic way instead of this sort of piecemeal, somebody goes and finds something across the county, moves it over here, builds 20 units on a three acre parcel next to somebody that thought that they were on a one-acre parcel. I'm just wondering if there's –

MR. GRIEGO: Thank you, Madam Chair, Commissioner Greene. I think that was the work that was done when we established the Sustainable Growth Management Plan and the Sustainable Land Development Code. So initiated in 2008, the Sustainable Growth Management Plan did go through an extensive process with the community to identify how we wanted to grow in the county. So we had gone through a two-year-plus process to establish that general plan which identified what we wanted to



do and where we wanted to direct growth with adequate public facilities.

So again, I think one of the main fundamental premises at that point was to reduce land use sprawl in the county and to direct growth to areas with surface water and opposed to groundwater. And so with that we identified areas where the County could serve and those are our sustainable development areas. We have SDA-1, SDA-2 and SDA-3. Our sustainable development area 1 is the area where, as you mentioned, we currently have the ability to provide services or again, it's either in place or planned. So for instance, any developer who would come in with an SDA-1 would not need to rezone to get to a higher density.

Again, if we – in other areas, in SDA-2 or SDA-3, those areas, again, they can develop at the zoning densities developed through the land use planning. Again, we established a future land use map through the Sustainable Growth Management Plan that identified conceptually what the capacity of those areas would be. Previous to the Sustainable Growth Management plan we had – I'm sure Commissioner Bustamante recalls, we had what we called hydrologic zones in the county. And so part of our zoning process, part of the Sustainable Growth Management Plan was to look at land use patterns and identify what the carrying capacity of the land was based on those hydrographic and infrastructure and terrain, etc. So that extensive process that we went through in 2008 through 2010 for the Sustainable Growth Management Plan and subsequently the Sustainable Land Development Code which was established in 2015 did create that zoning process and we did go through a pretty significant process to amend the zoning code.

So it would be, again, just from a perspective as in the county, the sustainable – to amend the County's zoning map would be a pretty significant effort to do so. Which areas would we identify? Again, we've already identified our sustainable development areas but there's significant areas, again, I'm not sure going from the current policy frame that we have to go to a whole – to amend that whole process would be a pretty significant initiative from my perspective.

COMMISSIONER GREENE: I appreciate that and I recognize that a lot of work goes into that. I also recognize that it's 15 years old or more maybe at this point. So if we have this receiving areas that are identified to do this, this just seems like a different hurdle, that it's a hurdle on the developer to go find a TDR, where we could do the work, right? Not you, you get to go retire off into the sunset.

MR. GRIEGO: Thank you.

COMMISSIONER GREENE: But our offices, our Growth Management, could be looking at these places and going, we have the water to plug into these places. Let's not make this extra hurdle here. Whereas as we were talking for these four units, if we clustered those four units and turned it into a little mini-mutual domestic with one well, hydrologically it's still the same basic impact in that region in a way that then preserves the land, clusters it, solves the housing situation, maybe brings housing to the southern part of the county that needs it probably just as much as we do. I'm just thinking of different ways we could do it. We could still keep a TDR program but more regionalized as opposed to moving homes totally across the county.

MR. GRIEGO: I just wanted to refer back to that other point that – because I think you're talking about people chasing TDRs, that's the reason that we're

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proposing that density transfer charge. So if we did that there'd be a mechanism where there's no – again, there's a way. We've received an extensive – we've received a lot of support for the TDR program from property owners who want to conserve their property over time, similar to what the County has done with the TDR open space conservation program. The County has initiated and said that this would be a good mechanism for the County to preserve these open space lands in perpetuity. Property owners have also expressed an interest but currently part of the issue with the TDR program is that, again, in order for the program to be viable there needs to be an adequate supply and demand and the proposed change with the density transfer charge would address that issue by identifying a mechanism where developers could purchase those development rights and then it would be a mechanism for the County to preserve land through the County acquiring them from those development rights proceeds from the sale of TDRs.

COMMISSIONER GREENE: I get it. I'm just thinking of different mechanisms to solve the growth issues that we have. But thank you.

CHAIR HANSEN: I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: I think there needs to be more said about the incentive side for conservation that the TDR program was focusing on as well. And so I understand what you're saying. There may be places like, why are we bothering to do this, but the whole program is taking a resource we have, incentivizing conservation, and then using the resources that come from that to fund that conservation and incentivize more cluster development.

CHAIR HANSEN: Yes, Commissioner Hamilton. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes, Madam Chair, and thank you, Commissioner Hamilton for saying that. In the interests of full disclosure, I have started the process with Santa Fe County before I was sitting on this Commission, and it is really about the incentive. I hear what you're saying but the opportunity to actually have the landowners – it would be a significant difference in what it would take for me to sell or donate, whatever the land behind me for open space, or whatever. It's not that much space to be open, but the opportunity to not have that density in a place that really – where we know that the development and the water and all of those issues are a big part of the concern, it's the incentive for what would it take to take this, put it in preservation, and then I get something for it.

So it's the other end of what really becomes the opportunity for the landowner and incentivizes that preservation of that land otherwise. And still allows a person to gain the income from the land to put the density some place where it would be less of an impact on the community in which it resides. So does that make sense? It would be something that I will say from my honest – to speak openly. It made sense for me to get something for it knowing that I wasn't going to develop something there. And the good news is somebody will be able to develop someplace else where it would make more sense with regard to having the infrastructure and less impact on the traditional community in which I live. So that's the big asset.

And that is why I think this is innovative. It's really a downright creative program because I do believe that in some way it still also does what you're doing. It just also allows for the landholders to have a say in it as well. So it creates more of that

opportunity that you're talking about. Yes, you've created the density, but then there have also been other benefactors and preservation in other areas where we want that. So that's been my experience with a TDR. So thank you sincerely because I miss you already too.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, and I have to add, I miss you already too, Robert. But I know where you live so I'm going to come over. But I miss you too much. The only thing I wanted to add to what's been said is as I think about this I think of it sort of a fairness issue. If we were to just zone certain areas 20 houses per acre and others one house per 160 acres, the person who gets the 20 houses per acre zoning gets a big windfall. This spreads the wealth out a little bit so that the people who own a ranch a little farther south from the city where we don't want development but where there might be the temptation to do development. I live on what used to be a ranch, Eldorado, which I live to say the state and the County would never let that happen again, one house per acre, spread out over all those thousands of acres that are Eldorado.

And so I think this provides a fair mechanism where some people who want to develop their land and it's close to the city have to pay a little bit to the people who aren't going to develop their land. And I think it also – I think the preservation part is very important. I think we're going to be able to preserve a lot more land this way than through buying open space which we only have – we only approved buy 160 acres today and it cost us half a million dollars. We can't buy 30 percent of the county that way but we can preserve a lot of agricultural land.

One of the things people in my district ask me is like when it is going to stop? Because they understand the Community College District is all zoned and some of the other areas are zoned for high density, but they do want to have open space further south of them, and some of those ranches would be the next thing to be developed if they were just open for development. So some of those are potential targets for us is we sell a bunch of development rights and we have some money we should probably start approaching some of those ranches where it's worth making sure that they're preserved. So I think there's lots of interesting things.

My other reason for supporting this today is that when I first became a Commissioner I talked to Manager Miller about all the ideas I had and she said, well, the first thing that we've got to do, before we do any of your ideas, Commissioner Hughes, is fix the transfer of development rights program because we've been sitting on that for years. And so I want to get this done so I can move on to all my other priorities. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. So this is just to publish title and general summary. We will have another full round of discussion. Unfortunately, we will not have Robert there to guide us and so even though I will miss you dearly, I am going to say congratulations, because that is what you asked me to say. So I want to congratulate you on your retirement and how much dedication and time you have spent at the County and how much it means to all of us up here, all the expertise and all the awards that you have won for your dedication to the County and just want to sincerely say that from my heart to you, that I am grateful for all the service you have provided to the County.

MR. GRIEGO: Thank you, Commissioner. I do appreciate that.

CHAIR HANSEN: Okay, now we are just here to publish title and general

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summary, so can I have a motion?

COMMISSIONER BUSTAMANTE: Motion to approve for publishment.

COMMISSIONER HAMILTON: Second.

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

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

**6. F. Request Approval of Amendment No. 8 to Collective Bargaining Agreement Between Santa Fe County and the American Federation of State, County, and Municipal Employees; New Mexico Council 18, Local 1782 AFL-CIO**

CHAIR HANSEN: Looks like we have Leandro Cordova. Welcome, Leandro.

LEANDRO CORDOVA (Deputy County Manager): Thank you, Madam Chair, Commissioners. We're here today to request approval of amendment #8 to the collective bargaining agreement between Santa Fe County and the American Federation of State, County and Municipal Employees. As you all may recall, back in January, the Board approved our comp and class that went into effect for all of our AFSCME members on January 14<sup>th</sup>. However, at the time, we knew we had to make some further improvements to our utility maintenance workers and operators and we finally completed that work June 17<sup>th</sup> of this month, and what we're approval of a retention incentive being proposed for those utility workers.

During the time that the pay structure was being evaluated we were still working on this and we're now proposing a six-month temporary retention incentive through this amendment to encourage employees to remain in the Utilities Division while the vacancy rates remain high we want to reward their dedication in staying with Santa Fe County. And that's the basic of this. The memo gets into more detail and I want to thank Rachel and Sonya for all the hard work they did, but I'll stand for any questions if there are any at this time.

CHAIR HANSEN: I want to just say thank you to Rachel, Sonya, and yourself because I think this is a really, really good solution to our utility operators that they know that they are to the County. And with that I'll go to other comments or questions. Or what's the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair, move to approve.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay.

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

CHAIR HANSEN: Thank you, Rachel, thank you, Leandro, thank you Sonya.

MR. CORDOVA: And Madam Chair, thanks to AFSCME.

CHAIR HANSEN: And to AFSCME and to all the operators for agreeing

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to this. Absolutely. Thank you.

**6. G. Resolution 2023-064, a Resolution to Commit Santa Fe County Fiscal Year 2023 Fund Balance**

CHAIR HANSEN: Yvonne, welcome.

YVONNE HERRERA (Finance Director): Thank you, Madam Chair, Commissioners. The resolution before you is to commit fund balances for fiscal year 2023. We're requesting approval of the balances to commit based upon the County's fund balance reserve and budget contingency policy, which is in Resolution 2019-7. Within the policy it establishes various reserves for the general fund as well as the special revenue funds and enterprise funds as well as the one self-insurance fund, internal service fund, which is a self-insurance fund.

They range from the general fund – we have contingency, disaster recovery, uninsured losses, major infrastructure repair and replacement, all with ranges between 10 and 15 percent of two different populations, either the operating budget of the succeeding fiscal year and/or the prior year unrestricted fund balance.

In addition to that, the special revenue funds for Corrections operations, Fire operations, and Emergency Communications operations fund requires a minimum of 25 percent, and this is due to the significant support that these funds receive from gross receipts tax, which we all know is highly susceptible to market conditions. All other special revenue funds that support operations require 10 percent. The County's Utilities enterprise fund requires a minimum of 50 percent of the operating budget, and then all other enterprise funds, which is basically our Housing enterprise fund, requires a 10 percent reserve. Our self-insurance requires a minimum of 20 percent, 35 percent if not a little bit more depending on what we see as far as claims go with medical care.

For the general fund, which has ranges for the four different reserves, there were no changes to the amounts that were presented to the Board in the prior year. And with that, Madam Chair, I stand for any questions.

CHAIR HANSEN: Okay, questions from the Board.

COMMISSIONER HUGHES: Madam Chair

CHAIR HANSEN: Yes.

COMMISSIONER HUGHES: Yvonne was expecting me to ask at least question so I don't want to disappoint you. How much of an increase is this over our last year's reserve?

MS. HERRERA: Madam Chair, Commissioner Hughes, I'm sorry I don't have that number but I can get that and provide that to the Board. I'm not exactly sure. I didn't bring the copy from last year. I apologize.

COMMISSIONER HUGHES: Okay. But it is an increase since our budget has increased. Is that correct?

MS. HERRERA: Right. It would be. Based upon the estimated fund balances that we calculated for fiscal year 23 we did see increases in most of the funds and that's mostly due to the number of vacancies that we had as well as some issues with purchasing toward the beginning of the year. Even though we've seen increased costs, most of the funds, if not all, actually saw some kind of increase.

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COMMISSIONER HUGHES: Okay. So if we consider this roughly \$60 million reserve, and the \$60 million we're going to spend on our capital funds, we still have money beyond that, right?

MS. HERRERA: Madam Chair, Commissioner Hughes, yes, we do. The capital funds are not part of the reserve, so based upon Management's recommendation yesterday about keeping the \$13-some million alone, so to speak, that would provide the necessary funding that we need along with current year revenues for each of the future fiscal years.

COMMISSIONER HUGHES: Okay. In my continuing efforts to understand our finances I am going to come visit you again soon. But I won't take up time here. Thank you.

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

COMMISSIONER GREENE: Thank you, Madam Chair. In the past few years what have we been using in these reserves? Or have these generally been all rolling over to the next year?

MS. HERRERA: Madam Chair, Commissioner Greene, they've generally been rolling over. I don't recall, at least since I've been at the County that we've had to use any of the reserves. Because we do budget some budget some contingencies we've been able to use those amounts whenever anything unexpected has come about.

COMMISSIONER GREENE: Thank you. And is our resolution based on statute or anything that we have to meet, or exceed, or is this our own internal guidance.

MS. HERRERA: Madam Chair, Commissioner Greene, this is based upon GASB standards. We are required to classify our fund balance based upon different categories and then the committed amounts are in addition to those. So it's best practices to define what our fund balance is made of, and then we put it in a resolution. So it's all from GAAP and GASB accounting standards that govern the County.

COMMISSIONER GREENE: Wonderful. Thank you.

CHAIR HANSEN: Any other questions? What's the pleasure of the Board?

COMMISSIONER GREENE: Move to approve.

COMMISSIONER HUGHES: Second.

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

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

**6. H. Resolution No. 2023-065, a Resolution Requesting Adoption of the Final Budget for Fiscal Year 2023-2024 (FY 2024)**

CHAIR HANSEN: Welcome again, Yvonne.

MS. HERRERA: Madam Chair, thank you. Madam Chair, Commissioners, I am here to beg you to please approve the fiscal year 2024 budget.

CHAIR HANSEN: I don't think you need to beg. I think we're more than happy that we have had such positive budget study sessions with Manager Shaffer and

yourself and we appreciate all the hard work that has gone into this budget.

MS. HERRERA: Madam Chair, Commissioners, back at you. We really want to thank the Board as well as Manager Shaffer, the County Manager's Office as well as the Finance staff, and the County departments for all the support and contributions to the creation of the 2024 budget.

With that, so yesterday we had our final budget study session or budget hearing to go over the capital projects. So back in May, the Board approved the interim budget. From the interim budget, additional adjustments were made to do some technical corrections. In addition to those we made some additional adjustments regarding doing the balancing of the budget we needed to include some additional transfers for debt service, and also to reflect the direction of the Board to not budget some recurring revenue so as to be able to address issues raised by the class and comp changes that we plan to do in the fall of 2023.

In addition to the capital that is going to be included in the budget there were additional adjustments that were detailed within the memo and a separate exhibit was also provided for all those various adjustments.

In addition to the operating budget, capital projects and maintenance budget, we also included budget contingencies that were equal to the amount that we budgeted in fiscal year 23. In addition to that, we also included a recession revenue replacement in the amount of \$12 million, temporary employees, contractors, for implementation capacity, and grant matching requirements of \$10 million.

With all of that, our final budget is \$487,426,764. And with that, Madam Chair, I stand for any questions the Board may have.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Not a question, but I really have to say you guys – I know we did it together to some extent but you guys did the lion's share of the work, an outstanding job. You, your office and the County Manager's Office. I'm both impressed and incredibly grateful to be able to make decisions based on this kind of clear, concise and dynamic information.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, Commissioner Hamilton, not to say anything new. Yes, we participated, but it felt like someone dig a really deep hole then we stood in and said we worked on this. It was excellent, excellent work, and it was so seamless and so clear, and that to be was one of the things that I appreciated the most about this process. And yes, we did participate, and it was exceptional, so I really am just extending gratitude and I appreciate any sense that I had anything to do with it at all.

CHAIR HANSEN: Absolutely. They dug the hole and we held the shovel afterwards and looked in.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: I was just going to make a motion to approve the budget, Madam Chair.

COMMISSIONER GREENE: And I'll second.

MANAGER SHAFFER: If you could, one second. I think Yvonne has one other thing she's like to address.

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CHAIR HANSEN: Just let me make a comment. We have a motion from Commissioner Hughes, a second from Commissioner Greene. Under discussion. Yvonne. We had multiple seconds.

MS. HERRERA: Madam Chair, Commissioners, I want to make one clarification. In addition to the \$487 million, we'll add the \$500,000 for the San Pedro purchase. So the budget will increase by the \$500,000.

CHAIR HANSEN: Okay. We accept that. We did that ourselves. Okay, anything else under discussion? Hearing none.

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

CHAIR HANSEN: Yay. We have a budget. We can send it to DFA. We have a couple days. I want to thank everybody in the County, the staff, everyone, for your incredible hard work because getting a budget done is challenging and we thank you from the bottom of our hearts, Yvonne, and to the Manager. Manager Shaffer, thank you so much for everything.

COMMISSIONER GREENE: And Leandro.

CHAIR HANSEN: And Leandro. Everybody. All of the County staff who worked on the budget. The whole entire Finance Department, Sam and everybody. And anybody I left out doesn't mean I didn't forget you.

MS. HERRERA: Madam Chair, thank you. and I really want to thank Manager Shaffer. He's definitely brought forth a different perspective so we're able to continue to learn and see things from a different viewpoint and I'm really grateful for his support.

CHAIR HANSEN: Likewise. I think we all feel that way, so thank you very, very much. Thank you, Manager Shaffer, for your dedicated hard work on everything at the County.

MANAGER SHAFFER: I don't know that I deserve the kind words but I appreciate them. Thank you.

6. I. **Resolution No. 2023-066, a Resolution Amending Resolution No. 2021-071, as Amended by Resolution Nos. 2022-018, 2022-071, 2022-076, to Replace the Polling Place/Voter Convenience Center for the Consolidated Precinct Consisting of Precincts 4 and 87; and to Eliminate a Polling Place/Voter Convenience Center for the Consolidated Precinct Consisting of Precincts 11, 24, 25, 27, 33, 130, 155, 159 and 160**

CHAIR HANSEN: Madam Clerk, I believe you are online.

KATHARINE CLARK (County Clerk via Webex): Yes, Madam Chair. Thank you. Good afternoon, Commissioners, Madam Chair. This is a resolution simply to remove the New Mexico School of the Arts from our New Mexico 2023 election days polling site plan. We are planning in keeping Carlos Gilbert to handle that downtown traffic, and also the Mandela International Magnet School to handle that mid-town traffic because we are seeing folks vote more frequently closer to downtown on election day.



And also, while we are at it, this resolution is also handling that Nambe has asked us to move their polling site to a building that is not under construction for the fall election, so we are also going to make sure that we are naming, just for the 2023 election, an alternative tribal polling site for 2023.

So it's quite simply that we had added New Mexico School of the Arts thinking we might need it, but since this tends to be a smaller election we don't need as many. Carlos Gilbert can handle it for that additional downtown, and then we are keeping that mid-town site, and then of course we're making the switch at the request of Nambe.

CHAIR HANSEN: So Madam Clerk, do we have elections out in the county? I thought it was a City election. Are there also soil & water districts that we are voting?

CLERK CLARK: Yes, ma'am.

CHAIR HANSEN: Because I think it's important that people know that.

CLERK CLARK: So the regular local election is our statewide election and it's our consolidated election. About three election cycles ago we started adding the local elections together, so that it just made more sense to have more people voting. It's supposed to increase turnout with having these different kinds of elections. So we have our municipality, which is Santa Fe, and our Town of Edgewood races. We have our school board races. We have our Community College races. We also have our soil & water and conservation district races.

I also expect several entities to put bond questions, which are really important for funding their initiatives, and those you will see on the ballot in the regular local election as well.

CHAIR HANSEN: Okay. Thank you very much. Any other questions from the Board? What's the pleasure of the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: Madam Chair, I move to approve.

COMMISSIONER HUGHES: Second.

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

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

6. J. **Resolution No. 2023-067, a Resolution Designating the Polling Places of Each Precinct in Santa Fe County, New Mexico, and Consolidating Precincts, Amending the Boundaries of Voting Precincts by Combining Two Precincts and Creating One New and Separate Voting Precinct, as Required by Section 1-3-1(B) and (C) NMSA 1978**

CHAIR HANSEN: Madam Clerk.

CLERK CLARK: Thank you, Madam Chair, Commissioners. This is to adjust the boundaries as allowed by law, so what we're seeing is that in Precinct 4, we're seeing less and less voters voting in that precinct. And so we are proposing by statute, because there's less than 100 voters in two consecutive elections to combine that outside of tribal boundaries with Precinct 3. And then because the numbering would be unusual, we are also splitting Precinct 113, where we're seeing significantly more than that 750

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high water mark and splitting that precinct and then putting 4 down where the other side of 113 would be so that we can have continuous numbering of precincts.

We've also, because all polling sites are going to be consolidated we had to reconsolidate some precincts to make sure that we had evenly spread out polling sites. Now, voters don't necessarily now vote all where they live. They tend to actually – we see in Santa Fe County almost 20 percent of voters are now using mail-in ballot, and some tend to be voting after work, so there are some polling sites where we've added additional polling sites to accommodate that. So for instance, at Turquoise Trail, we typically have an extra polling site to handle both those who like to vote close to home and those who like to vote on the way home.

So we're trying to adjust for voting behavior that we're seeing in our county and making sure that everyone has very convenient and accessible polling sites in Santa Fe. And this resolution is reflecting both the requirement to split and consolidate precincts, as well as maintain a good spread of polling sites throughout the county.

CHAIR HANSEN: Okay. What's the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair, move to approve.

COMMISSIONER HUGHES: Second.

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

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

## **7. PRESENTATIONS**

### **A. Presentation on the Guaranteed Utilities Savings Facility Upgrade Project and Contract Year-end Report**

CHAIR HANSEN: Thank you Jacqueline Beam and Yearout Energy. Good to see you.

JACQUELINE BEAM (Sustainability Manager): Thank you, Madam Chair, Commissioners, and thank you for the opportunity to present on the successful completion of this project. I'm accompanied by Jim Lopez, who's a construction supervisor with Yearout who worked on this contract, and Steve Hastings who's the third party certifier contracted through the state. And also Tara Trafton, who is the Yearout account executive for this project.

In 2019, Santa Fe County contracted Yearout Energy which is an ESCO or energy services company, to complete an investment grade audit for 14 County-owned facilities in order to assess improvements needed for energy efficiency savings. A statewide price agreement with the vendor was awarded on August 27, 2019 and the IGA, or the investment grade audit was completed in October 2022. The County received a proposal from the vendor for proceeding towards completion of Phase 2, which included the implementation of upgrade recommendations for 13 facilities and the guaranteed utilities savings return.

Implementation and construction work for this project began at the end of 2021, and the 100 percent walk-through of this project was completed in April 2023. The total project cost was approximately \$2 million. And with that I would like to invite Tara

Trafton to come up to the podium and present on this project and afterwards we can discuss more questions but I will turn it over to Tara.

TARA TRAFTON: Thank you. Good afternoon, Madam Chair, Commissioners. I'm happy to be here to share with you some of the highlights from this project. So first, I'm going to do an overview of the project, go through some of the facility improvement measures that we identified during the investment grade audit, show you some pictures of those having been implemented in your facilities. We can discuss next steps and I'm not sure if the site photo tours are a part of this presentation; I broke it into another presentation that may have been uploaded as well for folks who want maybe a more in-depth look at each of the facilities that we addressed.

So as a reminder, these are the sites that were part of the initial investment grade audit. There were 14 sites, roughly 350,000 square feet across the entire County. During the investment grade audit we came up with our initial estimate and guarantee as far as savings are concerned. You can see that for every measure of savings we exceeded that in our post-installation and verified values. It's roughly ten percent as you can see there, of an improvement. One thing that is particularly notable here is that our team that works with all of your public utilities as far as rebates are concerned, they managed to achieve four times what we had initially estimated, and so we're particularly proud of that.

So again, these utilities savings in this project, which was approximately two million dollars as Jacqueline said, the savings from this project are what currently paying for the implementation. So there was no upfront capital costs for the County on these fourteen facilities and you're saving roughly 19 percent currently.

Putting that into terms of greenhouse gas emission reduction, you're saving almost a million pounds of CO<sub>2</sub> equivalent, which is pretty impressive. You can see there, there's some equivalencies to put it into terms that are more easily understood. One that is particularly beneficial for me is the acres of trees planted, so roughly 120 acres of trees planted.

So again, these are just representative photos. We did an LED lighting conversion at these facilities replacing approximately 3,200 fixtures. There you can see four sites, but the LED lighting was addressed in 13 out of the 14 facilities. Additionally, we installed heating ventilation and air conditioning controls, so 16 wireless thermostats that are wi-fi enabled and programmable to help you with scheduling and occupancy for your heating and cooling systems.

Building envelope remediation – so again, this is sealing the cracks and gaps and different penetrations in your buildings. We remediated approximately 120 square feet, so if you image a 10 X 10 home, site of a building, that's essentially what was addressed through this measure. That measure was implemented at 13 of the sites as well.

Renewable energy – we did three solar arrays. Initially we had hoped to do four but the grid didn't allow, so we were able to upsize and achieve the same results through implementing the three. You can see that there's a shade structure at Benny Chavez. There's roof-top at the State Health Center, and ground-mounted array at the Vista Grande Library.

Water conservation, which involved reconditioning and rebuilding some replacement parts, again to just conserve on your water. That took place across six facilities. We installed high efficiency, low voltage transformers at the detention facility.

That's a summary of really the work that we did. Again, there is some additional photos available and more details available at that secondary report.

So the next steps now would be to continue to build on this progress that we've made to date. We'd love to be your partner in that and to identify sites for the next phase or work, which at this point that's everything that I have, so I'd like to ask Jacqueline and Jim to join me and we can stand for questions.

CHAIR HANSEN: Thank you very much. I like the one million figure of greenhouse gases that we have converted. Comments from the Board, or questions? Commissioner Hughes.

COMMISSIONER HUGHES: Just a quick question. Is the solar array at the Vista Library, is that different than the one for the senior center that's in the same sort of general area?

MS. TRAFTON: I'm sorry, Commissioner. Different in what respect?

COMMISSIONER HUGHES: Well, I know there's a solar array that's been there for a while, right in front of the senior center in Eldorado, which is of course right next door to the library. Is this a new one in addition to that?

JIM LOPEZ: Correct.

COMMISSIONER HUGHES: Okay. I'll have to go look at it.

MR. LOPEZ: It's actually on the west side of the library.

COMMISSIONER HUGHES: Okay. Yes, that's behind it so I wouldn't see that when I go return my books. Right. Thank you, and thank you for the work. I hope we do get to continue this. Thanks.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. Thank you for the work. Either you guys at Yearout or Jacqueline, what do you think are some logical next steps or potential next steps for doing additional work?

MS. BEAM: Madam Chair, Commissioner Hamilton, we have as a part of our greenhouse gas emissions reduction plan, phase 1, and this will complete our facilities upgrades for phase 1 and phase 2 is an addition of 20 more buildings and because one of those facilities was the former youth detention facility, we will probably need to add that one into the 20, so it will be 21, is what we're looking at for the next round.

CHAIR HANSEN: So it concerns me about not being able to get to the grid, like with the solar arrays, you couldn't access enough power on the grid. So what can we do to make that change? Who do we talk to? Do we need to talk to the Governor? Do we need to talk to PRC? PNM?

MS. BEAM: Madam Chair, Commissioners, are you referring to the cap of solar arrays?

CHAIR HANSEN: Yes.

MS. BEAM: Correct. What we do have now with the solar direct program, we have 50 percent of all of our facilities are now through PNM and also that means renewable. So our concerns in that area, as far as facilities go, are a little bit lower and certainly we can advocate for increasing that cap as we look at community solar being added. We do have one project that's coming online and I think it's all about advocacy and increasing the voices.

CHAIR HANSEN: Right. I know that La Cienega, La Cieneguilla has a shortage of access to the grid. So if there is some way we can increase that for them, I think that would be important.

COMMISSIONER BUSTAMANTE: Madam Chair, thank you. It's a short of access. It's no more access, period. But I am so grateful, and I want to thank you for the work that you and your team have done, Jacqueline and team. Very nice job.

MS. BEAM: Thank you, Madam Chair and Commissioners. I do want to also add a huge thank you to Public Works. Their facilities team was essential in helping us to enter the buildings and coordinating with Jim and the rest of the team on what needed to happen and when, and so we couldn't have done it without their help.

CHAIR HANSEN: Yes. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair and thank you, Jacqueline, and thank you, Yearout. Thank you for putting this together. Most of it's before my time but I will happily take credit. No, just kidding. But a question on the new technologies and to the Chair's point. Are we looking at like batteries and starting to bring batteries into some facilities so that we would have backups, not have to run generators and do these other things? Is that –

MS. TRAFTON: So for the next phase that's something we can definitely consider. Battery energy storage systems are becoming more economically viable for these types of projects. It's on a case-by-case basis. There are a lot of factors that you have to look at: your specific rates, the building usage profile, that type of thing. So there's a lot of factors to consider, but it's definitely something that on projects we're developing now we do take that into consideration.

COMMISSIONER GREENE: Just along that point, I would recommend at least a pilot project on a facility so we could see how they run and have our facilities management know how to work a battery and know that it's working and feel confident with it. So that'd be great. Thanks.

MS. TRAFTON: Thank you, Commissioner. That's something we'll consider.

CHAIR HANSEN: Any other questions from the Board? Thank you, thank you, thank you. I really appreciate this project, since it happened in the beginning, before the pandemic started, and the fact that you were able to get as much done, and all the rebates that you got back – I really appreciate that. That was – from \$40,000 estimate to \$160,000 isn't that like triple? My math might not be perfect. But I think that was great. Four times. Okay. I can count on other Commissioners to help me there with the math.

Okay, so thank you so much, and thank you, Jacqueline, always.

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

**7. B. Presentation on the Proposed Adoption of the 2021 International Fire Code and the 2021 Wildland Urban Interface Code**

CHAIR HANSEN: Thank you, Jaome, welcome.

JAOME BLAY (Assistant Fire Chief): Madam Chair, Commissioners, thank you. Madam Chair, Commissioners, the following power point presentation

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provides an overview of the New Mexico State Fire Code minimum requirements that we need to meet. Also, the ISO rating impact on code adoption, and the benefits the County may gain from updating the current Santa Fe County Fire Code by adopting with modifications the 2021 International Fire Code, the 2021 Wildland Urban Interface Code regulating fireworks and excessive fire alarms, requiring fire inspections, providing for fire protection systems plan review, and providing for the issuance of permits and collections of fees.

The State Fire Marshal's Office adopted the ICC International Fire Code, 2021 Edition, in November of 2022 to assure minimum standardization of life safety concerns statewide, and their mission is to establish and develop strong relationships with all stakeholders while enforcing the approved fire and life safety standards and laws in a diligent, fair, and consistent manner. Basically, it boils down to we have to meet the minimum state requirements as far as the fire code is concerned.

Also, let me go back to that slide because the New Mexico Administrative Code, Title 10, Chapter 25, Part 5, establishes the state's minimum requirements that apply to structures, processes, premises and safeguards regarding the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices, conditions hazardous to life, property or public welfare and the occupancy of structures or premises, fire hazards in the structure or on the premises from occupancy or operation, matters related to the construction, extension, repair, alteration or removal of fire protection systems, and conditions affecting the safety of firefighters and emergency responders during emergency operations.

And now I'm going to into fire zone. So ISO's fire suppression rating schedule, Section 10-21, also considers whether the jurisdiction adopts and enforces the latest edition of one of the nationally recognized fire prevention codes. For us to obtain a full credit on this section, a jurisdiction must adopt and enforce the latest edition of one of the nationally recognized fire prevention codes. This would allow us to get the maximum amount of credit from ISO.

Also, some of the advantages of adopting this new fire code would be the consistent and uniform regulation among New Mexico CID, New Mexico Fire Marshal Division in Santa Fe County. As I mentioned, they increase ISO scores in the community risk reduction section, expanded annual commercial fire inspection program for a safer community. In the recent ISO reviews that we've been conducting throughout the county it's been brought up that we needed to do more commercial fire inspections. So by adopting this code we are going to include three additional commercial occupancy groups.

And also, we're going to implement a minimum defensible space for new commercial and residential occupancies for wildfire protection and insurance policy demands based on the Wildland Urban Interface Code.

So main changes from the previous fire code, which we adopted in 2018. Some of them regarding safety are required carbon monoxide detection in certain existing commercial buildings, as mentioned before, electric energy storage systems are happening more and more, and these would allow us to have a little more regulation on the construction and safety of the structure as well as the required safety training per the National Fire Protection Association Standard 855, which requires training local fire

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departments on fighting fires on electrical energy storage systems.

Also, a lockdown communication plan on existing Group E schools with more than 100 occupants, and a new annual fire inspection occupancy as I mentioned before that would include Group I-2s, nursing homes, Group R-2s, dormitories, and R-4, assisted living facilities.

As far as administrative changes, we are updating some of the clear definitions of recreational fires versus contained recreational fires, amend the definitions of record drawings and change of use or occupancy, base on state of New Mexico language, and added record retentions, language to meet Santa Fe County requirements.

The proposed code adoption timeframe would more or less follow the following schedule: In July we would come before the Board to request publishing title and general summary. If it gets approved, then in August we would potentially have public hearings, and if everything goes well, then in September or October we could potentially adopt this ordinance adopting the fire code.

In summary, the adoption of a new international fire code would bring Santa Fe County in compliance with the minimum requirements of the New Mexico Department of Homeland Security and Emergency Management, as well as allow for uniformity and standardization among New Mexico State and Santa Fe County fire and building codes. Additionally, a modern fire code that addresses newer fire and life safety concerns, coupled with the implementation of an expanded electronic fire inspection program that we're working on, would help improve ISO ratings throughout Santa Fe County. And finally, I stand in front of you for questions, and we would like to extend an invitation to any of you, any member of the Board of Commissioners, to reach out to our office and meet with us to discuss this adopting in more depth. I stand for any questions.

CHAIR HANSEN: Questions from the Board. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thanks so much for that. Obviously, this is a good thing to do. I had questions about one of the changes is for new buildings, requiring certain defensible space, that's just with respect to vegetation.

ASST. CHIEF BLAY: Correct.

COMMISSIONER HAMILTON: Is there anything included, would you foresee this proposing in the future including fire hardening of buildings as well, like closed eaves and that kind of thing? To go with that defensible space requirement?

ASST. CHIEF BLAY: Madam Chair, Commissioner Hamilton, unfortunately, we would love to implement construction materials that are fire resistive, but we don't have the building inspectors to enforce that and I reached out to the State of New Mexico to see if there could be a collaboration but they don't have the manpower either to assist us with that. So unfortunately, we have to delay that chapter, Chapter 5 of the International Wildland Urban Interface Code where we can only implement the defensible space and not the materials.

COMMISSIONER HAMILTON: What do you think would need to be done to overcome that? Because there's more and more information coming out about the importance of that, and it's sounding like many of the insurance companies are moving toward only writing insurance policies of you do both. And so it's certainly – the practical consideration of acceptance of the building requirements and also the ability to enforce them is a consideration. If we can't get homeowner's insurance coverage for

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constituents, that's a pretty big driving – that's a pretty big motivation. So what do you think would be able to turn this around?

I'm trying to get us to start thinking about what kinds of things we need to do or move toward, because it looks like that's where the industry is going.

ASST. CHIEF BLAY: Madam Chair, Commissioner Hamilton, one of the options would be to revisit with the State Fire Marshal's Office although their response is most likely going to be the same, which is they need a lot more personnel to be able to serve every single community in the whole State of New Mexico. On our side, an option would be to create a building department in Santa Fe County with building inspectors, and then we would be a one-stop shop, where we could be able to implement this.

COMMISSIONER HAMILTON: Just a thought.

ASST. CHIEF BLAY: In regards to insurance companies, you're correct. It's getting to the point where some homes are being dropped. One thing that they really look at is as you all know, is distance to fire stations, water supply, and defensible space. It plays a huge role on insuring properties. So that's why we are going in that direction of the defensible space.

COMMISSIONER HAMILTON: It does, but actually, I'm trying to maybe help facilitate us getting a little ahead of the curve, because while you're right, the way information is going, the way that new studies are going, it's not just the defensible space alone. So the discussion is that insurance companies are going to stop looking at that unless you have defensible space and [inaudible]. So that's why I was trying to get your feedback. Not looking for like a definitive answer now, but I feel like we need to go beyond what you've given. But I think we need to expand the discussion, because I have lots of communities in my district that are losing homeowner's insurance or on the verge of, and it's a problem.

I don't know if people do things individually, whether that will impact their individual insurance acceptability or whether it also – how much the County and the state have to participate to get the insurance companies to recognize like a controlled risk and come back in and write insurance policies.

ASST. CHIEF BLAY: Madam Chair, Commissioner Hamilton, again, if the house is already built, the only thing that can really help is the defensible space. If the house is not built, what I suggest is for the property owner to use fire resistive construction materials, potentially even install a sprinkler system, but again, in my experience, defensible space, coupled with construction materials, but that only applies to new construction, is what really is driving the difference between insuring a house in the extreme wildland urban interface or not, because that defensible space really saves homes.

COMMISSIONER HAMILTON: There is new information that suggests otherwise, and just for the record, existing homes can be retrofit to some extent.

MANAGER SHAFFER: I was going to say – thank you, Madam Chair and Commissioner Hamilton, for that feedback. As we move forward with the development of the County's version of the newer fire code, we can analyze ways to move forward. I think that if you include a materials section of the Wildland Urban Interface Code you may recognize that some of the compliance may be on the honor system but there may be other ways to help get the architect or contractor of record to



certify that this has been constructed in accordance with those material standards. Assistant Chief Blay raises a good point about building inspectors, but I think we can provide you with a couple of different options to think about, but I think including the regulatory standards would certainly be a step you may want to consider along the lines that you're articulating, and the enforcement and as-built instruction is something we could work toward over time.

COMMISSIONER HAMILTON: Thank you.

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

COMMISSIONER GREENE: Just to follow up. Thank you, Madam Chair. I think that's a great idea, and Manager Shaffer, I think that's a great idea to allow for architects and builders – whether the Fire Marshal creates a checklist of best practices and materials to certify, to have a self-certification by a professional architect, builder, or both. It would be a good idea to see if we can help our constituents reduce their insurance burden because at a certain point it's – I've heard from constituents that it's getting very difficult. Thank you. Good presentation. Thank you.

CHAIR HANSEN: Any other questions from anybody? Thank you. Commissioner Hamilton moderate a movie the other night or a panel afterwards and defensible spaces are the goal, but it's something that I have said many times from the dais is we need more building inspectors. We need more code enforcement, we need more building inspectors, both at the state level, City, County. So that's just part of the reality of life. But I do appreciate very much the presentation. Is there any other questions from the Board? Seeing none, thank you very much, Jaome.

ASST. CHIEF BLAY: Thank you for your attention.

**7. C. Presentation on the Northeast/Southeast Roads Connector Construction Project**

COMMISSIONER HAMILTON: One of my favorite topics. My favorite love of roads.

IVAN TRUJILLO (Public Works): Madam Chair, Commissioners, good afternoon. I'm really happy to be able to give you a status update on the progress of the project and introduce you to a couple of the key members of the team that are in the audience that have stayed with us this afternoon so that shows their commitment not only to us but to the project.

Again, this is a project that's been on board. We have nearly three months of active work on it so this, what I'm presenting today is really a relatively a photo-collage of the work that's being done. With these photos I encourage the Commission to make a trip out there or schedule a tour by one of the people that are behind me as I introduce them because being involved in the project day to day, every day I visit the site I see the progress. So it's really a neat thing to see.

The construction team is comprised of multiple skills and multiple different groups. Our prime contractor is AUI, Incorporated, out of Albuquerque. We have a construction management team and a few of their members are sitting back with us. I'll introduce you now from Horrocks Engineers, there's Mr. Habib Khalil and Mr. Rami

Khalil. And from Souder and Miller Associates who are the design engineers, they're still on board with us to help us through any engineering or design changes that have to be made on the fly or are required based on constructability.

And then the people that you don't see, Santa Fe County staff. It's really almost the entire Public Works team that's involved in this project, some how, some way, from the project management side, we have Mr. Johnny Baca, which is the day to day project manager. He's supported by our construction inspector/project manager, Lawrence Imprescia. The Utilities Division are heavily incorporated or included because of the waterlines and utility lines that they manage that are in the project area. Our ASD staff, they are the folks that help us with our pay applications, keeping the paperwork and the contractor paid moving forward. Then obviously at the tail end when all this completed, is our Finance Department and our Purchasing Division and our Accounts/Payable to help us conclude that process.

For those that might not know where the project's located, this vicinity map kind of gives you an idea. The other line that goes left to right from the bottom left corner is I-25. This is the project area, near the Santa Fe Community College. It is comprised of almost four miles of new roadway, six new intersections, one bridge, multiple drainage crossings, street lighting, paving – all the things that come with this type of roads.

This is an aerial photograph that kind of zooms more into the project area. On the upper left you can see that's I-25. The upper left is Dinosaur Trail and the blue is all the proposed improvements. That we refer to as roundabout 1. As you head to the right, that whole corridor on the top is what we refer to as the northeast connector. The intersection to the right near Rabbit Road – so the northeast connector will connect Dinosaur to Rabbit Road and through it, there's going to be two roundabout intersections. The road that goes north-south or up and down is what we refer to as the southeast connector and it has an additional three roundabouts on it for a total of five, so far. And on the bottom there, on the lower left is Avenida del Sur. It's the extension of an existing road that is currently a freeway intersection that will be extended east by approximately a mile, and it concludes with what we refer to as roundabout four. This is the project that's currently – this is the intersection that's currently underway that we have Richards Avenue currently closed. So we'll touch base on that a little further.

One of the first things that we had to tackle was utility locations and if you're not familiar with this, this is all the utilities that exist within the project area that were impacted and that need to be coordinated and relocated. This is a list of one of those utilities. This is a utility-rich corridor. Richards Avenue has basically every utility known to mankind and they were all impacted, so it's one of those things. So we start with Santa Fe County where we have water infrastructure on the east and the west side of Richards Avenue. The City of Santa Fe in partnership with the County also has waterline infrastructure. Century Link, Comcast, New Mexico Gas, PNM and Plateau.

These are some photos of that coordination effort. This is an early morning meeting with all the utility representatives standing at a power line pole that needed to be relocated. Most of those utilities that we listed and identified earlier were located on these poles, so this isn't an effort just by the team that I showed you but it's a team of utility owners – just a lot of people, a lot of things that have to be done right and coordinate. The people behind me are the ones that do that day-to-day and make sure this happens.

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Some of those utilities that we relocated, this happens to be a fiber transmission line that was taken, relocated towards Dinosaur Trail, so you can see that there's a lot of trenching involved. The utility poles, the one on the left is the one that existed that was in conflict with the roundabout at Dinosaur Trail. The one directly ahead of the trench you see is the new pole that was erected to move all those utilities to it. And then all the utilities that tie to it had to be moved into different trenches. So again, there's a lot of coordination that occurs with this. This is one of the fiber optic lines the utility owners are responsible to do their own relocation.

Again, I'm just going to go through some collages. This is a distribution line, PNM gas distribution line along the west side or the east side of Richards Avenue that had to be relocated – lowered, basically. That's why you kind of see those little angles in the gas line. This is high pressure gas so this is a very tight, intricate construction that will have occurred here. Some of the things you can see here that you might not see. You can see the wall on the left is a concrete wall section that separated traffic from the construction zone. So when you don't see what's on the other side of that wall, this is probably what is happening, a utility being relocated. Those metal plates that you see that have kind of arms between them are to protect the worker in the trench, etc.

And another thing I'm proud to report is that we did all these relocations with no disruption in service. So the people that these lines serve weren't affected by this work. This is another look at that scene, a utility trench that we had on the east side.

Another construction activity, there's been mainly five to six really big construction activities to date. That's going to transition very quickly into almost over two hundred items that are part of the project in general. A large one we refer to as clearing and grubbing. Clearing and grubbing is a method where we remove the top soil. We remove trees. We remove whatever's in the area that the road is going. We cleared and grubbed nearly 55 acres of land for the entire project. One of the neat things that I'm reporting you today too is the original plan was to grub that material, stockpile it, and then haul it to the transfer station.

Based on constituent concerns and requests – we had a lot of constituent requests asking if they could have access to the firewood, because constituents request what it takes to send that type of greenwaste to the landfill. Well, this team and the contractor had to say we partnered and we worked with the City of Santa Fe. Their BuRRT, the Buckman Road Recycling and Transfer system, where we borrowed, literally their mulcher from the City and we transported it – this is a partnership, City-County partnership where we transferred the big machine that does the mulching to the project, and that was to save the green gas and the transfer and the haul of that material to the city for the same process.

This machine is – I'll explain to you. This is Monday morning. This is when we moved the machine to the site this Monday morning. You can see the large pile that's behind the machine and to the left is the stockpile of the mulched material. Well, that pile was mulched in a single day. So we had to reload today to move that machine to a second stockpile area where we completed that work as well. So the stockpiled material, this is the end result of that process at that one stockpile you just saw. This material will be made available to constituents in the area that might want to use it and if it's not used by constituents it will be used in the project.

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So in partnership with the City, listening to requests and pivoting to make this happen, in partnership with the construction team, this is the result.

CHAIR HANSEN: So Ivan, I'm just going to say it was in partnership with SWMA.

MR. TRUJILLO: With SWMA. I'm sorry. Yes, SWMA. You are correct. And also in regard to that partnership, they operated the machine. So we transported their equipment but they came with their operators and they were the ones that actually performed the mulching.

CHAIR HANSEN: Yes, Randall and I had a long conversation about that and he had a conversation at the SWMA board. If people don't know what SWMA stands for it's the Solid Waste Management Agency, which is a City-County agency.

MR. TRUJILLO: Right. Thank you for correcting us on that. What's also nice, and what's actually funny is it took Randall and our team longer to coordinate this effort than it took us to actually perform the work. So it's a lot of times it takes the coordination longer than to actually perform the work.

One of the other actions or construction items that we've been working on is earthwork. This is the biggest thing that this project entails. We've moved approximately 130,000 cubic yards of earth. So if you're thinking what that might mean, that means 10,500 dump truckloads in that four-mile area. That's hard to believe. And it's moving day to day. We're at a point here where we have to make some decisions regarding earthwork but that's a large volume.

This is some of the equipment that we're using. This is called a scraper. This thing moves equipment from area to area, all in the same machine. This is a view looking towards the east where the scraper actually being operated and on the horizon you see a bulldozer, roller, all the equipment that we typically use to densify that material once it's moved or put in place. Again, these are photos of what that work is required and it's actually, when you see this live and I encourage you to see it, it's impressive.

This whole area was cleared and grubbed so three months ago it didn't look anything like this. Again, there's some activity that requires large excavators and moving that material by truck. This is a view looking south along what we call the northeast connector and as we look at other photos, what's nice to orient yourself is the power line on the left. You'll see that in a lot of different photos but that tells you that you're on a road that is heading north and south.

And again, this is another view. Again, if you look left and right of the disturbed area, that's what that area looked like before the construction of the project.

This is a grader that is shaping the slopes of a ditch next to a trail that will parallel the roadway but the reason I show this photo today is there's a bar that sticks up to the right of that machine, and that's a GPS unit. So these pieces of equipment are GPS-guided. So the operator here is – has not ability but he's working with AI equipment. That machine is not working just manually. So there's AI involvement with the machinery the contractor has opted to use, which is really a pretty neat thing as well.

Another activity that we've been doing a lot of is installing drainage structures and these drainage structures are culvert pipes. There are different ways that you cap the ends of them. There are some drop inlets, which are those concrete boxes with grates on top that you see in the road. And then concrete slope blankets – these are slopes that are

made of concrete and normally have bars along them so you don't drive your car into them.

What I wanted to point out here is typically when you see these in a road or on a side of a road or wherever you might see them is you don't realize what it takes to install. The material that's put below pipe isn't typically foreign or native material. It's normally imported material. So we call that a bedding material. And then it's compacted between – in lifts as you come up over the crown or the top of the pipe. And this is ongoing. So you're seeing equipment that's testing their installation process as well as the equipment that is actually performing the work.

This is a concrete crew team that is forming and pouring a concrete drop inlet. So each of these little concrete boxes with grates have been – they're original and hand-formed on the site.

This is just another piece of machinery that's showing a piece of culvert pipe to be installed but you can see that there's survey equipment, there's compaction equipment, all that ready to install that at the same time, same place. And that's why there's so much progress occurring is because they're planning that work from A to Z in the shortest amount of time possible.

This is another culvert that's being installed and you can see the gentleman on the top, he has a compactor, which we refer to as a jumping jack, compacting earth above the pipe. This is another one we have. The gentleman in the middle actually has a nuclear densometer, is what it's called and it's checking the density, the compaction of the material above the pipe. And this is ongoing every day all the time. So it takes a huge workforce on the construction site to get this type of production in a short amount of time.

Again, similarly, this is another installation of a larger drainage crossing.

We do have one bridge. It's called a concrete box culvert because it's made of a series of boxes. To date, we've placed almost 200 cubic yards of concrete to the point we're at and replaced 42,000 pounds of what we typically call as rebar. So that's substantial, that's a lot of concrete and that's a lot of bar, and these photos behind it are going to show you what that means. This is an oblique photo taken in 2018 in my initial presentation to the Board. And you can see, like the grayish area, that's the Arroyo Hondo. That's the flow-line of the Arroyo Hondo. To the right of that you see a little road and that's the road that enters into Oshara Village. So that's to orient you to where this structure is being built.

This is looking south at that same area from the street view, and where the dirt is in the middle is where this box culvert is going to be placed. This is one of the first steps. This is the amount of rebar that's placed into those structures. This is one section of the box that is being prepared so that it can be poured. The concrete is poured in sequence or in stages because of the amount of rebar for one, and that [inaudible] needs to cure before you can pour the next. Again, this is an active pour, so you see all the rebar that's been placed and the chute or the arm that you see in the middle of it is where the concrete's being poured from.

This is just letting you know the magnitude of the amount of steel that's in the structure. We showed you this photo in general because that tape measure is literally what goes on day to day by the team behind us. We are literally measuring the spacing

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between the bars that go vertical, the ones that go horizontal, that we have clearance within the walls, and this is what most of the team that I introduced you to do on a day to day basis.

These are just other photos of that same work, and this is impressive because it's being done by a large crew and it's been, I would say just a little over a month and we're literally done with the structure. This is one half of that structure. I showed you a photo earlier, just the dirt then what's there now. And this is what it looked like yesterday, I believe. Yes, this was yesterday. We were pouring the roof basically, of the last portion of that structure already. So this is a photo we took yesterday in the morning. So that structure, other than a few walls on the exterior is almost done. And when we call this a bridge or what's the definition of a bridge is that if the structure is longer than 20 feet in length along the road it's considered a bridge, and this is much longer than that. And obviously, the structure is going to allow the flow of the Arroyo Hondo, one of the largest arroyos in our area to flow properly.

Another thing that we've been doing is a lot of curb and gutter. This is something that you can probably see from I-25 if you see it – this is another oblique photo from 2018. I-25 on the right, Rabbit Road entering into Oshara on the lower left. This is what it looks like today. This is a view of where that roundabout is. This one you can really see from I-25, and if you travel on Rabbit Road you'll be able to see that. These are multiple phases. These are probably – I would say less than a week's time in terms of when they were taken lapse time. Again, what I want to show you is that power line on the left. That's just multiple stages of that roadwork being performed.

This is what it looked like yesterday. The curb and gutter, the formation of the roundabout itself, is visible. To the left there forming and they'll be pouring a concrete sidewalk. But in general, that's the view looking almost directly to the Santa Fe Community College which is going to be southwest of this intersection.

This is the one we started first. It's the one that will probably be open, or it will be constructed and finished second. The waterline, the County has a waterline that we're extending. The limits – it's about 1800 feet of waterline that are part of the contract. We've placed almost 3,300. We have an issue with earthwork that we have to resolve to continue that work, but over half a mile of pipe has already been installed. Again, these are just showing you trenches and this work being performed.

Now this is one that you've probably had your ears on with some of the constituents, especially for some of the Commissioners where your constituents have been calling. This is the intersection of Avenida del Sur and Richards Avenue. This is where we closed Richards Avenue. This is what it looked like prior to the closure, looking west towards the mountains. This is what it looked like obviously before the closure. This is what it looks like today. This is probably just over I would guess a month of time. So basically, the roundabout is nearly complete. We have some curb and gutter to do. The interior between the curbs that you see in the middle, those will be concrete as well, patterned and colored. Those are the next steps before we start laying basecourse and paving the intersection to reopen it.

One of the elements of these intersections, we also have a plastic grid. It's called geo-grid, and it's there to help support the soils from collapsing so you don't get potholing. And then if you've ever driven roundabouts that are asphalt they sometimes

have like where your tires go, the asphalt's pushing out and you see these little dimples. Well, that material helps with that shoving. So that will be placed as well. So that goes basecourse, it goes that grid, basecourse, paving. So we are on schedule at this location to open on time.

This is a view of that same intersection but now we're looking in the opposite direction towards the west. All that work performed in probably around 30 construction days.

This is a view of the trail system that heads from the intersection I just showed you into Rancho Viejo. That's what it looked like pre-construction. This is what it looks like today. The trail – if I go back – you can see the trail. The steepness of this trail is very steep and it wasn't ADA compliant. So part of the design is to create a serpentine. That's what you're seeing. Almost like an S-curve for that trail to be ADA compliant, but it's nearly done enough to subgrade elevation already.

This is an interesting topic and I'm really happy to be explaining this to you. We have Kim Baca-David, who is with us today and she's from Hall of Fame, which is a solar lighting expert or firm that we've been working with. We've had earlier on in the construction process is that we were estimating costs to provide grid power to six intersection locations and one mid-lock crossing to be well beyond what we had budgeted for the service to come to those areas. And a response to that, the design team looked into what options we had available, and immediately solar became one. So for the past few months we've been working internally to see if solar would work here. We believe it does.

We are working on modifying the contract to bring the solar design to the project and with that option, that pivot we were also given the opportunity to listen to constituent concerns. We had constituent concerns, multiple, one about the intensity or about night sky. Everybody talks about night sky. They talked about how intense the light was. How are you going to power this? etc., etc. This gave us that opportunity to look at the initial design and if we do go solar what could we do to answer those questions? We are looking at lessening the intensity and approving the right color. So it's not going to be as white. It's going to be a little more amber colored, and it's going to be less intense by almost half.

So this gave us an opportunity to also look into constituent concerns thinking it's too late to make a change, but because this opportunity arose we looked into providing those options and moving in that direction. So we're really proud to say that this will be a project that will have six solar-lit intersections.

And just to wrap up quickly is we count on days in terms of progress called working days. It's different than a calendar day. A working day is a day that isn't impacted by weather, and it's Monday through Friday. Not Saturday or Sunday. Or weekends. So to date, in our contract, the contractor has 240 days in his contract. We've charged 81 working days. So everything you saw from when you saw nothing to what you just saw is 81 days worth of their work. That's very productive, which leaves them a balance of 159 days remaining in the contract.

And this is the one that I think we've had more questions about, Commissioner Hughes, and constituents in Rancho Viejo, is the closure of Richards Avenue. Contractually, the contractor had 60 days. We've expended 36 of those days and we have

24 days remaining. The date to reopen is July 20<sup>th</sup>, and I think today we had a bit of an arm wrestle – is that 5:00 p.m.? Is that 2:00 p.m.? But we think we are on track to open that even a little bit earlier, but we won't say that too loud because we're not sure. There's still a lot of unknown things.

But that concludes our presentation and if you have any questions, we're here to answer them.

CHAIR HANSEN: Questions from the Board? Commissioner Hughes.

COMMISSIONER HUGHES: No, no more questions, just thank you, Ivan, for the great presentation and the hard work that everybody's put into this and I think it's really cool that we're going to light the intersections with solar lighting that will be dark skies compliant. Everybody will like that. Thank you.

CHAIR HANSEN: Yes. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Ivan, I just have to commend you on this project and I remember – it was one of the very first things that showed up to pull a shovel and barely knew what was going on. And it's impressive to see that the timing – everything is right on schedule. It's commendable work. So thank you.

MR. TRUJILLO: Thank you.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Ivan. Thank you, Brian. Thank you, team out here. This is great and I'm happy I don't have constituents calling me. Is there a naming process here, because I see Avenida del Sur is an extension of Avenida del Sur. There's the northeast portion, which seems like it should be named Rabbit Road. I think that southeast connector, because of the advocacy of Commissioner Hansen should be the Hansen Highway. Is there a process where we can start working on that?

MR. TRUJILLO: Thank you, Commissioner Greene. That's a good point. I think that's something that we haven't finished but there is a process. There's been a few names that have been provided to the County from landowners, that their only request for the donation was to have a say or at least a few names in a hat. So to answer your questions, no, that process hasn't been completed. There have been a few names that have been identified and have gone through a GIS vetting process, but I think there's still opportunity.

COMMISSIONER GREENE: If I may, maybe when we go to choose what it is Hansen Highway should be in the mix but there can be other options as well.

MR. TRUJILLO: Thank you.

CHAIR HANSEN: Thank you, Commissioner Greene. Johnny Baca and I have worked on this project for many, many, many years. I think since 2004, and so I'm happy to see him being the project manager on this project. And thank you for all the work that is being done. It has been a long time coming. As somebody who worked on the original designs and to see it actually manifest is an amazing project and it will be done before my term is ended and that makes me even more happy. I like to get things done. I like to have an end date, a completion and that looks like we'll be able to do that with this project. So congratulations everybody on all of your hand work, Brian, Ivan, Johnny, Manager Shaffer, all of us. We've all worked. We've all cared about this project. We've all wanted to see it done. It's the growth area for the county and I totally believe in building roads before we put houses out there and I'm sure the people in Oshara will



be grateful that the northeast, Rabbit Road, going to Dinosaur, they will be very happy when that is done because I'm sure it will take off a tremendous amount of traffic through the village.

And Santa Fe has a tendency to name streets that go – St. Michael's to Osage, Rabbit to Dinosaur. I really like the Rabbit Road to Dinosaur. It seems to be fitting for that area. So thank you very, very much for the presentation.

MR. TRUJILLO: Thank you all. We appreciate it.

## **8. MATTERS OF PUBLIC CONCERN**

CHAIR HANSEN: Do we have anybody in the audience who would like to make comments on matters of public concern? Okay, seeing none, is there anybody online?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, I do not see anybody online that would like to speak during matters of public concern.

CHAIR HANSEN: Okay.

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

### **A. Miscellaneous Updates**

CHAIR HANSEN: Manager Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I don't have much in the way of updates, but I did want to acknowledge that I had received a long letter of commendation praising the Senior Services staff at our Ben Chavez Senior Center in Chimayo and specifically one employee who serves as a cook at that location, Mr. James Martinez. The letter noted not only Mr. Martinez' fabulous cooking skills but also his kindness, patience, and thoughtful attention to visitors.

And the reason I bring that up is that it underscored for me yet again that no matter what your calling or passion is, there's a career at Santa Fe County for you that will allow you to pursue your bliss while serving your community. And so I wanted to use that letter of commendation to make a pitch to anyone who might be watching our meeting to please do reach out to our HR Department, look at our job listing, because I think if you do, again, you'll find something that will, to borrow a phrase, make your tail wag and allow you to have a meaningful impact to your fellow citizens. That's my update. Thank you.

CHAIR HANSEN: Very nice. Thank you very much, Manager Shaffer.

## **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: I'll start with Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I think Manager

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Shaffer, if somebody's watching our thing they are a junkie for County work; they probably already work for us, but maybe there's someone out there just thinking about it.

First off, on Thursday, we will be reopening the El Rancho Senior Center at 10:00 am. I feel I'm probably going to be conflicted and double-booked with some things but I should be out there to help celebrate and it's been a long time coming for the El Rancho folks out there, so come on out and show real pride in having a senior center out in that side of the county. We will have barbecue and refreshments out there and it's from 10:00 to 1:00, I think are the official hours.

And then in a request for some information, we're not past the cutoff for STR applications and I think that maybe in the next few meetings we could have a presentation regarding the numbers of STRs that were applied for and approved at first glance, or at least in the initial process, and then get an understanding of what kind of variances and folks that need to get that second tier review put in there.

And then third on that list is maybe some ideas from staff as to what we can do for an alternative means of compliance for people to get registered for funky housing that is special or not quite compliant for homes, but whether it's a yurt, a dome, an airstream or a hogan, some sort of mechanism that could be clear to the consumer that when they rent it that they know that they're getting an alternative type of house, that it might be seasonal, it might not have complete heating or whatever the issue is, but that we can still offer that to folks. And then it doesn't compete with affordable housing. It doesn't compete with workforce housing, but it is a means of staying for tourists here.

Also, I know that we applied for an EV grant about a month ago and I was wondering if we could get an update as to what was applied for. I'm sure it's a pretty short presentation but it would great to know what we actually applied for. Besides that, I think that's it for now. Thank you.

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

COMMISSIONER HUGHES: Thank you, Madam Chair. Just a couple of things. First of all, I endorse Commissioner Greene's request for a presentation on short-term rentals. I'm sure that was probably in the works already but I'm very curious to know how many people actually registered compared to how many we think are out there and then I think we do have to start working on finalizing what we're going to have after the moratorium ends in November.

Also, I just want to mention my new constituent liaison for District 5 started last Thursday, Gabe Bustos. Most of you have met him. He's doing a great job so far and I'm really glad to have him and I've got a lot of work piled up for him so it's going to be great. I think he has a lot of energy.

Finally, my most recent townhall meeting, people were still very concerned about our process for evaluating large renewable energy projects. Of course they were careful not to try to engage me in conversation about anyone that might possibly be coming up in the near future but they do really think we should consider the development of countywide impact. And so I talked to Manager Shaffer. I think he's going to write a letter to the San Marcos Association, which is the place that requested that we make large-scale utility projects, renewable or not, into developments of countywide impact, and I may also want to bring that up in a little bit more official way because I think – it

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was pointed out to me that regardless of what projects may be coming forth this year, there's going to be more and we should be organized in how we evaluate those projects. And I think we'll probably learn a lot from the current one that's going through, as to what sort of things we want to look at and maybe we want to tweak some of our regulations. I think we will want to look at that. So that came up, and that's it for me for now.

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

COMMISSIONER BUSTAMANTE: Thank you. So we've been getting regular reports on the *E. coli* levels coming out of the wastewater treatment facility and a few weeks ago you all would have seen in the newspaper that the Our Opinion from the editors was really the opportunity for the City and County to work closer together, particularly referring to the Agua Fria and my suggestion has been since the wastewater treatment plant really seems like the perfect place for us to be able to work together, given the conversations that we've been having on that wastewater treatment plant's impacts on the quality of life in La Cieneguilla and La Cienega.

The acceptable levels to I believe, river to water sources, is about 400 and I wrote it down. It's 406, and I appreciate your help with this – colonies per 100 milliliter, which would be the acceptable levels. Since June 26<sup>th</sup>, off and on actually since the beginning of June we've been receiving this in the last three measures we've had 820. On June 23<sup>rd</sup>, 1080, and June 24<sup>th</sup>, 587, which are far above the NPDES.

So I'm just sharing this to let you know the conversation keeps – it's consistent and it is a high priority for the community there to have that addressed and I understand that staff is working closely together with both the City and the County and what it would take to really get the City at another level of leadership to work with the County to address this issue.

The other neat project that was proposed for just District 3 but I think that there's an opportunity for each district, and I do see, since the conversation has started, that the other districts just sort of have maybe their own interest, because it came from someone in Edgewood for an Arts and Culture District, which sounds like a load of fun and my thought was, well, this should be countrywide. And then I started thinking about the differences between our districts and what different parts of our county would bring to something like that, and I think a neat opportunity for Edgewood to actually connect somehow with Madrid, which are really distinctly different communities, to say District 3 has its diversity to create something there.

But I put that out there because this is a very, very new proposal. It really just came in this weekend. My thought was, well, each part of the county has its own unique arts and culture aspects and there are other initiatives that happen within our city, but it just seems like something that – it's clearly within our value system and I say that multi-generationally within our county. It's an opportunity that I hope we can investigate, and I do know, and I would encourage this individual in Edgewood to, yes, let's have this conversation. It could be not only important but fun.

And then the other issue that Leandro is working on for Madrid, and you all have heard the requests to deal with their toilets, and much like Commissioner Hansen, if it's not about sewer, I don't know what to do with it. So I just have way too much fun in the

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sewer world. But the opportunity to sort of put out as, again, as opportunity is to assist somehow. It's not necessarily broadly accepted yet as a concept, though it has been proposed by community members in public forum is to do something about the area and the toilet that's next to the ballpark, but to make it a national or state park that would have an interpretive center that explains – I don't know how many of you all know this. I might have shown it at another meeting, but the big Peter Pan thing that's in the field was literally put there by Walt Disney. He made sure, the guy himself. And I said, the guy himself? And they said, yes, the guy himself, made sure that that Peter Pan was there in the field. And there's just so much history there. So there's opportunity there in how – the County's not necessarily in the business of buying toilets to preserve them or clean, whatever. I know I said preserve them – who cares? But to clean them. But to have that next to an interpretive site that is really the entry way into that community. There's something to really work with community on to create something that might be of interest and of value. It's not in any way shape or form I or anyone else is recommending that the County have a visitors' site there. That's not what we would be doing, but finding a way to assist in that interest. So those are the three big issues.

Then Thursday evening the La Cienega – it's actually residents of La Cieneguilla will be having a meeting at 7:00 at the community center regarding the shooting range. Pamela Mathis will be there specifically to inform the community about the shooting range in La Cieneguilla. So those are the few things that are happening in our District 3 area.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thanks. Chair Hansen mentioned earlier, there's a documentary that had been made by Trip Jennings and Balance Media about *Elemental, Reimagine Wildfire*. It was an incredible documentary. Wild Earth Guardians in this area saw it someplace else. It's being shown around the country. And they're doing it with trying to have audience interactions and a panel to answer questions and what not. So they brought it to Santa Fe last Wednesday night. It was a wonderful experience. It did an incredible job bringing information that was diverse and dynamic and presented in a very balanced way but presenting very different points of view, very updated research results, that were just so germane to the problems we deal with here in Santa Fe County.

There was a good audience. It wasn't as packed as I thought it was going to be, but the panel they got, the people they got to participate in the panel, which included Forest Service People, Wild Earth Guardians people and firefighters – a real diversity of points of view and personal experiences with fire, which I moderated.

I thought it was – it frankly gave me some expanded perspectives and that's always a wonderful thing. So I would like to going forward, think about expanding on that information and maybe bringing the film again in a forum, maybe some selective audiences that need some expansion of thought. I've spoken, although only briefly so far with Commissioner Hansen about doing that and thinking about how we can use this information to improve what we do in our area and what's needed to protect our constituents. So I thought that was a very exciting opportunity and really made a change in what we'll be able to do in the future and how we think about it. And that's what's new in District 4.

CHAIR HANSEN: Okay. Thank you very much. Thank you everyone. So I'm going to have Coffee and Tea under the Trees on July 1<sup>st</sup> and Representative Tara Lujan from District 48 will be joining me, so we will have a lively discussion about policy, projects and things to happen. It will be at ReUnity Resources, which is at San Ysidro Crossing. The other thing that we had happening at San Ysidro was we had a MainStreet kickoff meeting. ReUnity Resources, along with community members in Agua Fria in the San Ysidro area have written a grant for MainStreet and they were awarded money for that and so we are working at developing a project with their expertise, so I'm looking forward to that.

I know that Commissioner Greene, Commissioner Hughes and myself attended the Pride Parade and we all had a good time. It was very entertaining. I agree with you about getting an update on STRs. I was hoping that would happen also. I did attend the Next Generation Water Summit last – a couple weeks ago which had a lot of really great speakers and then Commissioner Bustamante, I hope that you will join me at NACo and join the Arts and Culture Committee so that we can work on arts and culture districts. I think that's a really good thing. I also really strongly believe that every roundabout should have a piece of art in it. It is a vertical element that helps people understand – slow down their speed, keep the traffic moving but it also is a site development issue with urban design. And so I completely support that now that we have Rob Watson over in Project Management who is looking forward to finding some of our money for public projects or one percent for the arts. We can put him on that because he's in the Public Works Department and finding sculptures for all of our new roundabouts in District 4.

I will be attending a shooting range meeting with Commissioner Bustamante in La Cienega. We'll both be there to discuss the issues out there. And for the time being, I think that's it. But I'm looking forward to having coffee and tea on July 1<sup>st</sup> so everyone please join me.

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

CHAIR HANSEN: I'm wondering is the Clerk still online, Evonne, or do you have any updates.

EVONNE GANZ (Deputy Clerk): Madam Chair, I don't believe she's still online but we don't have anything else at the moment.

CHAIR HANSEN: Okay. Thank you. I don't think I see anybody else in the room or online. So I am wondering if we should go to the public hearing before we go into executive session. I see my County Attorney shaking his head, so if that's all right with everybody we'll go to –

MR. YOUNG: Madam Chair, I agree with the order of events.

CHAIR HANSEN: That's how I read it. So if that's okay with the Board.

COMMISSIONER HUGHES: That's fine. Maybe two minutes to get the people in the room.

CHAIR HANSEN: Usually they're here. Is it just you, Estevan? Is it just the County Attorney's Office? Okay, so we don't need a break.

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**12. PUBLIC HEARING ON PROPOSED ORDINANCE**

**A. Ordinance No. 2023-\_\_\_\_, an Ordinance Repealing and Replacing Ordinance No. 1989-2, and Amending Ordinance No. 2009-011 to Update and Define Property Nuisance Abatement and Provide for a Clean and Lien Enforcement Process**

CHAIR HANSEN: I'm going to turn it over to Estevan. You are up. Nice to see you. Welcome.

ESTEVAN SANCHEZ (Assistant County Attorney): Madam Chair, thank you. We're here this evening for a public hearing on a proposed ordinance redefining public nuisance and providing a procedure for abatement and also an administrative procedure defining public nuisance, which would repeal our current ordinances on junked vehicles 1989 to 1993, or 1999-36, and amend it a 2009-11 ordinance, which is an excessive sound or public nuisance ordinance.

This proposed ordinance has been presented to this Board and then also there's been a request to publish title and general summary which has taken place, and today we're here for the one public hearing on the ordinance. Since that last time it's been in front of the Board there have been two changes that have been made to this ordinance based on feedback from this Board. The first is that a new standard has been created for the abatement of public nuisances. So we've strengthened the standard by which we have to meet before we would actually abate a public nuisance, and the language I can tie to directly states, in addition to finding that the property is a public nuisance the Board must find the nuisance poses a risk to the health, safety, or wellbeing of a considerable number of county residents or an entire community or neighborhood in order to abate under this section. Bare technical violations of this ordinance shall not be considered substantial violations in need of abatement under this Section. So that portion was added in response to concerns that the abatement portion of this could be potentially overused or used in situations in which it was not necessary.

The second portion that was changed is in the abandoned or inoperable motor vehicle section. Previously we had as an exception to abandoned or inoperable motor vehicles antique vehicles. So the vehicles that are over 35 years old and are actively being restored. Previously we had a limit of antique vehicles of two vehicles. I'll say that limit was somewhat arbitrary, just something that we came up with this, something some other counties have done or similar to what they've done, and so in order to catch less conduct I guess or potentially minor conduct, we've taken away that limit, so any vehicles that are actively being restored and over 35 years old would not be considered abandoned and not be junked vehicles nor be a public nuisance.

The second portion of that is that we also added in an exception for inoperable or extensively damaged vehicles that are actively being repaired when those repairs will be completed within 180 days. So that was another concern that was brought up is that vehicles that are being worked on, currently inoperable will not be caught under this if they're actively being repaired and completed within 180 days. That again is a number we came up with by looking at other ordinances from other counties. That was probably the reason.

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So aside from that, everything remains unchanged from the last time we came before this Board with this proposed ordinance. So with that I'll stand for questions.

CHAIR HANSEN: Estevan, would you please read what the abatement ordinance said before and what it's being changed to?

MR. SANCHEZ: So that language was added, so there was nothing in its place. To clarify, if you're talking about the standard for which to abate, or are you talking about the inoperable motor vehicle section changes.

CHAIR HANSEN: The standard to which to abate.

MR. SANCHEZ: Okay. So previously, there was none of that language. That was just added to what's there currently. So the old standard was if there's a public nuisance then it could be abated based on the decision of this Board. It did not require also that it be substantial or affect a large number of people or an entire community or neighborhood as it currently states. So all that language was added, but there was nothing in its place before.

CHAIR HANSEN: I don't know if I agree with that. I think that's overly burdensome to the community, to the people who are being affected. Certainly with the Lopez Lane property that does affect a neighborhood but this seems to be going a little further than is necessary. There are places where there could be criminal activity or something happening that is affecting a neighbor or two, not a whole neighborhood, and it might be a serious incident and I don't know if we need to be – and besides any abatement that did happen would still have to come to the Board to get approval. So I don't know if we need – I would like to know where that language exactly came from.

MR. SANCHEZ: It was drafted by myself and Attorney Young in response to comments from members of this Board about the potential for the overuse of the abatement in the [inaudible].

COMMISSIONER HAMILTON: Madam Chair, may I?

CHAIR HANSEN: Yes, you may.

COMMISSIONER HAMILTON: That was to address my concern about over-application of this. So I think if you think it's too restrictive we should postpone this and have discussion about how you envision the possibility that there would be criminal activity and substantial activity that would affect one neighbor that is justifiable for us to be pursuing. Those two things seem – that is seen so unlikely to happen. But it seems very likely that you could have one neighbor annoyed with the other neighbor. Now if you have – so there are things that are brought up as being a problem. If somebody is polluting groundwater and it's just one property, there are mechanisms for going after that, and that does affect everybody. So it would be captured by this as an allowable thing to do.

It's not necessarily the scale of what's happening if it's only happening on one property. It could still be something that grossly impacts the whole neighborhood. But if you have one neighbor who's mad at another neighbor and they have one inoperable vehicles that's citable, there's nothing to prevent it from being brought to the Board as an actionable lien and clean item until you add language to this.

Now, it is true that everything would have to come to the Board, but not every Board has been as ration as the Board that's seated right now. And it is a laugh line, but it's not. It is also a very true statement. It leaves it open to everybody's interpretation. It

may require much more discussion. But as it is, there are many, many things that are citable, including one inoperable vehicle that's not antique, right? Now, that would not be lienable and cleanable, but it was citable, and if you read the letter by the San Marcos Association, they think that it is over-reach, and I agree with them.

We need an ordinance like this but this is a very difficult ordinance to do. So if people haven't read the San Marcos letter I suggest that be entered in today.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I think it's the intention of the San Marcos Association to have somebody read the letter to us during the public comment period, and I guess that is Elizabeth. Okay. Very good. And I think that their concern might be partly addressed by adding this sentence. It was interesting to me that the same neighborhood that was so upset about the Arroyo Coyote, when they saw the ordinance was then more concerned about over-reach than then were about it not being effective. I think they thought, oh, good, this has a lot of potential to help us out with this one house if necessary, or other houses that come up like this, but I just thought it was very interesting that people were concerned about the potential for overreach, even though I didn't read that into the ordinance, but like most of us, I assumed that the Commissioners in the future would be as logical as we are but maybe I can't always assume that. Because that's not always been true in the past.

Anyway, I'm not sure how I feel about that sentence. I'm pretty agnostic about it, personally, but I just wanted to mention the sentence, that you suggested, Commissioner Hamilton, about –

COMMISSIONER HAMILTON: [inaudible] Section 3, which is the automobile nuisance things, things that are citable. Not that we have to have some bar before the County is going to lien and clean.

CHAIR HANSEN: So I'm not concerned about the vehicles so much as I am about having property that is impacting a street, or a neighborhood, like Lopez Lane. Like the people who are complaining about Lopez Lane and the criminal activity that's going on there are only a couple neighbors, because everyone else is too afraid to say anything. And so I feel if we're limiting people's ability to protect themselves, and that they have to have such outrageous nuisance or criminal activity that we can't do anything I'm wondering if this is really – if we're actually providing a better ordinance.

COMMISSIONER HAMILTON: I understand, but read the sentence. It doesn't say you have to have such outrageous criminal activity. It doesn't say that at all.

CHAIR HANSEN: I missed this, so tell me where this is.

COMMISSIONER HAMILTON: It's toward the beginning.

COMMISSIONER HUGHES: It's Section 11. B, the second sentence. I just found it. It took me a while.

COMMISSIONER HAMILTON: If you hadn't seen it and you want time to do it, hold the public hearing and then we can table it and do it in two weeks again.

MR. SANCHEZ: Madam Chair, it's on page 10 of 13. It's the second paragraph, B, and it's the second sentence.

CHAIR HANSEN: Okay.

MR. SANCHEZ: Third sentence.

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COMMISSIONER HAMILTON: Madam Chair, there's no reason you shouldn't have the time to consider this also if you feel you want to talk to Legal staff and make some potential modifications.

CHAIR HANSEN: I think the word I'm most opposed to is "considerable number." Like, okay, considerable number means more than one. More than two. More than three. Like, what's the definition of a considerable number?

COMMISSIONER HAMILTON: It's a qualitative word. I get it. But it's more than – in my mind it's not just how many people come in. It's not like you have to go canvassing everybody in the neighborhood says, yes, this is a problem. You don't have to canvass anybody to be able to make what a reasonable person would say is a threat to the neighborhood that there's a center of – you don't have to canvass anybody in the neighborhood, that if there's a center of crime, like a meth house, that that's a threat to the neighborhood even if not one person in that neighborhood complains.

A reasonable person would say that if there's a neighbor who's dumping oil, changing oil and contaminating groundwater, you don't have to have anybody in the neighborhood complain. It's not that the considerable number of people have to actually come and testify and say, yeah, I believe I'm being negatively affected. It's what a reasonable person would judge kind of judgment. If our Legal staff can think of a better word – qualitative things like that make me nervous also. I like quantities even if they're odd fractions.

So like I said, I have no problem if we hold the public hearing as we have to and table this for two weeks to fix the wording.

CHAIR HANSEN: Yes, so if there's "or an entire neighborhood or community" that's a little excessive. Definitely on Lopez Lane, that house does affect a considerable number of people but there could be somebody who had a meth house right in a neighborhood and people might not know that.

COMMISSIONER HAMILTON: It doesn't mean they're not affected though, because the principal is that meth house is creating a recognizable nuisance. I agree with – I understand your concern. I want to achieve some sort of ration limit but that wording is hard to get to. So, yes, I get that you have a problem with it. I don't want to just take it out without considering what to do instead.

CHAIR HANSEN: If it's a number of county residents, or an entire community, or a neighborhood.

COMMISSIONER BUSTAMANTE: Madam Chair, I apologize but I don't see that I'm looking at the same document. I'm on page 10 of 13, Section B.

CHAIR HANSEN: Yes.

COMMISSIONER BUSTAMANTE: I don't –

COMMISSIONER HUGHES: It says, "in addition to..."

COMMISSIONER BUSTAMANTE: Oh. Okay. Thank you. I was looking for something that had to do with a vehicle. Madam Chair, I do have – I have to say I really thought this was – I was really hanging on to this, and then upon review of the letter from – the letter that we received just earlier today, it's one of those. You said a good thing when we have a hammer everything becomes a nail. That's maybe not the appropriate or actual metaphor for this particular situation, but there is an element where we're trying – I was on board. We have a real meth house issue, one particular home. It's

creating problems in Cerrillos. This tool could help with that but is this the type of tool that will help with that? Because what I'm hearing now, and getting a real clear picture of is that we will have situations where people have an automobile or two or three that have been sitting there since whenever.

CHAIR HANSEN: I don't think this is related to the automobile section.

COMMISSIONER HAMILTON: That's a separate section.

COMMISSIONER BUSTAMANTE: I'm looking at nuisances that pose a risk to health and safety and wellbeing, and they are separate sections, and I was looking for that, because that whole automotive section on page three really threw me out the – oh, my goodness. So people can't have a car. It really gets down to the neighbors starting to pick on each other when we're trying to solve issues like squatters – this is another conversation that I have had when I first thought, well, this could really take care of individuals who are squatting in locations and then you go in, and say, look, you don't even own that property.

But while we're trying to solve other problems with squalor, like, I'm not seeing where the issue of squalor is going to, yes, that usually happens around a meth situation but I'm with Commissioner Hamilton on taking this to more review on how we'll really be able to get to the issue at hand and not have something that is so broad that neighbors can start – there's a whole thing in there about weeds, nuisance weeds. Oh, my gosh. I would have been arrested last year. The rains came down and my weeds were blowing everywhere, and this is – what can I do? I only have seven goats. And a lawn mower that's going to run out of gas half-way through it.

The fact is, these types of issues that are so – they're not as clear cut, and this is intended to address these big problems when we're going to have neighbors who are just poking at each other because they didn't like a particular thing ended up [inaudible] That's my take on it.

CHAIR HANSEN: Yes. I don't want this to be something for neighbors to solve their disputes with one another. That's not the issue. I'm going to go to Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I look at this as sort of reverse engineering a little bit of the problems that we see out there and trying to use these use cases to go backwards and see if they would solve this. So I know in Los Alamos they just had a clean and lien situation with the Hilltop House. So that was old hotel that's right at the entry to the downtown area of Los Alamos, a developer did not manage to complete the work that they were planning on doing and so the county had to step in and clean and lien the property. They paid \$1.3 million to do asbestos abatement and demolishing the house.

That's a case that we might find ourselves in one day, right? A developer who gets to a certain point on a project and abandons the project, whether it has asbestos or not, that was the expensive part of that. So that's a use case that we should look at this and would this apply? Would this be a useful tool for us to take care of that?

Another one would be, okay, the meth house or something like that. Is there a trigger that not necessarily the neighbors need to come forward with it. Maybe the neighbors are saying, hey, there's some disreputable people here, but the Sheriff should have a trigger to say, look – and I think that's in here, as far as I can tell and maybe

somebody could say that, a certain number of Sheriff's calls to a certain property becomes probably cause for triggering this situation.

Another one could be the weeds, right? And somebody who has not necessarily just allowed their land to become overgrown, which is a level of maybe Commissioner Bustamante's situation, but somebody who's actually like cut weeds and has a huge pile in their backyard. Not disposing of it properly. So not necessarily like having this year's crop of weeds.

COMMISSIONER HUGHES: Now you're getting me in trouble.

COMMISSIONER GREENE: Oh, well, [inaudible] But that case. And then there's the other one where somebody has a fleet or hundreds of cars or dozens of cars. So if it's one single vehicle, that should be like, that should be like your hobby car, right. But if you've got 15 of them of all different makes and models and stuff then you're starting to be in the junkyard business.

And then those two other definitions of what the impact is. So that's one set of use cases that we should be testing this against. All these different use cases that we can throw out there. How would this work in this case? How would this work in this case? So that would be a discussion point that I would like to be able to understand more clearly.

The other one is that in the impacts to people beyond their property. And so there's certain things that we are stewards for. So our groundwater. Our groundwater below our house belongs to everybody around us. It migrates and so on. Weeds, okay, maybe there's some stuff that happens that gets to your neighbor and so on but certain things that we are stewards of that have to be defined in here to say, even one car that's leaking oil – is there a cleanup mechanism if we go in there and say, hey, we've got to remediate this oil that is leaking into the ground, because it's going to ruin all of our ground water.

So testing in all of these cases before we make this big move here. Like almost everything we do here, there is a time to sort of pull the band-aid off and say it's time, it's good enough. But this is an ordinance and this is something that may have impacts and there's a little bit of debate here as to how this is going to play out. So I think there's an opportunity to sort of go over this and understand where it's two weeks, a month or whatever, and to review these use cases or these impact cases and make sure that everything doesn't look like a nail. It looks like – and there's different ways to skin that, right? I know if you're a lawyer, everything looks like a lawsuit and when you're wealthy everything looks like an investment. So to understand the metaphor, sort of [inaudible]

CHAIR HANSEN: Thank you, Commissioner Greene. I appreciate those comments. Because what I want is how did our code enforcement feel about this? What was their response to this addition?

MR. SANCHEZ: Madam Chair, their comments have come through Director Ellis-Green and also through themselves. I've spoken with a couple and I guess what you have three years from now. Generally, they view it as a good tool for themselves. They had this 2009-11 ordinance which was very vague and didn't have – wasn't applicable to a lot of the situations which they're called to. So in general their comments have been that they would appreciate having more situations to file under a public nuisance ordinance than what we currently have.

Aside from that, they like the processes that are in here. As it currently stands we

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don't have an administrative process, so filing a criminal case in magistrate court doesn't always yield the results that they like and it's not a system that's set up towards abating or mitigating a nuisance. There's timeframes and it really is not designed for it. And the civil court process also is something that often takes a long time and is something that's cumbersome and they can't do on their own; they have to involve our office to do that.

So generally the comments were they liked it. As you may recall, Director Ellis-Green's comments were based on what they're capable of doing – the training that they have. Those type of things. As far as the technical change on some, there weren't a lot of comments on that.

CHAIR HANSEN: But they feel it's a better ordinance.

MR. SANCHEZ: Chair Hansen, I think they were looking for an ordinance that had more teeth and that covered more situations.

CHAIR HANSEN: So did this provide that for them?

MR. SANCHEZ: I think it very much does so.

CHAIR HANSEN: Okay.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Just one other thing. I think part of the difficulty in considering this ordinance is that we're taking some of these rather minor things that were included in previous ordinances in one form or another, like fixing up old cars in your backyard and having extra weeds that we don't ever expect to come to a lien and clean situation with the more severe situations of the meth house or the squatters and all that. I think finding the balance of having put all that in one ordinance to make sure that the minor ones don't get blown up into bigger ones is the trick. And maybe we haven't quite hit that. I don't know. I think we're getting pretty close but maybe after the public hearing we'll have a brilliant idea where we can table it and fix it for next time.

CHAIR HANSEN: So with this line that I'm opposed to, it seems like it's defeating the whole ordinance. It's because it's like it has to be an entire community in order to order abatement under this section, or a considerable number of county residents. I mean that seems incredibly broad instead of being able to allow for a more nuanced problem.

COMMISSIONER HAMILTON: In general, I understand what you're saying. One thing I want to point out is that there are two separate things. One of the citation aspect of it. So right now, if Commissioner Bustamante doesn't get off the stick here and mow her weeds, she could get a citation. But that's separate from the lien and clean. The part that's pertinent to this section is that you can take – it's separate – the way I understand it, frankly, I think if it needs wording – if the wording needs a little tweaking and you're uncomfortable with it we should have the public hearing and table it and do it, because I think everybody is in agreement that like some of the nuisance aspects that give a civil – I'm sorry. An administrative pathway to take care of, needed revision also and there are still some problems with that. And everybody up here is in agreement that the kinds of big things that people have examples of we need a way to take care of that. It's just that it's a delicate balance as Commissioner Hughes said, and may take – I think we're getting close but if it takes more tweaking, let's do the public hearing and table it for maybe two weeks or a month. It's not going to prevent you from taking care of

something that needs taking care of without making lots of future problems.

CHAIR HANSEN: Okay. I'm willing to go to public hearing.

COMMISSIONER BUSTAMANTE: Let me just make one comment because I think it's going to support public hearing, and I do just want to say it out loud. In the letter, the two things that really stand out that made a whole lot of sense is one, I like the notion of just – lien and clean is great, but safe and healthy neighborhoods ordinance is what they said. Yes, you have all these issues that we want to do this, but isn't this the actual intent? And I say that even through that recommendation was for titling it that, is if that's the intent, how do we get that to that point where it's clear that way. And I just feel that it's important to say that out loud, that yes, we are getting close. How do we get close to that intent if that's what we're working towards?

CHAIR HANSEN: Okay. So Estevan, I'm going to call a public hearing, okay, and then I'll think about this. So I won't to open this up to public comment. I believe there could be one person also online, but I will first go to Elizabeth. Please come up, state your name, get sworn in.

ELIZABETH WEST: Good afternoon. My name's Elizabeth West.

[Duly sworn, Elizabeth West testified as follows:]

MS. WEST: My name's Elizabeth West, and my county address is 12 Shenandoah Trail, out there in the famous area that we've been talking about. I'm here to represent and read for the San Marcos Association. So that's a little different from me commenting. Is that okay with you? And you all may have already gotten this document, correct? So I don't know if I need to read it in. I guess I should, legally. Is that correct?

CHAIR HANSEN: I would ask you to please read it into the record.

MS. WEST: All right. Okay. San Marcos Association Board of Directors regarding the proposed Santa Fe County Nuisance Abatement Ordinance. The Board of Directors of the San Marcos Association, a registered organization pursuant to the SLDC and the RO in which a particularly problematic property at 30 Arroyo Coyote is located supports all effort to end unsafe criminal activity there and at similar locations in the county.

We are gratified the BCC is intent on implementing this. Current ordinances stipulating that the owner is the only one who can be held responsible have resulted in unsuccessful attempts by the Santa Fe County Sheriff's Department and Code Enforcement to address unsafe behavior. We agree that an ordinance is needed to explicitly allow the County a path to address criminal activity effectively and to enable law enforcement to intervene at locations where criminal activity persists regardless of owner indifference.

The San Marcos Association board and other members of the community think that the "clean and lien" or "lien and clean ordinance" is an overreach in this regard. An important concern we have is that Section 3 in particular will cause many otherwise law-abiding residents of the county to become violators. It should be eliminated or de-emphasized. As written, this section will do little to address the root problem, a property owner enabling criminal activity leading to a blighted neighborhood. Nor will it provide the tools law enforcement needs to successfully render aid in those situations. It may also promote overzealous enforcement of minor issues.

The proposed ordinance seems to imply that problems exist on abused properties

because of abandoned vehicles, miscellaneous junk on the property, disrepair of the building and the like. In the case of unsafe criminal activity these are symptomatic of the problem rather than the problem itself. We believe this ordinance needs to focus not on an all-encompassing list of “nuisances” but rather on providing mechanisms to address criminal behavior of the sort that leaves neighbors feeling unsafe and insecure. Our communities need the support of the County and the implementation of codified specific enforceable regulations that focus on substantial problems.

Along those lines, we suggest changing or modifying the ordinances title to be something like “The Safe and Healthy Neighborhoods Ordinance” and redrafting it to ensure that everyone understands its principal focus is to address properties where criminal activity that makes neighborhoods unsafe is occurring. Its focus should not be on circumstances where the property owner needs assistance rather than condemnation.

The San Marcos Association urges the Commissioners to consider modifying this measure before approval. Thank you. My own comments, I guess I could mention another time, but thank you.

COMMISSIONER HUGHES: Maybe you should mention them now.

MS. WEST: My comments from Elizabeth West, and I’m not speaking for the board right now, though I am a board member. I should have said that. I’m Elizabeth West, a member of the San Marcos Association. I want to first say to Code Enforcement and your gang of wonderful people, some of whom I’ve met, the Sheriff and others, because it’s a broad group of people and sometimes I don’t know exactly where one person who works in Code Enforcement has a job in another area where he or she might have a job. But I have to say that I’m really pleased in my own personal response and the times that I’ve had to talk with people.

So I want to thank you all because when things were taken care of in relation to the dreadful Coyote address problem, it really was spooky. It didn’t happen right next door to be me but I heard of other people who – it spread. So I want to say thank you to that because it really felt great. I already like the County; I follow you all fairly often, as you know, and I’m impressed with the work that you do. You actually communicate with each other it seems to me, and you seem to listen to others.

I want to quickly just say, my time is maybe almost up; I don’t know. But Commissioner Hansen’s comments about the wording – ambiguous wording really should be left up to Shakespeare, I think. It’s tricky, isn’t it? However, there we are. We speak English and there it is. So this business of “considerable,” I can understand, I think, what you’re driving at. I read the emphasis to be on the risk, not on the numbers of people needed to address it, as you can see. Now that might be that if that something were left in there or something like it were left in there, you might want to have a second sentence kind of clarifying it. But the way I read it was the risk. If you are determined, or if Code Enforcement folks determined that there is a risk that affected a bunch of people, that bunch of people didn’t need to come in.

I hope that makes some sense, and in general I’m very impressed that you’re going to be considering this. I would personally think it would be a good idea to give it a couple more weeks or a month or so as has been mentioned by almost everybody. Thank you so much for taking this on.

CHAIR HANSEN: Thank you, Elizabeth. Is there anybody online who

would like to speak? There's somebody named Dennis?

MR. FRESQUEZ: Madam Chair.

CHAIR HANSEN: Yes.

MR. FRESQUEZ: Madam Chair, we have two people online who want to speak. The first one is Dennis Speer.

CHAIR HANSEN: Okay. Thank you. Please get sworn in.

[Duly sworn, testified as follows:]

DOUG SPEER (via Webex): My name is Doug Speer. I live at 100 Pine West, which is in the San Marcos District Overlay. And I am under oath. So, I believe a large part of the impetus for this ordinance is coming from the activities at 30 Arroyo Coyote which has had a great deal of criminal activity over the last couple of years. I know there are other properties that that is true of too, that we are concerned about.

A meeting was called a couple of months ago at the Sheriff's Department to discuss it for the community that is being affected. I was at that meeting. It was there that Commissioner Hughes suggested that he was working on this ordinance, and frankly, everyone was very happy that that was going to be taking place. Because the Sheriff told us very clearly that the existing law did not allow him to do what needed to be done at that property. So when I saw the ordinance, I was taken aback, because we started with an extreme situation and we've gone from drug use and destruction of the property to a dead body being stored in that property. And it's quite amazing to me that what we have now come up with is an ordinance which focuses a great deal of time on minor issues.

I've been told all of these are already on the books. Well, I don't know they're on the books the way it's written in this law, because if they were then maybe we wouldn't be here and the Sheriff would have been able to do what he needs to do to clean that house up. What we were told specifically, the law doesn't exist. But now we have a situation where – and I know it's been discussed by all of you just now. I appreciate the discussion very much. But an old car or truck on a property that's been sitting there for probably 20, 30 years, hasn't been touched, there is no sense in the world that that's being worked on.

But it is almost like a lawn ornament. I know of more than one in our neighborhood, in our area. They are not leading to criminal activity. But it could be something that the owner of this property is cited for. That disturbs me. The noxious weed issue. Do you know what's on the noxious weed list of the New Mexico Department of Agriculture? Salt cedar, Russian olive, chicory – items that really, if you're going to go after people that have salt cedar on their property we've got really a big issue. And they are not endangering. They are not endangering the neighborhood. It should not be in this. If having that on your property leads to what the ultimate end of this ordinance suggests, it just is beyond my comprehension.

So I think part of the problem too is it's very subjective throughout the law. It's as if your neighbors feel that the offending item is disrupting their ability to enjoy their property. That's so subjective. It has no place in a law like this. It's just absolutely incomprehensible to me.

So I don't think the exceptions that you've made for classic cars really works because not everyone's working on that old vehicle that's sitting on their property and they're not about to. Someone mentioned, well, it's really not about the vehicles. You're

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not really concerned about the vehicles. But it's in the law. Somebody out there is going to be concerned about the vehicles. You can count on that. Then the question was, well, if it's one versus 15, that's different. Yeah, that's true. That's a big difference. Fifteen junk cars sitting on a property, but that's not what's in the law. The law says any item that is in violation on this list you're subject to this law. And that includes one vehicle that's not 35 years old, or maybe it is, but it's not being worked on. Come on.

All right. Anyway, that's my perspective on this. I really believe we've gone beyond where we should. I think the problem is real, but here we are talking about weeds and vehicles instead of criminal activity. That proves to me that this is an overreach and it has not place in this law. Address the problem. Don't create problems. Thank you.

CHAIR HANSEN: Thank you, Mr. Speers. Next, Daniel.

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

[Duly sworn, Dennis Kurtz testified as follows:]

DENNIS KURTZ (via Webex): My name's Dennis Kurtz. I live at 42 San Marcos Road West, that's just off of Highway 14, just south, three miles or so south of Lone Butte, and I understand that I am under oath. Other members of the San Marcos Association have eloquently spoken tonight. I'm not going to repeat what they say. I would just point out – and I'm reaching back to the discussion that happened earlier regarding the language in Section 11.B about the Board must find the nuisance poses a risk, etc., etc. Having written contractual language many times in my life I would just point out to the Board that the use of words like “must” and “shall” are very limiting and I would suggest something language in that section on the order of “the Board shall consider elements such as” and then you can list those things that are in there, and also list, as has been mentioned, the number of law enforcement visits to that site, etc., etc.

That gives the Board a lot of flexibility in the future should something come up. I will reiterate that back when this all started there was a SWAT event in Lone Butte and helicopters and so forth and we had meetings with the community, and at that time Commissioner Hughes went to a meeting with the neighbors and so forth and I said to him, this kind of an ordinance is something that we need, that allows the County to step in with these criminal violations and basically take over the property. I didn't understand condemnation or anything, but basically take over the property, clean it up and charge the owner. I think this ordinance is headed in that direction, but as Commissioner Hughes said tonight, it's a very subtle, nuanced balance that needs to be struck here and although you all may be on the right path to that there's still a little bit more work to be done here because it does have the – the ordinance as written does have at least the potential to be abused by future boards.

When I wrote contract language in the days that I was dealing with labor unions and so forth, all the people at the table all were perfectly good friends right then and there, but we knew that ten years from now there'd be different people at the table, different people in management, different people in labor, and we had to write the language that they could work with. And so I respectfully ask the Board to consider this and not by any means to give this up. This is an important ordinance; we need it. But to very carefully look at the details and the nuances of the language that you put in the ordinance and the emphasis.

One of the suggestions I made earlier today, there's a sentence early on in the



ordinance – I’m trying to find it on my screen – in the very beginning. Section 2.C, it says abatement will be reserved for cases in which the public nuisance affects a considerable number of county residents. In other words, this isn’t just for little small things. And I think the word “considerable” has a lot of meanings; I might take that out. But the point is, that sentence is the last sentence in Section 2.C. I think that needs to be called out. I think maybe it needs its own paragraph. I don’t know what the legal rules are for writing this kind of language, but somehow to make it very clear, this ordinance is for the big time when we need the big guns. It’s not for the weeds and the old cars.

So thank you very much for listening and thank you very much for working on this. I know it’s hard work and you’ve got a lot of other things to do but this will materially affect the health and safety of the county, both pretty immediately and long term. Thank you.

CHAIR HANSEN: Thank you, Dennis, very much. Do we have anybody else online?

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

CHAIR HANSEN: Okay, do we have anybody else in the audience? Seeing none, I’m going to close the public hearing. Commissioner Hamilton.

COMMISSIONER HAMILTON: Given what was said on the dais and said in public comment, can I offer a motion to table for a month or for two weeks, however long –

CHAIR HANSEN: Two weeks to a month.

COMMISSIONER HAMILTON: For two weeks to a month is great, to work on the language as has been discussed this evening.

COMMISSIONER GREENE: I’ll second that.

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

COMMISSIONER BUSTAMANTE: [inaudible] the opportunity because we’re hearing that law enforcement said we can’t do this with what exists. It sounds like it might be super easy but I know it’s not, but to just go to law enforcement and say, what would I need to say for you to be able to do this? It’s a sort of a straight shot to getting what they need.

CHAIR HANSEN: Commissioner Bustamante, that was one of the questions I asked where was Code Enforcement because they are the first line of defense.

COMMISSIONER HAMILTON: Could I add a comment about that? [inaudible] the law enforcement side should not be the place to get the way an ordinance should read. It has to serve, you have to serve the ability to enforce. If enforcement is your main consideration there are a lot of human rights that would be violated, because it makes enforcement better.

CHAIR HANSEN: So I’m going to ask each of the Commissioners, including myself of course, read this over and work with Estevan and Jeff to make this the best ordinance that we can make, okay, because this is important and something I thought was necessary for the last six years so I’m willing to wait another two weeks to a month so that we get it right and that we have something that we can live with and that

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future Commissions can live with. But I think in general, I think it is in very good shape and I think it's just a few minor tweaks that it needs. Commissioner Hughes.

COMMISSIONER HUGHES: Just because I don't want to lose this idea that somebody else brought up – I forget which of our commenters, but the really important part of the sentence about in addition to finding that the property is a public nuisance the Board must find that the nuisance poses a risk to health, safety or wellbeing, I think that's the important part and the number of people it affects should be worded entirely differently. But we still have to find it's a risk to health, safety or wellbeing, which I think that lets Commissioner Bustamante off the hook with her week problem because it probably is not providing a risk to anybody's health, safety or wellbeing.

CHAIR HANSEN: Unless it's ragweed and nobody can breathe. Okay, so we will all make an effort to work with Estevan and Jeff to get this ordinance in its final shape and I thank you all for taking the time to consider this and I thank all the people who made comments on the public hearing.

**13. INFORMATIONAL ITEMS / REPORTS**

- A. Community Development Department May 2023 Monthly Report**
- B. Community Services Department May 2023 Monthly Report**
- C. Finance Division April 2023 Monthly Report**
- D. Growth Management Department May 2023 Monthly Report**
- E. Human Resources Division May 2023 Monthly Report**
- F. Public Works Department May 2023 Monthly Report**
- G. Public Safety Department May 2023 Monthly Report**

There were no comments or questions on the reports.

**11. MATTERS FROM THE COUNTY ATTORNEY**

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:**
  - 1. Performance Evaluation of the County Manager**
  - 2. Breach of Settlement Agreement and Related Agreements Related to Annexation**

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CHAIR HANSEN: I'm going to turn it over to you, Jeff.

MR. YOUNG: Thank you, Madam Chair and Commissioners. We do appreciate the public comment on that ordinance and we'll look at it. So finally for tonight I would ask that we go into executive session to discuss 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. Specifically including performance evaluation of the county manager; and then second, breach of settlement agreement and related agreements related to annexation.

CHAIR HANSEN: And we are also going to adjourn.

COMMISSIONER HUGHES: Madam Chair, I'll make a motion that we go into executive session for the purpose of discussing the matters that the Attorney just listed and to adjourn from there.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: We need 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
Commissioner Hansen	Aye

[The Commission met in executive session at 7:20.]

**13. CONCLUDING BUSINESS**

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

Having completed the agenda and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 7:20 p.m.

Approved by:

  
Anna Hansen, Chair  
Board of County Commissioners

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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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