

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**September 26, 2023**

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

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COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 111

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Katharine E. Clari  
County Clerk, Santa Fe, NM

**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**September 26, 2023**

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

**B. Roll Call**

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

**Members Present:**

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

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. 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 Nicolette D. Martinez of Assessor's Office'. Chair Hansen acknowledged that this building and Santa Fe County as being in the original homeland of the Tewa people also known as O'ga P'ogeh Owingeh, "White Shell Watering Place."

Commissioner Hansen expressed birthday wishes to Commissioner Hamilton, Daniel Fresquez and Ambra Baca.

**G. Approval of Agenda**

CHAIR HANSEN: Manager Shaffer, do we have any changes or additions to the agenda?

GREG SHAFFER (County Manager): Madam Chair and Commissioners,

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the initial agenda for today's meeting was posted on last Tuesday, September 19<sup>th</sup>. The amended agenda was posted on Friday, more than 72 hours in advance of today's meeting as required by the Open Meetings Act. There was packet material added to the agenda which you were apprised of previously. In terms of the substantive changes from the initial agenda to the amended agenda, they were to add Miscellaneous Action item 6. D, as well as item numbers 3 and 4 to the executive session under Matters from the County Attorney, agenda item 11. A. And there are no recommended changes to the amended agenda as posted.

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

COMMISSIONER GREENE: Move to approve the agenda as presented.

COMMISSIONER HUGHES: Second.

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

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

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

MANAGER SHAFFER: Thank you, Madam Chair. We have several employees who are recognizing anniversary milestones of significance, as well as many new employees that we'd like to recognize. No retirements, however. First we have two employees who are celebrating their five years of service with the County. They are Mark Jurgens in our GIS Division, Clarissa Garcia in the Sheriff's Department, and Daniel Sanchez in the Information Technology Department who is actually celebrating ten years with the County. Congratulations to each of you and we appreciate their continued loyalty to the County.

In terms of new hires during the month of August. As we previously reported, we received a significant increase in interest in our adult detention facility because of the salary increases approved by the Board of County Commissioners during the budget process. The following team members joined us as detention officers: Jason Carney, Maria Gomez, Damian Graham, Alfred Quintana and Lucas Scalf. Also Dominic Diquarto, Jared Eldridge, Daniel Gonzales, Mark Lopez, Angel Sanchez, Matthew Seilala, all joined the adult detention facility either as detention officers or as a sergeant. So again at this point we are close to being fully staffed in our detention officer ranks.

David Baca joined the Community Services Department as a driver/cook's assistant, Joe Lozano joined CSD as a program manager. At Project and Facilities Management, Doug joined the team as an administrative assistant, and Adam Gonzales also joined the Public Works Department as an equipment operator.

In the Community Development Department, William Donahoo joined the team as a sustainability specialist, and in the Community Services Department Loren Vigil joined as a DWI compliance monitor. Michael Galizio joined the Land Use Department as a senior planner, Katerine Martinez joined the Sheriff's Department as a secretary senior, Korie Prudhomme joined the Sheriff's Department as a deputy cadet, and finally, Joseph Sandoval joined the County as a utilities maintenance worker in our Utilities Department.

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So I want to recognize all of those new hires and look forward to the day when we're celebrating their anniversaries with the County.

CHAIR HANSEN: Thank you, Manager Shaffer. Congratulations to all the people who joined our Corrections. That is good to hear because that makes it a safer work environment to have a higher number of employees. So thank you very much.

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

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. Three individuals or teams we wanted to have a special shout-out today. First, the New Mexico Energy Services Coalition named the County's Sustainable Division GESPC project as the 2023 medium energy project of the year. This award recognizes an outstanding energy and/or water conservation project that was substantially completed in the last year with a total project cost between \$1-5 million. Jacqueline Beam, Sustainability Manager, accepted the award at the Energy Symposium in Albuquerque on September 13.

Concerned with sustainability and fiscal responsibility, the County worked to develop a project that evaluated the buildings of greatest concern from a greenhouse gas emissions perspective. The County selected 13 buildings to support their work towards reduced emissions while addressing other critical facility needs. This \$1.9 million project upgraded LED lighting fixtures, implemented new HVAC controls technology, installed over 80kW of Solar PV energy generation capacity, and other measures resulting in a reduction of their water consumption by 2.1 million gallons annually. This project also saves the County 17.3 percent in annual utility costs and reduced the County CO<sub>2</sub> emissions by almost 900,000 pounds. So congratulations to the Sustainability team and Jacqueline Beam in particular as the manager for that award.

I also wanted to recognize that Santa Fe County was recognized by *Sunset Magazine* as one of the best travel destinations in the US West for 2023. The magazine called out our world-class opera, ski resorts and spas, art and culture, and nature and history. It further noted that the County continues to evolve with immersive experiences like Meow Wolf and the new Sky Railway's themed train rides. I wanted to acknowledge our Tourism and Marketing division in terms of working with the magazine on that recognition.

Finally, as the Board knows the County was awarded or invited to participate in the Bureau of Justice Assistance planning initiative to build bridges to increase access to opioid use disorder treatment options in the nation's jails. This will further the County's goal as articulated by the Board of County Commissioners to increase the availability of opioid use disorder treatment in the adult detention facility but also allow us to build bridges to increase access to such treatment, both within the jail setting as well as providing for a continuity of care with community-based MAT treatment providers upon release.

In short, it gives us access to world-class subject matter experts as we engage in those planning efforts. But I wanted to particularly recognize the efforts of Rachel O'Connor who really stepped up to coordinate the overall development of our successful

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application. She did so without complaint, at least to me, so I really appreciate that. So those are the three folks that we wanted to recognize for their efforts. Thank you.

CHAIR HANSEN: Thank you, Manager Shaffer. That is great news on all fronts, especially I'm particularly fond of the County Sustainability Division getting that award, but also the social justice award for the opioid since Commissioner Hamilton and I began that initiative when we first became Commissioners and so I'm really happy to see that the County has been recognized for their hard work and efforts. Comments? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I would say more or less the same thing you did. I'm very happy about all of these and especially happy that we're moving ahead with opioid treatment. It's such a huge problem right now. Our adult detention center is where we often have fresh contact with people with substance abuse disorders and I think if we can build a system where we can start them on treatment there and move them into the community we could really change some people's lives for the better. So congratulations to the team, including Rachel who got that money awarded. Thank you.

CHAIR HANSEN: Thank you.

**2. Approval of Meeting Minutes: August 29, 2023**

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

COMMISSIONER HAMILTON: Madam Chair, move to approve the minutes.

COMMISSIONER GREENE: I'll second.

CHAIR HANSEN: Okay, the minutes from August 29<sup>th</sup>, a motion by Commissioner Hamilton, a second by Commissioner Greene.

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

**3. Consideration Proclamations, Resolutions, and/or Recognitions**

- A. Resolution No. 2023-093, a Resolution Directing Staff to Engage with Expert Consultants Regarding Commercial Renewable Energy Projects in Santa Fe County and Post Information Concerning Conditional Use Permit Applications for Such Projects on the County's Website. This Agenda Item Contains an Attachment. [Exhibit 1: Information on Conditional Use Permits]**

CHAIR HANSEN: Commissioners Hughes and Hamilton.

COMMISSIONER HUGHES: Thank you, Madam Chair. This is a resolution, as you said, regarding commercial renewable energy projects in Santa Fe and in the packet is the original resolution that we presented last time, as well as an amended resolution that Commissioner Hamilton and I worked on with County staff. Based on the comments we received, we received a lot of comments from the community. Almost everybody I think was very supportive of the resolution. Some people were just supportive and I think people had particular comments about the resolution.

So we did change a couple things in the new version. One thing we did is we made it clear that any experts hired would be independent of the applicant and would give an independent review of whatever it is they're reviewing, such as battery safety perhaps. The resolution also changes around the definition of commercial by putting it a little closer, making it clear commercial means facilities where the energy is going to be sold for a profit, basically. And we also added outreach. We're going to create a website as part of this resolution if we pass it that would have information about any upcoming renewable energy projects that will, in addition to informing all the registered community groups we'll do some public outreach to make people aware of the website as well as when perhaps there's a bit application coming.

So some things we did not include that I just wanted to make sure we talk about them a little bit. We did not include a moratorium or development of countywide impact in this resolution. I think we all know that we're in a climate emergency that we have to hurry up and switch to renewables as quickly as possible. I did not think, and I don't think anyone else working on this thought that we needed a moratorium or a DCI because that would have slowed down the process of anybody applying to give us a renewable energy project. We're also assured by staff that the current process is sufficient to make sure these things are safe because the two things we need – we need lots of renewable energy, and we have to make sure that it's safe and appropriate for where it is.

We also, in some smaller areas, we didn't put a megawatt limit in because commercial solar could be a lot of different sizes and they might require a conditional use permit so this resolution applies to any commercial renewable energy project.

Several people mentioned their concerns about air and water. We felt like, yes, those are important but they are included in the resolution under community safety. Same with the buffer zone. Buffer zones might vary depending on the size of the project or the community or the site-specific details, so those would be addressed in specific projects.

Some people asked us to include in this resolution separating battery projects from solar panel projects, and while those are two different things, we couldn't think of a way that would be appropriate to separate those. Some projects may have one; some may have the other, but every project would be considered fully. If they have both then both parts are going to be considered fully. So it didn't seem to make sense to make people apply twice for one project.

And I think those are my main comments. I think the real purpose of this resolution is to kind of make it clear what the process is for evaluating renewable energy, giving people a chance to comment as they did through emails and their comments at the last meeting on our process for evaluating renewable energy and I think part of my purpose is to assure people that we do take the safety and appropriateness of these projects seriously while also realizing that we do need these projects. And with that I will stop talking and let Commissioner Hamilton add anything she wants to.

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

COMMISSIONER HAMILTON: Thank you, Madam Chair. There isn't very much to add. I very much appreciate the specificity of the changes we made so that they could all be addressed. I really appreciate the fact that everybody who participated in the process holds the safety of both communities and environmental health as being very,

very important, and I feel very comfortable that the County does also. So I just want to add that I really agree with what you said that we are in very big need of having a way to support renewable energy project but that no matter what, we take the potential impacts of those projects and how to mitigate them very seriously.

Anybody who's like followed the environmental field or the development of this sort of thing, there isn't a single thing that humans do in this regard that isn't a matter or trade-offs. There are benefits and negative impacts of oil and gas projects. There are – if we all feel that there is this big need to reduce our use of oil and gas and increase renewable energy, those projects are not somehow magically perfect either. We have trade-offs. And so I very much appreciated that Commissioner Hughes' thought about helping to address the concerns the community has by laying out what the process is in a resolution and adding the additional components of assuring that we communicate well and have the website where information is available is beneficial to encouraging the community to be able to participate and follow along as each project is individually evaluated.

And I guess that's the other thing that makes feel comfortable is that these are evaluated on a site-specific basis, so the regulations are blanket regulations but they provide for evaluating everything specific to that site and so the Commission, and I'm sure the Planning, but definitely the BCC will take that very seriously and consider what the trade-offs are and whether there is an acceptable balance. But I do want to thank everybody for participating so actively in this process. Thank you, Madam Chair.

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

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair. I appreciate the effort that Commissioners Hughes and Hamilton and the interest and frankly the effort in making sure that it is as transparent of a process and I think it looks very good. The question that I'm wondering, because I appreciate the independence suggests that there would be no commercial interest on the part but I wonder if we want to say something very explicit that says independent with no commercial interest in the project being evaluated, or a like project. Everything just really discloses that this is what the process would look like. This is what would be done so it's really top notch in the effort to be transparent in that process, and the one thing that just sort of steps out is qualified technical expert with no commercial interest in that particular project, or with no commercial interest. Get this one approved and then I've got a job done the road because I just set a standard for how these will get approved.

I don't know. I'm just trying to think of a way to ensure that we meet that requirement that we tend to want to make sure if foolproof in someone not participating in a process because they have something financial to gain as a part of it.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I personally think that's what independent means.

COMMISSIONER BUSTAMANTE: Madam Chair, I think it clearly insinuates that, so just wondered.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Yes. So we did actually spend a fair

amount of time talking about this and came up with the wording that says independent and qualified experts to independently evaluate. I'm not sure how to add anything else to that, because I think – like if you said they have no financial gain, well aren't we going to pay them to give us their opinion so they do get some financial gain. But I see what you mean. We don't want people acting as experts who somewhere down the road are going to get paid off in a different way that make them less independent. But I don't know if there's wording that captures that any better than what we've already don't.

COMMISSIONER BUSTAMANTE: Madam Chair, if I may ask, if our attorney has a prospective on the term independent. I'm comfortable with it if that is something that people go with. I just foresee something down the road where if someone were to say, yeah, but look, they own this company and of course they were going to benefit from doing that in our backyard. For those who are going to look for every punch hole. But I'm not trying to belabor it. It's just a matter of if that's an acceptable term and saying that I'm independent of it if it's not something that's directly going to have some financial – and I don't mean financial gain in that I'm being paid for the work, except that I'll benefit from my company or whatever down the road. That's all.

CHAIR HANSEN: One other thing that I want to throw out is that this is also going to be vetted by staff and by Land Use and it's going to go through a number of processes before these people actually get hired. But I'll go to Attorney Young.

JEFF YOUNG (County Attorney): Madam Chair, Commissioner Bustamante, I would agree with Commissioner Hughes' statement. The intent is for the expert to be independent of any commercial interest. If you started talking about financial gain, for example there will be that piece of it that the County is paying for that but certainly as the County perspective goes we want someone who's independent of the defender, has not consulted on this particular project of course, is clean from the ethical and expert perspective. So I would agree with that.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. And to this point of everybody's concern about this, I too think that there should be something in there, whether it's in the resolution or whether it's in our contracts that we put together for this there could be some caveat that said that any consultant that comes into this cannot be part of a proposed product out or consultant to a product for a period of one year. So like a dark period for lobbying and so on, that they could continue to be our specialist and our expert but that they could not be on the other side of that equation. And it could be – there's dark period for lobbyists when they come out of consulting and come off the dais or legislative elected positions. Or even if you leave the City I think you're not allowed to lobby the City for a period of a year.

COMMISSIONER BUSTAMANTE: Madam Chair, that answered my question. It would be something that could potentially be handled in the contractual part that just says there won't be a conflict of interest which is the only thing. So the resolution is fine.

COMMISSIONER GREENE: We could ask – is that something that we need to be specific to at this point or is that something that when we're writing the –

MR. YOUNG: Madam Chair, Commissioner Greene, I'm not sure that – I mean we could take that under advisement in terms of contract, but I think we would



evaluate each use of the expert to determine whether they are cleared from that project on an individual basis. But putting in there someone's prohibition to contract later, that seems pretty restrictive to me but I'll certainly take a look at it.

CHAIR HANSEN: Okay. Commissioner Hamilton.

COMMISSIONER HAMILTON: So there's always this question whether somebody you're paying for an opinion is going to provide a valid, technically sound opinion despite the fact that they're being paid for it. And so the entire consulting world, from people – you're paying doctors for their opinions. You're paying lawyers. If somebody goes to a lawyer for opinions about things, they're supposed to know and give you advice. What guarantees are they are going to give valid advice?

I think there are more questions about we put in the resolution that they have to be qualified experts. Okay, but what qualifies them and assures that they're going to know what you need to know to find the kinds of impacts you're going to see and the mitigations that could be done, and are you up on all the state of art as battery technology improves. We qualify people based on – there are sort of industry standard processes, and things still happen but by and large the process works to call down to find qualified people and what not.

If we're only – frankly, none of this terminology fully addresses – you guys are talking about people the County would hire as our experts. The issue actually came up because part of the regulation is that you can require – and this is done in NEPA as well, the National Environmental Policy Act – you can require the applicant to pay an expert to define the project looking at impacts and what not. And yes, there's the implication that they'll have to be independent also, but that's what actually gives people the heartburn in this case. How do we know that what they're getting – they're industry. So it's like the regulated industry having an expert saying that this is what's good and this is what's not. That's frankly addressed by the fact that the County can do the same thing, get experts to review what the submissions are.

So there's already a process there for evaluating. So initially, when people were worried about independence because it was the regulated industry that was going to be hiring to give information and how would we know that that's valid information? That's where they had the concern about the conflict of interest, and we know because then we'll hire independent people, which literally was put in to say not associated with that project, who will as a third party evaluate the data that is produced and the interpretations. So that's why it works for me. I wasn't trying to blow off anybody's comment, but that's the background.

CHAIR HANSEN: Okay, what's the pleasure of the Board?

Commissioner Hughes.

COMMISSIONER HUGHES: It seems like we're at a place where we can move for approval of the ordinance as revised and presented at this time.

CHAIR HANSEN: Resolution.

COMMISSIONER HUGHES: Resolution. Sorry. Not ordinance.

Resolution.

COMMISSIONER HAMILTON: Is that a motion?

COMMISSIONER HUGHES: That's a motion.

COMMISSIONER HAMILTON: I'll second it.

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

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

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

CHAIR HANSEN: The motion passes. Yay.

MANAGER SHAFFER: Madam Chair and Commissioners, completely at the discretion of the Board and the Chair, but we did have the Growth Management Department, specifically were prepared to just provide a brief overview of what the conditional use permit process is. For the benefit of the public, really, if you'd like to use this as a space in time to do that. As directed by the resolution, we will be laying out that process in easy to understand terms on the website, but again, Jose is here to provide that brief overview if you would like. But again, it's at the discretion of the Chair and the Board.

CHAIR HANSEN: Yes, please. Welcome, Jose and Lisaida.

JOSE LARRAÑAGA (Building & Development Services): Thank you, Madam Chair, Commissioners. So what's being passed out is just the sections of the code which describe the conditional use permit, CUP. It's a discretionary review. It would require a pre-application TAC meeting, pre-application neighborhood meeting. Depending on the CUP it would require studies, reports and assessments, and outside agency and internal agency review, and it would go to the Hearing Officer and Planning Commission.

The purpose and findings, this section provides for certain uses that because of unique characteristics or potential impacts on adjacent land uses are not permitted in zoning districts as a matter of right but under appropriate standards and factors set forth herein be approved. These uses will be permitted through the issuance of a conditional use permit.

So staff has taken quite a few conditional use permits to the Hearing Officer/Planning Commission. They vary on how big of a project it is or if it's a small project. So again, this handout was the approval criteria. This is something that the applicant or agent has to address and meet these criteria and the criteria that the Planning Commission would have to look at to see if it meets the CUP criteria. Basically this explains it. I'll stand for any questions if you have any on the process or the criteria of the CUP.

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

COMMISSIONER GREENE: Thank you. Thank you, Madam Chair. Thank you, Jose. I appreciate giving us a little refresher course about the conditional use permit and just giving us an update over time about these land entitlement procedures that we are the final say on. So knowing how this process works is part of our job and some of us are newer here. Some of us have served on land use boards in the past; some of us haven't, and it's great to get a refresher course, for me especially, so thank you.

MR. LARRAÑAGA: Thank you.

CHAIR HANSEN: Anyone else have any comment? Having gone through

a huge hearing on the truck stop that was proposed, I think Commissioner Hamilton and I have had experience in that realm. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. Yes, just to clarify, where it says “be detrimental to health, safety and general welfare of the area,” doesn’t that include any concerns about groundwater pollution or air pollution that might come. And obviously a truck stop would have created a lot of both of those, probably. But do we – is that an area where we would normally hire expert opinion to evaluate air and water pollution from a potential development?

MR. LARRAÑAGA: Madam Chair, Commissioner Hughes, yes. This would probably fall under the environmental impact report. So that type of report can go out to a third party review to review it and make comments on it.

Commissioner Hughes: Okay. So any of those things would be covered. Thank you.

CHAIR HANSEN: Thank you, Commissioner Hughes. Any other questions from the Board? Thank you, Jose, for being here. Thank you for giving this cheat sheet to us. That’s very appreciated and a good way to have something in your hand when things are available. Yes.

COMMISSIONER HUGHES: Could we have this in electronic form? Because I’m sure some other people would like to see this?

MR. LARRAÑAGA: Madam Chair, Commissioner Hughes, yes, of course. I’ll forward it to you.

COMMISSIONER HUGHES: Thank you.

COMMISSIONER GREENE: If I may, as a recommendation to that. If this could be posted on our website as just something – this document is something that is a conditional use permit cheat sheet, as it may be, something easy to find.

CHAIR HANSEN: I think it could probably go under Land Use somewhere. It’s already in the land use code.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners, and specifically this is going to be part of the website that staff has just been directed to create to provide an easy to understand document for the public relative to the conditional use process. So it will be front and center in this specific context of commercial renewable energy projects.

CHAIR HANSEN: Okay. That’s great. Thank you.

**3. B. Request Approval of Letter from Santa Fe Board of County Commissioners to the New Mexico Environmental Improvement Board (EIB) and the Albuquerque-Bernalillo County Air Quality Control Board (AQCB) in Support of New Motor Vehicle Emission Standards. This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Myself and Commissioner Hughes are presenting this so I will go to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and this is simply a letter of support for the Governor and her administration’s initiative to support a rule that would advance clean cars and advance clean trucks, and basically it would set

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requirements that mirror California's requirements that dealerships carry zero or low emission vehicles at a certain rate that increases over the years so that those cars and trucks are available for New Mexicans to purchase.

CHAIR HANSEN: I want to thank Commissioner Hughes for detailed work on this and also I over the years being on the Commission I have testified many times in front of the EIB board on the clean car, the advanced clean cars, number one. And so I'm happy to see that it's been moving forward. I want to thank Secretary Kenney for all of his good work in the State of New Mexico and working to protect us and cleaner air for New Mexicans. So any comments? Yes, Commissioner Greene.

COMMISSIONER GREENE: Madam Chair, thank you, Commissioner Hughes and Chair Hansen for this letter. This is a little overdue for New Mexico. We should have been at the level of California, probably at least let them be at the forefront like they always are but we should have been right behind them instead of probably about a decade behind them. So let's catch up. This is a good first step. I hope that they include some incentives similar to the way that California incentivizes purchase of the electric vehicles and other equipment in a state that has such a surplus. That seems like a nice infrastructure kicker that we could be doing for our community. But the letter looks great and let's work getting this in the right direction. Thank you.

CHAIR HANSEN: Comments, anybody else? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I'm absolutely grateful for this and I hear you when you say that this is good for New Mexico residents, Santa Fe County residents, but it's just a planetary need, so thank you for your action on this, sincerely.

COMMISSIONER HUGHES: Madam Chair, I'll make a motion to approve the letter.

CHAIR HANSEN: I'll second it. So we have a motion from Commissioner Hughes, a second from Commissioner Hansen.

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

**3. C. Request Approval of a Proclamation Proclaiming Monday, October 9, 2023, as "Indigenous Peoples' Day"**

CHAIR HANSEN: Next we have a proclamation presented by myself. I want to recognize Commissioner Moreno, who in 2017 we first brought forward the resolution on Indigenous Peoples' Day and I miss him and I'm sorry that he left us so early. But besides that, what is also special, we have two of our indigenous native people who work at Santa Fe County who are going to read the proclamation for us. My constituent liaison, Laura Jagles, and I don't have written down your name. I know you're in Finance, and I apologize.

AMANDA PATTERSON SANCHEZ (Finance): My name's Amanda Patterson Sanchez.

CHAIR HANSEN: Amanda Patterson Sanchez. Thank you both for being here. I know that Laura is from the Tesuque Pueblo and you are Hopi –

MS. PATTERSON SANCHEZ: Hopi, Navajo, Cahto and Choctaw.

CHAIR HANSEN: Okay. So we're covered in a lot of areas. I appreciate

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both of you taking the time to come here and read this proclamation. I think it is really important that our indigenous population be recognized and that it shouldn't just be one day but it should be every day, every year. So thank you. With that I will turn it over to you to read the proclamation, Laura.

LAURA JAGLES (County Manager's Office): [Speaks in Tewa.] My name is Laura Jagles. I am from Tesuque Pueblo. I'm also Shoshone and I identify as Chicano. And I'm going to allow Amanda to introduce herself and her tribes and then we'll read the proclamation.

MS. PATTERSON SANCHEZ: My name is Amanda Patterson Sanchez. I am the procurement planner analysis here with Santa Fe County. Like I mentioned before, I am from the Hopi, Navajo tribes in Arizona and the Cahto and Choctaw from Oklahoma.

Madam Chair, we present a proclamation proclaiming Monday, October 9<sup>th</sup> as Indigenous People's Day.

Whereas, Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations' sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

Whereas, in September of 2017, the Board of County Commissioners of Santa Fe County adopted a proclamation declaring the second Monday in October of each year as Indigenous Peoples' Day in Santa Fe County; and

MS. JAGLES: Whereas, the County has within its boundaries, eight sovereign Pueblo nations: the San Felipe, Santo Domingo, Cochiti, Tesuque, Pojoaque, Nambe, San Ildefonso, and Santa Clara Pueblos; and

Whereas, the County also acknowledges that Indigenous people from additional sovereign tribal nations reside within the County's boundaries; and

MS. PATTERSON SANCHEZ: Whereas, we acknowledge our existence as neighbors within the Greater Tewa Basin and honor generational relationships and continue to build a shared culture of love and respect with pueblo relatives; and

Whereas, the County recognizes that the primary languages of the pueblos within its boundaries include *Keres* and *Tewa*, which continue to be spoken and taught; and

MS. JAGLES: Whereas, the County treasures the many contributions made to our community through Indigenous Peoples' agricultural skills, technology, science, philosophy, art, and deep cultural contributions that considerably shape the character of Santa Fe County; and

Whereas, we acknowledge the indigenous roots we have in the County and in New Mexico, and the cultural and familial ties that connect us all; and

MS. PATTERSON SANCHEZ: Whereas, Indigenous Peoples' Day offers our community an opportunity to reflect on the ongoing struggles of indigenous people of this land and to celebrate the resiliency to maintain their thriving cultures and values that indigenous people add to the County and country; and

Whereas, despite historical efforts to erase Indigenous cultures and ways of life through the means of assimilation, termination, relocation, and/or sterilization, indigenous people prosper; and

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Whereas, the County and tribal councils continue to partner on various intergovernmental matters, including transportation networks, beneficial use of natural resources such as water, law enforcement, fire safety, and open space management; and

Whereas, the County has collaborated with tribal councils to protect the Caja del Rio, Galisteo Basin, and La Cieneguilla; and

MS. JAGLES: Whereas, the County continues to partner with tribal councils regarding cleanup efforts of legacy waste at the Los Alamos National Labs and providing a temporary waste solution with the Tesuque Transfer Station; and

Whereas, the County and neighboring tribes finalized the Aamodt Water Rights Settlement, which eventually produced the Nambe-Tesuque-Pojoaque-San Ildefonso road settlement agreements and the building of the Pojoaque Basin Regional Water System; and

MS. PATTERSON SANCHEZ: Whereas, this designated day was once a day to celebrate an explorer the County now honors the Indigenous Peoples and closes all administrative offices in observation; and

Whereas, the County encourages residents, businesses, organizations, and public institutions to celebrate and honor Indigenous Peoples' Day.

MS. JAGLES: Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, Monday, October 9<sup>th</sup> as "Indigenous Peoples' Day."

CHAIR HANSEN: Thank you, Laura and Amanda very much for reading that. That was great. I want to say that in Santa Fe there will be a Pow Wow on the Santa Fe Plaza, and then there will be also celebration and feast at the Santa Fe Indian School, and possibly, I believe there will be something happening at IAIA also on Indigenous Peoples' Day. So there's many ways for all of us to respect and participate in this important part of our county and that we have the honor of being here and living on this Tewa land.

And so with that I would like to make a motion to approve this proclamation proclaiming Monday, October 9<sup>th</sup> as Indigenous People's Day.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: So we have a motion from Commissioner Hansen, a second from Commissioner Bustamante. Under discussion? Commissioner Hughes.

COMMISSIONER HUGHES: Just quickly, it was lovely to hear the proclamation read and just as I was listening it reminded me how lucky and blessed we are to live in an area where we have such a thriving indigenous population that benefits all of us, the culture that's shared here. So thank you,

CHAIR HANSEN: Anyone else?

COMMISSIONER GREENE: Just a quick thank you.

CHAIR HANSEN: I want to thank Commissioner Hamilton for working on the Aamodt water settlement lawsuit. That was a big undertaking that we took on early on in our administration and it was a heavy lift. But I feel and believe that it has turned out for the benefit of everyone. You don't always get those kinds of situations. So with that, we have a motion and a second and we've had discussion.

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

CHAIR HANSEN: Evonne and Katharine, can we please pass around the proclamation to have it signed? Thank you. And we will also post that on our website and share with everyone in Santa Fe County.

**4. Consent Agenda**

- A. Resolution No. 2023-094, a Resolution Approving Grant SAP 23-H2487-GF for the Agua Fria Village Utility Sewer System Expansion and Designating an Official Representative, Designated Agent, and Fiscal Agent for Such Grant. (Finance Division/Yvonne S. Herrera) This Agenda Item Contains an Attachment.**
- B. Resolution No. 2023-095, a Resolution Approving Grant SAP 23-H2488-GF for the Wastewater Treatment System and Water Tanks Construction at the Santa Fe Opera Site and Designating an Official Representative, Designated Agent, and Fiscal Agent for Such Grant. (Finance Division/Yvonne S. Herrera) This Agenda Item Contains an Attachment.**
- C. Resolution No. 2023-096, a Resolution Confirming and Ratifying the County Manager's Signature Approving Grant SAP 23-H2489-GF for the Glorieta Sewer System Improvement and Designating an Official Representative, Designated Agent, and Fiscal Agent for Such Grant. (Finance Division/Yvonne S. Herrera) This Agenda Item Contains an Attachment.**
- D. Request (1) Approval of Amendment No. 7 to Agreement No. 2019-0079-AO/KQ with The Master's Touch, LLC, Increasing the Compensation by \$69,516.80 for a Total Contract Sum of \$466,127.80, Exclusive of NM GRT, and Extending the Term for an Additional Year, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s). (Purchasing Division/Bill Taylor and County Assessor's Office/Ivan R. Barry) This Agenda Item Contains an Attachment.**
- E. Request (1) Approval of Addendum No. 5 to Agreement Between Santa Fe County and Immix Technology, Inc., Agreement No. 2020-0056-FIN/BT, for the Workforce Dimensions and Telestaff Enterprise Software, Increasing Compensation by \$125,881, for a Not to Exceed Contract Sum of \$766,561.56, Inclusive of NM GRT, and Extending the Term of the Agreement to September 27, 2024, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Finance Division/Yvonne S. Herrera) This Agenda Item Contains an Attachment.**
- F. Resolution No. 2023-097, a Resolution Adopting Local Governments Road Improvement Fund Project No. CAP-L500512 for Pavement Rehabilitation/Improvements of Quiet Valley Loop and Quiet Valley Circle. (Public Works Department/Brian Snyder) This Agenda Item**

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**Contains an Attachment.**

- G. Resolution No. 2023-098, a Resolution Adopting Local Governments Road Improvement Fund Project No. SB-L500505 for Pavement Rehabilitation/Improvements of La Puebla Road and West Alameda (CR 70). (Public Works Department/Brian Snyder) This Agenda Item Contains an Attachment.**
- H. Resolution No. 2023-099, a Resolution Adopting Local Governments Road Improvement Fund Project No. SP-L500481 for Pavement Rehabilitation/Improvements of Calle Gurule (CR 51E), Moya Road, and Moya Place. (Public Works Department/Brian Snyder)**

CHAIR HANSEN: Is there any item on the Consent Agenda that anyone on the Board would like to have taken off? Okay, hearing none, I want to recognize though before we do approve the Consent Agenda there are a number of grants that we have received from DFA and I want to thank DFA for their hard work and I want to thank Yvonne for her hard work in getting these ready and approved for us. So thank you very much, Yvonne, for everything that you have done there.

And so with that can I have a motion to approve the Consent Agenda?

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

COMMISSIONER HUGHES: Second.

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

**5. Appointments/Reappointments**

None were presented.

**6. Miscellaneous Action Items**

- A. Request (1) Approval of Amendment No. 5 to Agreement 2020-0001-CMO/ KE Between Santa Fe County and Griffin & Associates Marketing, dba Sunny 505, Increasing the Compensation an Additional \$1,199,524 for a Total Contract Sum of \$3,229,995.50, Inclusive of NMGRT, and Extending the Term for an Additional Year; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order. This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Purchasing Division, Bill Taylor and Community Development, Lisa Katonak, welcome.

LISA KATONAK (Marketing Coordinator): Good afternoon, Commissioners. With me this afternoon I have Mr. Dave Hayduk to my right representing Sunny 505, and of course Yvonne Herrera, who is our Finance Director.

YVONNE HERRERA (Finance Director): Madam Chair, Commissioners, we're here today to request the Board's approval of amendment #5 to the Sunny 505



contract which will increase the compensation by \$1,199,524 for a total contract sum of \$3,229,995.50, inclusive of GRT. The contract will also be extended through October of 2024. The contract will continue providing services in advertising which will include increased marketing efforts from seasonal to do a year-round marketing effort to bring in more, to saturate existing markets as well as pursuing new and emerging markets in alignment with the New Mexico Tourism Department's New Mexico True campaign, as well as unfortunately having to keep up with inflation. And with that, Madam Chair, we stand for any questions.

CHAIR HANSEN: Okay. Commissioner Greene, Commissioner Hughes and myself, and we'll go from there.

COMMISSIONER GREENE: Great. Thank you, Madam Chair, and thank you, Lisa. Thank you, Yvonne. Thank you, Dave. I'm generally in support of things like this. We need to market ourselves to new and emergent areas. I think I would probably ask are we doing any analysis on the effectiveness of these things, the recall of this, and what is the spectrum of channels that we're using? Is it print media? Is it TV, radio, social media and online? And then as well the effectiveness of this. Are we measuring this to know what's working and to know what our feeder markets are? And then lastly, the third question would be how are we being dynamic to changing times? Like during COVID everybody was driving, so hitting drive markets at a time when nobody was flying, but now people are flying further and we seem to have more and more tourists from new places – many people travel from – obviously they do, but just reaching more and more people that are not just from Texas, right? We're getting people from all over.

So metrics, channels and new emerging markets.

MS. KATONAK: Thank you so much, Commissioners and Commissioner Greene for you question. I'm just taking a couple of notes in regard to the three-part question. In regard to our marketing efforts, and I will have Dave Hayduk assist me with part of this question, we are working with our print publication, digital marketing and well as social media and our website, including our Santa Fe County travel guide.

The percentage of print and digital, during COVID we noticed quite a peak in our digital marketing efforts so I would say that at this point we're probably about 90 to 91 percent digital marketing, versus print. The remaining being print for the fact that visitors still like to have print publications, mostly focused on what we call niche publications or niche travel publications like *Travel and Leisure*, *Sunset Magazine*, *Conde Nast Traveler*. They prefer to have an actual hard copy publication for that.

In regard to our target markets, we still continue to follow with our New Mexico partnership with the New Mexico Tourism Department on our target markets being drive markets as well as flying markets. Our drive markets are Colorado, California, Texas and of course New Mexico. So in California we have started moving from Los Angeles County more toward the northern part of California – San Francisco, Bay Area, as well as southern California, San Diego and such.

We still do target not just in the drive market but the flying market as well, based on specific events or calendar events that are occurring within the county, because we do know that there is interest nationally for some of our festivals and events, such as the Santa Fe Opera. If it's the Santa Fe Opera we target, say, Dallas, but we also go to Chicago, New York, east coast areas, as well as California based on subject matter.

And in regard to our matrix and how we analyze our results, our digital marketing efforts really do provide us with quite a lengthy report on our data analytics. We can change our messaging almost immediately based on impressions, views, where people are visiting from on the website. We can see their psycho-graphics, based on their interests, where they're going to the website, what their interests are.

We have a heat map on our website that identifies most targeted areas or most visited areas. Where are they interested in? They're interested in the outdoor adventure. They're interested in our events and our festivals. So our events calendar is a hot button. They're interested in lodging. So they are going to our itineraries which are listed on the website. There's about nine of them right now that provide for day trip itineraries. So they very much want to come to Santa Fe County and get a full spectrum of activities that they can enjoy.

DAVE HAYDUK: Thank you, Lisa. Madam Chair, Commissioner Greene and other honorable Commissioners, thank you. Lisa just did a pretty good job of summing everything up. The beauty of New Mexico True right now is we let the Department of Tourism kind of do the heavy lifting. They're out there spending the millions to get people, to get that light bulb to go off and go, yeah, I want to book a trip to New Mexico, because they believe in what we believe in, that is adventure steeped in culture. So when that light bulb goes off we're able to come up right behind what the department's done and serve them up messages so that they then, while they're thinking about and looking and searching online, that we're able to serve up messages to them about Santa Fe County. So that we're able to, in their thought processes, the light went on, where am I going to go, and get them to book a trip.

And so that's the beauty of what we're working with and we're using the department's big money to do all the heavy lifting, but then to use ours to smartly get a chance to get them to book a trip here to Santa Fe County, and that's the beauty of the program. And yes, we use all the tools available. As Lisa said, digital is a big, big part of it, because we all live by our phones and when we see something that interests us, like, I'd like to go hiking. As a matter of fact this morning I was over at La Fonda and I guy wanted to know where to go hiking. And he's looking on his phone, goes to the Google, and where to go hiking, they're able to serve up messages for him to where to go. In my case I was able to stand right there and kind of give him a couple of the tips of where to go, some neat little places.

So it's a marketing program that has many facets. Now, as Lisa also said, we have a newsletter that goes out to many people that are now fans of Santa Fe County and we can serve them up current and topical things that are going on. So there's a lot of tools in the toolbox. There's a lot of great assets that we have video-wise and graphically that are able then to serve up those images so that we get people to book that trip.

MS. KATONAK: And I think to piggy-back off of Mr. Hayduk's comments regarding New Mexico True, New Mexico True brand has been a very successful program through the New Mexico Tourism Department and its inception since Santa Fe County have been a New Mexico True partner since 2015 we have seen nothing but skyrocketing results. Being a True partner has provided us with the investment dollars that we wouldn't otherwise have. They have provided us with co-op marketing dollars that help support many of our activities and marketing efforts, as well as resources. So

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the Tourism Department has definitely been a True partner in this cooperative marketing program.

Also, through their investment, through the New Mexico Legislature, they have provided significant funds for the department to be able to go into these new and emerging markets. There are plenty of markets out there; it's just being able to identify what is the new and emerging and being able to find that support as a collaborative with the partnership to be able to go into more expensive markets. So the department is the department that leads in assisting us with what markets are new and emerging. We did do some focus in Austin that has been very beneficial, the Austin market in Texas, and so also the new and emerging markets of northern California have also proved to be very beneficial for Santa Fe County as well.

COMMISSIONER GREENE: Thank you. Two follow-ups to that. Are the tools that we're using, do they have conversion rates? I know you can click on something, but do you have a way to track whether they actually come here? Make a reservation? Spend money here? I use digital tools on Google that actually can tell me when somebody clicks on my website and also when they make a purchase. And so it tracks a level of that. Are you working with any partners to see if there's like, for lack of a better term, cookies are embedded in any of our hotels or some partner stores or their websites for incommers conversions?

MS. KATONAK: Commissioners, Commissioner Greene, thank you so much for your question in regard to conversion rates. So in regards to our digital marketing efforts, our digital marketing efforts do allow for us to create a landing page on our website with tags. And so the best way to go about it is when a visitor comes into our website, we are able to follow them, so to speak, and see, based on that visit, your particular visit, where you are clicking and where you are visiting on the website. We have been able to identify that visitors are going to the lodging properties information and are able to view that information.

We ourselves are not, shall I say, an in-house processing of reservations for the lodging properties but we are the information resource for where the visitors can identify the resources for lodging. So in that regard, through our digital efforts we are able to show and indicate to our lodging properties that visitors are visiting and where they are visiting and where they are going from our landing page to the lodging property's page, and then making the reservation.

COMMISSIONER GREENE: Thank you. Just as one last little – there are these cookies, for lack of a better term. There are pixels on Facebook and so on that you can make a cross-marketing agreement with, say, Bishop's Lodge, or Four Seasons, or one of these county lodging properties and ask if they would embed those snippets of code into their website so that when somebody does go there that we know that and that we would then be feeding, reinforcing advertising and stuff. If somebody's interested, you sort of have to hit them three, four, five times to make that happen. So we have that ability to reinforce what Bishop's Lodge might not be able to do on their own. Or the Santa Fe County might not be able to do on our own. So it's a network effect that we have an opportunity to work with there. So anyway, I'll stop but that's a higher level of technology but very useful to reinforce the message.

MS. KATONAK: So Commissioners, Commissioner Greene, we work

very closely in partnership with our lodging properties in regard to, say, any specials or any special advertising we do via digital, how we embed the tags, how we tag them in order to be able to assist with some of those cross-marketing efforts, as well as things out of the box in regard to our social media efforts through a new co-op marketing campaign. Through the Tourism Department we were funded for our social media campaign, so that we could have social influencers that will assist us with the messaging. And so I've been reaching out with Sunny 505 to communicate with Four Seasons Resort/Rancho Encantado, with Bishop's Lodge, with Ojo Santa Fe, and others in that regard.

And so many of our lodging properties do work with us very closely in order to make sure that we do have a robust marketing plan.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I just have a hopefully much simpler question. If you could just help me with the context. I'm fine with this request but remind me how much we take in or have taken in this year, the most recent year in lodger's tax and then what percent we spend on various things. I know advertising is one of the biggest, but there are also others.

MS. KATONAK: Thank you so much, Commissioners and Commissioner Hughes. Thank you so much for your question. I am happy to report that through the fiscal year 23 we saw a collection of over \$1,565,135. That's about a 17.5 percent increase from the previous fiscal year.

CHAIR HANSEN: Could you repeat that number?

MS. KATONAK: The collection for fiscal year 23 was \$1,565,135, and that's over a 17.5 percent increase over the previous fiscal year. And Ms. Herrera, our Finance Director, if you'd like to provide comment on that.

MS. HERRERA: I need the audit to be done right now. Chair Hansen, Commissioner Hughes, can you repeat your question?

COMMISSIONER HUGHES: I was just wondering what else – I see we spend about two-thirds on advertising then, sounds like. What do we spend the rest on?

MS. HERRERA: The rest on is actually accumulated right now in our maintenance fund for County properties for open space, for – we are in the process of allocating some funding for fiscal year 23 to do some improvements at the fairgrounds. I don't know – I don't think we've yet allocated any additional funding for 24 yet but the thought process was to look at open space projects. We also made a transition in 24 to include Lisa's salary in the advertising fund. So the lodger's tax proceeds get split between adverting and property maintenance. In addition to that we're looking to include some operating costs that relate to what Lisa does and what Dave does in terms of advertising.

So we're trying to use those resources for costs related to this program. But currently, we've got – I'm not sure what the exact dollar is as far as the [inaudible] but right now it's accumulating until we decide where we want to allocate those resources to help with our tourism.

COMMISSIONER HUGHES: And this fund that we – I know we approved some small grants to tourist attractions. Does that also come out of this?

MS. KATONAK: So County Commissioners, Commissioner Hughes, that is absolutely correct. So a portion of the lodger's tax collection does go towards a

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lodger's tax grant program which assists – there's organizations, non-profit organizations or government entities that provide or put on events and festivals or have tourist attractions to apply for marketing dollars so that they can supplement their marketing and advertising and promotional efforts of their festivals and events. And so I believe it was last year that 16 organizations benefitted from that program. We will be doing another notice of funding availability soon, this fall, and we will have a little bit more funding that we can provide for grants and then there will also be another kind of grant program, a set-aside for support of tourism industry organizations that would benefit as well. So there will be two types of grant programs that will be launched.

COMMISSIONER HUGHES: Thank you. Thank you for putting that all in context for me. Thank you.

MS. KATONAK: Thank you so much, Commissioner.

CHAIR HANSEN: So I'm going to talk for a few minutes here before I call on someone else. So what I'm hearing is we bring in \$1,565,000 and we're paying out \$1,199,000? Am I missing something here? That's what we're paying Sunny 505?

MS. HERRERA: Madam Chair, I would need to provide the Board with additional information as far [inaudible] but right now, both funds have accumulated resources over the past couple years because of how high our revenue has come in unexpectedly. And the outgoing expenditures didn't increase with that increase in revenue. So we've got quite a bit accumulate that we need to spend down. Per statute we have to spend – have to have everything spent within two year so that by the third year everything from that first year should be spent. So that's what we've been working on to make sure that we spend all the resources first.

So while this contract amendment is significant. This can pay for this contract.

CHAIR HANSEN: Okay. So I'm going to go onto another topic. So I appreciate the ads in the *Land Water People Time*, but I find them lacking in interest. Like you're saying that people are interested in outdoor activities, events, and festivals, and neither one of these two pictures says that to me. They also do not have the Santa Fe County logo on there, which you know that I have repeatedly asked every single division in Santa Fe County to use our logo. And so unless New Mexico True says we can't use our logo, which could be the case, which I find kind of offensive, I know when this ad came out last year I said the same thing to you. I was not happy with this ad. I didn't feel like it expressed the Northern Rio Grande National Heritage Area that Santa Fe County represents. We have beautiful landscape here. I agree to have people in the landscape is a good thing, but there are such beautiful places in New Mexico that why are we advertising for one particular company? Is what I am wondering.

The same with the book. This is supposed to be events out there, festivals, the most sought after, neither one of these two pictures says that to me. So Lisa knows that I had a little bit of heartburn when I did first see this. I've grown inside to appreciate more of the things, but I'm not sure where the festivals are in this County tourism book, which is something that people want to see here. So I just think that – I am being critical, and I feel like that's my job, because I care about Santa Fe County and I care about our image and who we are and what is put out in the world about us is really important to me, and these images just don't quite do it for me. New Mexico, Santa Fe County is so much more beautiful than this, and I'd like to see better results.

And I agree with Commissioner Greene on getting to know the data. We all like data up here, every single one of us. We want to know what people are doing but I also want to see something dynamic. I want this to be a rock start. This is not a rock star. This is just a nice, simple travel guide that you know, okay, gets thrown on the side. I want it to be something that people pick up and say, oh, my god. Look at this. I can hardly wait to go to this place. Or the cover is so dynamic and expressive that they can't put it down. And I'm not seeing that.

So I'm being critical because I feel like that's my job and I want our logo on every possible thing that it can be on and having it on the front page in this little spot is not enough for me. And the fact that Santa Fe County paid for two ads and this – it doesn't even – it says Santa Fe, New Mexico True. It doesn't even indicate that it's Santa Fe County.

So I just have to express that because it concerns me.

MS. KATONAK: I'll take it. Thank you so much Commissioners. Thank you so much, Chairwoman Hansen for your comments. First I'll tackle the Santa Fe County logo, which was something that was also brought up at the last meeting I believe in June when we presented. So the Santa Fe County – shall I say that Santa Fe NM true logo lockup is somewhat of a partnership and commitment with the New Mexico Tourism Department. There's rules, a guidebook, criteria, of how and ad is put together. And I think I'm going to have Dave assist me with this question, because we did go to the Tourism Department and we did ask them. This has been somewhat of a request by other entities in regard to advertising and how they incorporate other logs.

And so they informed me that unfortunately, because of the campaign and how we are a partner that we were not able to incorporate our County government logo into the advertisement of Santa Fe NM True. That was basically, we can try to modify, is what they said. We could try to modify how we do things, however, we straight can't utilize the logo as it currently exists in the Santa Fe County government logo lockup.

So I did have much discussion with the department on that.

MR. HAYDUK: Madam Chair, I appreciate your desire and your commitment to this and your questions are well taken. Let me add, what you're looking at there is just a couple pieces in the total marketing program, and I think what was missed in your comments is the other reason people come to New Mexico is the culture. Adventure steeped in culture. And so those ads are all about the culture of northern New Mexico and Santa Fe County. And in the publication *Land Water People Time*, that's about people. That's about the culture. So it's not about the outdoors and beautiful vistas.

So we wanted to present a message in that publication that spoke to the people that look at it. So we look at every publication and ask ourselves, what are the readers? What's the content? What are we going to serve up that resonates with them so that they can get, when they see that ad, what a beautiful piece of culture of Chimayo, New Mexico. So those ads are all about that. So it's not only about the outdoor adventure, the beautiful vistas and the hiking and the biking, but it's also about our culture that we have in Santa Fe County. And that's where those ads directly speak to those that are looking at those publications.

And yes, as Lisa indicated, the Department of Tourism does have strict guidelines about what we must follow if we're using the New Mexico True lockup. And we have

requested to them to add the logo to the ads which has been denied because of their guidelines. And I will speak to that a little bit and I know you want the County logo on everything but yourself in the mind of the traveler. I'm not so sure the traveler necessarily is looking at the logo of Santa Fe County. We're trying to communicate to them on an emotional level so that when they see that they go, yes. I want to go to Santa Fe County to see that.

So sometimes clients get caught up in I want my logo in there, but that's a whole other different piece of it. What we're trying to do is appeal to the people through the ad about booking a trip to Santa Fe County. And so it's not always so much about what logo is at the bottom but how do I get the information to book that trip.

MS. KATONAK: To piggyback off of Dave Hayduk's comments regarding photos that are utilized. So we have various images in our toolbox. We're constantly taking photography, video shoots, photo shoots, in order to obtain imagery that represents the county. In this particular case with the *Land Water People Time* talking about traditions and an arts and cultural aspect of weaving in the traditional village of Chimayo I find is a good representation.

We leverage our budget two, three, four times when we partner with New Mexico True. Some of the images of Chimayo that we utilized are through partnership of the New Mexico Tourism Department through the co-op marketing program and their funding. And so every ad that we submit, whether it be via print or digital, has to be overseen and approved by the Tourism Department for approval. If they don't feel it's worthy they will not print it. They will not allow us to use it. There's been one or two times where they did not like an image or the text or just they didn't like it and they will not use it. So they do not allow us to use it.

But every element of our ads is approved by the department, by higher-ups that say this is worthy of a New Mexico True ad. This is what we want represented in New Mexico.

In regard to the festivals and events for the travel guide. There is a large section within the travel guide. Unfortunately I did not bring the guide with me this afternoon, but it indicates world class events and festivals. It highlights events such as the Santa Fe Opera, the Santa Fe Century biking race, the burning of Zozobra, the Día de los Muertos festival, Golondrinas events like the renaissance fair that just happened, which mind you was sold out the whole entire weekend most recently.

So we do indicate the festivals and events. They are highlighted throughout that guide in that one section as world class events so they are listed and there are write-ups about it in the travel guide.

MR. HAYDUK: And I might add here, Madam Chair and Commissioners, I took this morning to visit our visitors centers here on the plaza and in the area with the intent of trying to find out their input because they're the boots on the ground. They're the ones that are talking to travelers every day. So I went and talked to Paula at the visitors center right over here and I just asked her tell me about you see people are looking for. Telling me about what you see about our guide right here. What are you seeing from those that are coming in? She goes, Dave, every time somebody comes in here I'm giving them the Santa Fe County guide over any other guide they come in for because it's so well put together. It's so informative. It's so visually appealing. Because it

seems like some of these guys can get lost. I know you've looked at it. You could look at a number of guides and you can that.

But Paula indicated you guide that you do for Santa Fe County is spot on. Now I even talked to Domenica at the other one, she said the exact same thing. We recommend the Santa Fe County guide to everybody that comes in here because of the information it provides people that want to get out and about, other than what's on the plaza. And I go, bingo. We've accomplished our goal. So I wanted to share that with you because I know sometimes while all of us are so busy about what we're doing. I know you guys have big schedules and things going on, but we keep a pulse out there going on of what's happening and feedback. So I always ask them, is there something I can do to tweak to make this guide better that you're hearing from people looking at it. She goes, not a thing. This is the perfect guide, the perfect layout for those that are coming in that want to see and do things, and do things is the critical thing in Santa Fe. So I thought I'd share that with you.

MS. KATONAK: And another comment about the travel guide is we have not taken one dollar of marketing dollars to collect for advertising for, say, sponsorships or specific ads in our travel guide. Since the inception of the travel guide it has been strictly Santa Fe County funded out of lodger's tax. Of course you know during COVID and especially now that printing costs have not decreased; they've only increased, as well as paper products.

So we continue through our efforts to print the publication. We also have it on our website as a .pdf, downloadable document, and we also provide it, once again, via our distribution points, via certified folder. And so certified folder, they also report to us every couple of weeks as to our markets and where things might be short. And we are constantly getting calls asking for more, more, more guides.

CHAIR HANSEN: So I think the inside of the guide is beautiful. I like the inside of the guide much better than I like the cover. Okay? Because the cover does not communicate Santa Fe County to me, just like these two ads do not also. I get where you're going. I get what you're saying about culture and the Chimayo, but we're talking to New Mexicans in this particular magazine and I think the festivals that we have here and there are pictures of children at dance performances, there are many expressive, beautiful, colorful images that I think could be used on the covers of these magazines that communicate the rich, deep culture that New Mexico has.

So I hope that you will take that into consideration. I'm going to go to Commissioner Greene for a minute and then I'm going to go over to Commissioner Bustamante.

COMMISSIONER GREENE: Just as a follow-up. Something like a style sheet that everything that goes out with our name on it should be just like the State of New Mexico has their guidelines, well, guess what. You want us to participate, tell us how we can participate with our logo. If they don't like the red, yellow and green, how can we do it in a monotone that starts to brand that and reinforce those style sheets and the styles and those messages. Same thing for the pictures. Beautiful picture, again, to what Commissioner Hansen is saying, doesn't tell me what the message is. Is it a shopping incentive to shop locally here? There are 500 stores from Chimayo to Edgewood, right?



Give some sort of added message to the person other than cute young couple here that doesn't really exist very often in Santa Fe at the stores. Just to reiterate a little bit of that. Also if we can find a way by next year really bring those next generation of digital tools so that we are using cookies and tracking and that we can co-market with hotels and start to see that when somebody comes to our website and clicks through that they re-allow the hotels to have a cookie on our website so that they can actually start to reinforce that and the same thing when they go to the hotel that we will reinforce with here's a festival picture that's coming up, so that we really start to use more than just a print.

When somebody's on the plaza and picks up this guide it's great, but they're already here, right? The tourism dollar is spent. It's nice to do that, but we want to follow them and use that to track them in their future visits. There's lots of dynamic tools that are out there that I know between branding style guides and digital tools that we can start to take this to the next level. And now that we have a budget that is starting to get to that next level I think that it's time to ask – and you're doing it, I'm sure, all over the state. Bring those tools to us, please.

CHAIR HANSEN: And if we can't use our logo, maybe we just put our logo on these when we're doing something locally. I know that the Santa Fe New Mexico True is an important logo but maybe we just do an ad and just use our logo instead of theirs since we can't use that and also I think up here, we as elected officials will go to our government legislators and representatives and senators and say, hey, we don't particularly like the regulations that we're being instructed upon because this doesn't work for us because it's not providing identity and branding for our county, which is one of the top tourists in the nation.

So we want a credit.

COMMISSIONER GREENE: Sure.

MR. HAYDUK: Madam Chair and Commissioner Greene and Commissioners, well taken. Great input and I thank you for that and we'll go forward with that. I might also mention that I do talk to your constituents quite a bit in all of our districts and they're all very happy and doing very well, and I talk to them on a regular basis, so I think that's another critical plus for everything that's going on in the program.

MS. KATONAK: And also Commissioners, and Commissioner Greene to your comment about cookies and co-marketing, we do do some geo-target work. In particular we are going to be doing some geo-targeting for the International Balloon Fiesta that will be following people and feeding them messages regarding the Turquoise Trail art tour, in regard to the Golondrinas harvest festival as well as some of our spas.

So one of the biggest draws that we have noticed within our digital marketing is the spa and wellness industry and spa and wellness elements that people just can't get enough of spa and wellness and they are booking those trips. So our spa continues to be very strong and our messaging and since COVID I would say it just continues to increase in the market.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes. I respect the good work that you do. I do believe that you probably will get metrics all the time. I definitely turn off my cookies. Sorry, Commissioner Greene. I don't want to be tracked any more than I'm

already paranoid that I am. Just kidding. The thing that Commissioner Hansen and I are also very interested in and we've been talking about and I see this as the opportunity to convey this is working on an Arts Commission. We have a community interest in District 3 in particular. I'm getting regular emails and the good news is it's sort of slowed down now that we've assured them that we'll put this into our strategic planning process. But if we're not known for being an arts community we're kind of not known for our vistas and our culture.

Our arts is one thing that is a very big thing. So as the time is going to allow us to integrate arts and culture into more of our County conversations in hopes of establishing an Arts Commission, and I really lend to what's happened, and the reason I reference Chair Hansen in this, we were recently in Texas, in Austin for NACo and the two people who led the start of literally two of the founders for South by Southwest talked about how it escalated South by Southwest when the county got involved in that effort. And it's that type of initiative that it's just not lost on me that – I'll just say for a one-weekend event, on a relatively small conference that we had here in the city, \$600,000 for two days for two days of bringing people from all over the country. \$600,000 just left in the middle of Santa Fe, right?

So the opportunity, when I look and say well, it's not a tit for tat on the lodger's tax and what you're asking for because sure, the lodger's tax is the part that comes back to the County, but then we look at all the residual monies that aren't part of the tax that had to go straight into the pockets of other taxes that will be paid by the businesses who benefited from people who picked up their Uber, who dropped into the hotels, etc.

So if we look at this as a million dollar question which it is, I really look to continuing the conversation about how our next steps in leveraging the money to reflect the arts and culture, and in the long run, our Arts Commission to provide more visuals if that's the real opportunity here on what we need to see in places that we don't really typically think. And we have a lot of great arts tours on the various weekends that you have the La Cienega one over the Thanksgiving and the Madrid, etc. But now looking at something much more comprehensively. So I'm excited because that's opportunity that we're looking for. So thank you for your good work and we'll continue to appreciate the work that you're doing by way of the people who love to come and enjoy our beautiful county. Thank you.

MS. KATONAK: Thank you so much, Commissioner.

CHAIR HANSEN: So thank you. I don't mean to be so harsh, but I feel like this is the one opportunity I have to express what I feel about the county and as an artist, as somebody who had the honor of speaking at the opening of the Vladem Contemporary Art Museum that just opened in Santa Fe County. That's – and as an artist, art is really important to me and conveying that message of art and landscape and views – people come here for the sky. They come here for the light. And these ads in the Northern Rio Grande Heritage Area don't really convey that to me. And they really convey shopping. Like go shopping. And that doesn't really do it for me. I'm not a shopper, so to speak.

But anyhow, what is the pleasure of the Board on this request?

COMMISSIONER HUGHES: Madam Chair, I'll make a motion to approve item 6. A.

COMMISSIONER GREENE: And I'll second it.

CHAIR HANSEN: Okay, I have a motion to approve 6. A from Commissioner Hughes, a second from Commissioner Greene.

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

CHAIR HANSEN: Thank you, Lisa and Yvonne, and thank you for being here.

MR. HAYDUK: Thank you. And thank you for what you guys do for us in Santa Fe County. We appreciate you.

- 6. B. Request (1) Approval of Agreement No. 2024-0036-CMO/BT Between Santa Fe County and Park & Associates, LLC in the Amount of \$50,000, Exclusive of NM GRT, for the Purpose of Providing Legislative Lobbying Services to Assist with Santa Fe County Legislative Initiatives and (2) Delegation of Authority to the County Manager to Finalize and Sign the Contract. This Agenda Item Contains an Attachment.**

CHAIR HANSEN: I believe that Mr. Park is online. And Leandro, I'll go to Leandro first. So welcome Leandro and Yvonne.

LEANDRO CORDOVA (Deputy County Manger): Thank you, Madam Chair, Commissioners. I'll try to be brief and give you a quick background. Pursuant to competitive sealed proposals the County issued a request for proposals for lobbying services. The County received three different proposals from offerors: Balzano Government Relations, RMA Advisory Group, and Parks & Associates, LLC.

The County's Evaluation Committee of myself, Hvtce Miller and Sara Smith, found the proposal from Parks & Associates, LLC to be the highest-rated proposal and recommends award to this firm. As you mentioned, both Mr. Park and Mr. Weeks are available on Webex, and at this time we would like to recommend approval of the \$50,000 contract and I stand for any questions, as well as Mr. Park and Mr. Weeks will be able to answer questions.

CHAIR HANSEN: Questions from the Board?

COMMISSIONER GREENE: I'd love to hear from Mr. Park and Mr. Weeks of they want to say something but if not –

CHAIR HANSEN: Okay, can we see them online? Mr. Park and Mr. Weeks.

AL PARK (via Webex): Hello. Good afternoon, Madam Chair and members of the Commission. This is Al Park. I believe Jason may still be on but he was leaving shortly to go pick up his daughter. Oh, Jason may still be on. I can't tell. He had to pick up his daughter from school.

JASON WEAKS (via Webex): Madam Chair, members of the Commission, Jason Weeks here as well. I'm happy to introduce myself. I hate to introduce and run. I'm going to go in front of Al so I have a chance to get to my daughter's bus stop. Her bus comes at about 4:00. Fortunately our house is around the

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corner.

CHAIR HANSEN: We can't really see you. There's a bright light is all we see. I don't know if it's the sun. Okay. There you are. Good to see you. I hope you'll meet with us in person.

MR. WEAKS: Yes. Absolutely. In the future, absolutely. Al and I wanted to make sure we had an opportunity here today. Obviously we didn't know we were getting the contract until very recently. I just wanted to quickly introduce myself. I'm Jason Weaks. I'm a practicing lawyer but I've been focused mostly on lobbying since about 2015 doing a lot of local government work. I'm very much looking forward to working with Santa Fe County. I'm excited to help you all with your public policy, capital outlay end of the funding. [inaudible]

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Al and Jason, it's good to see you guys. Thank you very much for putting your name in here for this. I can say that I've known these two gentlemen for at least a decade. I know their work over at the legislature is top notch and I look forward to working with them on behalf of Santa Fe County. It will be great. They'll do great at the legislature.

CHAIR HANSEN: Okay, well, I don't know either one of you but I do look forward to meeting you and working with you because I think it is important that our agenda be brought forward and that the legislators understand the important work that we do and that we actually spend the money that they give us, unlike other places. So I think that's really important. I'm going to go to other Commissioners. Does anyone else have anything they'd like to say? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, just very briefly. I'm just glad we're hiring a lobbyist for all the reasons that you just stated. We need to have a much bigger presence at the legislature than we have in the past.

CHAIR HANSEN: And I'm sure that Commissioner Greene and myself and Commissioner Hughes will be willing to work with you and Commissioner Bustamante and Hamilton, we're all available to go to the Roundhouse and make sure that we're being recognized for the good work that we're doing in Santa Fe County.

COMMISSIONER HUGHES: Madam Chair, I'd like to make a motion if I could, to approve item 6.B.

COMMISSIONER GREENE: And I'll second that.

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

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

CHAIR HANSEN: Congratulations. Welcome to the Santa Fe County team. We look forward to working with you and I'm sure we will see you very soon.

MR. WEAKS: I look forward to the same thing. Thank you, Madam Chair.

MR. PARK: Thank you.

CHAIR HANSEN: And also I want to thank Sara and Hvtce and Leandro for doing the agenda and all the work that you did.

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6. C. **Resolution No. 2023-100, a Resolution Granting the County Manager Authority to Sign All Documents Necessary for the Acquisition of a 16.75-Acre Parcel of Land Located at 37 Senda Vieja in Santa Fe County Required for the Installation of Utility Infrastructure for the Pojoaque Basin Regional Water System (PBRWS). This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Scott Kaseman and Michelle, welcome very much. Nice to see you both.

SCOTT KASEMAN (Real Properties Supervisor): Thank you. Good afternoon, Madam Chair and Commissioners. With me is Michelle Hunter, our Water Resources Specialist. Today, the reason we're asking for this resolution is for the installation of an above ground water tank and associated water utility infrastructure for the Pojoaque Basin Regional Water System in accordance with the Aamodt settlement agreement.

The designing engineers of the water system have determined this area to be a prime location for the water tank because of its proximity, it's elevation and the existing building envelope that was there for a home site to be built on.

The landowners have requested one million dollars for the \$16.75-acre property. We are in the process right now of procuring an appraisal to ensure that the appraised market value is at least \$1 million. So if there are any questions Michelle and I are happy to answer.

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

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Scott and Michelle. As I'm paying pretty close attention to Aamodt these days, this is in my district and is pretty, I think important in the system. What happens if this doesn't appraise at a million dollars?

MR. KASEMAN: Madam Chair, Commissioner Greene, we will begin negotiations with the landowners. We do believe that we will be pretty close to that. The current assessed value by our tax assessor is over \$1 million. It's prime at this time and based on market prices in the area this is in line with those market values.

COMMISSIONER GREENE: Okay, and from my fellow Commissioners, Aamodt is getting close to a \$600 million project and this property purchase would be considered a contribution on our behalf – correct me if I'm wrong, towards our portion that we have to put forward. So it's this or it's cash or it's other things in kind, so it makes a bunch of sense to do this. I have a question about the siting of this. Is this something that we're going to get a lot of push-back from neighbors because it's highly visible from all over the place, or is it slightly hidden in a valley? What is this going to look like?

MICHELLE HUNTER (Water Resources Specialist): Madam Chair, Commissioner Greene, this tank will be set very far into the ground. There will be a big hole that it will be put into so that the viewshed will not be in any way impeded and there will be likely a coyote fence or something similar around it so no one will actually know that it's there.

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COMMISSIONER GREENE: Okay. Great. Thank you

CHAIR HANSEN: Yes. I agree with Commissioner Greene. This is part of our contribution to the Aamodt settlement and part of what we negotiated as part of how we would pay for this project. So I think this is – we've been working on this for a long time. I'm glad to see it come to fruition. Are there any other comments from the Board? What's the pleasure of the Board?

COMMISSIONER BUSTAMANTE: Madam Chair, I'd like to motion to approve this request for a tank.

COMMISSIONER GREENE: And I'll second.

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

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

CHAIR HANSEN: Okay. Congratulations. Go forth and bring us a water tank.

MS. HUNTER: Thank you.

6. D. **Request (1) Approval to Utilize Outside Contracts for the Purchase of Mail Ballot Sorting and Scanning Machine using Statewide Price Agreement No. 20-00000-21-00005AB with BlueCrest; and (2) Delegation of Authority to the County Manager to Execute All Necessary Purchase Agreements and Documentation, Including All Necessary Purchase Orders**

CHAIR HANSEN: Finance Division, Yvonne Herrera, County Clerk Katharine Clark. Good to see you both.

MS. HERRERA: Madam Chair, Commissioners, the Clerk's Office received an appropriation from the state in 2022 in the amount of \$400,000 to purchase a ballot sorting machine in an effort to modernize County elections, or elections. The Clerk's Office is requesting approval to utilize an outside contract as a procurement method to obligate and meet the State of New Mexico purchasing requirements. Recent legislative changes will require the Clerk's Office to conduct a recount after every election instead of only certain elections. With the sorting machine it will help reduce human resources, human error, as well as increase efficiencies.

The cost of the machine is \$475,075. The County will be using the NASPO statewide price agreement as referenced by Chair Hansen and the caption, and with that we stand for any questions.

CHAIR HANSEN: Any questions from the Board?

COMMISSIONER HAMILTON: Madam Chair, move to approve.

COMMISSIONER GREENE: And I'll second it.

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

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

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7. **Presentations**

A. **Presentation and Updates on Services from the North Central Regional Transit District. This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Executive Director Tony Mortillaro. Welcome, Tony.

TONY MORTILLARO: This is the first time I've been in your new chambers. It's beautiful. Thank you for having us here this afternoon to provide an update on NDRTD activities, also known as the Blue Bus. I believe we'll be pulling up a power point for this presentation. While we're waiting for that to come up I just wanted to let you know that our chair, Dennis Tim Salazar also sends his regards. He was not able to be here this afternoon. With me is Rick L'Amie, who is our communications and marketing manager.

I do want to recognize Commissioner Hughes as the primary representative to our board of directors. He serves as our vice chair, serves as the chair of the Finance Subcommittee, our Sustainability Committee, so as you can see we put him to work quite often for the board. Commissioner Bustamante serves as our alternate to our board. I also want to recognize Chair Hansen who also served on our board in prior years as an alternate.

Just a bit of background for those that may not be fully familiar with the North Central Regional Transit District, the district for fiscal year 2024 has a \$54 million budget and employs 101 employees when fully staffed. We have a 17-member board of directors that represent the pueblos in the region as well as county and other local governments. We serve over 67 communities. A number of those are unincorporated communities, historically existing communities within our service area and a population of about 289,000. This service area is over 10,000 square miles so you can see it's quite large.

We were created in 2004 after passage of the Regional Transit District Act in 2003, and we have now operated for 19 years. We are essentially fare-free except for our demand services where we charge a dollar for each way. In total we operate 26 fixed routes. Twelve of those routes are Santa Fe County. We do operate a seasonal route to Taos Ski Valley. We do provide contracted service to Mora County and that is from Mora County to Las Vegas, and we also provide demand services in Española and in the Town of Taos which also incorporate para-transit services. And there is a weekend express service from Taos to Santa Fe as well.

This slide shows our historic ridership from 2008 basically when we started providing ridership. The blue bars are RTD operated services. Those are the blue buses you see on the road. The orange bars are RTD funded services such as Atomic City Transit in Los Alamos and Santa Fe Trails. They provide some regional routes that we provide funding for. And the gray bar is the Rail Runner, and we do provide operating funds for the Rail Runner, approximately \$3.5 to \$4 million a year for that service. So as you can see ridership was growing and when the pandemic hit, like other transit agencies throughout the nation we experienced a downturn in ridership. Fortunately that ridership has been rebounding and you can see the yellow line there where it's starting to go upwards but has not recovered to the extent of prior years of ridership.

Part of the problem is that we're not operating all 26 of our routes. We're only operating 13 of those routes and some of those other routes are modified routes on a demand basis. The reason impacting our ability to provide all of the routes that we normally did provide is the fact that we do have driver vacancies. And once we do hire and train drivers we do deploy those routes back to either fixed services from demand service.

Our route status here in the Santa Fe area is, as you can see from this chart, total routes throughout the whole system out of the 28 routes, totals are demand routes, ten of those are operating as they operated previously to the pandemic. Ten of the routes are modified and they are suspended. The Santa Fe area, Santa Clara, Tesuque, San Ildefonso, they're running on a modified combined tribal route. Initially each one of those pueblos had their own route but because of driver shortages, in discussions with the pueblos we agreed to modify the route and combine those for the time being.

La Cienega, which did have a fixed route, was changed to a demand service. And the Turquoise Trail route was modified and is not traveling to Madrid. As I indicated, the pre-pandemic, our staffing was almost 48 employees, operators. Today we have 32 operators so we're experiencing about 32 percent vacancy rate. The good news is that here in our Santa Fe area, our domicile here, we have the highest staffing level we've ever experienced since 2019 when we only had two drivers and now we have five.

So because of that we are looking at reinstating some of these modified routes, in particular, we're going to be looking at reinstating the Madrid service on the Turquoise Trail shortly.

Last year the district undertook a rebranding effort. Our regional logo had the Zia symbol on it. We didn't ask them if we could use it; it just happened and the district utilized its symbol for quite some time. We felt it was time to create our own brand, so we kept our iconic blue color that we're known by but we also wanted to reflect the northern region and its various attributes. So you can see here we've incorporated symbols related to the pueblos and the mountains in our region. The wording on top represents the various languages spoken in our region and it includes tribal languages and we were so glad that the pueblos gave us permission to utilize their languages and those are the various languages that say blue.

CHAIR HANSEN: And I want to just interject, Tony, that I was honored to be part of the team that helped choose this logo and I think you hired a great team to do the design of the bus. It was a pleasure working with all of them.

MR. MORTILLARO: Thank you, Madam Chair. The next project I want to share with you is our workforce housing project. We own approximately three acres behind our administration and maintenance facility and the City of Española owns an adjoining seven-acre parcel. So we have worked together to develop these two parcels into affordable and workforce housing. The city is focusing on affordable housing on their parcel and we're focusing on workforce housing. We've utilized North Central New Mexico Economic Development District to help prepare a survey of public employers in both Rio Arriba County and Taos County regarding their need for workforce housing. Based on those results the board allowed us to proceed forward to developing a draft site plan, a housing needs analysis and a financial pro forma regarding the workforce housing that we're looking to create. We're also anticipating a similar project near our new Taos



operations and maintenance facility as well.

The project here, this is just a large illustration of the three acres and the breakdown of the project, we will not be selling any of these units. They'll be rental outlay and they'll be made available to existing or new employees of the district, and if we don't have employees of the district that are interested we will make it available to other public employers in our region, especially Rio Arriba County.

The breakdown is approximately 56 percent of those would be three-bedroom units, and again, this is based on survey data of needs. Eleven percent two-bedroom and 33 percent of those will be one-bedroom. The board has given us approval to move forward to generating or coming up with a financing plan for this project and a schedule and then coming back to the board once we have that financing plan put together. But there was a pro forma conducted and the project would cash flow for us. Arriving cash won't knock money into our pocket but money to maintain the project and repair it and keep it in good condition for its perpetuity, and that would be if we had to borrow funds to create this. Obviously, we're going to look for capital outlay funds so that we don't have to do any borrowing but we'll see how that goes here.

For those that aren't familiar with our administrative facility, this is the future Jim West Building remodel and expansion in Española. This is what it ultimately will look like after we've completed the 4,000 square foot building expansion. We did it a cost – we've had to break this down into phases. Phase 1 is funded and we have started the final design on that phase and hope to go out for construction on that here sometime in March/April of 2024. Then the other phases listed here will follow once we've got the rest of that funding aligned for this project.

This is our recently completed Española maintenance facility. Prior to constructing this facility we contracted all of our fleet maintenance out. We now undertake all of those services internally and we have also built a fueling facility as well as a mechanical wash bay for our buses. This is on a seven-acre site that the district owns and 80 percent of the project was paid by federal money. We were very happy to receive those build funds from the federal government.

This is our new Taos operations and maintenance center. This project just broke ground two weeks ago and this replaces an existing facility that we acquired when we took over the Taos Chili Line back in 2015. That old facility was on a three-quarter-acre site basically consisting of a trailer and metal garage and totally inadequate for our needs and the needs of the employees in that area. Our new facility is on a six-acre site. We've designed it to be expandable in terms of the bays and adding a future wash bay as well. But other than that it will again allow us to maintain our fleet within the Taos geographic area. We've also committing to undertaking maintenance of other transit systems' fleets as needed, both in the Rio Arriba County area as well as in the Taos area. And this project is also not quite 80 percent, about 70 percent funded by the federal government.

Zero emissions vehicle transition: We have made the commitment to convert our entire fleet by 2045 to zero emission vehicles. We've recently received about \$13 million in federal funding to deploy six electric buses, seven electric vans and three hybrid diesel-electric buses, including all the associated charging facilities. Three of those electric buses will be based on Española and the other six will be in the Taos area, and some of those buses will be running from Taos to Santa Fe as well.

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We're entering the final stage of our procurement process with the manufacture of these vehicles we hope to have that agreement signed here within the next month and it's about a 12-month delivery schedule so we won't see these vehicles until late September or October of 2024 but we're very excited about being able to deploy these. I believe we will be the only transit system in northern New Mexico with initially electric bus fleet. And as I indicated, by 2045 we intend to be 100 percent zero emission. That effort and plan to become zero emission vehicles has a cost of about \$254 million associated with it over the next 20 years.

Lastly, our board recently adopted a long-range strategic plan. This was an update of our existing plan and this plan will basically make a number of changes and the most profound change, our transformational change is that we're going to be providing what's called bus rapid transit service connecting urban centers such as Santa Fe and Española and Taos, 14 hours per day, seven days a week. And what that implies is that we will be adding weekend service from 8:00 am to 6:00 pm. We'll have longer operating hours, as late as 10:00 pm on weekdays. We will be providing peak service every 15 minutes during the defined peak service area that will be a bus either departing Taos or departing Santa Fe and running down that corridor. Non-peak service times it will be every 30 minutes.

The plan will be incrementally implemented over the next ten years as both funding and staffing resources are available. Some of the other changes that we'll be making under this plan is that a number of areas that currently receive fixed services will become micro-transit areas, and that's a public sector form of Uber/Lyft, and that will feed into the BRT line. So the services won't be diminished but will be enhanced in that they'll be able to call and schedule their rides on a 30-minute notice.

We're also looking at adding micro-transit services in the Edgewood area that will not impact the existing commuter service that they enjoy. We're looking at Turquoise Trail. Currently it's one route that also incorporates Madrid. Here in the near future it will be two routes, which will include the existing commuter service around the 599 railroad station and County and state facilities and into Santa Fe but also a Madrid commuter service and tourist service days as well. And then as I indicated, La Cienega would be micro-transit service all week.

Lastly, we're evaluating providing micro-transit services between the Santa Fe Airport and the downtown area. That's currently being analyzed and will be having discussions with Santa Fe Trails as well about our service there and how the two entities can jointly cooperate on providing that. As you know, there's a lack of service between the airport in Santa Fe and the downtown area.

Lastly, this illustration shows the mobility of BRT network and those pink areas are those micro-transit corridor zones I was referencing about modifications of existing routes there into the micro-transit service.

So that's the end of my presentation, Madam Chair. I'd be glad to stand for any questions.

CHAIR HANSEN: Thank you, Tony. I was trying to make a joke about the Santa Fe Airport. Providing service there would be like light years ahead of anything that's available at the moment. I have been stuck there for over an hour waiting to get a ride somewhere.

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COMMISSIONER GREENE: Right.

CHAIR HANSEN: So some kind of transportation from the Santa Fe Regional Airport would be a good thing. Great presentation. Commissioner Greene.

COMMISSIONER GREENE: I guess I'll go first. Okay. Thank you, Madam Chair. Thank you. Great presentation. It's good to see things recovering after COVID and I'd really like to see the carbon elimination plan, even though it will take forever, you've got to start somewhere. So a good start on that.

The question I kind of have is – another accolade, is I really appreciate the strategic housing, the workforce housing project. I think that's a key way to get people locked into becoming bus drivers, right; or maintenance workers. And so I think that's a good use of some excess land and a targeted way of making people valued for their work in ways other than just straight cash, and locking them into working for us.

So the questions I have are about Los Alamos. I know that Los Alamos County and Los Alamos National Laboratories are both working on transit plans, somewhat conflicting in their goals but how are we working with them to sort of bring them together so that we can help them with some of the mass transit needs they need for Los Alamos?

MR. MORTILLARO: Madam Chair, Commissioner Greene, the LANL transit plan, the first document that was created was done by the NCRTD and the state of New Mexico, New Mexico DOT. We undertook that planning effort on the behest of the national laboratories. They had come to our board meeting and shared with us their plan to grow their workforce and the lack of housing and other housing opportunities and the increase in the workforce housing. You might recall they were talking about building this road through White Rock down to 599 and we just happened to send them a letter and said, well, why are you considering building a road? Why don't you consider public transit first?

Well, they took us up on that and we undertook this study that as funded by the federal government and LANL did contribute to it and we did a phase 1 study, looking at how the various public transit systems within the region can coordinate and provide services. The services won't be effective unless LANL modifies their internal transit system.

So we went to phase 2, the implementation plan which is currently being finalized. There have been presentations made regarding that and that plan has them modifying their internal services to align with external services that are going to be needed. The amount of bus services that's needed public transits systems here can't provide it. LANL is going to have to basically deploy their own fleet of buses. They really don't want non-badged people on those vehicles, so as a result of that we really can't provide them any service, because ours is open to the public.

So the good thing is that LANL kind of put their money where their mouth is and they went and hired a transportation director. They've added staff. They've taken those recommendations in that study very seriously and they're starting to deploy those with pilot programs where they've created a parking lot at Cities of Gold for LANL employees and they've committed to not building any more parking garages up there so that parking is going to be limited and if you want to get to work you're going to have to go to one of these off-site parking lots, get on a bus and go up to the lab and what have you.

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So we're all working together and there is an implementation plan and everybody's got their assignments in there, and to move forward to put this regional transit plan together for meeting the needs of the laboratory with this influx of new additional employees.

COMMISSIONER GREENE: And then in regards to Los Alamos County's somewhat conflicted strategy for transit?

MR. MORTILLARO: No, they were part of the planning process, and the County's going to build a new transit center near TA-3 or somewhere in that area as part of their participation. We're going to be adding another route. We have a mid-day route that goes up to LANL. It's suspended right now because of driver shortages but in the future that will be redeployed but we'll have another route that goes from Española to White Rock so that – it will go to a parking lot and then those employees can get on a LANL transit vehicle into the laboratory. But Los Alamos County has been there with us and involved in the whole process.

COMMISSIONER GREENE: I'd encourage you to get that running again because I've heard from Española and from Los Alamos and from the pueblos that they need those routes up to Los Alamos and the traffic on our roads, mostly Santa Fe County until you get right to Los Alamos, is getting – there's a lot of traffic up there.

To reiterate that the airport run. There's only eight, nine flights a day, and so they're pretty well targeted and I think it would be a good idea to target those flights with a coordinated bus. It doesn't have to be a large bus. It's just a van just to get to the hotels and charge a nominal fee to get them to the hotels and the part that could be the on-demand part is which hotel are you going to, right? But you're going to be picked up at the airport. You could be just dropped off at the plaza, but if you to go to a hotel it's going to go down Cerrillos Road and pick up all the hotels down there and then have a sliding scale depending on which hotel you're going to. If you're going all the way to Bishop's Lodge it might be more and if you're going to one that's near the airport it might be less. I think there's a dynamic way of thinking about that opportunity there and allowing for folks like myself and Commissioner Hansen not to be stranded there for a few hours.

Last, one of the things that came up recently at a meeting in the film industry, with the overlap of film and sustainability was the idea of EV staff vans for the film industry. And I'm wondering if that is a way that we could jump-start our sort of light weight fleet, as opposed to doing these large buses that sometimes might not be full, but to do a 14-person van that is an EV van that works for, that could be leased by the film industry for their purposes. Again, it's mass transit. Our services. It could pay for us getting into it and subsidize a lot of our fleets. Just throwing it out there, but it's just another opportunity to provide mass transit for an industry that is one of our targeted industries. So thank you.

MR. MORTILLARO: Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to thank Tony for coming, and I don't have any questions because I see him two or three times a month as he mentioned, so we have plenty of time to talk. But I did want to say that I've been on the board now for almost three years and it's a really, really well run

organization. I've been really impressed with the work that Tony and his team do in managing their finances and the routes and everything else.

And then I think just to reiterate, it's very exciting that we're getting electric buses starting next year and if you have an electric car, that's great, but even greener is to ride an electric bus with a bunch of other people. So I'm looking forward to riding the electric bus when it comes. Thank you.

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

COMMISSIONER BUSTAMANTE: Mr. Mortillaro, I have to just say I am completely impressed. So I learned a little bit about how the blue bus got started. I happened to have had someone say that you had something to do with its inception. That you've been working this for a long time and if there's anyone who really knows the details and the ins and outs of the transportation issues in northern New Mexico I'm looking at the man who's doing it. I'm just going to say for a person who likes to think about history and things in perpetuity, my eyes are being treated here. I am so respectful is an understatement.

When I sat through the presentation and the training that we go through to be on the board and how you manage the finances, and how that organization is being run. And to know that you've been working these issues since its inception, growing a program that really is successful. And again, more words just seem to fall flat. I don't know how to show enough appreciation, because I also commuted from La Cienega to Española when I was working at Northern New Mexico College and I rode the blue bus very often. And to know how many people were really taking advantage of that service, and that you worked with our recently passed Governor Bill Richardson in establishing this mechanism that has really made northern New Mexico accessible to so many people – students and then some. And it was the students when I was at Northern New Mexico College who I was concerned about who lived in these very rural areas and they said, no, the blue bus actually goes through Chamisal, or whether part of the community they were in.

And to be quite honest, that changes lives. This is the kind of service that has made things accessible for people to be able to improve their lives. And I saw it daily when I sat on the bus for people who commuted one way or the other to go to work. I couldn't give you enough appreciation and I respect your insight and your ability to have just a well run – I have to echo what Commissioner Hughes said. The budget, the finances and how well tuned the blue bus is in northern New Mexico. So I'm just grateful for the opportunity to stand here and get to share my gratitude in front of people, because I've thought it, and when I learned later after I had gone through your training, and they said, well, it was really Anthony Mortillaro who started it. And I thought, well, that's something. It was really kind of amazing. And I recognize – I see the look on your face. It's not a one-person show. But you've really done a lot to execute something that matters a lot. And I understand that it is a team that builds these types of opportunities. But I am sincerely grateful. There are a lot of people who've benefited and thank you for your good work.

MR. MORTILLARO: Thank you for those kind comments and you're right. I do want to acknowledge that there were individuals before I arrived to the RTD

that had a key role in making this regional vision a reality and they put a lot of time and effort into it and it took the leaders that were in the counties at the time and the pueblos to really come together and partner together to make this happen. I think it's, again, not due to my credit or anything but to those individuals that were there back in 2003 that basically ended up creating this transit system once the legislature passed legislation. And I don't have the history as to who promoted the legislation. I wish I did, but I know it happened once it was passed and it's been fantastic for northern New Mexico as you've indicated. Thank you.

CHAIR HANSEN: Yes, thank you, Tony, for everything you do. It is an incredibly well run organization. It is a model for everyone, every other organization to look to for how an organization is run. I also love the workforce housing. Thank you for that. That is really a good thing to see and I'm glad that you're partnering with the City of Española. Also, once again, even getting people into the City of Santa Fe from the airport so they can then get an Uber, because you can't get an Uber to come out to the Santa Fe Regional Airport. So even getting people just into town would make a big difference. It's unfortunate, but I'm happy to hear you're thinking about that and working on those projects, and thank you for all of your good work, always. We're grateful to have you here to provide an update of what's been happening. It's been a while since we've seen you.

MR. MORTILLARO: Thank you for allowing us to provide you with something. Appreciate it. Thank you.

CHAIR HANSEN: We're honored to have you here. So thank you very much.

**7. B. Presentation on the Single-Use Plastic and Polystyrene Working Group Impact Report and Recommendations**

CHAIR HANSEN: Before we start though, I want to congratulate you, Jacqueline, on the New Mexico Energy Services Coalition Award for the County's Sustainability Division GESPC project as the 2023 medium energy project of the year. Manager Shaffer mentioned it earlier but you weren't here so I wanted to make sure that you know that we're grateful for your work on that and happy that you got that award and that we got that award because it shows that we are using and making our resources in a good way.

JACQUELINE BEAM (Sustainability Manager): Thank you, Madam Chair, Commissioners.

CHAIR HANSEN: Okay so now, and welcome Sarah Pierpont also. Thank you for being here. Thank you both.

MS. BEAM: I am accompanied by Sarah Pierpont who has been nominated or appointed as the chair for the Single-Use Plastic and Polystyrene Working Group. I'll just give a small background and then pass it on to Sarah so that she can present on the main body of this work. On May 10, 2022 the Santa Fe County Board of County Commissioners approved Resolution 2022-31 striving to address plastic pollution in Santa Fe County. Under the direction of the County Manager and facilitated by the Sustainability Division and County Manager staff the working group was established.

Following the resolution tasks the working group's mandate was to develop a public information campaign and an impact analysis that if appropriate and feasible, will strive to develop a proposed ordinance banning single-use plastics and polystyrene products in Santa Fe County.

The resulting report and presentation are intended to detail the impacts of plastic and polystyrene waste in Santa Fe County landfills, waterways, recycling centers and communities, as well as provide a full picture understanding of both benefits and challenges in the implementation of a single-use plastic and polystyrene ban ordinance. Based upon analysis and findings, included is an outline of recommended pathways for decreasing plastic usage and/or adopting a potential draft ordinance banning xxx products in Santa Fe County. And with that I will pass it on to the chair of the working group.

SARAH PIERPONT: Thank you, Jacqueline. Good afternoon, Board of County Commissioners, Madam Chair. Thank you so much for having me. As Jacqueline noted, I am Sarah Pierpont. I'm the executive director of the New Mexico Recycling Coalition and I was appointed chair of our working group which is called the xxx Working Group. We actually call ourselves the SUPP Group.

As Jacqueline mentioned we started based on the resolution 2020-031, and for the past year we've met every month with a couple of special meetings. The other members of our group aren't able to be here tonight. A couple of them have some health challenges or they are out of state, but the working group was – it was very great to work with Jacqueline and her department, so thank you. Our recommendations will be presented at the end of this, but I wanted to go over some of the things that we discussed over the past year as part of this working group.

As Jacqueline mentioned, we started our first meeting in September 2020 and this is a task that we researched more in depth. We looked at the fiscal impact to the County, and based on discussions with the City of Santa Fe and Bernalillo County and other entities in our state that have done a similar ban on single-use plastics we believe it would be about one half full-time employee per year for the County to manage this program and a quarter of the full-time employee would be in the Code Enforcement Department and a quarter of a full-time employee would be in the Sustainability Division.

We also thought it was important to have an addition fund at the beginning to help with education and outreach and we put together a budget of about \$40,000 for Spanish and English education and outreach material, advertisements, and also ways to garner free media and free press through press releases and events.

When we looked at the business impacts for the financial aspect of this research, we do realize that a lot of the alternative items cost more. For example, a single-use paper bag is about ten cents more than a single-use plastic bag. A non-Styrofoam – which is Polystyrene, another way of saying Styrofoam. Take-out containers are about 30 cents higher than a Styrofoam take-out clamshell container. But we do recognize, the committee recognized that there are additional opportunities for business to recoup some of that cost by selling reusable items such as shopping bags to customers.

And then one aspect that the working group looked at was that right now the question is whose cost is this? The cost still exists, whatever that cost may be from litter or contamination, and the cost right now is subsidized by our County's litter cleanup programs, by the acequia systems, by the ranchers that might have cattle that have died

from the pollution, the recycling programs. I'll talk a little about how contamination from single-use plastics is expensive for recycling. The same with the wastewater systems. So just something to consider when we're talking about the fiscal impact is the cost is hard to quantify in some aspects.

Policy, our report goes into detail with the cities of Las Cruces and Bernalillo County and the State of Vermont. In New Mexico, Bernalillo County, the City of Las Cruces, the City of Santa Fe, the City of Silver City and Taos, City of Taos to some extent have some sort of ban on single-use plastics, and nationwide, there's 12 states that have a ban on single-use plastic bags. The good news is that a lot of the work and policy that we would set has been done in other places and we are able to learn from other cities and counties and states.

In education, we looked at a budget of about \$40,000 to launch any sort of program that we recommended on the draft ordinance, and that would be for English and Spanish, buyers at the point of sale. It would also be to help the retailers know how to be in compliance, and the committee recommends that the County's Sustainability Division manages that education and outreach effort in that budget.

Future budgets for education and outreach can come from a few that we suggested, the point of sale for a single-use plastic or paper bag, sort of like the City of Santa Fe does right now but I'll go into that in a little bit more detail later on.

Incentives include ways to incentivize businesses and really what the working group decided was that the best way to incentivize businesses for reuse is to have a ten cent fee at the point of sale to incentivize consumers to bring reasonable prices.

Enforcement, we considered having the Codes Enforcement that is already working with businesses to take over this part of the enforcement, and it is important if we're taking the time and energy to limit the use and distribution of single-use plastics that there is some sort of enforcement arm that the County can use.

Alternative options, a lot of the time what the alternative options and looking at more eco-friendly or plant-based alternatives to single-use plastics, Polystyrene take-out containers, you get into this lifecycle analysis question. There's a study by Columbia University in 2014 that found that a single-use paper bag is way worse for the environment than a single-use plastic bag. That study was funded by Exxon Mobile, by Dow Chemical. The real truth is that lifecycle analysis is really hard to quantify which one is better.

Upstream from a paper bag you have a tree. Upstream from a plastic bag you have a fracking well. That is something to think about. But also, we're really trying to encourage reuse. It's not just replacing one single-use item with another.

And for outreach, when this group got together our goal was to have quite a few members representing a diverse sector of the county. We reached out to the 85+ businesses from the County's list of businesses to see if anyone wanted to be involved, to get their input. We created surveys. We did a large survey for residents at Earth Day events. It went out to 4,400 residents with the County newsletters and we didn't get great responses. We had about five or six responses to each survey. All responses were in support of banning single-use plastics in the county, and we did even try and knock on doors and call businesses directly. We did get a hold of some businesses in the county, and even if they were in support or not in support of this, they simply didn't have the

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time to devote to the commission. We spent a good three to four months and the bulk of the initial meetings trying to build this outreach to get input from a more broad spectrum of people that live in the county, and then we had to move on.

So I do recognize there was not a lot of business input but I believe it wasn't for the lack of trying.

Okay, so this picture, I don't know if you guys can see it. This is – a common thing, people often talk about single-use plastics going in the ocean. You don't have to have an ocean to have single-use plastics hurt your waterways. The EPA worked with the Pew Charitable Trust and they did a large study in 2020 that found that 58 percent of the film, which is #4 plastic, it's called LDPE, 58 percent of film pollution can be avoided through reduction measurements, such as bans on single-use plastic items. Five products – plastic film, plastic bags, plastic bottles, sachets, which is like those little ketchup thing is a satchet, multi-layer films and household goods – contribute to 85 percent of the plastic leaking into the environment and ocean today.

So it is something that it's time to address and that's why you see so many states and cities and counties across the country working so hard to do this.

CHAIR HANSEN: Just so you know, Sarah, we have a presentation on our screen.

MS. PIERPONT: You do? Thank you for telling me.

CHAIR HANSEN: Jacqueline knows –

MS. PIERPONT: I say Commissioner Hughes get up and I thought it was so he could see it. Thank you for telling me. I don't have to go into a lot of the nitty-gritty details about single-use plastic impacts. If you listen to the news, if you read a newspaper, you know a lot of this. Half the plastics ever created were produced in the past 15 years. Current trends continue. We're on track to triple the plastic in our oceans. Plastic might be as toxic equivalent as 30 coal-fired power plants. But something that is interesting to think about is that in New Mexico 20 percent of all the costs of recycling contamination is made from plastic film, or that's nationwide. In New Mexico, last week I went on a tour. There's a MRF. It's called a materials recovery facility. It's rare. All of our curbside recycling gets unmixed and so you put the cardboard, aluminum plastic and paper all in one bin and then they have this \$30 million operation that's huge. It's called a BARCO MRF. It's operated by Waste Connections. And as you're going in, you have your hardhat on, you're doing the MRF tour. And on your left-hand side there's a giant pile of the residual. That residual is basically things that were put in the recycling bin and they cannot be recycled, and it's going to be landfilled. And I asked the gentleman leading the tour, it costs about \$4 million a year for that processing to throw away and bury that material. I took pictures of it. I wish I could show them to you. It's pure plastic film. Eighty percent of it is plastic film.

So it is a high impact to our city and our state. Based on his discussion and my kind of calculation for a population, I estimate that it costs Santa Fe County, not including the City of Santa Fe about \$400,000 per year based on contamination and recyclables. Contamination and recyclables is because those are not accepted in our recycling stream and they clog the gears and the levers and everything and they make it unsafe for workers, so they have to stop operations, put on harnesses, do safety checks and remove that material.

And one more thing, that recent report from Pew Charitable Trust noted is that aside from the litter and hard to the environment, plastic has really grave concerns for our human health. They've found micro-plastics in human placenta, in our blood stream, embedded in our heart. It's really prevalent. And it's not good for us.

Okay, so are single-use plastic bans effective? The short answer is yes. Like I mentioned, we're not recreating the wheel. A lot of places have done this before. We can look at California's ban reduced single-use plastic bags by 70 percent. The City of Boulder when from using 30 million single-use plastic bags a year down to 4.5 million. So it does work and is a good, effective tool at limiting what we end up putting into our environment in the first place.

Which leads me to frequently asked questions. A lot of ones we hear when the group was doing outreach to residents and at Earth Day events, we don't have an ocean; why does this matter? Well, we all know everything leads to the ocean, and aside from just putting it in the ocean, we don't want plastic in our roadways and our acequias and our arroyos. It's unsightly. It's bad for the environment, it's bad for wildlife.

A study by Keep America Beautiful, a national study that was done in 2020 on litter found that 38 percent of litter is plastic, and that nearly 350 million plastic bags were littered on the US roadways and waterways, and most of that, 95 percent of that are those plastic bags you would get at the point of sale.

So even though we don't have an ocean right next to New Mexico it does matter. Another question we often get is why not reuse instead? Like I reuse the plastic bag to line my garbage can or to pick up pet waste. And reuse is really great. It's really important and we want to encourage reuse. That's why we had that ten cent fee at the point of sale, to encourage people to reuse and bring their own bags instead of paying ten cents for a paper bag.

But just like all the children learn in elementary school, it is a hierarchy, and just like the EPA recommends for our solid waste system, it's a hierarchy of reduce, reuse and recycle. And reuse is important but reduce is more important. It's trumping reuse in that hierarchy. So this recommended ordinance is a way to kind of get at the reduce in the first place, eliminate the problem in the first place.

Why not recycle all plastics? I'm sure you've all heard that less than ten percent of plastics in this country get recycled. I did an information request from our State's Environment Department, the Department of Solid Waste Bureau and about three percent of plastics in New Mexico get recycled. Recycling is important. I'm the executive director of the New Mexico Recycling Coalition. I know that recycling works, but recycling is not the solution for the plastic waste crisis. It's just simply not enough.

The analogy that the proponents of banning single-use plastics is the bathtub. I'm sure you've heard this. Like you walk into your bathtub. It's overflowing with water and it's pouring water all over the floor, and you have two options. You can either turn the faucet off or go grab a mop. Right now we're talking about turning off the flow. Turning off the faucet of single-use plastics and the prolific plastic that is in our world and in our environment, and once we do that we can talk about other things like grabbing the mop and cleaning up the water. That's recycling. Grab the mop.

What about extended responsibility or product stewardship? Are you guys really familiar with that? Do you all know what that is? Okay. So Colorado just passed that.

We're super impressed. We had Colorado come and speak at our conference last week. We had a woman from California also speak. They are basically making the brands, the Coca Colas, the Unilevers, the Nestles – pay for the recycling program, because they're responsible for managing the packaging and the waste it creates at the end of its life. So product stewardship, yes, but what I learned from hearing these women speak to it last week is that it's a decades- long process. And it's also better done at the statewide level. So we're still working on that.

A lot of the places that have passed product stewardship laws have started with cities and counties going their own efforts, like having an ordinance to reduce single-use plastic, and then it kind of polka dots its way through until it's a statewide effort.

That takes me to the proposed recommendations. The report goes into more details but we propose a ban on plastic bags at the point of sale for retail establishments, which includes restaurants. This does not include the bags that are inside a grocery store in a package, like your hefty bags for your garbage cans at home. It does not include plastic bags for vegetables or bulk food. And it also has some common sense exemptions, like restaurants that have take-out that might have a really high liquid content and need to protect the soup or whatever from spilling. They can use a single-use plastic bag.

The ten cent fee that is charged at the point of sale for the paper bag is divided into nine cents to the County and one cent stays with the retailer to help with the admin, and we modeled this after the City of Santa Fe's ordinance simply to have some cohesion so it's not confusing as one store versus another. Utensils, such as packets of condiments – your mayonnaise, your ketchup, plastic forks, straws, are only available upon request. And this is obviously if someone needs a straw for reasons of the Americans with Disability Act, they could have a straw without any issue or complaint.

And the other items that it does is it bans expanded Polystyrene, which is Styrofoam. Food containers for take-out or in-person dining. So you can't have Styrofoam containers for take-out or in-person dining. Styrofoam was discussed a lot by the working group. Because it's so egregious, it's really toxic to eat off. It's not good for your body or your health, but also, if it does end up in the environment it turns into micro-plastics that are really hard to clean up. The other thing is it's nowhere in the state of New Mexico is Styrofoam recyclable. There's nowhere to recycle it

And a ban on intentional helium balloon releases, they look pretty. It's festive and celebratory, but once those balloons are released into the sky they turn into garbage.

Enforcement, education – first we would do a warning letter. Fines would be managed by the County's Enforcement Office, and then the Sustainability Department would do the related outreach and education, and that could be funded through that nine cents that is coming back to the County from the point of sale fee for the bags.

And I'm going to turn it back to Jacqueline for next steps.

MS. BEAM: Thank you, Sarah. Madam Chair, Commissioners, we realize that our effective date of January 1, 2024 is somewhat aspirational because a lot of the ordinance will need to be thoroughly reviewed by Legal first. We have gone through a first pass with Legal and that was the recommendation. And then we would have to go through an official BCC vote for the proposed ordinance. And then publish title and summary, obviously, and then collecting public comment to make any revisions that are necessary as a result of public sentiment.

And then department coordination and collaboration for enforcement will also involve procedures and policies within our departments to best track and enforce the ordinance, if the ordinance is approved. And then we would like to see a one-year follow-up report to see how successful we've been in mitigating the plastic usage throughout the county as a result of the proposed ban.

And with that we will stand for any questions.

CHAIR HANSEN: Thank you for a great report. Very impressive. Thank you, Sarah. One of the – I'm just going to take a little liberty right now, but the product responsibility, when Jacqueline and I were at a conference in Colorado there was a presentation on that that was very impressive to see that they had major companies – General Electric or General Mills, Pepsico – I don't buy those products because I don't shop at those stores but a lot of these big companies – Coca Cola, have bought into their ordinance and that was very impressive to see that there was already people, larger corporations being responsible.

And I think that that is something that we have to work on, because that's where we have to stop it. So I was happy to see that in your presentation. I'll go to questions from the Board. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Sarah, Jacqueline, good job. And I'm inspired by the work that you've done. I was on the New Mexico Recycling Coalition myself for about eight years, and then the National Recycling Coalition, and I'm hopeful. Everything that you have here is something that I look forward to working with our Commissioners on.

I was at Santa Fe Community College when they brought in Ethel, who tells a big story of every – what is it; six minutes, somewhere in the neighborhood of 300,000 pounds of plastic is being generated. The next thing – I'll just sort of say it. I don't know if you're doing it. I was confident – and I appreciate your words, because recycling does work, but is it really recycling when there are things that we have to – if there's no market forward, no one's going to take it and make another product.

So I'm grateful for the good work that you've done. Sincerely.

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

COMMISSIONER HAMILTON: Thanks. It was a very good report and a lot of good information. Seeing big, long-term effects of these efforts that have to start at the ground can be so frustrating. Everything was important but some of the very compelling things aside from the incredible micro-plastics issue, which by the way is one of the most highly funded initiatives at EPA right now. So the level of micro-plastics, it's the latest, hottest thing, only because it's such an incredibly pervasive problem.

The idea that demand – the quantification of that, of the petrochemical industry is a very compelling piece. The other thing is the full lifecycle, so the idea of forcing the companies that are using them and producing them to pay for the cleanup, that's an idea that's been around for quite a while. There's been a lot published on it. It's been almost impossible to get any hold on that because companies use – if you guys remember the paper from decades ago of the tragedy of the commons. That's part of the problem. You have common resources. Everybody's willing to put the money into pull it out and make a lot of money, but not to clean it up afterwards and that just then falls to who's every left

swimming on the dirt to have to – which is society. So companies make the profit and then society cleans it up.

So if this is actually catching on in Colorado and getting support, I'm shocked and impressed. And I guess that's kind of a big of encouragement. It's definitely something to me from an ethics point of view we should consider, but society has never done that, especially capitalist society. So thank you for the work. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Just a couple of quick comments, and thank you, Sarah, for the hard work in chairing the committee that I know was sort of like herding cats sometimes. But you guys got it done and I'm glad we are where we are now.

It's interesting, because we did a survey of my constituents before we started this and I think we got about 100 responses and they were 90 percent in favor of a plastic bag ban. I think a lot of your committee members are also in my district so there's a lot of activity in the 285 Recycles Coalition or whatever it is. I don't know. There's various coalitions out there. It's disappointing we didn't get more input from businesses from the beginning. I know we did have a business person on the committee who was very interested in this whole issue. I suspect when we propose an ordinance we will get more interest and hear what they have to say.

Also, I don't know if any of you read in the *New York Times* recently, Michael Bloomberg has made it his mission now to try and not have any more petrochemical plants built because as we've heard, what the oil and gas companies want to do since they know they're not going to be able to sell gasoline forever when we all drive electric cars. They want to just keep producing more plastic. And so I think it is becoming a real problem. It's already a big problem but it has the potential to get even worse, if that can be imagined.

So my suggestion would be that we ask the staff to draft the ordinance. If there are parts – based on the report we just heard, if there are parts that the staff thinks are not going to be enforceable or we should do different from the City, perhaps make note of that. I've heard that perhaps we shouldn't charge ten cents for a paper bag. Perhaps we should just let the store keep the whole ten cents because sending one cent from just a few stores – there's a lot fewer stores in Santa Fe County than the city, so it might not be worth it sending us a penny for each paper bag. But I think those are the things that we could look at when we consider the ordinance as it's drafted.

And then finally I think, depending how fast things move, if we need to set a different date we can set a different date. Because I assume not only do we need to like develop the ordinance, publish title and general summary, pass the ordinance, but then you probably want to have a period of at least a few months to educate businesses so that they're not – we don't want to pass it in December and make it take effect in January, and have them all come back from Christmas and say, wait a minute. I've got all these plastic bags. What do I do with them? So we'd probably want a little time there. Thank you, Madam Chair.

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

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you,

Jacqueline. Thank you, Sarah. This was enlightening. A couple things and playing long ball with this, I really appreciated the idea of following Colorado's model and reducing the packaging model. For New Mexico to do that, it would probably – it's going to take some legislation. Legislation takes time and this next session is only a 30-day session. But that doesn't mean you don't start now. What you do is you get a memorial in this coming up session that would ask the legislature and the Department of Environment to study that legislation to reduce the packaging so that in the next 60-day session that it's all teed up and it's been studied and it's not just going to die in committee on its way there. So I would recommend that we start working with our delegation to get a memorial in this next session so that we can study it in the next interim and so 15 months from now that we would have a statewide reduction solution. And that's something that I think Santa Fe as a delegation is probably the right delegation to start pushing that, working with other legislators around the country or around the state.

A couple other things. It was brought to my attention today, actually. I don't know if it was fortuitous or ironic, but the idea that in some other communities there are reusable – we have a lot of events. We have one in Chile festival this week and there is going to be a ton of non-reusable, single-use plastic in these things. And so it's a great event and Santa Fe County supports it and we should support it; it's fabulous. But there's other ways we could support it. We could support it by buying and leasing or helping support an organization to lease reusable event-ware. These are either higher quality plastics that are not single-use plastics, or other things, coconut or whatever the other materials are, that can be used at least multiple times and that can be a mechanism to make these events that sometimes only happen once a year and they can't manage to do this and buy this stuff for an event that's a once a year thing, but if it's going to be used 50 times a year it would make a big difference. And so 50 times a year, because there's 50 events easily makes this workable.

In all transparency, I own a delivery company that delivers a lot of things in single-use bags and I try to talk to my restaurants and encourage them to use other, better solutions. And this is another place that a collective organization such as Santa Fe County or the City and the County could help our restaurants and our merchants in purchasing. First off, it's a pain to buy, even if they're only using a few things to buy better products. So there's the opportunity for the County and the City in sort of a regional coalition to come together to buy in bulk and then allow a local merchant to buy at an affordable rate. If you're only buying a couple hundred things, you're going onto Amazon and you're buying something but you're not getting a great rate. And it does become ten times more expensive than a single-use bag.

But if you can buy in bulk and we can create a depot for that, we may have an opportunity to bring that price down and make it much easier for people to not use Polystyrene and to not use these other products that we're going to ban, potentially. So that's another area where we can use our collective heft to help with either these reusable event stuff or these reusable or better quality stuff. And then I would encourage us to look at trying to get a measure through, some draft legislation through the legislature.

Those are the sort of heavy lift things that I think a single-use ban, when it's only hitting bags and maybe Polystyrene is missing a lot of the target. And so those next level things could be things that make a bigger difference than just the single-use bag thing.

But I appreciate the bag thing as well, so great work. Thank you.

CHAIR HANSEN: Thank you, everyone. So yes, I want to move forward with the ordinance as soon as possible and I think that it's really important. I think one step at a time I think is really important also. Getting single-use plastic out of the stream of people is really important. All these other things that everyone has said is important but the data shows that getting single-use plastic out of the stream of use makes a big difference. And I would like to see that move forward as soon as possible. I want to thank you for your incredible hard work because this has not been easy, I know. I apologize for not being at meetings but I have too many meetings that I have to be at and I have complete faith in you and Jacqueline to be doing, and Commissioner Hughes, to be doing a great job, which I think you have and I am grateful for this report and let's move forward.

And I totally agree, we need to look at the legislative level because we do need a statewide initiative, but we're the County and we can only take care of what we have to take care of. We're not a business. We're a County government facility that tries to protect the health and safety of our constituents and I believe that this is a way to protect the health and safety of our constituents. So thank you very, very much.

MS. PIERPONT: Thank you so much.

MS. BEAM: Thank you, Madam Chair, Commissioners. So staff will proceed to Legal for further review and feasibility amongst staff, and then at a later date bring forth a more formal proposal.

CHAIR HANSEN: Not too late.

MS. BEAM: Not too late. Of course. Thank you so much, Madam Chair, members of the Commission.

CHAIR HANSEN: Good to see you.

MS. BEAM: You too. Appreciate it.

## **8. Matters of Public Concern**

CHAIR HANSEN: Is there anybody in the audience who would like to speak on matters of public concern that are not related to our public hearings that are later? Do you have anybody online who wants to speak on matters of public concern, Daniel?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, we have two people online.

CHAIR HANSEN: Okay. Two minutes.

MR. FRESQUEZ: Our first speaker, Madam Chair, is Carol Culver.

CAROL CULVER (via Webex): My name's Carol Culver and I live in Eldorado. I'd like to comment briefly on something Commissioner Hamilton said today during the discussion on the renewable energy projects resolution. She mentioned necessary trade-offs involved in renewable energy projects. My understanding of the term trade-off is that it means you have to give up something you don't really want to give up in order to get something that you do want, and I want to emphasize that in the case of the currently proposed Rancho Viejo commercial solar project, with respect to the fire risk posed by a proposed lithium ion battery storage facility, trade-off isn't really necessary.

It's not necessary to site a battery storage facility of a type that is a known fire hazard in a dry, windy environment surrounded by thousands of residences. The battery storage facility could be sited elsewhere, away from the solar generation facility in a separate location, and it's also not necessary to use lithium ion batteries for storage when other types of batteries have been developed that do not pose as great a fire risk.

So I hope the Board and the staff will consider these things when reviewing the current application for the Rancho Viejo project.

Regarding the resolution passed today, a question I'd like to get an answer to is whether the conditions laid out in the resolutions would apply to the Rancho Viejo solar application, or whether it meant for future projects only. And if the resolution does apply to the Rancho Viejo projects, will other experts be consulted in addition to Terracon from currently reviewing the application. I'll be contacting my Commissioner, Hank Hughes and the Board staff with these questions. Please don't let the County be another governmental entity that creates a fire hazard in our dry and windy environment here in northern New Mexico. Thank you very much.

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

MR. FRESQUEZ: Madam Chair, the next speaker is Camilla Brom.

CAMILLA BROM: Hello. Thank you. I have a few open-ended questions I'd like to make. First, since it's been determined that the SLDC and this newly adopted resolution are adequate for review of any utility-scale renewable facility and /or battery energy storage facility, I would like to know which person or persons in our county possess the knowledge and the expertise regarding these facility, which I presume would be required in order to decide on what specific experts will be hired and to what detail or extent. And even though experts will hired, given there's no ordinance in place as a guide to review these sort of applications, I would presume a few individuals would need a comprehensive understanding of these facilities since they'll be the ones determining what all needs to be reviewed by outside sources.

To me, it seems a lot more feasible, including monetarily, to have appropriate regulations in place now so there's a foundation to assess these types of applications, and then hire experts as needed.

Another question I would like to know the answer to at a future time is what amount of time was given up until now in providing education to the County staff and County officials regarding utility-scale solar facilities and battery energy storage systems? I'm also curious, is Santa Fe County required to have a certain amount of renewable megawatts by a certain timeline, because the elephant in the room that keeps getting shoved under the rug is addressing responsible siting of these utility-scale facilities and battery energy storage facilities because of the risk they pose, including the long-term impacts.

And I agree we need to address renewables as soon as possible because of the climate crisis but I don't believe a six-month moratorium to put regulations in place would result in negatively impacting the climate crisis overall, but it would protect the public better and preserve our areas that do not need to be used as of yet for these types of facilities. Thank you for your time.

CHAIR HANSEN: Thank you, Camilla. Okay. Anyone else?

MR. FRESQUEZ: Madam Chair, I don't see any other users indicating



that they'd like to speak.

CHAIR HANSEN: And I don't see anybody in the audience who wants to speak so I'm going to close Matters of Public Concern.

**9. Matters from the County Manager**

**A. Miscellaneous Updates**

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. Just a reminder that our strategic planning summit is set for this Thursday and Friday from 8:00 am to 5:00 pm here in the Commission chambers. In addition, looking further ahead, the Santa Fe County and City of Santa Fe are supporting the upcoming New Mexico outdoor economics conference, which is slated to be held in Santa Fe this year from Monday, October 23<sup>rd</sup> through Wednesday, October 25<sup>th</sup> at the Santa Fe Community Convention Center. Our Economic Development Division again is involved with and supporting the event and all County Commissioners are invited to register to attend.

I did want to confirm for the Board and the public that S&P Global Ratings has recently issued its highest bond rating, a AAA rating for our new issuance of general obligation bonds which should be sold next week, and in addition, in doing so, the S&P confirmed its AAA bond rating on our outstanding debt. There are many factors that go into such ratings, but the S&P specifically noted amongst other things, the County's robust financial policies as well as its very strong institutional framework and high budget oversight. So as with most things that go well at the County it all starts with the Board, and so I did want to acknowledge the leadership that you show in those areas.

Looking forward to the month of October we are trying to plan a site visit for the Pojoaque Basin Regional Water System. The primary beneficiaries of that are the federal delegation on whom we'll rely to continue to provide the necessary and largest share of the construction cost which is from the federal government. If you are interested in attending that site visit please let Sara know so that we can try and coordinate schedules. Again, we do our level best to coordinate everybody's schedule. That won't be an official meeting of the Board of County Commissioners as we won't be formulating or discussing public policy but we may have to notice it so the public knows that a quorum may be present. But again, the drivers and long poles in the tent would be our federal delegation, but if you are interested in attempting to attend please let Sara Smith know. Thank you.

CHAIR HANSEN: Thank you, 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: Okay, Commissioner Hamilton doesn't have anything. Next, Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair. I have a few things and I'll start from the Edgewood conversation. And I'll say it's simple enough

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but more complicated to actually execute in that the Town of Edgewood would very much like to – so I had a meeting with community members and people who are aspiring to run for town council as well as school board members, and wondering how they can best partner with the County in helping leverage support for the people of Edgewood. And one of those items that did come up – as we know, we have a shortage of sheriffs. Staffing is an issue for every department and doesn't fall short. It happens for our sheriffs as well.

So they have one sheriff in the Town of Edgewood and there is an opportunity down the road. This is part of the RECC and at the time it's appropriate would need to evaluate the agreement that we have, the joint powers agreement, the JPA, with the City of Santa Fe, Santa Fe County and the Town of Edgewood so that they could possibly receive monies that they get for something else and put another person in their law enforcement.

From there I will take to the community of Galisteo. We had a meeting on the 11<sup>th</sup> of September. They will be looking for support, in some way shape or form to address the traffic issue. The state has put at this point better than a million dollars into road improvements just outside of the town on both sides that has every potential to increase traffic through the community. What is being increased are these large semi trucks because there is a new oil station, filling tank station that is being used, and what the community Galisteo referred to it as the nine-minute answer, to just go nine minutes in the other direction. But they're not. They're going right through the Town of Galisteo, increasing the traffic right through these buildings that are several hundred years old.

So we're working with both Representative McQueen and Senator Stefanics. They're asking of our County to possibly put cameras which don't have any type of criminal efficacy if you will. So there's a lot going on there. So there's a big concern there.

Next would be the request, as I've mentioned earlier, as we're going into the strategic planning season, making sure that our conversations about the Arts Commission stays up front in our acknowledgement of its ability to just really build on the strength of what this area has always been able to live off of, frankly, when it comes to tourism, is our arts culture. So that has been a conversation and finally I got the daily emails on reminding me that this is important, and I'm letting everyone know this is very important to people in District 3, for one.

As well we have the issue of enforcement. I was at a meeting not this past Saturday but the Saturday prior in La Cienega, the community breakfast, and it was Senator Stefanics who was speaking when the issue of concern, we all saw it in the newspaper that there was an arrest. Seven people were arrested in La Cienega. It was tied to automobile theft and drug sales. And shortly thereafter a few of the people who had been arrested were right back at the house, and the question was, what can we do about enforcement? So we recognize again that the Sheriff's Department has been understaffed, but there again, the question came and it continued to progress into code enforcement and our ability to have someone who's paying attention in our communities that if something is done and it's not supposed to be, what kind of code enforcement is the County providing to assure that illegal structures, stuff done without pre-approval, and I will quote one of the individuals in the group on the kindest thing he said, was you need to

tear those damn things down. They did not have permits. Why are we letting this happen?

And I won't say any of the other things that were just very difficult to hear in what people are seeing. If you have a problematic ordinance then you need to fix the ordinance and tell people to tear these down. So that was part of the conversation there and I understand that we mostly work with a complaint driven process, so if people complain then we have the ability to do something, and it's difficult. We don't have the satellites roaming around and looking at how things changed and in some cases we do. So to that end it was very much a big issue of concern at that meeting and we will be having a meeting – there will be a townhall, given that conversation with Senator Stefanics and Representative Chandler for La Cienega, and on the same end with Galisteo. It wasn't called a townhall but it will be a community meeting with McQueen and Stefanics in Galisteo.

So those were the big issues. And then the next one is the request that I've made to have a report from the Water Advisory Committee, whose working plan, I understand, that just given that Commissioner Greene and I are pretty new, and I would talk to people about the water issues, given the great concerns, again, specifically in the La Cienega, La Cieneguilla area, the Santa Fe River, etc., and what the Water Advisory Committee provides to the County as far as advice. We've all received a letter requesting various services, if you will – things that they'd like to see happen, but I need to understand more of what their priorities are, how they're going to measure it, so how did they establish those priorities? What is the need? What are the metrics for addressing that need? And how will they know that they've satisfied that? And to that end, also having the conversation and maybe providing the opportunity to provide them with some direction as we look at wastewater and drinking water and their interest in conservation. But I'm also saying, well, we can look at conservation, but what about reclamation and those resources.

So I've asked that they provide a report to the BCC at the earliest possible meeting since it's been now a month since I've made that request and I'd like to see if we can all get on the same page, since we do have an advisory committee that we should be able to work with in getting some of those recommendations for how we can better improve and understand our water management in a more communal sort of way, if you will.

So those are the issues that I have. Thank you.

CHAIR HANSEN: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. One of my items was also the Water Policy Advisory Committee, given the letter that they sent us. I think it would be appropriate for them to present to us in person, so we could – we haven't heard from them, I don't think in person, since I became a Commissioner, so it's probably about time we heard from them and then we could get a better idea of what their ideas are and how we might want to incorporate those.

The only other thing I want to mention is on October 5<sup>th</sup> in the evening we're doing another evacuation planning meeting in my district. This time on the Rancho Viejo side at the Rancho Viejo fire station. And this one we will be broadcasting on Webex so that people don't have to come. The space in the fire station is limited, as was our space in Eldorado where we had overflow. So hopefully, the people who want to come in

person we'll have room for them and everybody else can watch online. We appreciate Assistant Chief Martin Vigil for doing these excellent presentations which really help people understand what they can do to protect themselves and their property. And that's it for me.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. As I mentioned at the Housing Board but now for more public consumption out here, the La Vista del Rio apartment complex up in Española that we've spent a lot of time trying to figure out how to put into a preservation mode of the low income housing up there has found a new owner. The new owner has limited experience in these types of projects and so while they are locally based, from the Española Valley and say that they have the best of intentions, they also may not have the ability, so we're cautiously optimistic and the coalition from Española, Rio Arriba County, Santa Fe County, and our congressional delegation and Project Moxie are all standing by to help them see how they can preserve the project at least at a minimum for the 17 families that are in the project right now that are heavily subsidized housing and have nowhere to go if they close this project down. They are all under a 180-day lease right now that may or may not be extended, so come next March we will be seeing whether these new landlords want to preserve the situation for these folks. We're doing everything we can to hold the USDA accountable. We had a phone call with the USDA. Our delegation from Washington, from Senator Heinrich's office, Senator Lujan's office and from Representative Leger Fernandez' office, brought the USDA to a conference call, but too little too late. They sort of disingenuously said that they would look into finding a way to look at the sale of the project, but it turns out the project had already been sold and so they were not being very straight up with us at the time. It was very disappointing and we have some legal aid groups looking at trying to help the past, present, and future tenants of those 88 units in the Española are that are now being taken out of the low income rental stocks, how we can help those families, past, present and future.

On a better note, broadband, as you know, that is one of my little pet areas of focus. Last week I went down to Albuquerque for a State of New Mexico Office of Broadband Accessibility and Expansion meeting in a room full of about 80 people. I was the only elected official in the room. It was mostly, a few broadband officers from some communities, but mostly private providers, either construction providers or ISPs or other incumbents in the world. So they were there discussing about the BEAD process. The BEAD is the federal funding that New Mexico got \$675 million for and we at Santa Fe County are trying to organize ourselves to be ready for some of that funding.

There's many ways to do it and some communities are going for BEAD funding on their own and some communities are doing it in partnership with some ISPs and so this is something that we need to create a broadband plan in the next few months. The timeline sort of appears that we have about six months to put a plan together at this point, so the good news is that part 2 of this conversation on broadband is the County has organized a task force, and this task force has met a few times, and I just went to the first meeting that I was invited to, and it had members of the Community Development Department, IT, Elections, and Public Works, and it is also – there is a new Vista volunteer that is taking the broadband topic on to review issues and opportunities for this

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space.

Currently, the main focus has been focusing on County broadband for our own facilities. As the planning goes on I think we're going to be able to expand this to not only County facilities but also community broadband so that we can go after BEAD funding that is mostly going to be from federal funding, public safety and cell tower networks, and then also partner collaboration to include REDI-Net and other jurisdictions that are around us that we need to coordinate and collaborate with.

Lastly, following and being inspired – we've already talked about this a little bit in the past and now I think it's time to put a resolution to put our money where our mouth is, I hope to be bringing a resolution forward to develop a strategic housing initiative where we would create these small, infill projects just like the one that we saw for the North Central Regional Transit District, that would house key County workforce, to include first responders, medical workers, education workers, and administrative staff. This can collaborate with the school districts in Santa Fe as well as in Pojoaque, as they already have some money set aside to do this and I think that we would be a great partner to collaborate on this for our own staffing needs. So thank you very much, Madam Chair.

CHAIR HANSEN: Thank you. Thank you, Commissioners. So I will run over my issues and ideas. So first, September 30<sup>th</sup> is Coffee and Tea under the Trees and Jennifer LaBar Tapia from the Film Office is my guest and she will be discussing all things film in Santa Fe County. And then we'll also be discussing the strategic planning so that people will be able to ask questions and talk about that.

I want to thank all the Commissioners – Greene, Bustamante and Hamilton, for attending the Two-Mile Pond meeting that happened a week or so ago. The Two-Mile Pond is in Commissioner Hamilton's district. I sit on the River Commission for the City of Santa Fe, and it was a very interesting discussion to hear people's concerns about what is happening and how it happened, and the preservation of a riparian wildlife area and how important it is to the whole ecosystem of the Santa Fe River.

I also had the ability to go and visit the West Alameda culvert project. Commissioner Greene came with me. We got to see the progress on the culvert project on West Alameda. It is moving forward. It is a big project with a lot of riprap and living of the channel with rocks and it was good to see the concrete and the headers and footers of whatever you want to call them that are put in the road to protect it and widen that area as they move forward.

Both Commissioner Greene and I attended the MPO quarterly meeting which was with DOT and a number of other state representatives, the Metropolitan Planning Organization, and Commissioner Greene and I have a meeting with Secretary Serna from DOT on October 5<sup>th</sup> to talk about funding for the County, so I think I would like to hear from other Commissioners about big projects that you know that DOT could work on in your district so that we can bring that up with Ricky Serna who is the Secretary of DOT.

On that same note I had a conversation with Brett about the traffic study, to do a traffic study in La Tierra that affects both Commissioner Greene's district and mine. It is overly impacted and is a failing roadway, and what was very interesting about it is we have a lot of easement area on La Tierra that we could be able to do a good traffic study to figure out how to put bike lanes, how to widen that road. How to improve pedestrian access. This came about because one of my constituents in the La Tierra Nueva area,

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which is further up the road, is a little freaked out about evacuation of Las Campanas. Las Campanas is pretty well set with their residents on how to evacuate but it is the surrounding neighborhoods that don't always get all the information that Las Campanas HOA works on. So I had this conversation with Brett about what we could possibly do on La Tierra and how much room it has. It really does need some attention because it is failing.

Fin del Sendero, we do have money to do some study on that, but if we could add in that roadway, I think that's another item. There's a number of items to talk to Secretary Serna about and I hope that Public Works Director Snyder and P.J. will give me a list, and Manager Shaffer will give me a list of roadways that we could talk to DOT about.

As far as Commissioner Bustamante, we do have a serious problem. We need more code enforcement. The 2500 Lopez Lane in Agua Fria has been blowing up. We have been having shootings and blowing up literally with explosions at that property and it is really serious and things need to be moving forward with our Lien and Clean Ordinance. We need to get rid of those buildings. We need to have that area demolished and cleaned up. Part of the problem that we do have is that we have a catch and release law and that is something that we need to talk to the legislators about, our representatives, in making sure they realize how dangerous this is.

On Saturday I attended the Agua Fria Mutual Domestic Water meeting, their annual meeting, myself, Senator Rodriguez and Representative Lujan were both there and we talked about how important it is to get sewers in the village and that by getting sewers in the village we are protecting the groundwater, therefore we are protecting the mutual domestic which has wells all over Agua Fria. So that was one of the big topics of conversation at the mutual domestic.

This weekend, the Northern Rio Grande National Heritage Area hosted a culture and creative art show at Los Luceros, and it was very well attended by all the artists. We had artists from all eight northern pueblos and the Jicarilla Apache Nation, plus a number of Spanish artists from Española, Rio Arriba, Truchas, and throughout the entire heritage area. Secretary Garcia y Griego attended, which was an honor to have her there and Lt. Governor Howie Morales made certificates for all of the artists recognizing their contribution and so it was his liaison, Martina C de Baca was there presenting those.

Los Luceros was really important to Governor Bill Richardson. It was bought during his administration and I had the honor of being able to attend his funeral, which was a really moving experience at the basilica. I was completely moved by the Jemez Pueblo beginning of the ceremony where there was this low, low drum beating and rose as they came into the cathedral and the whole ceremony was incredibly meaningful, and being able to see President Clinton give the eulogy for Governor Richardson was very moving.

I want to thank Governor Richardson for everything that he did for the state of New Mexico and especially for the purchase of Los Luceros, which is a really beautiful historic site.

I'll end on a happy note. I was a speaker at the Vladem Contemporary Art Museum. In the morning before it opened we had a ribbon cutting and Secretary Garcia y Griego invited me to speak on behalf of the County to the board of directors. I was

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honored to be able to say a few words, but the most impressive part of being in the museum and seeing the artwork was that a number of my colleagues and artists are represented in the museum. It is local artists from New Mexico. Susan York is a neighbor. Erica Wannamaker is a constituent that lives up the road. I've known Larry Bell and Ron Cooper from Taos for the last 40 years and have photographed them and photographed Harmony Harmon. The artwork is really beautiful and I highly recommend everyone make an effort to go and see the show. It is an impressive light and shadow show.

So I think that that's it. I'm sure there's more, but I look forward to seeing all of you on September 30<sup>th</sup> at Reunity Resources for my Coffee and Tea.

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

CHAIR HANSEN: Evonne, do you have anything from the Clerk?

EVONNE GANZ : We just want to remind everybody that the regular local election is starting in two weeks and so if anybody is looking for any information about the election we encourage them to go to the Santa Fe County Clerk's website.

CHAIR HANSEN: Thank you.

**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. Potential Disposition of Surplus Office Space**
  - 2. Potential Acquisition of Combination Office and Warehouse Space**
  - 3. *Emmens v. Santa Fe County*, U.S. District Court, District of New Mexico, Case No. 1: 23-CV-00588 KK/JFR**
  - 4. *State of New Mexico v. Carolyn I. Flores*; First Judicial District, Santa Fe County Magistrate Court; Case No. M-49-MR-202300272**
  - 5. Discussion of Bargaining Strategy Preliminary to Collective**

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**Bargaining Negotiations Concerning AFSCME 1413M**

JEFF YOUNG (County Attorney): Madam Chair, Commissioners, I defer to you whether you want to go into executive session at this point or have public hearings. I can read off the executive session if you'd like.

CHAIR HANSEN: I think we're going to go into executive session. We've been sitting here since 1:00 and I think that everyone up here could use a break.

MR. YOUNG: Okay. Sounds good. So I would ask that we go into executive session to discuss 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); 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, and that those items specifically include: potential disposition of surplus office space; potential acquisition of combination office and warehouse space; *Emmens v. Santa Fe County*, U.S. District Court, District of New Mexico, Case No. 1: 23-CV-00588 KK/JFR; *State of New Mexico v. Carolyn I. Flores*; First Judicial District, that's in Santa Fe County Magistrate Court; Case No. M-49-MR-202300272; and finally, discussion of bargaining strategy preliminary to collective bargaining negotiations concerning AFSCME 1413M.

I don't anticipate it will take a whole lot of time even though there are five items on the agenda.

CHAIR HANSEN: Okay, what's the pleasure of the Board?

COMMISSIONER HUGHES: Madam Chair, I move that we go into executive session to discuss those items just outlined by the County Attorney.

COMMISSIONER GREENE: And I'll second that.

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

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

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

CHAIR HANSEN: I apologize for the delay to everyone in the audience. We will be back here as soon as possible, half hour to 45 minutes. Thank you very much.

[The Commission met in executive session from 5:57 to 6:55.]

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

COMMISSIONER GREENE: I would like to make a motion that we come out of executive session, stating that no decisions were made and only things that were on the agenda were discussed.

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.**

## 12. PUBLIC HEARINGS

- A. **Case # 23-5110 Miguel Hernandez Variance Appeal. Miguel Hernandez, Appellant, is Appealing the Santa Fe County Planning Commission's Final Order Regarding a Variance Request. The Appellant Requested a Variance from the Setback Requirements Illustrated in SLDC Section 9.8. The 1.25-Acre Property is Zoned as Residential Estate (RES-E) within the La Cienega & La Cieneguilla Community District Overlay (LCLCCD). The Setback Within the LCLCCD RES-E Zoning District is 25 Feet from the Front of the Property and 50 Feet from the Side and Rear of the Property Line. The Site is Located at 6 South Estrellas Road, within Township 16 North, Range 8 East, Section 27, SDA-2 (Commission District 3). On August 8, 2023, the Board of County Commissioners Tabled this Request so that the Applicant Would Have the Opportunity to Reach an Agreement with the Neighbor Concerning a Lot Line Adjustment. This Agenda Item Contains an Attachment. [Exhibit 2: Proposed configuration]**

CHAIR HANSEN: Then I'm going to turn it over to Jose.

JOSE LARRAÑAGA (Building & Development Services Supervisor): Thank you, Madam Chair. On August 29, 2023, an appeal by Mr. Miguel Hernandez of the Santa Fe County Planning Commission order, denying a variance from the setback requirements illustrated in SLDC Section 9.8, was presented to the Board of County Commissioners. The BCC having heard testimony from the appellant, tabled Case # 23-5110, Miguel Hernandez Variance Appeal so that the appellant would have the opportunity to reach an agreement with the neighbors concerning a lot line adjustment, therefore voiding the proposed variances.

The appellant has reached out to the property owner to the north of his property in an effort to create a lot line adjustment. The lot line adjustment would allow the garage attached to the existing residence to meet the 50-foot setback. The appellant has hired a surveyor to survey the two properties and create a plat for the lot line adjustment.

The property to the north and east of the appellant's property is owned by Mr. Ramon Polanco. On July 21, 2016, Mr. Polanco was granted a variance, by the Planning Commission, to allow a residence to be placed within the 50-foot setback. Mr. Polanco

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has constructed two structures without permits on his property sometime after 2019. These structures do not meet the setback requirements. Mr. Polanco agrees to dismantle those structures.

The appellant has reached out to the property owner to the south of his property in an effort to create a lot line adjustment so that the detached garage would meet the setback requirements. The property owner to the south does not want to adjust the property line.

Upon several inspections on Mr. Hernandez's property it was also observed that he was operating a construction business on the property. A Code Enforcement Officer has cited Mr. Hernandez for running a business without a proper County business license. I would like to add to that, Mr. Hernandez has cleaned up and the Code Enforcement Officer was out there yesterday and has taken photos. He had like two trucks for his business there and he will move those out.

The Planning Commission, Hearing officer, and Building and Development Services staff reviewed the variance application for compliance with all pertinent SLDC requirements and found that the facts presented do not support the request for a variance to allow two structures to encroach into the required setbacks. The current setbacks and the structures do not meet the standards of the SLDC, Section 9.8.3.6.5.c.

A previous variance was approved on the property to the north of the appellant's property, allowing a 25-foot setback for a residence. With a lot line adjustment, the appellant would be able to meet the required setback of 50 feet. It is recommended that the lot line adjustment be completed to reduce or eliminate the need for a variance for the attached garage. The detached garage is set back 21 feet from the property line and a lot line adjustment is not possible. The appellant proposes to cut four feet off the structure, making the setback 25 feet from the property line.

Staff recommends the Board of County Commissioners deny the appellant's or applicant's appeal of the Santa Fe County Planning Commission's Final Order denying a request for a variance to allow two structures to be within the required setbacks of the SLDC.

If the Board of County Commissioners finds that the lot line adjustment could meet the 50-foot setback or be reduced to 25 feet for the attached garage and the proposed 25-foot setback for the detached garage is a minimal easing and finds that the variance request has met the variance criteria, staff recommends the following conditions be imposed.

1. Mr. Hernandez shall submit (after the fact) development permit applications for all structures that are currently unpermitted on the property.
2. The Lot Line Adjustment shall be submitted prior to a development permit application so that the attached garage is 25 or 50 ft. setback from the new property line.

This Report and the Exhibits listed below are hereby submitted as part of the hearing record. I'd like to note that Exhibit 6 is a 2019, 2021, and a current aerial of the site, and Exhibit 7 is the appellant's letter requesting this and a draft of the proposed lot line adjustment to the property to the north of Mr. Hernandez' property. And I stand for any questions.

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CHAIR HANSEN: Thank you, Jose. So I just want to be clear. He got a lot line adjustment for the property with the attached garage, right?

MR. LARRAÑAGA: Madam Chair, that's incorrect. The neighbor, Mr. Polanco, the property to the north of him where he's negotiating now a lot line adjustment, he got a variance back in 2016 to be within the setback requirements of 50 feet for his dwelling. You'll see that if you look at the aerial for that, you'll see Mr. Polanco's property, where he built.

CHAIR HANSEN: So in 2016 he got – the neighbor to the north got a variance. It's a little complicated; I'm sorry. I've looked at all of these.

MR. LARRAÑAGA: So that would be Exhibit 6, page 54.

CHAIR HANSEN: Okay. So Las Estrellas Road North, this building in the blue outline, he got a 25-foot variance.

MR. LARRAÑAGA: Madam Chair, yes. There was a variance issued or approved to be within the setback area up to 25 feet. And so that's where he placed his dwelling. That particular lot, the L-shaped lot, is only 100 feet in width, so he needed to receive the variance in 2016 and this shows it on the 2019 aerial with a dwelling. Mr. Hernandez' property is the one with the blue roof.

CHAIR HANSEN: Yes. Okay. Questions from the Board? I need to do a public hearing.

COMMISSIONER BUSTAMANTE: Madam Chair, Mr. Larrañaga, were any of the recommendations followed through on from the last meeting?

MR. LARRAÑAGA: Madam Chair, Commissioner Bustamante, the recommendation was to see if he could do a lot line adjustment to meet the 50-foot setback. Page 59 is a very preliminary drawing on the survey so that they could move the lot lines.

COMMISSIONER BUSTAMANTE: And that is under way?

MR. LARRAÑAGA: Yes.

COMMISSIONER BUSTAMANTE: That's under contract, it's moving forward?

MR. LARRAÑAGA: Madam Chair, Commissioner Bustamante, I don't know if he's – I know Sal Vigil is the surveyor. We've met through Webex a couple of times and discussed this but I guess he's in contract. He's already done these preliminary drawings.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HANSEN: Okay, and then Mr. Hernandez agrees to cut four feet off of the building, I guess to the south and the – or the one with the white trailer in front of it? And then that –

MR. LARRAÑAGA: Madam Chair, yes. That's what he's proposing, that he would cut four feet. It is a metal building so I'd say that's possible.

CHAIR HANSEN: Okay. And then he's in compliance?

MR. LARRAÑAGA: Madam Chair, he would be within 25 feet of a setback that's 50 feet.

CHAIR HANSEN: It doesn't really look like the lot has enough room for 50 feet.

MR. LARRAÑAGA: As mentioned in the regional report when it first

came to the Board, this lot here was 2.5 acres. They came in under the wire to create a small-lot family transfer, which was allowed in the 1996 code, and then the SLDC came into play with the La Cienega Overly District which had more stringent setbacks.

CHAIR HANSEN: But everybody else around here has a 25-foot setback, it looks like.

MR. LARRAÑAGA: Madam Chair, prior to the SLDC it was a five-foot setback pretty much across the county.

CHAIR HANSEN: Okay. Fifty seems a little excessive in this area but anyhow – other questions from the Board?

COMMISSIONER HUGHES: Yes, Madam Chair. There's mention of the lack of a County business license. Is that something that can be corrected by buying a County business license? Or is this kind of business not allowed in that area?

MR. LARRAÑAGA: Madam Chair, Commissioner Hughes, as mentioned before in the report when I read that that he is running a business. Code Enforcement did go out there. I have photos. He's pretty much cleared out anything that resembles a business except for a couple trucks and he'll move that. If he wants to store two trucks in there we'd have to analyze it but he may be able to qualify for a home business. Not with all the equipment and material he had on there before but just to have a couple of trucks there, he probably could qualify for a low impact.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR HANSEN: Do we need to make that a requirement?

MR. LARRAÑAGA: Madam Chair, that's up to the Board if they'd like to make it.

CHAIR HANSEN: Okay. We need to a public hearing. Is there anybody from the public who would like to make a comment on this case? I guess – aren't you with -

RALPH JARAMILLO: I'm sorry, I am with him, ma'am. You asked the public. I'm sorry.

CHAIR HANSEN: No, he's with the client, so I can let him speak. Can I just leave public comment open and let him speak, or do I need to close it and then reopen it?

MR. YOUNG: Madam Chair, I would say that the applicant's representative, I believe this is, can certainly speak at this point and then you could open up the public hearing for public comment.

CHAIR HANSEN: Again. Okay. I apologize.

MR. JARAMILLO: Thank you. Thank you, Madam Chair, members of the Board. As we come here tonight, closed to 30 days ago what was offered to my client, Mr. Hernandez, was to see if we could come up with some kind of agreement that was mentioned here tonight with the adjoining neighbors regarding some kind of an easement with an affidavit and Madam Chair, Commissioner Greene, thank you for that suggestion. It's something that they hadn't looked at and something that you all approved for us to look at that and we did, to a point that we talked to both adjoining as they said. The one on the north which is the structure where we need to the 50 feet and 50 feet, he's amenable to this.

But we went further to do our due diligence just to make sure, because this could

cloud a title as well if we were to do something like this so we went to talk to the title company about this to see what happens if we did some kind of an affidavit easement or if we did a lot line adjustment, what happens to the cloud if we're moving this, if there's lenders involved?

So what we did is I talked to Mr. Hernandez and Mr. Polanco and asked them who their lenders were and lo and behold their lenders were the same entity. It was the State Employees Credit Union here in Santa Fe. So we reached out them, met with them and talked to them and see if they had any objection to what they were trying to do and explained what they wanted to try to do to make sure that that didn't cloud the mortgage, and now we're really into a big old fiasco. They want to do things the right way and that's why they're doing their due diligence and even stepped out of the box and did further what they wanted to do.

They didn't have a problem with it. They said as long as we keep it at the acre and a quarter, as you're going to give some property to the north, Polanco is going to give to Hernandez and on the back end reimburse that and make it the equality, the same as 1.25. And then after that's said and done, Mrs. Vigil says, then make sure that it's of course accepted by the County and agreed and signed, and all documents signed and recorded of course and bring us that document and we'll just put that in the file. So we're fine with that north side as far as a lot line adjustment

Since then Mr. Hernandez has hired Sal Vigil who is a local surveyor to do it. We visited with him like three times already. We had a meeting with Jose and him, with the entities, onsite with the internet. So what happened is after they looked at it they found out that if they could do the 40 feet that that wouldn't be a problem. And Mr. Polanco on the north side who is here tonight is agreeable to do that lot line adjustment to give him the 50-foot setback on that side.

I don't know if you read the letter that we put together. There was another solution. That's one solution of the 50 feet that he would comply. The other solution is if you would grant us on the lot line adjustment, give 25 feet plus the ten feet he has to give him 35 feet. So if you would give him 35 feet he would need a 25-foot variance. What that does for Mr. Polanco now, he only has 105 feet across, okay? So width. So if we do the 50 feet, now that the 50 from 105 is not going to leave him nothing, so he can't build anything with 50-foot setbacks right now. So he's done there in the front – can't do anything. But if you were to do the 25 feet, that would be 25 on each side. That would be 50 feet, less the 105 feet, that would leave him 65 feet, so therefore that would give him some room in the middle now to build or to apply at the County to do what he needs to do.

So granting, giving Mr. Hernandez 35 feet of variance, I mean a lot line adjustment, this ten feet, but 25 feet will give him 35 feet, 25 from Polanco, that would give Polanco a little bit more property to build what he wants to do.

Now if that's not the case, the last solution I was going to talk about is that if he just leaves the 50 feet in place and Polanco gives the 40 feet, that if you can go ahead and allow Polanco to have the 25-foot setbacks as you have already in the past for him in the front because it's so narrow, that will leave him I believe 15 feet, if you just leave it alone and grant him the 25 feet, that will leave him 15 feet wide times the length of the duration of the property for him to build. So that's I guess what we're asking, but as far as coming

with the variance of the 50 feet, I think we have that that we can comply, but safe argument for Mr. Polanco, so if we can get a little bit of room, if we can go ahead and grant him the 25-foot setbacks instead of 50-foot setbacks that's going to give him a little bit more room to do what he wants to do. Up for questions.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you for going through this exercise. I ask – I'm a visual guy. This is a plan, a visual exercise at the end of the day. Do you have a drawing of that? Do you have Plan A, Plan B, Plan C?

CHAIR HANSEN: On page 59 there's a visual drawing.

COMMISSIONER GREENE: I only go to 56. Oh, okay. I see. Yes.

CHAIR HANSEN: Okay. So there's a drawing of I believe –

COMMISSIONER GREENE: So it basically turns Mr. Polanco's lot into a flag lot and gives him a deeper lot in the back but behind everything.

MR. JARAMILLO: Madam Chair, Commissioner Greene, correct.

CHAIR HANSEN: Yes, I found it.

COMMISSIONER GREENE: And is that compliant?

MR. JARAMILLO: If I may, Madam Chair, Commissioners, Commissioner Bustamante, you brought up a question. Have they got into an agreement and have they signed off and then this and that. Madam Chair, Commissioner Bustamante, it's not an agreement. They've agreed upon it, but they don't want to exercise it because if they get denied here why do that and spend all that money for all that? It's like we've done the work, if you have to do it again, but if you all Commissioners approve this then they're moving forward and then we're going to get that lot line adjustment, work with Land Use, get all signatures, get the mylar signed and get that recorded.

COMMISSIONER BUSTAMANTE: Madam Chair, I'm clear on that.

MR. JARAMILLO: Okay, ma'am. Thank you.

COMMISSIONER GREENE: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER GREENE: So this, what I have in my hand, is your preferred –

MR. JARAMILLO: Yes. That's the 30-foot setback, the lot line adjustment that's proposed. That's the one that we're compliant at the 50 feet. The other one with the letter that I propose, Madam Chair, Commissioner Greene, would give the solutions that I'm talking about, like if we would grant Mr. Hernandez – not to be redundant, but if we grant him – instead have him do, give him a – let's say Mr. Polanco gives him 25 feet. If he gives him 25 feet he'll have 35 feet because he has ten feet to the property line. So that leaves an extra 15 feet for Mr. Polanco to do what he needs to do. So that would give him 30 feet to do what he needs to do.

CHAIR HANSEN: Is this –

MR. JARAMILLO: No, ma'am. That's just the 40-foot one.

COMMISSIONER BUSTAMANTE: Sorry, Madam Chair. So which one is the preference?

MR. JARAMILLO: The preference, ma'am –

COMMISSIONER BUSTAMANTE: The 40-foot setback is the

preference? Is that what I'm understanding?

MR. JARAMILLO: That's the actual compliant 50-foot one would be the one that I gave you if the other ones just don't make sense. The other ones preferably would be, the one would be like a win-win for Mr. Polanco as well as Mr. Hernandez, to give Mr. Polanco a little bit more open than this 15 feet, given now with 30 feet, and then he can build 30 feet. If we can do just the 25 feet – 35 feet, I'm sorry – maybe I'm confusing you. I'm sorry.

CHAIR HANSEN: Do you have a drawing of it?

MR. JARAMILLO: No, we don't have a drawing. So the 40 feet, basically, what we want to do is – let me read my letter and maybe it makes sense. Let me read my letter.

CHAIR HANSEN: Okay, where is your letter? It is the September 13<sup>th</sup> letter?

MR. JARAMILLO: Yes, ma'am.

CHAIR HANSEN: Okay.

MR. JARAMILLO: If we can go like almost to the middle of the page where it says Another solution. It says if you would grant us on the lot line adjustment 25 feet instead of the 40 feet, this will give me 35 feet instead of 50 feet I need for me to comply. Therefore I would need a variance approved by you for the 35 feet, although this will give Mr. Polanco 30 feet wide to build now instead of 15 feet.

And then attached is the zoning district LLCCD Res-C, page 981, Setbacks: 3. In cases where setback requirements would prohibit development of a lot, the Administrator may approve setback requirements in accordance with Section 7.3. I am asking if this part of this regulation could help Mr. Polanco. And this is giving him the 25 feet instead of the 50 feet. So we also wanted to make sure by doing this, the lot line adjustment, that it would not cloud our loans, so we talk about the mortgage company as well.

So at the top, where it says Another solution, it says we are asking that on Mr. Polanco's property that you would consider him having 25-foot setbacks instead of 50-foot setbacks. He currently has 109 feet wide. By me talking 40 feet – that's Mr. Hernandez – from him, will leave him 65 feet. With 50-foot setbacks in place he would have nothing to build on. With 25-foot setbacks, this will leave him 15 feet. That's provided the 40 feet we take from him. But if we only take – if you grant us the variance of 15 feet where he gives us 25 feet, that is going to give an extra 15 feet of 30 feet. So basically we're asking for a variance here.

The one that I showed you is the one that will comply. So this is complied to the 50 feet. The second one is the 30 feet. We can give him 30 feet, giving Mr. Hernandez a variance, therefore giving Mr. Polanco a bigger lot width-wise.

COMMISSIONER GREENE: Madam Chair.

CHAIR HANSEN: Okay. Who wants to go first?

COMMISSIONER GREENE: You can go first if you want.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: So I understand what's going on there but what's going on with the lot to the south? Is that solved somehow?

MR. JARAMILLO: Madam Chair, Commissioner Hughes, great question. So we talked to the neighbors to the south. He had a couple of discussions with him.

Totally not agreeable to do anything. He's about where his family and he's already done his wills and this and that. He doesn't – he says he was here at the last meeting in support of the way it was. It wasn't affecting him. He's contiguous, right next to the property. He says I'm fine the way it is. Whatever. Other than that I can't participate. Therefore, what Mr. Hernandez is recommending is he has 29 feet to the property line. He's asking if he shaves off four feet of the structure now, cuts it off completely, and makes it 25 feet to the property line. He's asking for a 25-foot variance on that side, sir.

COMMISSIONER HUGHES: I understand.

CHAIR HANSEN: Okay, Commissioner Greene.

COMMISSIONER GREENE: So just as a sort of design and usability thing, the L-shaped lot of equal sizes didn't seem to be the best lot design I've seen in a long time. So it seems like the narrower flagpole, and the deeper back portion, in my opinion, would be the better, more usable lot. One is more of a driveway; one is more of a buildable area. But you're saying that's not the preferable?

MR. JARAMILLO: The preferable, as you say, Madam Chair, Commissioner Greene, is yes. From the back end, as we do the back end that would give him more property – sure. That's going to be ideal for him.

COMMISSIONER GREENE: Right.

MR. JARAMILLO: So in the front here, like a driveway if you will. That's basically all it's going to be used for, yes. Yes, sir. But if we gave him a little bit more of a setback that would not be so outrageous at 50 feet and maybe 25 feet, it can give a little envelope of 15 feet, up to 30 feet, if you granted 30 feet of a variance to Mr. Hernandez. Yes, sir. Yes. So it could be just used as a driveway coming in.

COMMISSIONER BUSTAMANTE: Madam Chair.

MR. JARAMILLO: It's just being used today as a driveway.

COMMISSIONER BUSTAMANTE: Okay. So the 25-foot setback with the 35-foot variance is the preferred?

MR. JARAMILLO: Yes, ma'am.

COMMISSIONER HAMILTON: I'm a little confused because this issue isn't about the neighbor. This is about the Hernandez property. It's not about giving the neighbor a buildable lot or not, it's about whether the variance is acceptable or not.

CHAIR HANSEN: Well, we kind of – at the last meeting we kind of linked them together by the easement and the changing lot line adjustment. So we kind of locked these two people together because of that. Am I wrong in saying that?

COMMISSIONER GREENE: I think of them as two separate things, but they had two problems to solve.

CHAIR HANSEN: And they still have two problems involved.

COMMISSIONER GREENE: Indeed. Can I ask a process question, that's either going to be with the Attorney or the County Manager or with Jose. Are we allowed to give a different variance without public notice and all these other things, or does this all have to go back and then back?

CHAIR HANSEN: Yes, where are we, Jeff?

MR. YOUNG: So, Madam Chair, Commissioner Greene, I think what we're getting at is there are potentially a variance request from two different property owners, right? Is that what you're –



COMMISSIONER GREENE: No. I'm asking if the variance that we're going to grant is significantly different than what they applied for, does that mean it has to go back for all of that process?

MR. YOUNG: Got you. I think we are still within the confines of what we had discussed and what had been noticed previously. My point is that potentially, Mr. Polanco I think would need to request a variance through the process if he is requesting a variance on his property. That would be my point with that.

COMMISSIONER GREENE: And you're saying that he would be required to have a variance with this solution here.

MR. YOUNG: Madam Chair, Commissioner Greene, so what I'd be saying is that he would have to go through the variance process. So you could make whatever decision you would have today contingent on him completing that process as what I would say, because we have not gone through the noticing process as it relates to that variance.

CHAIR HANSEN: So should we table this again?

COMMISSIONER HAMILTON: Why does the neighbor need a variance?

MR. YOUNG: So as I understand it, I believe Mr. Polanco needs a variance, he'd be requesting a variance as well.

MR. JARAMILLO: Madam Chair, members of the Commission and County Attorney, they're trying to work amongst themselves what would be the best, useful property for him. What we have on the table here for this one that fits the setback, we're good. If you would grant this tonight we'd run with this. This would work. Therefore the front, the L-shape, Madam Chair, Commissioner Greene, would be utilized as a driveway, typically to come in, back to the house. That's what it's being utilized for today. But because of the setbacks, just a solution, we're just asking, could it happen? If it can't happen they're amenable to it. It's fine the way it is and it gives them nothing there.

COMMISSIONER BUSTAMANTE: Madam Chair, I feel like I'd like to – in understanding what we have before us and understanding what your request is, though I do understand with the garage it would have to be a 25- or a 50-foot from the new property line. So if it were to be – and I'm going to look to Legal and the County Manager for this one – a motion to allow Mr. Hernandez to submit after the fact permit application for all the structures currently unpermitted on the property, with the requirement to get the lot line adjustment submitted prior to the development permit application so that the attached garage – so you have a 25-foot setback with a 25-foot setback from the – so the 25-foot setback. That's my motion. Is there anything else that I would have to address?

That's with the property that we have evaluated. This is not worrying about an applicant's new –

CHAIR HANSEN: This, right here.

COMMISSIONER BUSTAMANTE: Yes.

CHAIR HANSEN: We're accepting this.

MR. JARAMILLO: You're accepting this was a 25-foot setback.

COMMISSIONER BUSTAMANTE: That with a 25-foot setback.

MR. JARAMILLO: On Mr. Polanco? Or on the same property, the subject

property.

COMMISSIONER BUSTAMANTE: I understand that we're hearing Mr. Hernandez' case today.

MR. JARAMILLO: I got you. I got you.

COMMISSIONER BUSTAMANTE: We're not trying to put any kind of variance or setback for Mr. Polanco's. I'm saying a 25-foot setback from the new property line.

MR. JARAMILLO: Okay.

COMMISSIONER BUSTAMANTE: And that's what I understood, that's what I wrote here. And I'm not going with any type of variance with Mr. Polanco. We're not doing that at all. We're saying, and the recommendation from staff, is that it would have to be a 25- or a 50-foot setback and I'm understanding that it's adequate with a 25-foot setback. Am I understanding that correctly, to the neighbor who we involved in our last meeting?

MR. JARAMILLO: To the neighbor, Mr. Polanco?

COMMISSIONER BUSTAMANTE: Yes.

MR. JARAMILLO: Yes, ma'am. He's here. Let me make sure I'm hearing you correct, Madam Chair, Commissioner Bustamante. If we keep this in place with a 40-foot setback he complies with the 50 feet. On Mr. Polanco's side, are we saying we grant him a 25-foot setback instead of 50 foot to build in the future if he decides to?

COMMISSIONER BUSTAMANTE: I'm afraid if we get him involved in this we're going to have to go to another recommendation.

MR. JARAMILLO: That's what I understand.

COMMISSIONER BUSTAMANTE: I don't have enough information. I don't believe that we're actually able to garner –

MR. JARAMILLO: I hear you.

COMMISSIONER BUSTAMANTE: What's happening with the other property owner's property?

MR. JARAMILLO: Understood.

COMMISSIONER BUSTAMANTE: So if I'm going to make that – if you're saying it's going to have an ill effect on Mr. Polanco then we would say we would go with the 50-foot setback. Or we can table it. But that is the proposal on the table, would be the 25-foot, understanding that that was going to be agreeable to Mr. Polanco. But what you're asking is to go with a setback for one property owner and then the variance for the other property owner, which isn't what we have in front of us today. We have one property owner asking for a variance for something that was done without getting a permit.

MR. JARAMILLO: Madam Chair, Commissioner Bustamante, can you give me a minute just to talk to them real quick.

COMMISSIONER BUSTAMANTE: Okay. I mean it's up to Madam Chair.

CHAIR HANSEN: Yes. Of course.

COMMISSIONER BUSTAMANTE: I don't want us to talk about Polanco.

CHAIR HANSEN: So, Jose, we understand we are going with a 25-foot

setback for Mr. Hernandez. Okay? Is that clear? I'm trying to get – and so what we're saying up here is we're going to go with a 25-foot setback, not a 50. Okay, is that clear?

MR. LARRAÑAGA: Madam Chair, yes, that's clear.

CHAIR HANSEN: Okay. Next, I want to do a public hearing so that we can resolve this, okay?

MR. LARRAÑAGA: Madam Chair, if I may, is the 25 feet for the attached garage, where the lot line adjustment would take place, and 25 feet for the detached garage where he's proposing to take four feet off of that to make it 25 feet?

CHAIR HANSEN: Yes. Yes. Okay. So I want to open public comment. Is there anyone here who wants to make public comment on the Hernandez case? Okay. I see no one who wants to make public comment. Is anybody monitoring anything online?

MR. FRESQUEZ: Madam Chair, I do not see anybody online.

CHAIR HANSEN: Okay. Thank you, Daniel. Thank you for being here so late. Okay. So public hearing is closed. Now we're going to have a motion because we couldn't have a motion before. So the motion is from what I understand from before is that we're going with a 25-foot setback, and there was some conditions from staff, so I want to make sure that whatever the conditions were from staff, the garage is 25 foot setback, and both structures have a 25-foot setback. And Mr. Hernandez and Mr. Polanco are going to work out the easement and lot line adjustment. Correct? I see people shaking their heads. Okay. So I'm overviewing the motion. Is there anything else, Jose, you want in this motion?

MR. LARRAÑAGA: Madam Chair, no. With those conditions they would have to do a lot line adjustment, process that, get it approved, and then come in for after the fact permits, so they meet the variance criteria of 25 feet.

CHAIR HANSEN: Yes. Okay, do we have a second on that?

COMMISSIONER HUGHES: Second, but I have a question.

CHAIR HANSEN: Okay, under discussion.

COMMISSIONER HUGHES: I just wondered, in speaking to us before, when they talked to the people, is this what works for both landowners? Is this what Mr. Polanco wants, because Commissioner Greene and I think he's better off with the 50-foot – just want to make sure this is what everybody wants.

MR. JARAMILLO: Yes, Madam Chair, Commissioner. Yes, as we're coming here for this and we understand that he understands that if we have to move something else for him and come back then we will come back at that time, but they're agreeable, amenable to what is said and done here tonight.

COMMISSIONER HUGHES: Okay. Thank you.

MR. JARAMILLO: Thank you, Commissioners.

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

CHAIR HANSEN: Jose, do you understand what we're doing. I'm going to read this when it comes back when we do the final under Consent. So I know I've given you and Lisaida more work but I think you can figure it out, right?

MR. LARRAÑAGA: Madam Chair, yes. We'll get that final order as quickly as possible to you.

CHAIR HANSEN: Okay. Thank you both very much.

12. B. **Case # 22-5211 LRA Growers LLC, Conditional Use Permit (CUP) Appeal. The Concerned Neighbors of 62 Southfork Extension, Appellants, are Appealing the Santa Fe County Planning Commission's Order Allowing a Cannabis Producer Microbusiness to Cultivate Cannabis Plants Outdoors. The Santa Fe County Sustainable Land Development Code (Ordinance No. 2016-9, hereafter SLDC), as Amended by Ordinance No. 2021-03, Classifies a Cannabis Producer or Cannabis Producer Microbusiness that Cultivates Cannabis Plants Outdoors as a Conditional Use in all Rural Fringe, Rural Residential, Residential Fringe, and Traditional Community Zoning Districts (Section 10.22.3.4). The 10.22-Acre Site is within the San Marcos Community District Overlay (SMCD) and Zoned Rural Residential (RUR-R). The Site is Located at 62 Southfork Ext. SDA-2, within Section 1, Township 14 North, Range 8 East (Commission District 5). On July 11, 2023, the Board of County Commissioners Tabled this Request so that the Applicant and the Landowners Utilizing the Road Known as Southfork Extension Would Have the Opportunity to Reach an Agreement Concerning Road Maintenance [Exhibit 3: Appellant Letters; Exhibit 4: Correspondence from Ms. Salimbene; Exhibit 5: Applicant's Timeline]**

CHAIR HANSEN: So, that's all I'm reading, Jose.

MR. LARRAÑAGA: Thank you, Madam Chair, On July 11, 2023, an appeal, by the Concerned Neighbors of 62 Southfork Extension of the Santa Fe County Planning Commission's Order allowing a cannabis producer microbusiness to cultivate cannabis plants outdoors was presented to the Board of County Commissioners. The BCC having heard testimony from the appellants and the applicant tabled Case # 22-5211 LRA Growers LLC, Conditional Use Permit Appeal, so that the applicant and the landowners utilizing the road known as Southfork Extension would have the opportunity to reach an agreement concerning road maintenance.

On August 10, 2023, Mr. Cris Andrei, on behalf of the Concerned Neighbors of 62 Southfork Extension, requested to postpone Case # 22-5211, which was scheduled to be heard by the Board of County Commissioners on August 29<sup>th</sup>; as three appellants would be out of state on August 29<sup>th</sup>, and would not be able to attend the hearing. Staff contacted the applicant and the applicant was amenable to extending the Hearing date to September 26, 2023.

On July 27, 2023, the applicant reached out to the property owners, utilizing Southfork Extension by way of certified mail. There was no response from the property owners. On August 29, 2023, the applicant again reached out to the property owners utilizing Southfork Extension by way of SRFS, a mail delivery service. There was no response from the property owners. The letters included a letter which stated, "enclosed is a Road Maintenance Agreement. This is not finalized but is intended to satisfy the needs of the affected property owners. Please respond within seven days." The letter also

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included a draft road maintenance agreement. On August 21, 2023, the applicant emailed the property owners utilizing Southfork Extension. On September 6, 2023, two of the property owners responded to the email.

The prior Commission, Hearing Officer and Building and Development Services staff reviewed the application for compliance with all pertinent SLDC requirements and Ordinance No. 2021-03 and found that the facts presented supported the request for a Conditional Use Permit to allow a 4,225 square foot area for the purpose of producing cannabis: the use is compatible with the current development within the affected zoning districts; the use will not impact adjacent landowners and the application satisfies the submittal requirements set forth in the SLDC, inclusive of the Conditional Use Criteria set forth in Chapter 4, Section 4.9.6.5.

LRA Growers reached out to the neighbors in regards to a road maintenance agreement as required by the BCC. The neighbors did not respond to the applicant's outreach, with the exception of two individuals responding to an email. The applicant has made an effort to comply with the BCC's request.

Staff recommends the Board of County Commissioners deny the appeal of the Santa Fe County Planning Commission's Final Order regarding a Conditional Use Permit to allow a cannabis producer microbusiness that will cultivate cannabis plants outdoors. This Report and the Exhibits listed below are hereby submitted as part of the hearing record.

Madam Chair, what was handed out to you was letters from the appellants received by me either Friday or Saturday or Sunday or yesterday. Do you have the handout from the applicant? Lisaida is passing that out now. These documents are from the applicant. I stand for any questions.

CHAIR HANSEN: So the first question is did you get a road agreement? It doesn't seem that there is a road agreement.

MR. LARRAÑAGA: Madam Chair, there is no road agreement. He have seen some of the documents from the appellants with another road share agreement. What the applicant demonstrated was they reached out to the appellants to try to get together to do a road share agreement and was no response to questions. You'll see the documents from the appellants stating otherwise.

CHAIR HANSEN: Mr. Young, I know that I have closed the public hearing, correct? But can the applicant speak? Or the LRA Growers?

MR. YOUNG: Madam Chair, as we had a presentation from staff, I would say that, yes, the appellant would like to speak, allow some time for that.

CHAIR HANSEN: So the appellant is --

MR. YOUNG: I believe it's the neighbors I believe in this case, right?

CHAIR HANSEN: Okay. And if the applicant wants to speak they can also speak?

MR. YOUNG: I would agree with that.

CHAIR HANSEN: So this gentleman, you are the appellant? Okay. And you want to speak? Does he need to be sworn in?

[Duly sworn, Doug Speer testified as follows:]

DOUG SPEER: My name is Doug Speer. I live at 100-B Pine West, and I am under oath. I need to correct some misinformation that's just been stated, first by the

applicant, and second, repeated by staff. So the assertion that we did not respond is incorrect. We received from them a initial, what they called a proposal for a road agreement. It was simply a statement of existing expenses from the past. There was no road agreement per se there. They called it an existing road agreement but there has never been a road agreement.

Then we received a second letter. Many of the neighbors received letters through the mail that had a specific increase that the LRA Growers were willing to make. Which was \$300 per year. So they took an amount of money that was spent in the past and they averaged it, which is fine, and they suggested an amount each person who had pair for road maintenance in the past would pay and they offered \$300 more.

On September 6<sup>th</sup> we emailed a letter, we sent an email to Ms. Salimbene. It says thank you for your patience regarding our response to your documents containing proposals for the Southfork Extension Road agreement as pertaining to the cannabis outdoor cultivation by LRA Growers. We had to work around some complicated work and life schedules of neighboring property owners. Attached: Please find our proposal for the road agreement. This document is the result of the collective work of neighboring property owners. Please let us know your response to this proposal. I have this email and you can see printed out is the icon of the .pdf attachment that is represented by – it represents this road agreement that we sent to them.

This is what we received back the same day. Good evening, Chris. Thank you for your thoughtful reply. I will review the collective response and get back to the group. Thank you again, Jennifer. So she acknowledged that on September 6<sup>th</sup> that she received a proposal from everyone. But to imply that she only received two responses when we have always spoken collectively. We brought our case to you collectively and we have been representing ourselves as the neighbors on Southfork Extension and there has been no change to that.

So it's a gross misrepresentation to suggest that only two people responded. On top of that, we didn't hear anything from them. Two weeks went by and we sent a follow-up email and said I was wondering if Santa Fe Permits or LAR Growers had any feedback on the road agreement document we group of neighbors on the Southfork Extension have sent on September 6, 2023. We didn't hear anything. The next day – well, actually we did get this response: Hello, Chris. We are making an effort to create a road maintenance agreement with input from all of the neighbors. Thank you and best regards, Jennifer.

So all of a sudden she's acting as if she didn't get a road agreement from all the neighbors, which she had already acknowledged two weeks before. On September 22<sup>nd</sup> we followed up with an email. Thank you for your answer. We do agree that it is best to get consensus from all neighbors and have also made all efforts toward that goal. Our response to you: As mentioned in the email we sent on September 6<sup>th</sup> represents a collective response developed and agreed upon by all those who participated as their work schedule permitted or consented to the collective representative representing them.

Clearly, again, we point out that the entire group that has brought this case to you was involved in our proposal and they did not respond. She writes back: Unfortunately, I've not received a response to the original road maintenance agreement or the request for road maintenance invoices. She asked, evidently, for invoices from all past work, which

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was as you can imagine impossible to have come by.

So we have a real conflict. We tried. We reached on September 6<sup>th</sup> with a road agreement thinking we would get a response and we could have a dialogue back and forth. And just to point out the differences. Their road agreement called for a \$300 increase by LRA Growers in any given year for the damage to the road that they might cause. We responded with a percentage. Our percentage was within \$100 or so of what they were offering. Their contribution, if we have \$1000 expense for the road in any given year, the table that was devised several years ago to apportion the costs of maintenance was used as a basis, which they have used in their graph.

We then suggested that there be an increase, based on a percentage, that we calculated based on wear and tear, the number of vehicles, all the kinds of things that we're all looking at. And our percentage suggested that he pay \$439 versus \$119 which his percentage would have been under the last time they did a maintenance on the road. That table is in our road agreement that we sent to them and that we had sent to staff. So that's an additional – if out of \$1,000 he would have paid \$120, now we're asking for \$439, which is \$320 more. They offered \$300 for a similar kind of thing, only ours is just based on a percentage, so it's scalable. If we have a higher expense then we can calculate a scalable amount that will satisfy the needs of everyone.

So we think that we're very close to a road agreement, but, no, we don't have one today. I think if they had engaged with us at all over the last two weeks we could have probably hammered something out, but we didn't because they did not engage with our proposal and claimed that it's only from one person.

So I would ask that we at least have a little more time to just talk about these two proposals. We're not that far apart. I don't know what other alternative we have. We strongly believe that if this is going to be granted that one of the conditions of the CUP should definitely be that a road agreement is in place. It would be absolutely wrong to approve this without a road agreement because at that point there's no motivation to get it done. And this is a significant thing for our neighbors. So that's where we stand on the road agreement and I do believe that what was represented is incorrect. It was coming from the applicant and what staff repeated does not reflect what actually took place. I would be glad to give you all my documentation if you would like it.

CHAIR HANSEN: Thank you. I think we have copies of all of this. I'm going to go to the applicant. Thank you.

[Duly sworn, Jennifer Salimbene testified as follows:]

JENNIFER SALIMBENE: Jennifer Salimbene, 51 Rito Guicu, and I am under oath. Sorry, that was a lot to handle. I'm pleading for you to look at the facts. Mr. Speer doesn't even live on Southfork. He didn't get a copy of the road maintenance agreement because he doesn't live on Southfork, and I actually, on 7/27, sent certified mailings, which I have delivery confirmations, which are also in the report, that everyone did sign for them and received them on 7/27, which is approximately – the BCC had us on 7/11 agree to come to an agreement. On 7/27 I initiated contact. I did a draft road maintenance agreement that said that this is for all of us to agree.

So on 7/27 I started the dialogue, did not hear anything back and did receive proof that they all received the letters. I even said this encloses the road maintenance agreement. This is not finalized. It's intended to satisfy the needs of the affected property

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owners. Please respond within seven days. We look forward to receiving your feedback. Here is a copy of the draft road maintenance agreement that I provided to them with everyone's address so they could basically have a template to work off of. That was again sent on July 27<sup>th</sup>.

After not hearing anything from anyone –

CHAIR HANSEN: Do we have a copy of your road agreement?

MS. SALIMBENE: It should be in the staff report. I saw it but I have one that I'm happy to hand to you. But it should be. Sorry.

CHAIR HANSEN: Okay.

MS. SALIMBENE: On August 9<sup>th</sup> I sent a follow-up letter through a mailing service, first class, and I provided a cost projection graph that showed how we came to those amounts, just to kind of help them. No response. On August 21<sup>st</sup> I sent an email to everybody with everything that I had already mailed – the first draft of the road maintenance agreement, follow-up letter, the graph on how we came to that and everything else. No response. This was August 21<sup>st</sup>.

September 6<sup>th</sup>, I finally hear something and I acknowledge from two neighbors that they said was attached was a collective response. All it was was numbers that basically wanted Jim to pay 44 percent more than the rest of the neighbors on the road. There was no maintenance agreement. It was just a bunch of numbers and calculations. But again, that was only from two people. It was not from the entire neighborhood, so I was waiting. My reply said I'm waiting for the rest of the neighbors was because I'd only heard from two people. That was September 6<sup>th</sup>.

Then they reach out again, and I've been very responsive, and with nothing. We are here two months into this and they have given us nothing. I am begging you to look at the facts. This Doug Speer, he's not even on the road. He doesn't even live on Southfork.

We have done everything required and asked of us. What are we trying to accomplish? We were asked to come up with a road agreement. Jim has agreed to pay an additional \$300 along with his regular proportional payment. They're agreement suggestion pays 44.7 percent more than the rest of the neighborhood. We reached out on 7/27 with a draft road maintenance agreement. I had certified proof. On 8/9 and 8/21, and heard nothing until 9/6, from only two people. That was 42 days later. You can see in the staff report and the handout that we provided it offers a quick reference into the timeline in which we've been trying to get somewhere with the neighbors.

This was approved by the Planning Commission. The Hearing Officer recommended approval. Santa Fe County staff recommends approval. I'm begging you to please see this for what it really is. This is a personal attack. They are obvious intimidation tactics at play. No one was at the Planning Commission for another microgrow in the San Marcos Overly last week, and there are more applications coming down the pipeline. These are stall tactics by a select few who have gone on the radio into the media, to stop Mr. Harris from having a microgrow. They have spent all this time spreading misinformation. Their unwillingness to compromise is glaring. The more Mr. Harris gives the more they take away. They perjure themselves and lie effortlessly.

Again, I am begging you to please look at the facts and let this be done and let him do his conditional use as we have done everything that has been asked of us.

CHAIR HANSEN: So you have agreed to pay \$300 above your regular



payment for the road agreement?

MS. SALIMBENE: Yes, Commissioner.

CHAIR HANSEN: Are you willing to pay \$320?

MS. SALIMBENE: Yes, he will.

CHAIR HANSEN: They want \$320 or \$300, I don't care.

COMMISSIONER GREENE: Madam Chair, if I may.

CHAIR HANSEN: Yes.

COMMISSIONER GREENE: I think the percentage, so if there is extraordinary work that needs to be done, because of a flood or something like that, it should be scalable, whether it's at the lower amount or the higher amount to me doesn't matter, but it's a scalable – it could be \$300, whatever that works out to be. That's a 30 percent –

COMMISSIONER HAMILTON: Why do both pieces have to be scalable? The base agreement is what's scalable, and this is an overage on top of it, so why does it have to be scalable also? Frankly, all the evidence suggests there's minimal additional damage. Frankly, there's minimal additional traffic, so they already pay a scalable proportion.

COMMISSIONER GREENE: Because it's all based on a scale anyway, right? Everybody had a scale.

COMMISSIONER HAMILTON: Everybody has a bellybutton too. What is that relevant to?

COMMISSIONER GREENE: Well, apples and apples, but yes.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Well, I think the point is if we want them to have a road agreement they have to get together and figure out what the road agreement is. It sounds like they're close, but it also sounds like they're not talking to each other, so that seems to be the problem.

CHAIR HANSEN: I don't know who – go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: It was a reasonable thing to say if this was so important to the appellants, there was motivation to have a period of time to try to work on the road agreement. But the rest of the facts of the conditional use permit are already known to us. So if they're motivated to finish the road agreement I think everybody ought to be required to be adult and do it. I think – I personally feel I could make a decision tonight and tell them finish the road agreement on their own time, is my opinion.

CHAIR HANSEN: I also would like to see a road agreement but I also want to finish this and I'm looking for staff's response.

COMMISSIONER HAMILTON: I'm happy to make a motion.

COMMISSIONER HUGHES: I would like to add something first, because I think we got a letter from the San Marcos Association which I think is more concerning to me because we have in our packet a draft of what they're proposing for their overlay district which would not allow cannabis in rural residential areas. So they're basically asking us not to grandfather in something that they don't want in this area and in our

cannabis regulation we said we were going to allow the overlay districts to make up their own rules, and I think this – in my mind this sets a little bit of a dangerous precedent, because this is not the only application even in this area and so we're going to – and this is – we can only redo the overlay districts so fast so there are lot that haven't even started the process and I don't know if they want them or not.

You can certainly imagine an area with lots of irrigation where they would say, oh, yeah, let's do lots of cannabis production and make lots of money. This community seems to be saying the other thing and I'm just concerned that we are saying we don't really care what your overlay district wants; we're going to grandfather this one in, and that just concerns me.

COMMISSIONER HAMILTON: Madam Chair, I actually disagree with that. We're not saying what a planning district wants. What they want is very important when they get together and it goes through the process. What we would be saying is we're going to put a de facto moratorium on everybody who right now has legal regulatory rights to apply for this. This was already approved a while ago, and say we're going to make some people who have a right to do things hang around and wait for some other people to decide what they think should be done, and that's not a way to govern.

So I'm very sympathetic that things take time and people go to the effort to do an overlay district are to be highly commended, but it doesn't mean that everybody else's rights to do things are held in abeyance until they get to the point where they can accomplish that. And I understand where from some points of view that might seem like, well, we're on the verge of doing this and you're sneaking it in. No, that's not the case. This went through the Planning Commission a while ago and I think they have a complete right to do this. They've met all the criteria and it is, I think an inappropriate way to govern to say well, we're going to hold everything in abeyance.

There are things that get grandfathered in. I think you can't say, like, nobody can build on a house on their property until we revise what our building codes are going to be because it will be safer in the future and everybody wants it. People have to keep living.

CHAIR HANSEN: Okay.

COMMISSIONER HUGHES: Madam Chair, I'll just say I don't think you can compare a cannabis growing unit to a house.

COMMISSIONER HAMILTON: It's just something where you have regulations about how things can be done. Right? So things end up being grandfathered in. I wasn't making any other false equivalency.

COMMISSIONER HUGHES: Right. So things can be grandfathered in and other situations might be different. I think we're going to have this situation come up several times. I don't know. I would rather, since they already have a draft of what their overlay is going to be. If they didn't have a draft and it was just a few people saying, well, this is what we think it's going to be, but they've had this draft for several months. So it's not like – last I heard they're going to bring it to us next month. So it's coming right up. They're also saying in their thing that the delay was not on their part but because we didn't have the staff to do it so they've been going as fast as they can to get in their rules. That's all.

CHAIR HANSEN: And also we delayed this hearing because they were out of town.

COMMISSIONER HAMILTON: Well, I appreciate what you're saying. I don't totally agree with it. May I make a motion?

CHAIR HANSEN: Yes, please.

COMMISSIONER HAMILTON: I move to accept the staff's recommendation to deny the appeal.

CHAIR HANSEN: Do I have a second? I'll second it.

COMMISSIONER HAMILTON: Thank you.

CHAIR HANSEN: Okay.

**The motion failed by majority voice vote with Commissioners Hansen and Hamilton voting in favor and Commissioners Bustamante, Greene and Hughes voting against.**

CHAIR HANSEN: Okay, so I'm sorry. Three to two. Do we have another motion?

COMMISSIONER GREENE: So in discussion, just before we go to a motion. That motion failed; let's go to motion: a) table; b) accept the road agreement and we set the levels right now.

CHAIR HANSEN: I don't know if we can do that because we've already voted to deny – we didn't deny the appeal.

COMMISSIONER GREENE: We didn't deny the appeal. You made a motion to deny the appeal –

CHAIR HANSEN: We took staff's recommendation that the Board of County Commissioners deny the appeal of the Santa Fe County Planning Commission's final order. So those of you who voted in the negative supported for nothing to happen and for the applicant to not be able to have a cannabis farm.

COMMISSIONER GREENE: I understand that. I also understand that I would have allowed other solutions that were not that solution. Either a) tabling it for them to come to a road agreement, give them another 30 days or whatever, or us to arbitrarily just decide between these two road agreements. Let's just make a decision and work on Solomon's baby.

CHAIR HANSEN: I think we're done.

MANAGER SHAFFER: Madam Chair, Commissioners, no, you're not done. The decision is of the Planning Commission, so that's the decision. So if the decision of the Planning Decision is going to be overturned you need a vote, a motion to do that and you need that motion to have a second and to carry. So again, there has to be an affirmative action to grant the appeal. It is the appellants that have the burden of proof.

COMMISSIONER HAMILTON: Right. Thank you.

CHAIR HANSEN: I'm sorry. I'm confused. I must be tired.

COMMISSIONER HAMILTON: So are you saying you would approve – so why don't you – I don't see the value of tabling it again, honestly.

COMMISSIONER GREENE: Me too, but I was just willing, for discussion purposes to do it. But I could make a motion to uphold the Planning Commission with the additional condition that a road agreement with a – since I'm going to make the motion, with a percentage of – what is that percentage? Thirty-five percent of

the road maintenance costs be carried by LRA Growers, the property owner there.

COMMISSIONER HAMILTON: Can I ask for clarification on that? I know you need a second, but since it's the details. We can just keep voting down motions and having to revise them. Do you know how many people are on the road?

COMMISSIONER GREENE: There's a chart here.

COMMISSIONER HAMILTON: Because I want to know where you came up with 35 percent.

COMMISSIONER GREENE: Because it was \$1000 and it was in the \$300 range or so. But it was \$400. So it could be 40 percent.

COMMISSIONER HAMILTON: No, that's not what I'm asking. I do basic math. I understand the \$400 was 40 percent.

COMMISSIONER GREENE: I didn't know the right number of percent.

COMMISSIONER HAMILTON: That's not the question. If you're talking about a proportional road agreement, that \$400 number, nobody told us what it's based on. So if you want a proportional road agreement then I'm not willing to take any one other person's word for it. How many people are on the road and how do they pay now?

COMMISSIONER GREENE: So there are 11 people on the road. The agreement here, based on what the neighborhood put forward was 36.36 percent. So 35 percent was close enough but proportional.

COMMISSIONER HAMILTON: Why would one neighbor pay 35 percent? If there are 11 houses on the road they'd all pay 9-something percent.

COMMISSIONER GREENE: They don't all pay nine percent. They all pay a percentage based on their distance that they travel on the road. That's one proportional part, and this case they're asking for a conditional use permit so we get to – they're close and this is the 35 percent the growers were offering 30 percent or something close to that. I'm not sure.

COMMISSIONER HAMILTON: Would 30 percent actually be close to what you pay?

MS. SALIMBENE: May I ask –

COMMISSIONER HAMILTON: Please. Just step away from the mike and ask him.

[Duly sworn, James Harris testified as follows:]

JAMES HARRIS: 62 Southfork Extension, James Harris, and yes.

COMMISSIONER HAMILTON: People are throwing numbers around that come from disparate sources, that is they're calculated in different ways and they're being added up, and percentages are magically being developed and I don't like that way of doing things, guys, I'm sorry. The idea of incorporating distances, that all makes total sense. What is the proportion that you guys previously paid? And what would it with your offer add-on.

MR. HARRIS: Madam Chair, Commission, and [inaudible], I typically pay a little over eight percent for the location that I'm on that road. It's as low as two percent for the entrance to the road and is much, much more at the very end of the road. The road is almost a mile long.

COMMISSIONER HAMILTON: The road or your driveway?

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MR. HARRIS: The road. Southfork Extension. So we all do pay a proportion of the road maintenance bill but it is allocated by the distance.

COMMISSIONER HAMILTON: The proportions change on what part of the road's being fixed.

MR. HARRIS: That's correct.

COMMISSIONER HAMILTON: So it's redetermined every time.

MR. HARRIS: No. It's always the same number. The same percentage. The same eight percent for me.

COMMISSIONER HAMILTON: Okay.

MR. HARRIS: What I was – in their agreement it says that I would pay an additional 36, 36 percent above and beyond what I already pay, which really totals out to be about 44.7 percent of the overall maintenance of the road.

COMMISSIONER GREENE: Okay. Thank you for clarifying that.

COMMISSIONER HAMILTON: I'm sorry, 35 percent is just too high a premium. That's a ridiculous premium for the small amount of damage we all think that's going to happen

MR. HARRIS: Can I say something?

COMMISSIONER HAMILTON: By all means. Well, ask the Chair, I'm sorry.

MR. HARRIS: Madam Chair, if I could speak to the quantity of vehicles, in let's say a five-year period, which is roughly how often we do work on the road. There's about 85,000 passes in a period of five years. As far as the water deliveries, in a five-year period it's 330 passes, compared to 85,000, 86,000 passes. It's pretty minimal. And I think we've already proven at the last hearing that really a trailer with water is equal to a full-sized truck.

CHAIR HANSEN: So we're trying to figure out this road agreement. We're trying to figure out what you are going to agree to pay. It seems like even though we don't have a signed road agreement you all seemed to work on the road together. Is that what I'm hearing?

MR. HARRIS: We already do, Madam Chair, at this point in time we have an agreement but it is verbal only. It was my thought that that stay the same. It was my thought that we could in my final order add in additional requirement, in my final order that says that I will pay an additional \$300 per year, may that be five years before next maintenance or three years. It would be \$300 per year in addition to what I normally pay.

CHAIR HANSEN: So you want that in the final order?

MR. HARRIS: Yes. I think that would be fine. As far as the road agreement itself, it has always worked as a verbal thing.

CHAIR HANSEN: Okay. So are you good with that in the final order. Do you understand what the final order is?

COMMISSIONER GREENE: I understand. My concern is the proportionality with inflation and things like that-

CHAIR HANSEN: Per year.

COMMISSIONER GREENE: \$300 per year when this is a historical number and that might be \$2,000 the next year, right? Because of that.

COMMISSIONER HAMILTON: It's not \$300 a year. It's \$300 on top of

what they already pay. It's a premium.

COMMISSIONER GREENE: Got you. Okay. Yeah, sure. I can live with that.

CHAIR HANSEN: Okay, will somebody make a motion?

COMMISSIONER HAMILTON: Sure. I move that we accept County staff's recommendation and deny the appeal with the condition that the applicant be required to pay a \$399 annual premium on top of what they already pay for road maintenance.

COMMISSIONER GREENE: And I'll second that.

CHAIR HANSEN: Okay, are there other conditions, Jose, that we need?

MR. LARRAÑAGA: Madam Chair, there were conditions imposed on the conditional use. I didn't put them in this report but with approval with the conditional use they would have to comply with the conditions of staff.

CHAIR HANSEN: Okay. So we're including the conditions of staff from the previous hearings.

MR. LARRAÑAGA: Madam Chair, yes.

CHAIR HANSEN: The Planning Commission –

COMMISSIONER HAMILTON: The Planning Commission's conditions are already in place unless it gets overturned, right?

MANAGER SHAFFER: The question, Jose, they're asking, is are there any other conditions or the staff conditions were the Planning Commission's conditions. Is that correct?

COMMISSIONER HAMILTON: Yes. Which are in place. I don't have to include them in my –

CHAIR HANSEN: I was just making sure. So I have a motion by Commissioner Hamilton, a second by Commissioner Greene.

COMMISSIONER BUSTAMANTE: Discussion?

CHAIR HANSEN: Oh, discussion.

COMMISSIONER BUSTAMANTE: And just for my edification. So I'm understanding, and for clarification, as a conditional use permit, and getting this approval with this additional condition on what the road conditions would be, because that's what the – I'll say the appellant, the entities that appealed this said this was going to have an adverse effect on the community. And what it came down to in our last meeting was it was because of this road issue, though the original reason and the reason the letter that we all received was that it was ahead of their planning. They were already in overlay, but I'm going to have to say that I concur that if it's not there, we don't have that in place yet, how can we hold someone at fault for something that's not in place yet. So a conditional use permit, with a condition, as long as it's addressing all of those issues that aren't going to have any detrimental effect on the community, then this would be something that would be validly – we would go by the way of staff. Am I correct in understanding that? I'm looking for concurrence. Or is there something that I'm not understanding. I got it. I finally understand.

COMMISSIONER GREENE: I think you're right. I think that there are probably some other circumstances but we narrowed it down to the road.

COMMISSIONER BUSTAMANTE: It became apparent that the road

issue was what was supposedly the carrying force in our last meeting and it just seems that we didn't get there from here to this meeting. So I think we're at the right place. So thank you for allowing the conversation, the discussion. I understand. Thank you.

COMMISSIONER HUGHES: I have a question about the motion. Are we just saying that they're going to maintain their oral agreement and that he's going to pay another \$300 or are we saying that they have to have a road agreement? And I say this not just because of their situation but this is in my district and all the roads off of Southfork are in terrible shape. This one's probably in better shape because they at least have an oral agreement, but without written road agreements these roads are falling apart. I mean that's a different issue but I just wonder what the intention was.

COMMISSIONER HAMILTON: Whatever they're doing – it was just agreeing to add the \$300 premium.

COMMISSIONER BUSTAMANTE: If I may, and I have to say I go with what you were saying earlier, Commissioner Hamilton, Madam Chair, Commissioner Hughes, is then it would be incumbent on the appellants to follow or at least look at the agreement and recognize that they have made the adjustment for the \$300, but it doesn't appear like that actually got into that part of the conversation. So I would say it would be up to the appellants to make sure that their concern of road repair, and this requirement for the \$300 be followed. If they opt not to, it's really contingent on the appellant and communicating with an entity that appears to not have been communicated with.

COMMISSIONER GREENE: Madam Chair, the appellant did not decide to come to the table.

COMMISSIONER BUSTAMANTE: No, it's just about concurring and getting the road agreement.

COMMISSIONER GREENE: Right. But they could choose not to sign.

COMMISSIONER BUSTAMANTE: If they choose not to sign then they won't have their interaction on the maintenance of the road. That's up to the appellant.

COMMISSIONER HUGHES: Madam Chair.

MANAGER SHAFFER: I believe, if I could, the motion was conditions imposed by the Planning Commission, and in addition, base upon what has been described as an existing oral agreement that will remain in place with the addition of the applicant paying an additional \$300 per year annual road maintenance premium. That's the motion. Maintain the status quo on the road, but they're going to contribute \$300 more. Okay.

COMMISSIONER HUGHES: and just my final comment is I think this is going to be very hard for them to enforce on each other, since they're not even talking to each other. But that's all I'll say.

CHAIR HANSEN: Okay.

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

CHAIR HANSEN: The motion carries. We have four affirmative and one opposed. Congratulations.

**13. Informational Items/Reports**

- A. Community Development Department August 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- B. Community Services Department August 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- C. Finance Division July 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- D. Growth Management Department August 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- E. Human Resources Division August 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- F. Public Safety Department August 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- G. Public Works Department August 2023 Monthly Report**

There were no questions or comment on the reports.

**14. Concluding Business**

**A. Announcements**

CHAIR HANSEN: I do have one last announcement. On October 12<sup>th</sup>, Western Leadership Network is having a reception here. You're all invited. Myself and James Kenney, Secretary, are going to be speaking in Santa Fe at La Fonda. And you're all invited.

COMMISSIONER GREENE: Madam Chair, and I'd like to welcome the National Association of Counties, 25 largest counties, to town starting tomorrow afternoon. They will be here on mostly Thursday and Friday. Counties from Travis County in Texas, Harris County in Texas, large counties, and there will be a few events. I don't know how open they are, but I will distribute information about them.

**B. Adjournment**

Upon motion by Commissioner Greene and second by Commissioner Hamilton, and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 8:30 p.m.

Approved by:

  
Anna Hansen, Chair  
Board of County Commissioners

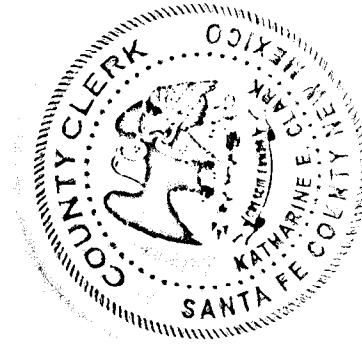
SEC CLERK RECORDED 12/08/2023




ATTEST TO:



KATHARINE E. CLARK  
SANTA FE COUNTY CLERK



Respectfully submitted:

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

SEC CLERK RECORDED 12/08/2023



Application Type	Discretionary review?	Application Requirements			Review/Approval Process				
		Pre-application TAC meeting	Pre-application neighborhood meeting	Studies, reports, assessments	Agency review	Approval by Administrator	Hearing required?		
							Hearing Officer	Planning Commission	BCC
Conditional use permit	yes	yes	as needed	see Table 6-1	as needed	no	yes	yes	no

**4.9.6. Conditional Use Permits (CUP).** For approval of certain conditional uses as set forth in the Use Matrix and elsewhere in the SLDC, pursuant to this Section.

**4.9.6.1. Purpose and Findings.** This Section provides for certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right but which may, under appropriate standards and factors set forth herein, be approved. These uses shall be permitted through the issuance of a conditional use permit (CUP).

**4.9.6.2. Applicability.** The provisions of this Section apply to any application for approval of a CUP as required by the Use Matrix. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but that require individual review of their location, design and configuration, and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in the use matrix, may be authorized by the Planning Commission. No inherent right exists to receive a CUP. Concurrent with approval of a CUP, additional standards, conditions and mitigating requirements may be attached to the development order. Additionally, every CUP application shall be required to comply with all applicable requirements contained in the SLDC.

**4.9.6.3. Application.** An applicant may apply for a CUP by filing an application for discretionary development approval with the Administrator. A site development plan is required to be submitted with any CUP application and shall include any SRAs required pursuant to Table 6-1 in Chapter 6.

**4.9.6.4. Review.** The application shall be referred to the Hearing Officer and Planning Commission for the holding of a quasi-judicial public hearing.

**4.9.6.5. Approval Criteria.** CUPs may only be approved if it is determined that the use for which the permit is requested will not:

1. Be detrimental to the health, safety and general welfare of the area;
2. Tend to create congestion in roads;
3. Create a potential hazard for fire, panic, or other danger;
4. Tend to overcrowd land and cause undue concentration of population;

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5. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

6. Interfere with adequate light and air; and

7. Be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the SLDC or SGMP.

**4.9.6.6. Conditions.** In approving any CUP, the Planning Commission may:

1. Impose such reasonable standards, conditions, or mitigation requirements, in addition to any general standard specified in the SLDC or the SGMP, as the Planning Commission may deem necessary. Such additional standards, conditions, or mitigation requirements may include, but are not be limited to:

a. financing and availability of adequate public facilities or services;

b. reservations and dedications;

c. payment of development fees;

d. establishment of assessment and public improvement districts;

e. adoption of restrictive covenants or easements;

f. special buffers or setbacks, yard requirements, increased screening or landscaping requirements;

g. development phasing;

h. standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, or preservation of archaeological, cultural and historic resources; and

i. provision of sustainable design and improvement features, solar, wind or other renewable energy source, rainwater capture, storage and treatment or other sustainability requirements.

2. Require that a payment and performance guaranty be delivered by the owner/applicant to the Administrator to ensure compliance with all conditions and mitigation measures as are set forth in the development order; and

3. Encourage that a voluntary development agreement be entered into between the owner/applicant and the County to carry out all requirements, conditions and mitigation measures.

**4.9.6.7. Scope of Approval.** The CUP approval applies only to the project as presented and approved at the hearing. If the project changes in any way it will be subject to the major/minor amendments provisions of Section 4.9.6.9.

**4.9.6.8. Recording Procedures.** The CUP showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk.

**4.9.6.9. Amendments.** An amendment is a request for any enlargement, expansion, greater density or intensity, relocation, decrease in a project's size or density, or modification of any condition of a previously approved and currently valid CUP.

**1. Minor Amendments.** Shifts in on-site location and changes in size, shape, intensity, or configuration of less than five percent (5%), or a five percent (5%) or less increase in either impervious surface or floor area over what was originally approved, may be authorized by the Administrator, provided that such changes comply with the following criteria:

- a. No previous minor amendment has been previously granted pursuant to this Section;
- b. Nothing in the currently valid CUP precludes or otherwise limits such expansion or enlargement; and
- c. The proposal conforms to the SLDC and is consistent with the goals, policies and strategies of the SGMP.

**2. Minor Amendments Causing Detrimental Impact.** If the Administrator determines that there may be any detrimental impact on adjacent property caused by the minor amendment's change in the appearance or use of the property or other contributing factor, the owner/applicant shall be required to file a major amendment.

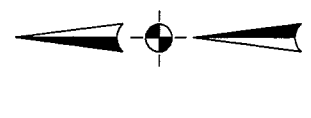
**3. Major Amendments.** Any proposed amendment, other than minor amendments provided for in Section 4.9.6.9.1, shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original CUP development approval.

**4.9.6.10. Expiration of CUP.** Substantial construction or operation of the building, structure or use authorized by the CUP must commence within twenty-four (24) months of the development order granting the CUP or the CUP shall expire; provided, however, that the deadline may be extended by the Planning Commission for up to twelve (12) additional months. No further extension shall be granted under any circumstances, and any changes in the requirements of the SLDC, or federal or state law shall apply to any new CUP development approval application.

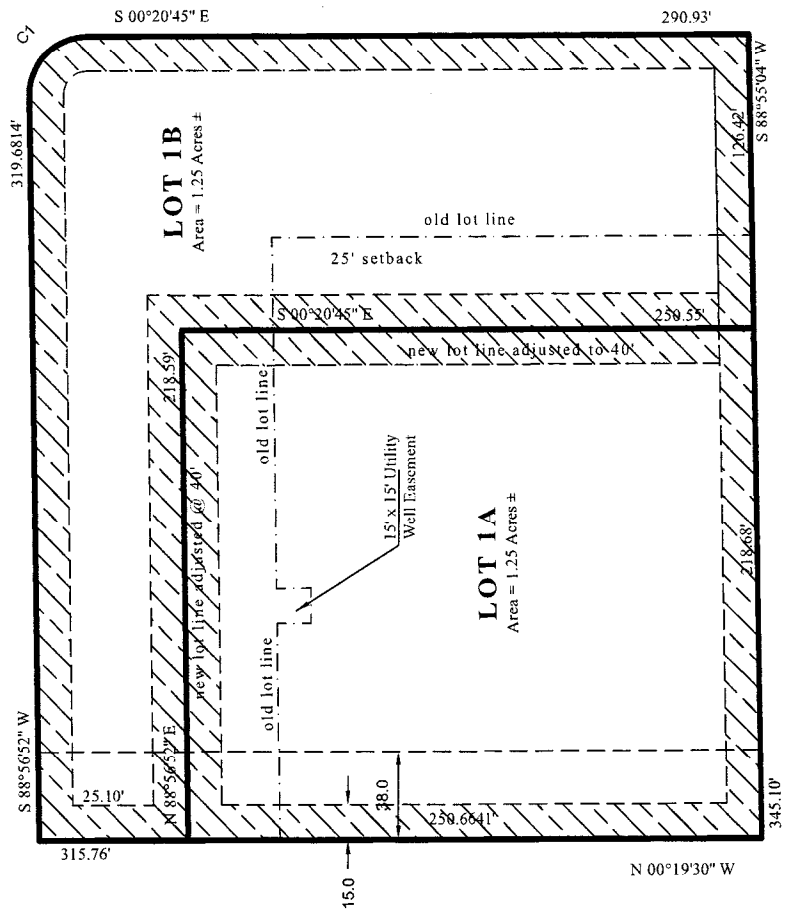
SFC CLERK RECORDED 12/08/2023

LOT LINE ADJUSTMENT  
 PRELIMINARY CONCEPT  
 PREPARED  
 for  
 MIGUEL HERNANDEZ  
 and  
 RAMON POLANCO  
 4 and 6 South Estrella Road

15.0' WIDE UTILITY EASEMENT



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	38.92'	35.11'	S 46°27'11" E	89°11'53"





# THE SAN MARCOS ASSOCIATION

P.O. Box 722  
Cerrillos, NM 87010

<https://thesanmarcosassociation.org/>



*A Community Voice Advocating for Our Neighbors and the Land*

September 25, 2023

To: Commissioner Anna T. Hamilton – District 4 – via email

Re: Public Hearing - CUP Application LRA Growers – Item #12 B, September 26, 2023, Regular BCC Meeting

The San Marcos Association (SMA) (<https://thesanmarcosassociation.org/>) is a non-profit community service organization (IRS Code 501(c)(4)), and a Registered Organization under Chapter 2 of the Sustainable Land Development Code of Santa Fe County. Our Mission is to serve as a trusted resource by listening to community concerns, sharing information, and influencing policy and decisions affecting all of us. We seek to protect the rural, residential character of the area for which we advocate; to monitor development to see that it is consistent with that character and with applicable plans and ordinances of Santa Fe County; and to advocate on behalf of property owners/residents of the area in matters of public service, utilities, and the general welfare of people. SMA's area of advocacy includes the San Marcos Planning District, wherein LRA Growers propose to develop an outdoor cannabis producer microbusiness.

SMA respectfully asks you to consider the following facts when deciding this case. Regardless of one's opinion about cannabis culture, BCC Ordinance 2021-03 (the "Cannabis Ordinance") created a conflict of rights that has yet to be resolved and can only be resolved by the BCC. In Section 10.22.3.4 of that Ordinance, the BCC grants potential cannabis microbusiness operators the right to apply for CUPs, and subsequently to operate, in districts zoned Rural-Residential. However, in the same Ordinance (Section 10.22.10), the long-standing rights of Community Planning Districts to craft their own regulations were reinforced. These sets of rights are in direct conflict, and we feel the rights of hundreds of community members in the Planning Districts should prevail over the rights of one applicant. The issue before the BCC is one of resolving a conflict of rights, not approving a specific land use.

The rights of Community Planning Districts, in this case the San Marcos Community Planning District (SMCPD) (§9.14, SLDC), to adopt land use regulations in their own Planning Districts has been part of the SLDC since that law's inception. However, it must be emphasized that these rights are not easy to exercise. They are analogous to voting rights. Adults in New Mexico or Santa Fe County have the right to vote, but the government controls one's ability to take advantage of that right. The State determines when, where, in what manner, and to a large degree for whom one can vote. A group of citizens cannot gather, vote on some issue, and expect their vote to be adopted as legitimate by authorities. Similarly, Community Planning District Committees cannot suggest and adopt land use regulations in any other meetings than those organized by, scheduled by, and chaired by County staff. As a case in point, the SMCPD Committee was not permitted to meet, despite our numerous requests to do so, from early 2020 when ongoing meetings were paused by staff, until Spring of 2023 when County staff resumed them. That group of citizens was prohibited from exercising its right to discuss and adopt *any* land use regulations, including those related to the 2021 Cannabis Ordinance, until staff decided we should be permitted to do so.

SMA Mission: To serve as a trusted resource by listening to community concerns, sharing information, and influencing policy and decisions affecting all of us.

President – Dennis Kurtz  
Vice-President – Janet McVickar

Treasurer – Gail Buono  
Secretary – Laird Graeser

SEPTEMBER 25 2023  
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By contrast, a CUP applicant has the right to expect virtually immediate access to County staff as part of the application process – a staff member is assigned to oversee the application, TAC meetings are held, application assistance is provided, etc. No applicant is told to wait 2-3 years before County staff are willing to address their application. Allowing CUP applicants unrestricted freedom to exercise a recently bestowed development right, while the surrounding community is not permitted to exercise its longstanding right to determine the scope of that development right, brings the two sets of rights into direct conflict.

The best legal course when Ordinance 2021-03 was passed, and for the greatest transparency in reconciling the conflicting parts of the Ordinance, was that the BCC should have directed staff to convene all Community Planning District Committees to meet and to determine what cannabis regulations would be adopted in their districts – with the Ordinance not taking effect until such time as that process was completed. Not doing so brought the SLDC rights of Planning District residents into direct conflict with rights granted by Ordinance 2021-03 to potential applicants. This was not fair to anyone.

Accordingly, we ask you to decide this conflict for the time being by standing for the right of the many citizens who reside in Planning Districts to determine limits on development in those districts, over the rights of CUP applicants to be permitted to conduct business. The SMCPD Overlay process in particular is nearing completion and will come before the BCC for approval prior to the next growing season. The matter before you need not be decided until this conflict of rights is resolved in this Community Planning District. Further, SMA asks that any cannabis-related development applications from any Planning Districts that have not yet had time to consider this issue be tabled until such time as County staff convenes those committees and those Planning District cannabis rules have been adopted by the BCC. Doing so will explicitly define the rights of all concerned and streamline the CUP application process in the future.

The San Marcos Association thanks you for your attention to this matter.

Respectfully,



Dennis D. Kurtz, President  
The San Marcos Association

Cc: Jeff Young, County Attorney via email - [jyoung@santafecountynm.gov](mailto:jyoung@santafecountynm.gov)  
Tina Salazar – District 4 Community Liaison via email - [tsalazar@santafecountynm.gov](mailto:tsalazar@santafecountynm.gov)  
Leandro Cordova, Deputy County Manager via email - [lcordova@santafecountynm.gov](mailto:lcordova@santafecountynm.gov)  
Jose Larranaga via email - [joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)  
Penny Ellis-Green via email - [pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)

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<https://thesanmarcosassociation.org/>

*A Community Voice Advocating for Our Neighbors and the Land*

September 25, 2023

To: Commissioner Anna Hansen – District 2 – via email

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Vice-President – Janet McVickar

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Secretary – Laird Graeser

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Respectfully,



Dennis D. Kurtz, President  
The San Marcos Association

Cc: Jeff Young, County Attorney via email - [jyoung@santafecountynm.gov](mailto:jyoung@santafecountynm.gov)  
Laura K. Jagles – District 2 Community Liaison via email - [ljagles@santafecountynm.gov](mailto:ljagles@santafecountynm.gov)  
Leandro Cordova, Deputy County Manager via email - [lcordova@santafecountynm.gov](mailto:lcordova@santafecountynm.gov)  
Jose Larranaga via email - [joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)  
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*A Community Voice Advocating for Our Neighbors and the Land*

September 25, 2023

To: Commissioner Justin S. Greene – District 1 – via email

Re: Public Hearing - CUP Application LRA Growers – Item #12 B, September 26, 2023, Regular BCC Meeting

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Vice-President – Janet McVickar

Treasurer – Gail Buono  
Secretary – Laird Graeser

SP-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000

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The San Marcos Association thanks you for your attention to this matter.

Respectfully,



Dennis D. Kurtz, President  
The San Marcos Association

Cc: Jeff Young, County Attorney via email - [jyoung@santafecountynm.gov](mailto:jyoung@santafecountynm.gov)  
Ambra Baca – District 1 Community Liaison via email - [aabaca@santafecountynm.gov](mailto:aabaca@santafecountynm.gov)  
Leandro Cordova, Deputy County Manager via email - [lcordova@santafecountynm.gov](mailto:lcordova@santafecountynm.gov)  
Jose Larranaga via email - [joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)  
Penny Ellis-Green via email - [pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)

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# THE SAN MARCOS ASSOCIATION

P.O. Box 722  
Cerrillos, NM 87010

<https://thesanmarcosassociation.org/>

*A Community Voice Advocating for Our Neighbors and the Land*

September 25, 2023

To: Commissioner Camilla Bustamante – District 3 – via email

Re: Public Hearing - CUP Application LRA Growers – Item #12 B, September 26, 2023, Regular BCC Meeting

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RECEIVED  
CLERK RECORDED  
12/06/2023

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The San Marcos Association

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Brittney Montoya – District 3 Community Liaison via email - [blovato@santafecountynm.gov](mailto:blovato@santafecountynm.gov)  
Leandro Cordova, Deputy County Manager via email - [lcordova@santafecountynm.gov](mailto:lcordova@santafecountynm.gov)  
Jose Larranaga via email - [joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)  
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*A Community Voice Advocating for Our Neighbors and the Land*

September 25, 2023

To: Commissioner Hank Hughes – District 5 – via email

Re: Public Hearing - CUP Application LRA Growers – Item #12 B, September 26, 2023, Regular BCC Meeting

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REC'D CLERK'S RECORDED 12/12/2023

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Respectfully,



Dennis D. Kurtz, President  
The San Marcos Association

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Gabriel C. Bustos – District 5 Community Liaison via email - [gcbustos@santafecountynm.gov](mailto:gcbustos@santafecountynm.gov)  
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**Jose Larranaga**

---

**From:** petro petrovic <petro.petrovic58@gmail.com>  
**Sent:** Monday, September 25, 2023 12:31 PM  
**To:** Camilla M. Bustamante; Hank Hughes; Justin S. Greene; Anna T. Hamilton; Anna C. Hansen; Jose Larranaga  
**Subject:** Case #22-5211

**Warning:**

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Petro and Hannelore Petrovic  
58 Southfork Ext.  
Santa Fe, NM 87508

Case #22-5211

Santa Fe County Commissioners

Subject: Strong Opposition to the Proposed Cannabis Farm at 62 Southfork Ext., Santa Fe, NM 87508

Dear Santa Fe County Commissioners,

We hope this letter finds you well. We are writing to convey our collective and resolute opposition to the proposed cannabis farm at 62 Southfork Ext. in Santa Fe, NM 87508. As residents of the affected neighborhood, we have made our concerns abundantly clear during the BCC meeting in July, and we wish to emphasize the gravity of our objections.

Our primary concern revolves around the potential adverse effects of this cannabis farm on our community, specifically with regard to the issue of odor control. We have taken the initiative to investigate the effectiveness of odor elimination systems, particularly in outdoor settings, and our findings from Cannabusters, a company specializing in odor elimination for indoor cannabis farms, have left us deeply disheartened.

Cannabusters' response to our inquiry was not reassuring: "Will we eliminate all odor? No. Will we eliminate all odor we touch? Yes. Net result is reduced odor and proof you are making a good faith effort." The prospect of merely making a good faith effort to mitigate odors is simply not acceptable to us, the affected neighbors. Moreover, the lack of transparency regarding the specific chemicals used in Cannabusters' product raises concerns about their safety and potential carcinogenic properties. This product was originally designed for landfills to mitigate odor, and applying it to a outdoor cannabis farm in our neighborhood feels like a gross misfit.

We question the rush to issue the Conditional Use Permit (CUP) to LRA Growers, especially given the unsettling circumstances surrounding odor control. The San Marcos Overlay District, to which our neighborhood belongs, was never granted the opportunity to assess whether it wishes to accommodate such a business. The process was only reignited when we, the neighbors, began to protest the issuance of the CUP.

SFCC CLERK RECORDED 12/08/2023



Furthermore, it is perplexing that the Las Campanas Overlay District has the ability to prohibit anything related to cannabis within its boundaries, while the rest of Santa Fe County Overlays do not possess the same privilege. We believe in the importance of equal treatment and consistency across all overlays.

In light of these concerns and considering the overwhelming opposition from our community, we respectfully implore the Santa Fe County Commissioners to reconsider and revoke the Conditional Use Permit granted to LRA Growers. The prospect of living next to a facility that could resemble a landfill in terms of odor is untenable and unjust.

We thank you for your consideration of our grievances and trust that you will make a decision that safeguards the well-being and quality of life of our neighborhood.

Sincerely,

**Jose Larranaga**

---

**From:** Cris Andrei <crisandreipersonal@gmail.com>  
**Sent:** Friday, September 22, 2023 11:10 AM  
**To:** Jose Larranaga; Penny Ellis-Green  
**Subject:** Re: Documents for the Sept 26 Public Hearing - Case #22-5211  
**Attachments:** Combined Doc for BCC Sept 21.pdf

**Warning:**

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mr. Larranaga

Attached please find all the documents combined into one PDF.

Thank you again

**Cris Andrei**  
**610-513-0635**

On Fri, Sep 22, 2023 at 1:00 PM Cris Andrei <crisandreipersonal@gmail.com> wrote:  
Mr. Larranaga and Ms. Ellis-Green

Having read through the packet for the meeting on Sept 26 published on the county website, we would kindly ask if you could add the following email and attachments.  
Thank you both very much.

Sept 21, 2023

TO: The Board of County Commissioners  
Mr. Jose Larranaga  
Ms. Penny Ellis-Green

RE: Document to be added to Packet for the BCC for the Sept 26, 2023 Public Hearing – Case #22-5211

To the Commissioners:

Regarding the process of developing a Road Agreement as requested by the BCC at the public hearing of the above-mentioned case on July 11, 2023:

On Sept 6, 2023, “The Neighbors” proposed a specific road agreement participation plan in response to what we received.

We had contacted the neighbors living on Southfork Ext. as of July 26 and invited everyone to the process. Attached is the letter we sent and proof of mailings.

SFCC CLERK RECORDED 12/06/2023

All those who wanted to participate in developing the response to the agreement documents sent by SF Permits were welcome to the group discussions we held on a regular basis through emails and zoom meetings.

The agreement we proposed was developed and agreed upon by all those who participated as their work schedule permitted or consented to it when not able to attend in person.

The coordination of such a large group required time and multiple conversations were needed to reach consensus. The response to Santa Fe Permits - our Road Agreement Document - was sent on Sept 6. Please see attached.

We would want to ask this email and the attachments be added to the packet for the Sept 26 Public Hearing.

Thank you all very much.  
Respectfully yours

The Neighbors on Southfork Ext.

--

**Cris Andrei**  
**610-513-0635**

--

Sept 21, 2023

TO: The Board of County Commissioners  
Mr. Jose Larranaga  
Ms. Penny Ellis-Green

RE: Document to be added to Packet for the BCC for the Sept 26, 2023 Public Hearing – Case #22-5211

To the Commissioners:

Regarding the process of developing a Road Agreement as requested by the BCC at the public hearing of the above-mentioned case on July 11, 2023:

On Sept 6, 2023, "The Neighbors" proposed a specific road agreement participation plan in response to what we received.

We had contacted the neighbors living on Southfork Ext. as of July 26 and invited everyone to the process. Attached is the letter we sent and proof of mailings.

All those who wanted to participate in developing the response to the agreement documents sent by SF Permits were welcome to the group discussions we held on a regular basis through emails and zoom meetings.

The agreement we proposed was developed and agreed upon by all those who participated as their work schedule permitted or consented to it when not able to attend in person.

The coordination of such a large group required time and multiple conversations were needed to reach consensus. The response to Santa Fe Permits - our Road Agreement Document - was sent on Sept 6. Please see attached.

We would want to ask this email and the attachments be added to the packet for the Sept 26 Public Hearing.

Thank you all very much.  
Respectfully yours

The Neighbors on Southfork Ext.

SFC CLERK RECORDED 12/08/2023

July 26, 2023

From - Nic Petrovic, Ruth Dobbins, Rho Painter, Ralph Scala, Cris Andrei

RE: Southfork Extension Road

To All Neighbors of Southfork Extension.

As you may know on July 11, 2023 the Board of County Commissioners heard an appeal regarding the issuing of a CUP for growing outdoor cannabis by LRA Growers LLC at 62 Southfork Extension.

Given the road may be used for commercial purposes of the cannabis farm - transporting water, supplies, materials, machinery and tools, chemicals, etc. - the Commissioners have requested we develop a Road Agreement that will assign responsibility for repairs and maintenance. This Road Agreement will be among LRA Growers LLC and the residents of Southfork Extension and will cover the future as long as the farm is active.

The new hearing at the Board of County Commissioners regarding this matter and at which we need to present the Road Agreement project will be on August 29, 2023.

We ( Nic, Ralph, Ruth, Rho and Cris) wanted to ask you if you could please send us your thoughts and suggestions as to what you'd want to see included in the Road Agreement - How do you see the sharing of repairs, maintenance responsibilities, and costs between LRA Growers and the rest of the residents.

LRA Growers LLC will commercially cultivate 100 cannabis plants.

I suppose the easiest way to send us your suggestions and proposals is via email - Please copy the following people

Nic Petrovic - [nicpetrovic@gmail.com](mailto:nicpetrovic@gmail.com)

Ralph Scala - [scalaralph@mac.com](mailto:scalaralph@mac.com)


Cris Andrei - [crisandrei@comcast.net](mailto:crisandrei@comcast.net)

Rho Painter - [buenavida8@gmail.com](mailto:buenavida8@gmail.com)

Ruth Dobbins - [ruth@etchmaster.com](mailto:ruth@etchmaster.com)

Also if you send us your email address we can send you invites to the neighborhood Zoom meetings.

Thank you all very much  
We look forward to hearing from you.



Cris Andrei on behalf of  
Nic, Ralph, Cris, Rho, Ruth



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From: CRIS ANDREI  
425 Vanderlicia St  
Phoenixville PA 19460

To: JOE PADILLA  
7 Southfork Ext  
Santa Fe NM 87508

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



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From: CRIS ANDREI  
425 Vanderlicia St  
Phoenixville PA 19460

To: Tia & Angela Roese  
77 Southfork Ext  
Santa Fe NM 87508

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



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From: CRIS ANDREI  
425 Vanderlicia St  
Phoenixville, PA 19460

To: PAUL STEPANICH  
26 Southfork Ext  
Santa Fe, NM 87508

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate Of Mailing

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From: CRIS ANDREI  
425 Vanderlicia St  
Phoenixville PA 19460

To: OSCAR OROZCO  
16 Southfork Ext  
Santa Fe, NM 87508

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065

SFC CLERK RECORDED 12/08/2023

## **PRIVATE ROAD EASEMENT COST ALLOCATION AGREEMENT**

This Private Road Easement Cost Allocation Agreement (the "Agreement") is entered into on this \_\_\_\_ day of \_\_\_\_, **2023**, by and among the undersigned property owners (each a "Owner" and collectively the "Owners") who own real property located along a private road known as Southfork Extension, Santa Fe, NM 87508 (the "Road").

### **1. Recitals**

WHEREAS, the Owners are the fee simple owners of certain real property situated along Southfork Extension, Santa Fe, NM 87508;

WHEREAS, the Owners desire to establish an easement for the common use, maintenance, repair, and improvement of Southfork Extension, Santa Fe, NM 87508 (hereinafter referred to as the "Private Road");

WHEREAS, the cost of maintaining, repairing, and improving the Private Road will be allocated based on the distance of each Owner's property from the beginning of Pine West; and

WHEREAS, one of the Owners, located at 62 Southfork Extension, Santa Fe, NM 87508, intends to operate a cannabis farm on their property, which may result in increased road use and wear.

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Owners hereby agree as follows:

### **2. Cost Allocation Method**

(a) The Owners acknowledge that the cost of maintaining, repairing, and improving the Private Road shall be allocated based on the distance of each Owner's property from the beginning of Pine West.

(b) The cost allocation shall be determined based on the linear distance of each Owner's property from the beginning of Pine West to their property. The longer the distance, the higher the allocated cost.

(c) Each Owner's share of the total expenses shall be calculated as a percentage of their property's linear distance from the beginning of Pine West in relation to the total linear distance of all properties along the Private Road.

(d) In addition to the above costs, the Owner of 62 Southfork Extension, Santa Fe, NM 87508, shall pay an extra cost equal to 36.36% of their calculated share of the total expenses to account for the increased road use and wear caused by their cannabis farm operations, including transporting water and any other associated activities.

**3. Payment and Collection**

(a) The Owners shall make payments for their respective shares of the common expenses on a as need basis, with the first payment due on the \_\_\_\_\_ of each calendar year.

(b) Payments shall be made to a designated account or person as specified by a written notice provided by the Owners collectively.

**4. Maintenance and Repairs**

The Owners collectively shall be responsible for the regular maintenance and repair of the Private Road, including but not limited to grading, snow removal, and drainage.

**5. Dispute Resolution**

Any disputes arising under or in connection with this Agreement shall be resolved through mediation in accordance with the rules of a recognized mediation institution in Santa Fe County, NM. If mediation is unsuccessful, the dispute shall be subject to the exclusive jurisdiction of the courts in Santa Fe County, NM.

**6. Entire Agreement**

This Agreement contains the entire understanding between the parties and supersedes all prior agreements, whether oral or written, with respect to the subject matter hereof.

IN WITNESS WHEREOF, the Owners have executed this Private Road Easement Cost Allocation Agreement as of the date first above written.

[Additional Owners as applicable] [Address]  
[Signature]  
[Date]

[Additional Owners as applicable] [Address]  
[Signature]  
[Date]

*NOTE -*

*Please see below an example of the cost distribution for every \$1000.-- of maintenance and repair cost.*

SFCC CLERK RECORDED 12/08/2023



Southfork Ext. Road Maintenance Cost Distribution.

House Number	Previous Expense	% Contribution	Future Contribution	Contribution with LRA Add'l %
7	\$156.00	0.0135	\$13.51	\$8.60
16	\$357.00	0.0309	\$30.92	\$19.68
24	\$545.00	0.0472	\$47.21	\$30.04
26	\$581.00	0.0503	\$50.32	\$32.03
32	\$715.00	0.0619	\$61.93	\$39.41
56	\$1250.00	0.1083	\$108.27	\$68.90
58	\$1295.00	0.1122	\$112.17	\$71.38
62	\$1382.00	0.1197	\$119.71	\$439.78
73	\$1628.00	0.1410	\$141.01	\$89.74
77	\$1718.00	0.1488	\$148.81	\$94.70
86	\$1918.00	0.1661	\$166.13	\$105.73
<b>Total</b>	<b>\$11545.00</b>	<b>1</b>	<b>\$1000.00</b>	<b>\$1000.00</b>
		Enter Total	\$1000.00	
		LRA Add'l %	36.36%	

**Jose Larranaga**

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**From:** Cris Andrei <crisandreipersonal@gmail.com>  
**Sent:** Saturday, September 23, 2023 10:53 AM  
**To:** Jose Larranaga  
**Cc:** Penny Ellis-Green  
**Subject:** Fwd: Road Agreement - The Neighbors to Santa Fe Permits LLC - Case # 22-5211  
**Attachments:** Corr.Neighbors to SF Permits Sept 6-23.pdf

**Warning:**

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mr. Larranaga

We noticed in the exhibits attachment to the Sept 26 agenda for BCC Public Hearing concerning Case #22-521 that the correspondence sent by Santa Fe Permits LLC to the neighbors on Southfork Ext is attached as Exhibit #16 - Pages 169-204.

We wanted to add to the record our correspondence to Santa Fe Permits.

Below (from most recent to first) and attached as a PDF Document (in chronological order) please see our (The Neighbors) correspondence to SF Permits on Sept 6, 21, 22, and 23.

We appreciate your help in completing the documents available to the Board of County Commissioners for the hearing on Sept 26.

On behalf of the Neighbors on Southfork Ext.  
As always, thank you very much.

Begin forwarded message:

**From:** Cris Andrei <[crisandrei@comcast.net](mailto:crisandrei@comcast.net)>  
**Subject:** Road Agreement  
**Date:** September 23, 2023 at 08:13:36 EDT  
**To:** Jennifer Salimbene <[jennifer@santafepermits.com](mailto:jennifer@santafepermits.com)>

Good morning Ms. Salimbene

We received we your first mail at the end of July and sent back the signed return receipt within the 7 days required.

This was approximatively 2 weeks after the Commissioners' meetings.

This first proposal we received from Santa Fe Permits LLC offered no change to the present situation.

Given everyone's summer vacations, work schedule conflicts, and travels + time to inquire for the old road maintenance quote + time for research based on actual evidence (not past quotes), it took us a few weeks to develop a counter proposal.

SFC CLERK RECORDED 12/06/2023

Our schedules were such that we needed to postpone the scheduled Public Hearing originally scheduled for the end of August.

I don't think we did too bad. We are coordinating 7+ people

Our proposal of Sept 6 is the response of the collective (7+ members) to the two previous SF Permits LLC mails/emails/proposals.

It was clearly written on the email accompanying the proposal document. It was not a matter of individual responses.

We appreciated your email response acknowledging receipt and were waiting for an answer or proposed next steps or a schedule for dialogue.

But we received no communication until we emailed SF Permits again on Sept 21.

Past Road Maintenance Invoices are irrelevant. We don't know who has them. It's possible Mr. Harris could have them.

These are out of date, do not reflect current prices, or increased level of damages that will be incurred/caused by LRA Growers. They may be subjects to price increases every year. The \$300 offered by Mr. Harris is completely arbitrary. That is why we need to come to agreement on percentages (not fixed numbers) - a scalable solution. Which is what we proposed on Sept. 6.

We are doing our part; we are currently in negotiation with LRA Growers.

The Commissioners did put not deadline to the negotiation, only that Mr. Harris be understanding and considerate with the neighbors.

We are negotiating for an operation that will impact our properties and lives for years to come. This is expected to take time.

This email is a collective response from the neighbors.

Thank you.  
Best wishes

Cris Andrei  
610-513-0635

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Sept 22

Hi Ms. Salimbene

Thank you for your answer; we do agree that it is best to get consensus from all neighbors and have also made all efforts towards that goal. Our response to you, as mentioned in the email we sent on Sept 6 represents a collective response developed and agreed upon by all those who participated as their work schedule permitted or consented to the collective representing them

You can appreciate the time it takes to accommodate individual schedules in such a large group, and the multiple conversations needed to reach full consensus.

Also, regarding your remark about returning the flyers to your original post-mail, it appears that several participants got confused and believed that if one of us returned the flyer, it was considered as a collective reply; an honest assumption on their part and not a neglect. Additionally, it seems that some flyers were returned, which you have not received.

Please let us know what is the next step for you.

Cris Andrei  
610-513-0635

-----  
Sept 21

Good morning Ms. Salimbene

I was wondering if Santa Fe Permits or LRA Growers had any feedback on the Road Agreement document we (group of neighbors on Southfork Ext) have sent on Sept 6, 2023.

Thank you.  
Best wishes,

Cris Andrei  
610-513-0635

Sept 6

ATTN - Ms. Jennifer Salimbene, Santa Fe Permits, LLC.

Ms. Salimbene

Thank you for your patience regarding our response to your documents containing proposals for the Southfork Ext. Road Agreement as pertaining to the cannabis outdoor cultivation by LRA Growers. We had to work around some complicated work and life schedules of neighboring property owners.

Attached please find our proposal for the Road Agreement. This document is the result of the collective work of neighboring property owners.

Please let us know your response to this proposal.

Thank you very much.

Cris Andrei  
610-513-0635

--  
**Cris Andrei**  
**610-513-0635**

SEC. CLERK RECORDED 12/06/2023

**Jose Larranaga**

**From:** Jennifer Salimbene <jennifer@santafepermits.com>  
**Sent:** Sunday, September 24, 2023 1:37 PM  
**To:** Jose Larranaga  
**Subject:** Re: Road Agreement

**Warning:**

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Jose,

Please see latest correspondence and my response from Cris Andrei to be uploaded for the BCC Hearing.

Thank you,  
Jen

On Fri, Sep 22, 2023 at 1:23 PM Jennifer Salimbene <jennifer@santafepermits.com> wrote:  
Cris,

Unfortunately, I have not received a response to the original Road Maintenance Agreement or the request for Road Maintenance Invoices. Jim has agreed to pay an additional \$300 per season that LRA Growers is hauling water, along with his regular proportional payment. Addendum, Calculations, and Graph attached.

To address your concerns with time, the BCC Meeting was held on July 11 in which they suggested we come to an agreement. We initiated contact and sent a Standard Road Maintenance Agreement via Certified Mail on July 27th to satisfy the needs of the affected property owners. I have Certified Delivery Confirmations that indicate everyone received the letter. No one responded. A follow up letter was mailed on August 9th. No one responded. An email was sent on August 21st with only two responses on September 6th. We have been trying to communicate and work with the neighbors for almost 2 months now. Please advise.

Respectfully,  
Jennifer

On Fri, Sep 22, 2023 at 11:04 AM Cris Andrei <crisandrei@comcast.net> wrote:  
Hi Ms. Salimbene

Thank you for your answer; we do agree that it is best to get consensus from all neighbors and have also made all efforts towards that goal. Our response to you, as mentioned in the email we sent on Sept 6 represents a collective response developed and agreed upon by all those who participated as their work schedule permitted or consented to the collective representing them

You can appreciate the time it takes to accommodate individual schedules in such a large group, and the multiple conversations needed to reach full consensus.

Also, regarding your remark about returning the flyers to your original post-mail, it appears that several participants got confused and believed that if one of us returned the flyer, it was considered as a collective reply; an honest assumption on their part and not a neglect. Additionally, it seems that some flyers were returned, which you have not received.

SFC CLERK RECORDED 12/06/2023

Please let us know what is the next step for you.

Cris Andrei  
610-513-0635

On Sep 21, 2023, at 14:32, Jennifer Salimbene <[jennifer@santafepermits.com](mailto:jennifer@santafepermits.com)> wrote:

Hello Cris,

We are making an effort to create a Road Maintenance Agreement with input from all of the neighbors.

Thank you & Best regards,  
Jennifer

On Thu, Sep 21, 2023 at 8:11 AM Cris Andrei <[crisandrei@comcast.net](mailto:crisandrei@comcast.net)> wrote:

Good morning Ms. Salimbene

I was wondering if Santa Fe Permits or LRA Growers had any feedback on the Road Agreement document we (group of neighbors on Southfork Ext) have sent on Sept 6, 2023.

Thank you.  
Best wishes,

Cris Andrei  
610-513-0635

**LRA Growers Timeline**

**6/24/22** Neighborhood Meeting

**12/8/22** Hearing Officer

**2/16/23** Planning Commission

**4/14/23** State issues Cannabis License

**7/11/23** BCC Hearing

**7/27/23:** Santa Fe Permits sent a Standard Road Maintenance Agreement via Certified Mail on July 27th to satisfy the needs of the affected property owners. No one responded.

**8/9/23:** Santa Fe Permits sent a follow up letter was mailed via First Class on August 9<sup>th</sup>. It included a 5 year road maintenance cost projection. A request to provide road maintenance invoices for all road maintenance from 2001 to 2023 was also made. No one responded

**8/21/23:** Santa Fe Permits sent an email to neighbors summarizing our attempt at correspondence and included all the attachments and enclosures sent to date.

**9/6/23:** Response received 42 days later from only two neighbors that only acknowledge it was only a partial response. No other neighbors replied or contributed to the request. Santa Fe Permits replied to both the neighbors within minutes.

**9/21/23:** One neighbor reached out asking if we had any feedback. Santa Fe permits responded within a few hours and advised that we were waiting for input from all the neighbors.

**9/22/23:** Santa Fe Permits sends second response. Clarifies all the correspondence and efforts made on Mr. Harris' part

**\*\*We have been trying to communicate and work with the neighbors for almost 2 months now. Appellant even postponed the original tabled meeting to 9/26/23**

**Important Facts to Remember:**

1. Jim Harris, LRA Growers has agreed to pay for an additional \$300 per season that LRA Growers is hauling water, along with his regular proportional payment.
2. 65x65 Grow Area Garden
3. Hearing Officer recommended approval
4. Planning Commission approved and conditioned this to 100 plants vs the 200 plants allowed by the State
5. SF County Staff has recommended approval
6. 600 gallon water tank full on a trailer is equivalent to the gross vehicle weight of a 2023 Ford F150
7. Grow season is only 3-5 months out of the year.
8. Water will not be hauled during a monsoon because the water from the monsoon will provide enough water naturally.
9. The well has a State approved meter installed. This is monitored by the Office of the State Engineer and is taken very seriously by the State.

SFC CLERK RECORDED 12/08/2023