

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

October 31, 2023

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

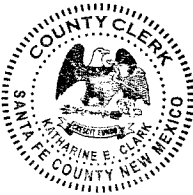
COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss

BCC MINUTES
 PAGES: 55

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 Katharine E. Clark

Deputy *Katharine E. Clark* County Clerk, Santa Fe, NM



SFC CLERK RECORDED 12/08/2023

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

October 31, 2023

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:15 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 Gantz 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 Lennie Amendariz of Treasurer'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 requested a moment of silence for those suffering in Maine, the Middle East and Ukraine.

1. **G. Approval of Agenda**

GREG SHAFFER (County Manager): Thank you, Madam Chair. The initial agenda for today's meeting was published on Tuesday, October 24th, and the

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amended agenda was posted on Friday, October 27th at about 4:57 pm, which is in excess of 72 hours before today's meeting as required by the Open Meetings Act.

In terms of substantive changes between the two agendas, item 6. E was withdrawn. In addition, item 7. B was added to the agenda. That's potential authorization to publish title and general summary of an emergency ordinance related to short-term rentals.

In terms of additional recommended changes being made by staff today. We're requesting that legislative priority resolution, items 6. B through D be withdrawn at this time, and that those items will be brought back most likely in November. That will allow those resolutions to be updated for any priorities that emerge from the strategic planning process that's underway. It will also allow us to work directly with individual Commissioners before those hit the dais for public consideration. I'd be happy to answer any questions about those changes.

CHAIR HANSEN: Any comments from the Board on the changes?

COMMISSIONER GREENE: I'd make a move to approve as amended by the County Manager, and I appreciate his amendments.

COMMISSIONER HAMILTON: Second.

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

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

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

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I'm going to identify for the Board those employees who are celebrating significant milestones with the County, namely five, ten, and fifteen-year anniversaries. I want to also acknowledge the list of new hires during the month of September, and then an employee who'll be retiring this month.

In terms of years of service, the following employees are celebrating five years with the County: Aaron Pool, Forrest Joy, Abel Perez, Christopher Serrano, Rosalie Vigil, Zachary Archuleta, David Crespin, Miranda Gonzales, our own Sara Smith, Jennifer Wilson. So I congratulate all of those employees reaching a five-year anniversary milestone.

At ten years I want to congratulate, acknowledge and appreciate Joe Vigil from the Sheriff's Office, and at 15 years, Michael Plummer in our Corrections Department. So thank you to all of those employees for their years of continued service to the County.

Moving on to new hires in the month of September, we continue to see very positive momentum in our adult detention facility and in addition, we have a very healthy academy in our Fire Department which, if all employees hired into that academy successfully complete it, we'll be looking at having our vacancies down to approximately three or four at the end of March when that academy is graduated.

With that by way of overview, the following were new hires in the adult detention facility, and I apologize in advance to the extent I mispronounce anybody's name. Chima Azubuikwe, Camille Cordova, Robert Cornett, Meagon Fiengo, Soraida Sanchez, Nicolle

Valdez, Ryan Waconda, and Eric Weaver, again, are all new employees during the month of September in our adult detention facility.

In the County Manager's Office, we had a new employee in Finance, Kelly Galizio, and a new employee in our HR/Risk Management Division, Isaiah Vigil.

The following individuals are all new employees of the Fire Department: Cameron Crawford, Stephanie Findon, Nathan Graehl, Casien Jones, John Kollmer, Jr., Paul Lovato, Jr., Vincent Reese-Gonzalez, Jude Romero, Sierra Shurr, Samuel Strong, Matthew Woisin.

In our Health and Human Services Department we're pleased to welcome Christine Logsdon and Michael Mason, and in the Land Use Department, Maggie Valdez and in our Public Works Department, Michael Hart and Joseph Padilla and Millicent Fallis. And then finally, we have a new employee in RECC, a communications team leader, Gregory Archuleta Lynch, and two new employees in the Sheriff's Department, Yajaira Salas Banda and Ashley Valdez.

And finally, on the other end of the spectrum, we wanted to acknowledge the retirement of Travis Darnell, who is retiring from the County after approximately 12 years of service, and he's retiring from the Health and Human Services Department. So again, join me in acknowledging our new employees as well as our retiring employee, and those that are celebrating significant milestones with the County.

CHAIR HANSEN: Thank you, Manager Shaffer. I'm happy to see a nice long list of new hires and I also want to congratulate everyone who's been here for five, ten, and fifteen years. I remember five years ago when Sara Smith came to work for me and she joined us for our first Halloween. So I have a very soft spot for Ms. Smith. Anyhow, so I want to recognize you for all the hard work you have done at the County. And thank you everybody else for joining our team and staying here and making Santa Fe County a better place. It is a better place because of all of you. So thank you very much. Any other comments? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you, Madam Chair. I just wanted to congratulate all the new hires and especially the group of staff that worked so hard to get these people hired. I think it's great that our new hires are outnumbering our retirements by a good margin. It's a good sign. And thank you, everybody.

CHAIR HANSEN: Thank you. Any other comments from anyone? Okay. Thank you.

I. Employee of the Quarter, 3rd Quarter 2023

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. So we have four Employee of the Quarter nominees and I'm going to identify each of them, read their accomplishments that led to their nomination, ask them to all come forward at the same time to receive their certificate from Ms. Smith, and then I will announce the person who was awarded the Countywide Employee of the Quarter award.

So starting with our Public Safety group, the nominee from that group is Jeffrey Folgate. He's a Fire Protection Specialist II. Jeffrey has played a significant role in the creation of two fire and life safety programs in the Fire Department. The first program is the New Mexico Community Risk Reduction network which Jeffrey organized. This

program includes other agencies: the City of Santa Fe Fire Department, Bernalillo County Fire Department, Española Fire Rescue, and American Red Cross, and provides education to the public about fire safety and life safety. The second program is the Fuego Safety Squad Training Day. Jeffrey had a significant role in creating this program and continues in the program by educating young students and their families about alarms, home escape plans and identifying vital fire safety protocols in homes. So congratulations to Jeffrey Folgate.

From the Sheriff's Office group, Albino Gallardo was nominated as a Sheriff Deputy I. Deputy Gallardo displayed his dedication to the Sheriff's Office after responding to an emergency call in which a home blew up. Deputy Gallardo went above and beyond his call of duty to try to find a person who could not be located due to the explosion. Deputy Gallardo found the missing person and attempted lifesaving efforts. He kept his composure under immense stress and secured the location until the arrival of additional Sheriff personnel. Deputy Gallardo is a prime example of commitment to law enforcement.

We have two nominees from the elected office group. One from the Assessor's Office, and that is Casey Janes, Assessor Assistant Programmer. Casey has been extremely valuable to the Santa Fe County Assessor's Office. He consistently goes above and beyond his job duties. Recently, Casey mentored a summer intern assigned to the Assessor's Office. He carries himself with professionalism and impressive knowledge base. With Casey's positive attitude, he has taken the lead on the Assessor's Office workflow projects, training staff members, and providing technical assistance. He has also collaborated with IT to update the Network Server for the department which was long overdue. His extensive research and critical thinking has helped all staff in the Assessor's Office.

And then finally, also from the elected office group, Destiny Romero who was nominated as an administrative assistant before she assumed her new position in our Growth Management Department. As the administrative assistant, Destiny has taken on a leadership role in the Clerk's Office. She has temporarily been supervising the Records and Recording Division and has excelled in this role. Destiny has also been training all new staff in the Records and Recording Division and providing critical assistance and testing in the online self-service portal launch. Destiny has also streamlined the front desk and constituent services processes.

So again, congratulations to all of the group Employee of the Quarter nominees, and I'm pleased to present the Countywide Employee of the Quarter award to Fire Protection Specialist Jeffrey Folgate. I'll give him that award and I'll ask them all to come up for a picture.

CHAIR HANSEN: Congratulations, everyone on the award for your dedicated work to the County.

[Photographs were taken.]

2. **Approval of Meeting Minutes: September 26, 2023**

COMMISSIONER BUSTAMANTE: Madam Chair, I have some changes.

CHAIR HANSEN: Okay. Madam stenographer, Karen, we have a few changes first from Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, page 6, the fourth line down, from statements by Commissioner Bustamante where it says because I appreciate the independent – that should actually read I appreciate that this suggests. Page 7, Commissioner Bustamante, Madam Chair, if I may ask, our Attorney has a perspective, not prospective. And on page 43, the line that says the next thing, I'll just sort of say I don't know – just scratch that line. It's not coherent. It's not what was said and if it's gone it doesn't lose anything. It's the line under I was at Santa Fe Community College when they brought Ethel. It says the next thing, I'll just sort of say I don't know if you're doing it. I was confident – to be scratched. It doesn't refer to anything. Thank you. That's all I have.

CHAIR HANSEN: Any other changes from anybody? Can I please have a motion to approve with changes?

COMMISSIONER BUSTAMANTE: So moved.

COMMISSIONER HAMILTON: Second.

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

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

3. Consideration Proclamations, Resolutions, and/or Recognitions

A Request Approval of Letter from Santa Fe Board of County Commissioners to the New Mexico Environment Department in Support of the their Statement of Basis for Selection of Remedy for Corrective Action at Los Alamos National Laboratory's Material Disposal Area C

CHAIR HANSEN: I think many of you know that I sit on the Technical working group with DOE and N3B. I've sat on that since March of 2020. We have gone over these remedies numerous times and numerous times I have requested that they look at complete cleanup. Personally, I would like Los Alamos and the Pajarito Plateau to be cleaned up to pristine standards, which is what I believe that many of our tribes and pueblos would like to see happen to the Pajarito Plateau.

But this letter is in support of alternative #4 to clean up MDA C and I want to thank County Attorney Young for his work on this letter with me and getting it to the place where it really represents the feeling of Santa Fe County and how important it is for our drinking water system that this area be cleaned up. And with that are there any comments? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just wanted to thank you for bringing this forward. I agree that it's so important that we clean up the nuclear waste completely so that it's not a danger to our groundwater. New Mexico as a state has adopted a standard that our groundwater will not be polluted and this honors that. I think if we're going to be producing more nuclear weapons at LANL the least they can do is clean up the mess from prior research. So I agree wholeheartedly with this letter and the

sentiment. Thank you.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair and I appreciate this letter wholeheartedly. I also would like to congratulate the New Mexico Department of Environment for choosing such a bold action here. I think that's the right way to go. I do have two comments to make about the letter if I may. One, in the body of page 3, in the middle, where the paragraph speaks to the regional aquifer is about 1,000 feet under MDA C I thought that where it continues to talk about communities from Los Alamos to Albuquerque I thought that we should quantify the number of people, that it is close to a million people drink this water, and so we could add the communities along the aquifer have populations close to one million people and include additionally nine Native American Pueblo communities, so that we could specifically call that out and make that apparent in this letter. If that's okay. Otherwise, not.

And then also in the cc's, when we're sending this out and cc-ing this, I thought it would be polite if we sent it to the cities of Santa Fe, Albuquerque, Rio Rancho and the counties of Los Alamos, Sandoval and Bernalillo that are all along the path. It's a pretty extensive list of communities and stakeholders listed but I thought there were a few that might be missing that might appreciate this.

CHAIR HANSEN: I have no issues with those changes. I think that it's a good addition. I think it's good to remind LANL how many people are actually affected, and that is basically about half of the population of the State of New Mexico, which is a little scary. So I don't think that \$805 million is too much to pay for the health of our citizens. And one of the things I think is really important is that this is the cost. The cost of cleanup of nuclear waste is part of doing business as a nuclear weapons manufacturer. That cleanup has to be included in the cost continually and not just for legacy waste but all new waste. They have to consider those issues when they are making pits and when they are producing this type of weapon. Because LANL is a nuclear weapons laboratory and that is their major business.

So I accept those changes. Jeff, can we get those made? This letter is due by the 7th, so we have time. So if I can have approval – a motion to approve this.

COMMISSIONER GREENE: I will move to approve with the changes as accepted by the sponsor of this. Thank you.

COMMISSIONER HUGHES: I'll second.

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

CHAIR HANSEN: Thank you very much. Thank you, everyone for reading it. Thank you for your support. I feel this is really important. I have personally told DOE for the last 20 to 30 years that complete cleanup is the only thing that needs to be done. They could have saved a lot of money if they would have listened to me then. So thank you.

4. Consent Agenda: [All Consent items, A-J. were removed for discussion.]

CHAIR HANSEN: Does anyone have things they would like to pull off of

the Consent Agenda? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. So upon reviewing the Consent Agenda I had a few concerns and things that I wanted to bring up so honestly, just to not leave anybody feeling like they're missing out I actually want to just pull everything from the Consent Agenda, but I could be convinced otherwise if – there were a few concerns on everything.

CHAIR HANSEN: Okay. I have no problem with that.

COMMISSIONER GREENE: I'll try to be quick. So we are going to go through the Consent Agenda one by one. Do I need a motion to do that or can I just start?

JEFF YOUNG (County Attorney): Madam Chair, you can go ahead and just proceed through the action items. Actually if you would move to move these from the Consent Agenda over to the Miscellaneous I think that would work.

COMMISSIONER HAMILTON: So moved.

COMMISSIONER GREENE: And I'll second it.

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

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

Consent Items:

4.
 - A. **Resolution No. 2023-108, a Resolution Requesting a Budget Increase to Fire Protection Fund (209) for Various Fire Districts in the Amount of \$97,018 (Finance Division/Yvonne S. Herrera and Public Safety Department/Jacob Black) This Agenda Item Contains an Attachment.**
 - B. **Resolution No. 2023-109, a Resolution Requesting a Budget Decrease to the Emergency Medical Services (EMS) Fund (206) in the Amount of \$2,834 (Finance Division/Yvonne S. Herrera and Public Safety Department/Jacob Black) This Agenda Item Contains an Attachment.**

CHAIR HANSEN: We will start with item A. Yvonne Herrera and Public Safety Department Chief Jacob Black. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I don't know if a presentation is necessary but I do want to ask a few questions based on what was presented, and if I may, there's a potential, because item A and item B are somewhat related. If it's okay with the Board to group those together because they seem to be very similar questions.

CHAIR HANSEN: That's fine.

COMMISSIONER GREENE: Thank you, Madam Chair. So part of this has to do with some of the language that was brought up there. This was mentioned as a discrepancy. Is that more accurately listed as a shortfall, or is the discrepancy in the imbalance between this – it is called a discrepancy just because it's making it up from the state fund to – how is that classified?

YVONNE HERRERA (Finance Director): Madam Chair, Commissioner Greene, maybe "discrepancy" is a strong word and not the right word. What some of the departments do with their grants is they estimate what the grant will be, and then when

we actually get that grant award we actually true up the budget to match whatever that award was. So in this case the Fire Department estimated what their distribution might be for both funds, to the fire protection fund as well as the emergency medical services fund, 206, and then about this time every year we actually bring it by the Board to make those adjustments. Some districts will have to increase their budget; others will actually have to decrease because we overestimated.

COMMISSIONER GREENE: And in this case it was mentioned that it was a decrease in budget, so is it actually less money that was given to us by the state? And then we reduced accordingly, or –

MS. HERRERA: Madam Chair, Commissioner Greene, so for the fire protection fund, it was a net increase, I believe, for the annual appropriation. And then for the emergency medical services, that was actually a net decrease. So a combination of every single adjustment resulted in one being increased and one being decreased. But it's the districts accordingly. But I don't know – I'm sorry, Chief Black. I'm not sure how the estimate is done and why we have – why not everybody is increased versus decreased. I think it's just a matter of doing the best based on information that they have from past distributions as to what they think might be received in the following year.

COMMISSIONER GREENE: Thank you. And last, is there a reason that the La Cienega fire station was left out? Or was that just – there was no need to fill that.

JACOB BLACK (Fire Chief): Madam Chair, Commissioner Greene, so how we are moving forward or how we budget is we budget for the upcoming fiscal year based off of what we were distributed from either the State Fire Marshal's Office or the New Mexico EMS Bureau for our fire funds as well as our EMS funds. So we went through and we corrected what we were receiving and we budgeted for – we anticipated for FY 24 what we received during FY23. And then therefore that is where the budget adjustments that Director Herrera was just referring to. When it came to the adjustment for the La Cienega station, that was to bring it into alignment with what we were actually receiving from the State Fire Marshal's Office.

COMMISSIONER GREENE: And so the state did not give La Cienega any money in this case.

CHIEF BLACK: Correct. Madam Chair, Commissioner Greene, we were funded for the Rancho Viejo station on that 37 Rancho Viejo Boulevard, and then also the substation which is down in the La Cienega Valley.

COMMISSIONER GREENE: Okay. Wonderful. If there are no other questions, I'm happy to move.

CHAIR HANSEN: Would you like to move to approve items A and B?

COMMISSIONER GREENE: I will move to approve items A and B of the now Miscellaneous Agenda.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay. I have a motion to approve items A and B of the Consent Agenda. I have a motion from Commissioner Greene, a second from Commissioner Hughes.

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

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

4. C. **Request (1) Approval of Amendment No. 1 to Agreement No. 2022-0287-CORR/KE Between Santa Fe County and Mira Consulting, Inc. to Provide Dental Services at the Adult Detention Facility, Extending the Term an Additional Year, and Increasing Compensation an Additional \$168,000 for a Total Contract Sum of \$318,000, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Public Safety Department/Derek J. Williams) This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Maybe Yvonne can answer these questions.

MANAGER SHAFFER: Madam Chair, I believe Warden Williams is online, so he should be available to answer any substantive questions you may have.

CHAIR HANSEN: Thank you very much.

COMMISSIONER GREENE: Thank you, Madam Chair. Just a question about the levels of service that we're performing for this money here. What – are we providing annual checkups in the dental services? Are there cleanings? What kind of service are we doing? Do detainees get automatic checkups like a health check? Is this a comprehensive part of this? Or is it only emergency services that are handled in this?

CHAIR HANSEN: Warden Williams, are you on line?

WARDEN WILLIAMS (via Webex): Commissioners, so we provide up to 20 hours a week, primarily restorative and emergency based dental needs, but we also push for more exams and necessary extractions.

COMMISSIONER GREENE: Thank you. And do we have like – maybe it's not for now but maybe in future years, some sort of data about how many times we actually – how many extractions? How many patients are dealt with in a sort of way that we could compare rates that way. I just wanted to ask that question.

CHAIR HANSEN: Okay, would you like to make a motion? Go ahead, Warden Williams.

WARDEN WILLIAMS: I was just going to say I don't have that specific data that Commissioner Greene is asking me. We use up to 20 hours a week. That's been about that amount of time we've identified as necessary. If you need more specific data than that I can certainly get that for you. Just give me a little bit of time to collect it.

COMMISSIONER GREENE: No problem. Thank you very much, Warden. Thank you and thank you for providing this service. We need to keep our detainees properly cared for. With that I'll make a motion to approve item 4. C, the request for approval to amendment #1 to the agreement #2022-0287 for the dental services at the adult detention facility.

COMMISSIONER HUGHES: Second.

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

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

- 4. D. Request (1) Approval of Construction Contract No. 2023-0020-PW/APS Between Santa Fe County and Contreras Construction Corporation for Construction Services at the Madrid Fire Station Expansion in the Amount of \$1,107,828, Exclusive of NM GRT, and (2) Delegation of Authority to the County Manager to Sign All Necessary or Proper Agreements, Amendments, and Purchase Order. (Purchasing Division/Bill Taylor and Public Works Department/Miguel “Mike” Romero) This Agenda Item Contains an Attachment.**

COMMISSIONER GREENE: Thank you, Madam Chair. Most of the corrections were already made in between yesterday and today. The memo had a couple typos as it may be and a previous Commissioner listed in there. I do want to give you credit for putting a liquidated damages and a completion date in this. I think that's a very important part of our contracting process. And then it's not in here, but I'm okay with it at this point but in the future, if it is possible to put at least a site plan and a scope of work in a visual sense into these packets so that we could review it and make sure that we know at least a basic set of drawings that are there that are being worked with, not just a number of how much money is being spent. I'd appreciate that. With that, I will make a motion to approve item 4. D, a request approval of construction contract No. 2023-0020-PW/APS for the Madrid fire station.

COMMISSIONER HAMILTON: Second.

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

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

- 4. E. Request (1) Approval to Purchase Two Kenworth Dump Trucks with Attachments Utilizing an Existing Contract with the Cooperative Education Services Agreement No. 2020-31B-C112-ALL for a Total Amount of \$707,685, Exclusive of NM GRT and (2) Delegation of Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Public Works Department/Brian K. Snyder) This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Welcome, Mr. Snyder.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Brian for coming to discuss this for a moment. My question has to do with how are we deciding on a ten percent contingency? Have we received a new pricing list on these pieces of equipment? Or is this an arbitrary number for a year later's – the next year's pricing.

BRIAN SNYDER (Public Works Director): Madam Chair, Commissioner Greene, we've used ten percent in recent years, just tracking the price increases and we've found that to be adequate. So in some ways it's arbitrary but in other ways it's not specific to tandems. We'll see that in a lot of our equipment purchases. We have another

7.5 percent if it makes sense too but ten percent is what these vehicles – not only the vehicles but then the soil spreader and then the plow, so there's multiple parts and components. So ten percent should be adequate.

Also with the delay in purchasing, sometimes it will take like a year to get the equipment. We'll lock in on a price but then in order to get delivery there's another charge and that's where the contingency covers it.

COMMISSIONER GREENE: And when you lock in on a price you're not really locking in on a price.

MR. SNYDER: Madam Chair, Commissioner Greene, I misspoke. We lock in on ordering it and then we're at the mercy of what the price is when it's delivered.

COMMISSIONER GREENE: Okay. And this doesn't telegraph our ability to spend ten percent more and make them raise their prices accordingly.

MR. SNYDER: Madam Chair, Commissioner Greene, we don't disclose to Kenworth in this case that we have a ten percent contingency. This is for your approval.

COMMISSIONER GREENE: It's public knowledge at this point but okay. I understand. I just wanted to be clear. It just seemed like this was a no-bid situation that we should be holding ourselves to the previous price, and then if anything else came at a higher price that it would then ask for an adjustment in the future, but if we authorized you for the same price then it would seem like we might have some negotiating power on our behalf.

MR. SNYDER: Madam Chair, Commissioner Greene, our thought was a little bit counter to what you just expressed. What we've found is when the equipment becomes available for delivery, if we don't take delivery within a certain period of time, which we wouldn't have adequate time to come back to the Board to seek additional funding, as well as we wouldn't necessarily know if that money is in the budget still, because it may have been expended somewhere else, because we expected it to be a lower price. That equipment could be sold to somebody else. Because we have a certain amount of time to pick that piece of equipment up.

COMMISSIONER GREENE: Okay. I understand. It just seemed a little backwards when we were having a no-bid contract. So with that I'm happy to move ahead. If anybody else has any other questions – I don't think so. So thank you. So I move to approve item 4. E for the purchase of two Kenworth dump trucks.

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.

4. F. **Request (1) Approval of Amendment No. 6 to Agreement No. 2021-0010-CSD/CW Between Santa Fe County and Santa Fe Public Schools for Youth Substance Use Prevention Program Services, Extending the Term of the Agreement to December 8, 2024, and Increasing Compensation an Additional \$80,000 for a Total Contract Sum of \$420,000, Inclusive of NM GRT, and (2) Delegation of Authority to**

the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Community Services Department/Chanelle Delgado) This Agenda Item Contains an Attachment.

CHAIR HANSEN: I know you're not Chanelle, and I know you're not Bill Taylor.

LEANNE RODRIGUEZ (DWI Program Manager): Thank you very much. Chanelle Delgado is out of the office today.

CHAIR HANSEN: Okay. Thank you very much. Thank you for being here.

COMMISSIONER GREENE: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you very much for being here. Just some data points. Do we know how many students are we reaching and some of that data as well as is there empirical data that you're deriving from the school district, talking about drug use and whether you're having an impact? And the last question is generally, how are judging the effectiveness of this?

MS. RODRIGUEZ: We receive quarterly reports from the Santa Fe Public Schools in regards to their funding, and at the end of the fourth quarter and the end of the school year they had served 2,408 students, primarily in fourth and fifth grade through social and emotional learning curriculum. They were in 130 classrooms. They also serve middle and high school students through their wellness ambassador to voice empowerment program, which is also called WAVE. So they do reach a substantial amount of our youth through the public school system where our prevention program isn't able to have our own prevention specialist in those classrooms. Our prevention specialists focus primarily on the rural areas of the county and we fund Santa Fe Public Schools to provide that same prevention curriculum to their students.

COMMISSIONER GREENE: Okay. Thank you. And any data about behavioral statistics? Do we track that either with youth arrests or confiscations on campus or things like – that might tell us whether they're having an impact?

MS. RODRIGUEZ: So we do get data through our Teen Court program where we do receive referrals through the Santa Fe Public Schools for any code of conduct violations. So we are able to track that data through the Teen Court program, the types of violations that they're seeing through the school, and we have actually seen with our prevention program and restorative justice programming that a lot of those code of conduct violations have gone down in our middle school students right now, for the beginning of this school year.

COMMISSIONER GREENE: Thanks.

RACHEL O'CONNOR (Community Services Director): Madam Chair, Commissioner, I also wanted to add to that. We track data for youth substance use through what's called the YRRS, which is the Youth Risk and Resiliency Survey in Santa Fe County. The most recent data, which actually may be a little bit misleading did show a significant reduction in substance use. That's contrary to other data and it did show a reduction in substance use but significant increase in mental health issues. So I just want to follow up. We do keep an eye on the data in terms of the impact that we're making.

COMMISSIONER GREENE: Wonderful. Thank you very much. Thank you. Any other questions? I will make a motion. So thank you very much. I will make a motion to approve item 4. F, the approval of amendment #6 to agreement #2021-0010 CSD between the Santa Fe County and Santa Fe Public Schools for Youth Substance Use Prevention program services.

COMMISSIONER HAMILTON: Second.

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

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

CHAIR HANSEN: Thank you, Rachel, and tell me your name once again. I'm sorry.

MS. RODRIGUEZ: LeAnne Rodriguez.

CHAIR HANSEN: Welcome to Santa Fe County.

MS. RODRIGUEZ: Thank you.

CHAIR HANSEN: I think you are new.

MS. RODRIGUEZ: No. I've been with the County for quite some time but new in this position.

CHAIR HANSEN: New in this position. Okay. So I'm not completely off. So thank you. It's a pleasure to meet you and thank you for a good job.

MS. RODRIGUEZ: Thank you very much.

- 4. G. Request (1) Approval to Utilize the Statewide Price Agreement with Facility Build Contractors Construction Services for ADA Upgrades at the El Rancho Community Center in the Amount of \$675,361.95, Exclusive of NM GRT, and (2) Delegation of Authority to the County Manager to Negotiate and Sign All Necessary or Proper Agreements, Amendments and the Purchase Order. (Purchasing Division/Bill Taylor and Public Works Department/Robert Walton) This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Commissioner Greene. Welcome Kirk.

KIRK TEMPLE (Public Works): Thank you, Commissioners.

COMMISSIONER GREENE: Thank you again for this. Thank you, Madam Chair. My question is where are these funds coming from? Is this part of bond funding or ICIP? Where did the funding come from for this project?

MR. TEMPLE: Madam Chair, Commissioner Greene, a lot of this money came from ADA bond funds that we had available. We've had to move some other money into this account because of all the requirements that we had at that location. It was quite a bit substantial more than our other locations to bring it up to ADA compliance. A lot of it is with the concrete and that has gotten so high now with the basketball court over there that has to have the ADA accessibility and the interior of the building. So that's basically what we're doing to that whole building is just making it completely ADA compliant.

COMMISSIONER GREENE: That's great. And is the building going to be able to be used while this construction is happening?

MR. TEMPLE: Madam Chair, Commissioner Greene, some of the building will be able to be used, like the kitchen. We're not going to affect the kitchen if they want to go – and they have been cooking meals there for the Meals on Wheels delivery, so we will section that off where they will not be involved with any of the work that's going on in the main part of the building. Of course on the outside some of the parking area, that's going to be disturbed when they put in the concrete walkways and stuff but we're trying to minimize what's going to happen there. The bathrooms are the big area where most of the ADA concern is, that they're going to be tearing out quite a bit of work there so the restrooms will be non-usable for several months.

COMMISSIONER GREENE: How long do you think this project is going to take?

MR. TEMPLE: The overall project, what we're looking at is six months.

COMMISSIONER GREENE: Because the El Rancho Senior Center has been, for a variety of reasons shut down either because of staff or because of water quality issues and now this. The folks in that neighborhood definitely need to be made aware of this and somehow, if not compensated but like accommodated, let's say. And I hope that we can find a way to either shuttle them to another senior center or give them whatever is necessary, that we do some outreach before we shut this down. They've been jerked around a lot recently and I hear it a lot actually. So they may love these improvements but they're going to be down for the count for six months and that's probably not going to make them happy. But thank you. Any questions? I'll make a motion to approve item 4. G. which is the request for approval to utilize the statewide price agreement with Facility Build Contractors and Construction Services for ADA upgrades at the El Ranch Community Center.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay, I have a motion from Commissioner Greene, the second from Commissioner Hughes. Under discussion, a number of years ago Commissioner Hamilton and I on a previous Board allocated and approved an ADA plan for many of our senior centers and other facilities throughout the county, and it's really important that we get compliant in that regard. And yes, we recognize that it takes time, but at the same time this is a federal requirement that the County needs to fulfill, and that is what we are going. So I just wanted to make that comment under discussion.

COMMISSIONER GREENE: I'm fully supportive. I just wish it had been at the same time we were fixing the water problem or when we didn't have staff. But yes.

CHAIR HANSEN: We all wish for that. So with that, I have a motion from Commissioner Greene, a second from Commissioner Hughes.

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

4. H. **Request (1) Approval to Utilize the Statewide Price Agreement with Bohannon Huston Inc. to Provide Design Services for the Wastewater Infrastructure Within the Historic Village of Agua Fria, in the Amount of \$336,046.60, Exclusive of NM GRT, and (2) Delegation of**

Authority to the County Manager to Negotiate and Sign All Necessary or Proper Agreements, Amendments, and Purchase Order(s). (Purchasing Division/Bill Taylor and Public Works Department/Paul Choman) This Agenda Item Contains an Attachment.

CHAIR HANSEN: Welcome, Paul Choman. Commissioner Greene, I have some questions also on this but go ahead.

COMMISSIONER GREENE: Thank you, Madam Chair, and thank you, Paul for being here for this. My first one really had – so two questions and they're both related to items H and I, so we could put those together but there's a few more questions I think with item I at the end of the day. One, I really appreciate the fact that a map was provided now so we can see where these lines are connected. I had a question answered, which was that we do have authority to have these new lines tapped into the City's wastewater treatment facility, but I wonder if the City's wastewater treatment facility, despite having an approval, has the capacity to take on these lines, because this could be hundreds of homes going into a system that is already overburdened and at end of life. So I think I would like to hear your recommendation about the ability to have them.

PAUL CHOMAN (Utilities Director): Madam Chair, Commissioner Greene, yes, we have ongoing conversations with the powers that be at the City Utility Department. The last I hear is that they are in compliance via a combination of chemical and ultraviolet scrubbing at the very end of the waste train from the existing facility and this would not provide an undue burden to them at this time.

COMMISSIONER GREENE: Wonderful. And then in the process of doing this, was a PER done?

MR. CHOMAN: Yes.

COMMISSIONER GREENE: Yes. So this was done way back in the olden days –

CHAIR HANSEN: It was done in 2017.

MR. CHOMAN: Pre-COVID. Olden days. Yes, sir.

COMMISSIONER GREENE: That's wonderful. And then I think that's pretty much it for item H. And then item I I'll have a question that I think the Chair probably has the same question.

CHAIR HANSEN: So one of my questions is I know before, when we have done these four streets, I thought that we already had an agreement with Santa Fe Engineering, and that they had done this design work. Am I misunderstanding something? Because if I am, I thought we had paid them to do this.

MR. CHOMAN: Madam Chair, the original design work with Santa Fe Engineering was to scope the project to define the 40 or so odd streets/projects as they refer to it that would cover 98 percent of Agua Fria Village, and they prioritized those 40 or so projects.

CHAIR HANSEN: And then who did the first four streets?

MR. CHOMAN: BHI did the design work for that, for the original eight streets.

CHAIR HANSEN: BHI.

MR. CHOMAN: Bohannon Huston, yes. The name of the contractor.

CHAIR HANSEN: Okay. And so we're paying them additional money to redesign these streets they already did?

MR. CHOMAN: Not to redesign. Part of it is to redefine the final four streets in this package as well as the construction observation. In this situation construction observation consumes a majority of the cost and of that total there, \$336,046.60, a vast majority of that is for construction observation which we're looking to hire them to do.

CHAIR HANSEN: Okay. So does anyone else have any questions? Can I have a motion?

COMMISSIONER GREENE: I will make a motion to approve item 4. H, request for approval to utilize an existing cooperative contract or job order contract project delivery method for the construction of wastewater infrastructure within the historical Village of Agua Fria.

COMMISSIONER HAMILTON: Second.

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

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

- 4. I. Request (1) Approval to Utilize an Existing Cooperative Contract for Job Order Contract Project Delivery Method for the Construction of Wastewater Infrastructure Within the Historic Village of Agua Fria, and (2) Delegation of Signature Authority to the County Manager to Negotiate and Sign All Necessary or Proper Contracts, Change Order(s) and Purchase Order(s). (Purchasing Division/Bill Taylor and Public Works Department/Paul Choman) This Agenda Item Contains an Attachment.**

COMMISSIONER GREENE: Madam Chair, thank you very much. I think the question has to do, is there a financial number attached to this? The previous item, item H, has a \$336,000 price tag but this one does not seem to have a price tag attached to it.

MR. CHOMAN: There's a dollar amount estimate of approximately \$2 million for these four streets construction. No actual construction estimate has been given at this time.

MANAGER SHAFFER: Madam Chair, Commissioner Greene, I apologize that that wasn't called out specifically in the caption item for the agenda. It is listed in BoardDocs, both the dollar amount and the fact that it is budgeted as well as the source of all the appropriations are included in those details. But I do apologize on behalf of staff that the amount wasn't called out specifically in the caption but the information is available on BoardDocs.

COMMISSIONER GREENE: Okay. Thank you. I did not see that. Madam Chair, did you have a –

CHAIR HANSEN: So when do you think that you'll be able to have this contract signed?

MR. CHOMAN: Prior to the end of the year. We're looking to do this immediately to encumber these funds.

CHAIR HANSEN: Okay. So that's really important that we encumber these funds as soon as possible

MR. CHOMAN: Yes, ma'am.

CHAIR HANSEN: Okay, that is all I have so can I have a motion to approve?

COMMISSIONER GREENE: Yes, ma'am. I make a motion to approve item 4.I, request approval to utilize an existing cooperative contract for a job order contract project delivery method for the construction of wastewater infrastructure within the historic Village of Agua Fria.

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.

4. J. **Request Approval of Agreement No. 2024-0114-FI/BT with Bank of Oklahoma Financial, NA to Provide Registrar and Paying Agent Services for Each Series of the County's Outstanding Bonds. (Finance Division/Yvonne S. Herrera)**

CHAIR HANSEN: Yvonne, welcome.

COMMISSIONER GREENE: Madam Chair, I will just keep this very short. Just in the matter of transparency, I do have a mortgage made by the Bank of Albuquerque and the Bank of Oklahoma, and I thought I would declare that here in front of everybody. It is non-callable and they have no ability to twist my arm in any way. At least not that I know of.

CHAIR HANSEN: Okay.

COMMISSIONER GREENE: And with that I will make a motion to approve item 4. J.. request approval for agreement # 2024-0114 with the Bank of Albuquerque Financial North America to provide registrar and paying agent services each of the series of the Santa Fe County's outstanding bonds.

COMMISSIONER HAMILTON: Second.

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

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

5. **Appointments/Reappointments**
A. **Request Appointment of Members to the Transportation Advisory Committee (TAC). This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Mike –hi, Mike. Do you want to tell me how to say your last name? Galizio. Okay. Welcome.

MIKE GALIZIO (Senior Planner): Good afternoon, Madam Chair and Commissioners. I'll be covering item 5. A on behalf of Brett Clavio, who is currently on a well deserved vacation. I'm going to go ahead and present the info from the staff report in reverse order, so if I can direct your attention to the summary table, which is Exhibit C of the staff memo. It kind of looks like this. And today's action again is appointments to the Transportation Advisory Committee or what we call the TAC.

It basically involves two groups. The first group is proposed reappointments of four existing TAC members, and those members are Gillis Lang of District 1, Bill Miller of District 4, Daniel Painter of District 5, and John Nitzel who lives in District 5 and is currently serving as an at-large member.

The second group is the proposed appointments of four new TAC members, and those members are Ruben Cedeño, with District 3, Phil Rowe of District 5, Jim Murphy who lives in District 1 but would serve as an at-large member, and finally Jack Sullivan who lives in District 5 and would also serve as an at-large member.

As you can see from the table there's 13 members on the Transportation Advisory Committee. Historically we've had problems filling all of these positions, so when five of the positions were expiring we were really pleased that four of the members, including our current TAC chair John Nitzel agreed to continue to serve and so their résumés are included in Exhibit B of your staff memo.

In regard to the new members, we did post recruitment ads in the *Santa Fe New Mexican* and the *Albuquerque Journal* newspapers. And we only received four responses, responses from four candidates but these candidates are really exceptional candidates. Mr. Cedeño previously served on the County's Open Lands and Trails and Parks Advisory Committee for two terms. He's also a member of the Santa Fe SOBs, which stands for Seniors on Bikes. Mr. Rowe has a dual masters degree in planning and transportation, and he previously worked in the airline and freight traffic industry. Mr. Murphy served in the telecommunications industry for 40 years and he served as a city councilor in the state of Minnesota where he worked with the Department of Transportation on major highway and railroad projects. And finally, Mr. Jack Sullivan, who some of you may know, was a two-term County Commissioner, I believe from 2001 to 2008, and his background is as a civil engineer. So their credentials are very impressive.

With these appointments 12 of the 13 TAC positions will be filled, and this will allow us to appoint additional members to our new Transportation Safety Subcommittee that was created just two months ago. There is currently one vacancy left in District 4 and we're still posting that on our website and our plan is to reach out to some of the community organizations to gauge any interest, and that way our goal is to get 12 out of the 13 positions filled.

So that concludes my presentation. Mr. Murphy was here but unfortunately he had to leave because he parked outside and he had to move his car, but I can now answer any questions.

CHAIR HANSEN: Thank you, Mike, for a good presentation. Are there any questions? I'll go to Commissioner Greene, Commissioner Hughes, in that order.

COMMISSIONER GREENE: Great. Thank you, Madam Chair. I do agree that this is a very qualified committee. I love seeing a lot of familiar names that I know

are engineers or interested in transportation, even someone who is an expert in electric vehicles and so that's wonderful. I just ask if this one vacant spot – I do notice that there's only one woman of 13 spots. I would request that you try hard to recruit among a female candidate for this so we have a little bit more balance on this commission.

MR. GALIZIO: We can absolutely do that.

COMMISSIONER GREENE: Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I just wanted to comment that I'm really glad that we're filling these positions. I attended the last meeting of the Transportation Advisory Committee and I was very impressed with the quality of the discussion and the expertise of the people there who know a lot more about transportation than I do. We're lucky to have such a good group, and I'm sorry it's hard to recruit people for this job. It sounds boring but it's very important. So I'm glad we got some good people. It's interesting that Jack Sullivan who used to be the Commissioner from District 5 is now wanting to be on the Transportation Advisory Committee, but perhaps not too surprising because they're building roads all around his house out there near the Community College District. So thank you very much. That's all I have to say at this point, Madam Chair.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I just wanted to know, did you interview everybody, even though there are only – you didn't have more people than you had positions.

MR. GALIZIO: Yes, that's correct. We only got four responses and what we typically do is when we receive a letter of interest with their résumé we'll forward that to the community liaisons with each district office and get their kind of buy-in to go ahead and have one-on-one interviews and that way we can learn more about their background, and then we can also let them know what the roles and responsibilities and the time commitment is going to be, because this group will meet quarterly and if they're on the Safety Committee they'll also have quarterly meetings. So luckily a lot of these members are retirees and so – but they want to stay involved in their community. So we have some very committed members that want to be involved.

COMMISSIONER HAMILTON: I know that last part is a good thing. But you have no concerns about balance and people working together and the level of cooperation to be able to move things forward, that sort of thing?

MR. GALIZIO: One thing we noticed is each of the new members had very diverse background. One person had a freight background, one had a civil engineering background. One was an elected official and so they're bringing a lot of diversity to a group that we feel is already diverse.

COMMISSIONER HAMILTON: Thank you.

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

COMMISSIONER GREENE: I will make a motion to approve item 5. A, request for appointment of the members of the Transportation Advisory Committee.

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.

5. B. Request Appointment of Members to the Santa Fe County DWI Planning Council

CHAIR HANSEN: Hi, LeAnne. Welcome back.

MS. RODRIGUEZ: Thank you. Madam Chair, Commissioners, I am the DWI Program Manager. I came into this position in April of this year and I stand before you to request the appointment of nine members to the DWI Planning Council. At the time I assumed my position as the DWI Program Manager we had six active members, although the resolution says that we can have a council of nine members. Those six members were all coming up for expiration in July and we did put out a media release through Santa Fe County and we received 12 applicants. Three were from current members seeking reappointment and the rest were Santa Fe County community members.

Of those members I am requesting the reappointment of Kathy Armijo-Etri, who is the vice president of missions for Christus St. Vincent Regional Hospital, Estevan Trujillo, he is also seeking reappointment and he is the NMDOT Ignition Interlock program manager. Reappointment for Omar Vega, who is the clinical director of TeamBuilders.

Appointment for Mr. Brett Barnes, the New Mexico Traffic Safety Resource prosecutor and assistant attorney. Jonathan Fernandez, the Traffic Safety Division DWI school and pedestrian program manager. Katrina Latka, MADD state executive director. Jeffrey Lossing, a retired community member of Santa Fe County who has a professional background in law enforcement. Mario Salbridrez, Santa Fe Public Schools executive director of safety and security. And Richard Yost, a retired Santa Fe County community member with a professional background in substance use prevention and research.

We're very excited with the response that we had to our request for applicants. This will be the first time that we do have a full council.

CHAIR HANSEN: Congratulations.

MS. RODRIGUEZ: Thank you.

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

COMMISSIONER HUGHES: Madam Chair, I move to approve the appointment of these members to the Santa Fe County DWI Planning Council.

COMMISSIONER BUSTAMANTE: And I'll second.

CHAIR HANSEN: Okay, I have a motion from Commissioner Hughes, and a second from Commissioner Bustamante to accept the recommended recommendations from Ms. Rodriguez.

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

CHAIR HANSEN: Thank you. Congratulations.

MS. RODRIGUEZ: Thank you so much. I appreciate it.

6. Miscellaneous Action Items

A. Request Approval of Agreement No. 2022-0181-TR/ with U.S. Bank to Provide All Banking Activities for Santa Fe County. This Agenda Item Contains an Attachment.

CHAIR HANSEN: It looks like we have Yvonne here. And we have Treasurer Manzanares online? Okay, it's up to you.

MS. HERRERA: Madam Chair, Commissioners, the item before you is for approval of the bank contract. In March of 2022 the County Finance Division and Count Treasurer's Office issued a competitive sealed proposal or RFP for banking services from qualified banking institutions. Proposals were received from Enterprise Bank, New Mexico Bank and Trust, Sunflower Bank and US Bank. When the RFP and evaluation criteria were drafted the focus was on five major goals.

The first goal was the safety and liquidity of County funds, which basically is the financial institution that has the ability to properly collateralize deposits in excess of depository insurance coverage and in compliance with state statute as well as to be financially sound institution.

Second goal, maximum potential for interest earnings on operational funds – self explanatory. We want to earn as much as we can from the balances that we hold within that bank.

Third goal, efficient utilization of available banking services. All required services needed by the County Treasurer and the Finance Division to perform their respective duties, ensuring vendors and employees are paid and deposits are processed efficiently and security.

The fourth goal, the responsiveness and ability to provide high quality banking services. We want to be treated as if we are their only customer while knowing that we are not. This included the plethora of services a financial institution is able to provide, the uniqueness of the service, and having the ability to provide timely solutions to the County's operational needs.

And finally the fifth goal, minimize the banking costs for the County. Again, self-explanatory. We want the most services for the cheapest prices but keeping in mind the quality of service, not just the quantity.

These goals led to the evaluation criteria used by the Evaluation Committee in reviewing the four proposals. The evaluation criteria focused on finding a financial institution that was going to be able to provide most if not all the services the County required on a day-to-day basis which when broken down really starts with the basic needs of processing deposits and withdrawals that ultimately ends up being presented in the County's financial statements, which are relied upon by the public. Having a partner providing reliable and uninterrupted banking services for processing daily cash transactions ensures the County has a solid foundation within its reporting activities performed for oversight entities such as the Commissioners, DFA, bond-raters and constituents.

Simplifying the above, essentially the County needs a quality stable and secure financial institution to help process cash transactions, which the Evaluation Committee ranked and scored US Bank as the highest and most qualified proposal received and

recommends that the contract be awarded to US Bank. With that Madam Chair, I sit for any questions.

CHAIR HANSEN: Okay. Questions from the Board. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Yvonne. I'm wondering – I see three – none of them are really local banks but they are definitely ones that invest. I know people who have commercial loans and investment packages and there are branches all over with three of these, but then I see that US Bank is the most national of these, and from my experience they seem to be the least invested in our community. Was there any consideration given to the amount of commercial activities that these banks reinvest in our community?

MS. HERRERA: Madam Chair, Commissioner Greene, unfortunately, that was not part of the evaluation criteria. What we focused on was really the operational needs. We need to be able to issue payments, and we need to be able to deposit funds within a central account that can hold all the various accounts that the County has, along with just the basic needs again – making sure that they're collateralized, that we can earn some money for providing additional services to the County to support current services, as well as paying the least amount. It truly was just operational. We didn't focus on anything but making sure that the County can operate.

COMMISSIONER GREENE: Were all these banks almost equal or were three of them significantly deficient and that one just rose above the rest?

MS. HERRERA: Madam Chair, Commissioner Greene, I don't exactly recall how they were all ranked, but the same evaluation was obviously used for each proposal. The committee met, discussed their viewpoints, what they saw as strengths, weaknesses, different services which – banking services are banking services in all reality, right? If they can accept checks and redeem them, if they accept deposits they're not really much different. But the proposal from US Bank was just of a higher quality than the other three, and the scoring was very evident that that's why we chose US Bank.

COMMISSIONER GREENE: Okay. I wish we could cultivate some of our local banks, because if we're throwing essentially \$25 million into their bank accounts for continuing cash flow purposes it would be great to see that some of that was reinvested in our community and scored accordingly. Thank you.

CHAIR HANSEN: So in the future as you sit on the Investment Committee you will understand probably some of these reasons a lot more than was explained right now. But I will also go to Commissioner Hamilton, who has sat on the Investment Committee for a number of years.

COMMISSIONER HAMILTON: I was actually going to sort of say and maybe ask Yvonne to mention some of the over the years being on the Investment Committee, we did have – and this is using the local banks, but there were times when we had difficulties with getting certain services, getting responses from the bank, getting certain support, the ability to set certain kinds of things up. I don't think I'm misspeaking. And there were several others. So it actually took us to the point of wanting to re-evaluate what bank we used. And so there still then some of those banks responded again and you look at the proposal and you might not see all of those things but that I think might fall under sort of the analogy of sort of asking for references and comparing that.

So I don't know if you might comment that some of that was a consideration or certainly it was known to you and the Treasurer's Office as well as the Investment Committee.

MS. HERRERA: Madam Chair, Commissioners, Commissioner Hamilton is correct. I think one of the biggest obstacles that most local banks will face when it comes to the dollar amount that the County holds, just in cash, not in investments, is the ability to hold that money as well as collateralize it. That limits many of the local banks. And as we all know, I don't actually know how many local banks we actually have. Most of them have become regional. Most of them have been absorbed by other banks, even though they may still have their original local bank name, they're not actually truly local.

The other component, so during the evaluation process any information that any of us may know about our relationship, if our current contractor submitted a proposal we'll discuss the proposal but also actually talk about some of the issues or some of the pros that our relationship has at that point in time. So all factors are included, even though it may seem that the current contractor may have an advantage, that's not necessarily the case if they're not a quality contractor, if they don't provide quality services, and again, I want to feel like – I want us to feel like we're they're only customer and I'm well aware that that's not the case, but the quality of customer service is a big deal. If we have an issue we want to be able to work with a bank immediately to try to resolve that issue. If we need services we want somebody to come in and provide potential solutions to that specific challenge that we may face.

But when looking at the proposals I will say that it was very clear. As I mentioned, US Bank had a really good proposal, was ranked high. Other proposals were unfortunately very – they didn't do themselves justice by the way they provided their proposal, which then leads you to think, well, if they can't take the effort and time to make a quality proposal then what are they going to do for services for us. So all of that – there's all kinds of – that's what I look for. I don't know what the other committee members considered when they were by themselves looking at it.

It's a really big picture. It's challenging to try to be objective but also try to be honest, saying, I don't like the way this bank does this. I don't like the way they communicate. I don't like the way they provide customer service or so and so, or this county said this. We'll talk to references, ask questions. We try to get as much information as we can in order to make the best decision for the services again, for the County to be able to function – make payments, collect money, build upon that relationship so that if there are any issues we can get them resolved. If there's any new services we can get on board.

If it doesn't work out it doesn't work out. We have the ability to work with the existing contractor. If things aren't going well, if we don't like them, if they're just horrible, we have the ability to go back out to RFP again and select somebody else. So it's also a challenge for them to be able to prove to us why we should keep working with them. And again, that was very evident within the US Bank proposal.

MANAGER SHAFFER: Madam Chair, Commissioners, I would also add to the discussion that this was very much focused on Treasury management services. This is the nuts and bolts of our financial system, ensuring that we're able to function properly, that we're partnering with an entity that has the scale to continuously improve

their service offerings and their technology. I would respectfully submit that if we were going to look at potentially using County funds as a means to spur investment in the local community we do that on the investment policy side, not on the services that we need to function. So in other words, you could look at how much money we invest and bonds issued by federally sponsored agencies in local banks. And that way you're doing an apples to apples comparison and it's very transparent what you're giving up, which would be the interest rate spread between what you are getting by depositing the money locally versus other investment opportunities. But I would submit that that would be the place to explore those concepts rather than trying to handicap, if you will, the services we're receiving against that idea of investment in the community. So I'd offer that for what it's worth. Thank you.

CHAIR HANSEN: Thank you, Manager. Thank you very much, Yvonne, for your analysis, because I think that is really important. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. Manager Shaffer said most of what I was going to say so I'll just add that I have had some discussions with the Treasurer about investing more of our money locally and I think she's come up with some promising ideas that we'll be discussing at the Investment Committee. As we all know, there's a lot more money in that pot than in the pot that's going into US Bank, And I do also appreciate that when we do an RFP if somebody comes out on top then we usually award it to the person who came out on top. And if US Bank is going to provide us the best service then that's great. Thank you.

CHAIR HANSEN: Thank you. So is there anybody else who wants to make any comments?

COMMISSIONER GREENE: No, but I'll make the motion. Motion to approve Miscellaneous Action item #6. A, request for approval of agreement #2022-0181-TR with US Bank to provide all banking activities for Santa Fe County.

COMMISSIONER HAMILTON: Second.

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

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

- 6. B. Resolution No. 2023-___, a Resolution Identifying Santa Fe County's 2024 Legislative Priorities for Affordable Housing. **WITHDRAWN**
- 6. C. Resolution No. 2023 -___, a Resolution Identifying Santa Fe County 2024 Legislative Priorities for Community Development. **WITHDRAWN**
- 6. D. Resolutions No. 2023-___, a Resolution Identifying Santa Fe County 2024 State Legislative Priorities for Sustainability and Climate Action. **WITHDRAWN**
- 6. E. **ITEM WITHDRAWN**

CHAIR HANSEN: Items B, C, and D are going to be – they've been withdrawn

MANAGER SHAFFER: Those are withdrawn for a future meeting. That's correct, Madam Chair.

CHAIR HANSEN: They're withdrawn until a meeting in November after the strategic planning. I know that I have worked on the priorities for sustainability and climate action and I want to thank Jacqueline Beam for all her hard work on that. Thank you.

6. F. Consideration and Potential Action on a Department of Finance and Administration Grant Agreement for \$100,000 for the Department of Energy Collaboration Center in Santa Fe County.

CHAIR HANSEN: County Manager's Office, Greg Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners.

This concerns an appropriation made during the 2023 regular session in the so-called junior bill for \$100,000 for the Department of Energy Collaboration Center in Santa Fe County. This appropriation was to the Local Government Division of the Department of Finance and Administration. The County received a proposed grant agreement for that appropriation. While it's in my signature authority I wanted to bring it to the Board of County Commissioners for your information and for direction as to how to proceed.

The idea of a collaboration center was brought to the Board in February by a resolution which was not adopted. Separately, as part of the strategic planning process Commissioner Greene has submitted a scoping sheet concerning the Department of Energy Collaboration Center for the planning and feasibility stage. Given all that, in that it was not an appropriation that the Board as a body pursued and the fact that the initiative will be evaluated as part of the ongoing strategic planning process, my recommendation is that we not accept the grant agreement at this time but instead allow for the strategic planning process to play out, and if the Department of Energy Collaboration Center is adopted as a strategy then I'll proceed to accept the grant agreement, and if it's not we'll act accordingly. But again, I felt constrained to bring it forward so that you were aware of it as a body in terms of the fact that the appropriation was made and offered to the County via a grant agreement, and again, our only recommendation at this point is that we defer acceptance until the strategic planning process has run its course and the Board decides as a body whether or not this is a strategy that it wants to pursue. Be happy to answer any questions. Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, and as you probably know I support this idea of the collaboration center. I also have a motion prepared that embodies what Manager Shaffer just presented to us, but I think there might be more discussion before we get there. I'm perfectly fine with putting it off until we decide if it's really a strategy that all five of us want to pursue.

CHAIR HANSEN: Any other comments? Commissioner Hamilton.

COMMISSIONER HAMILTON: I think that would be fair. I think it makes sense to let it develop as part of the strategic planning.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Greg, and thank you, Commissioners. Yes. I have created a scoping sheet and we will be talking about on Monday, hopefully with lots of – or at least sufficient time to go over the

progress and all of the folks that have been communicated with that have showed support towards this effort, many of which are wholeheartedly behind this and willing to participate, some of which are actually willing to take on the planning that would then funnel the money from us to them, and I will give you all those details on Monday and we can go from there. I completely understand.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: Would it be – we talked about you doing something like that so I appreciate that you did that. Would it be possible – would you be copacetic with us seeing it before Monday to be able to look over it and be prepared for Monday?

COMMISSIONER GREENE: The scoping sheet?

COMMISSIONER HAMILTON: Yes.

COMMISSIONER GREENE: My understanding is Cindy is going to be distributing scoping sheets on Thursday or at least the responses. But at this point –

COMMISSIONER HAMILTON: That's great. Thanks for the reminder.

CHAIR HANSEN: So I think that it will be included in the strategic planning scoping process. And so then we'll all have access to it at the same time.

COMMISSIONER HUGHES: I'm ready with my motion.

CHAIR HANSEN: Okay.

COMMISSIONER HUGHES: You can tell I didn't write this; thank you, Manager Shaffer. But I would like to move that contingent upon the Board of County Commissioners adopting the Department of Energy Collaboration Center planning and feasibility stage as a strategy as part of its current strategic planning process, I move to accept the proposed grant agreement for appropriation # 23-ZH9302. For clarity, the County Manager will not execute the grant agreement unless and until the Board of County Commissioners adopts the Department of Energy Collaboration Center planning and feasibility stage as a strategy.

CHAIR HANSEN: Okay. Do I have a second?

COMMISSIONER GREENE: I would love to see that. That was a long motion.

COMMISSIONER HUGHES: Basically, it says that if we make it a strategy we don't have to bring it back to the Board. He'll just go ahead and sign it.

COMMISSIONER GREENE: I will second that and hope to convince at least two others of you but hopefully all of you on Monday. So yes.

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

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

7. **Short-Term Rental Presentation and Proposed Ordinance**
 - A. **Presentation on the Analysis of the Impacts Related to Short-Term Rentals in Santa Fe County. This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Welcome Erle Wright and Penny Ellis-Green, Jeff Young, and Lisaida from Land Use. We look forward to hearing your report and presentation. Thank you.

ERLE WRIGHT (GIS): Good afternoon, Madam Chair. Actually, the report will be delivered by Southwest Planning and Marketing. Ms. Rachelle Howell and also Chris Cordova will be doing the presentation. We'll need to give them access to Webex. We can run the power point for them if need be. Do you have it up?

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Just as a bit of transparency, once upon a time I did work for Southwest Planning and Marketing, well over two decades ago.

CHAIR HANSEN: Okay. Good to know. Any other disclosures from anybody? Okay. How are we doing on the report? Do we have them up on screen? I know Matt is working on it.

MR. WRIGHT: Madam Chair, we'll get Ms. Howell and Mr. Cordova unmated here and they'll be able to do the presentation for you.

CHAIR HANSEN: Okay. That sounds perfect.

RACHELLE HOWELL (via Webex): Can you hear me?

CHRIS CORDOVA (via Webex): Good afternoon.

CHAIR HANSEN: I can hear both of you. Thank you very much for being here.

MS. HOWELL: Thank you so much. Shall I go ahead and just jump right in?

CHAIR HANSEN: Go for it.

MS. HOWELL: [poor audio quality] Okay. All right. Thank you, Erle. Thank you all for the opportunity to be here this afternoon. Madam Chair, County Commissioners, staff and guests, thank you for the opportunity to allow us to present the findings from our recent analysis, the impacts related to short-term rentals in Santa Fe County. As Erle mentioned, I'm Rachelle Howell with Southwest Planning and Marketing and my colleague, Chris Cordova, is also here and we're both on video and we're in two different places, so please bear with us and let us know if we lose any audio or video or if anything goes awry.

And with that, I'll go ahead and jump right in. So if we could please go to the next slide. Thank you. So I'd like to start here with this quote by W. Edwards Deming and for those of you who aren't familiar with who he is, he's widely acknowledged as the leading management thinker in the field of [inaudible] -- really in the last century. And his methods played a crucial role in the recovery of post-World War II Japan and he is probably best well known for pioneering what we all just call today in the business world, industry world and government as continuous improvement. And as a statistician and a business consultant, as you can see here, he emphasized making decisions based on data and not opinion. And that is the approach we take in different projects.

Okay, I'm going to jump in and give you a brief overview of our project and what we were tasked with doing. So we were tasked to assess the impact of short-term rentals on Santa Fe County, and along with that we were asked to look at and assess the current ordinance. And then based on that, develop evidence – again, back to data – evidence-

based recommendations for possible changes to the ordinance itself, and the processes that the County has undertaken in writing the short-term rental ordinance.

The County asked us to specifically focus on the impact of non-owner-occupied short-term rentals, affordable housing, and traditional and historic communities. For us, the overarching objective was to establish, as you can see here, robust, factual, and balanced foundation for the formulation and implementation of regulations and processes for a short-term rental ordinance.

So how did we go about it? What was our approach? So we started off writing a comprehensive and [inaudible] system data on the short-term rental housing market demographics data and plans with a focus on the local market and to a lesser degree, statewide and national trends as I'm sure you're all familiar with. Short-term rentals is both a burden and something that can be difficult to regulate for communities, really globally. We went about our research after we did our initial data collection, the next step we took was to conduct interviews with staff and officials, community members and leaders, industry professionals and other stakeholders countywide. We also did two surveys. One was a general community survey sent to county residents and we received over 1,200 responses to that survey to collect community [inaudible] the STR issue. And then we also conducted a separate survey with owners and managers of current short-term rentals and applicants for short-term rental permits. And we received over 100 responses to that survey.

Between our data collection, background [inaudible] in our survey our goal really was to do as much of a 360 view of the short-term rental issue in Santa Fe County, so that we could provide the County with new information and data for the decision-making body.

So after we collected and did our background kind of data collection, then we performed our analysis of the effects of short-term rentals on the county and again, we maintained our emphasis on affordable housing, traditional and historic communities, [inaudible] and then we kept sort of a special emphasis on non-owner-occupied short-term rentals.

And finally, based on all of our data collection and analysis, then we drafted policy and implementation, and I apologize. There's a typo here in the slide. We drafted our recommendations based on our data – not regulations. So we drafted policy and implementation recommendations based on our data [inaudible]. And again, as mentioned before, our entire research approach was undergirded by our goal to maintain a balanced, transparent and equitable process that considered both the wellbeing of communities where these short-term rentals exist, and individual rights of the individuals who are [inaudible]

With this I'm going to turn it over to my colleague, Chris Cordova. He was the lead on this project and he really did a yeoman's effort in collecting all the data, doing the analysis and [inaudible] for the great work he did on this project. And I'll hand it over to Chris.

CHRIS CORDOVA: Thank you for that, Rachelle and good afternoon, Commissioners. I'd like to thank you for allowing us to participate in such an important project.

It was quite a project. All communities are struggling to implement balanced regulations. We looked at probably over 100 different communities and cities nationally and locally, if not more, and one of the things in the contract asked for best practices and there aren't best practices right now because everyone's trying to figure it out. We did find a lot of good information that we feel could be used to benefit but everyone's trying to make their way through the short-term rental product and they're all having some of the same issues.

It's challenging, particularly to Santa Fe County because of its diverse spectrum. You've got urban and you've got rural communities and it's very distinguished from large cities and the City of Santa Fe when considering the effects of short-term rentals. So lots of people try and compare New York or LA or San Diego or even the City of Santa Fe or tourism destinations to Santa Fe County, but it's a very, very diverse county as you all know. Everything from Stanley, New Mexico, and Madrid, to Santa Fe or Chupadero or La Cienega. Anyway, very, very diverse, which makes it a little more difficult to really meet everyone's needs.

The County Code Enforcement team uses Granicus and we worked quite a bit with Erle and the Granicus people to really find out what the issues were with the short-term rentals and how many there were in the county. We specifically looked at non-owner-occupied short-term rentals. They pose some compliance and enforcement challenges including zoning conflicts, noise complaints, tax collection difficulties. There's some complaints of safety and health standards, the inability to monitor and there was a lot of speculation that they put a strain on local services. So that's some of the things we looked at.

It's pretty hard to pin down how many short-term rentals that the County has permits for. It's a moving target and on any given day you have people that want to become short-term rentals and there's a change in the market, so there's some people that were short-term rentals that are finding out it's not a room made of gold or it may not be for them, so as of October 19th, the County reported 349 short-term rentals and there's a potential of another 246 unregistered short-term rentals, so our estimate, and the County agrees with it is there's approximately 600 short-term rentals in unincorporated areas of Santa Fe. The 246 unregistered is the work that Granicus is doing identifying them and the enforcement team will be following up with people that haven't registered, but our opinion is there's just under 600 short-term rentals in the unincorporated County of Santa Fe.

That equates to about two per square mile. One of the things that was interesting in the research that we found is that the short-term rental market nationally as well as locally is nearing maturity. What does that mean? There's most people that were going to get involved in it are involved in it or in the City of Santa Fe, it's starting to level off now and there's been some research we've found that there's some people that got into the market and think they can pay off houses or do with it that are actually not doing well financially and having to lose some houses. Anyway, the market in our opinion is now maturing so we don't see that there's going to ever be 6,000. Our opinion right now is it's probably going to stay right around 600 short-term rentals if that many.

We were very, very pleased with the interviews and the public input. We got a lot of surveys. Of course there were some perceived negative issues with regard to short-

term rentals in Santa Fe County, and I use the word “perceived” because people have an opinion about what they may or may not do and some of the perceived negative issues were the effects on affordable housing, the problems with taxation and revenue collection and impacts to traditional and historic communities. And those are valid concerns and the general public has some concerns about that.

But one of the things that we also found in the data collection process is that there were a lot of people that felt like there were positive impacts of short-term rentals in Santa Fe County. A lot of people said the economic community benefits were good for rural Santa Fe County where there’s often – it’s difficult to work. Rental income, gross receipts tax, lodgers’ tax, the use of vacant properties which helps keep traditional properties together because they put money into them had some value and people said that. We found some residents that may have had to move out of state or don’t live in their family homes and many people in some of the rural communities moved out of their family’s home and they live next door, or maybe the parents or grandparents passes away, so it’s a way for families to maintain their family’s properties in small communities and have money to keep them up and make some revenue for them. So there was some of the positive side of it.

The one thing that we felt the data and feedback emphasized was the need for fair, transparent regulations and implementations that safeguard both the community interest and individual rights. So it’s important to mitigate the negative impacts and take the positive impacts. And so I didn’t have an opinion about this when we started and through the process I do believe that with the facts my opinion changed some, but we do believe it’s important to mitigate the negative impacts while still protecting some of the positive impacts.

There’s a big deal about affordable housing and gentrification issues in the county. Oh, my gosh. Short-term rentals are taking affordable housing. Well, through the research, and I think everyone here knows that there’s been affordable housing and gentrification issues probably since about 1980 if not before that. I worked for the state from 1990 to 2000 and I could afford a house back then, and I had a pretty mid-level job. So this isn’t a new issue. When short-term rentals in our opinion and the data shows they don’t really have a significant negative impact on affordable housing or traditional or historic communities.

We looked at a lot of the numbers and so if you look at the numbers, short-term rentals make up less than one percent of the county’s housing units. And that’s not to say that any of those houses meet the affordable index. Now, according to statistics and the definition of affordability is 30 percent of your income should be able to pay for your rent, and so there’s very, very few affordable houses in Santa Fe County. So if you outlawed any non-owner-occupied housing it would have negligible impact on affordable housing because most of those houses are not affordable so we don’t think that’s a good fix.

But it could also negatively impact some family owned properties. You take a community like Chupadero where there’s million dollar estates out there now and the tax base is pretty tough so it’s harder and harder for local families to live there, but perhaps a non-owner-occupied short-term rental that they may have down there may be able to save – so that’s what we’re talking about in the balance. And so our opinion is that affordable

housing is really a non-issue for short-term rentals in Santa Fe County. And they exert negative and positive influence on traditional and historic communities.

So what we're looking to do is recommend effective management of non-owner-occupied short-term rentals. It's really more about regulating their total number and the density in these communities.

I'd also like to share with the Commission that there were two very strong groups on both sides of this issue and I had numerous emails from both sides supporting short-term rentals, non-owner-occupied short-term rentals and totally against non-owner-occupied short-term rentals. But when you look at the overall findings of the survey from the general citizen we felt there was a real balanced approach to this and I don't – our opinion is that the citizens of the unincorporated parts of Santa Fe County don't really want short-term rentals to go away. But it's just important to control them. So we were asked to make some recommendations. So the first thing we suggested is that for right now, schedule a comprehensive review of the short-term rental ordinance in five years. Let's look at this one, revise this ordinance, and then in five years look at it again. This market is very fluid and it's going to probably be a different market in five years. So we suggest put in a five-year ordinance and then in five years do this again or you may not have to do anything at all. It may have settled itself down. But that's what we recommend. And then just regular review intervals thereafter, which would allow for adjustments based on market changes. We don't know what the market's going to look like in five years, but we do feel like it's pretty much matured at this point.

This was pretty interesting. There were a lot of communities that put the onus of gross receipts and lodgers' tax collection to the short-term rental platforms like Airbnb or Vrbo. It would reduce the County's workload and ensure consistent collection. We don't have the legal basis to say whether or how that would happen but best practice in that is where they put it on the management companies or platforms like Airbnb to make sure that you get your lodgers tax and tax collection.

The other thing that some of the bigger communities like New York City, they're now introducing penalties for non-complying companies and so enforcement is an issue on some of this. And so there's penalties now for companies like Airbnb, if their clients are non-compliant with the local regulations and that's a big deal now. There was a law suit in New York City where the Airbnb people were fighting that but they lost that law suit so you can now penalize non-compliance management companies in New York for not adhering to the rules of the regulations of Airbnb, which we thought was a great recommendation or something to look into.

Our opinion of owner-occupied short-term rentals do not impact the unincorporated Santa Fe County and they have more benefits to local residents than they do any negative impacts so our recommendation is don't limit the total number of owner-occupied short-term rentals in unincorporated Santa Fe County. Again, I'd like to say that we feel like the market is getting fairly mature now. It's not going to change a whole lot more, particularly with owner-occupied short-term rentals.

Now, with regard to non-owner-occupied short-term rentals, we recommend limiting the total number of non-owner-occupied short-term rentals in unincorporated Santa Fe County. What we want to do is reduce the strain on communities near the City of Santa Fe and protect the traditional and historic areas. Now, it's very difficult in some

ways because there's some housing communities that were primarily put together to be vacation rentals and they maintain things that they were doing but this is an area where we really need to look with the County staff to really identify those areas that have a problem of being impacted. And of course the closer to the City of Santa Fe you are, the more that's going to happen because what's basically happening in Santa Fe is one of the finest international tourism destinations in the world, and so people are always looking for it. So the farther you get away from the City of Santa Fe center the less you have to worry about non-owner-occupied short-term rentals.

As an example, I don't think anyone's that concerned if there's going to be non-owner-occupied short-term rentals in beautiful downtown Stanley, New Mexico. But within the area, so I think that's something that really needs to be looked at in regard to where you would limit it.

County staff should determine a radius around the city and set limits within this and for historical areas, but still recognize the variability. For instance, take the community of Madrid and Madrid is a pretty unique destination but there's not really any hotels around there, so if you limit some of the short-term rentals in Madrid what you're going to do is hurt the community there, and it would support having non-owner-occupied short-term rentals. You have people in downtown Madrid that might be staying there and spending money. So again, Santa Fe County is very diverse so it's a mixed bag sort of thing.

Just to make things smoother we recommend grandfathering in the existing short-term rentals that fit the local criteria. I wouldn't go back and – we don't recommend going back and taking somebody out of the program right at this moment because what's probably going to happen is people are going to fall in and out of the program over the years and that's a way you can control areas that may be a little bit too dense or something of that nature. We've considered – we recommend considering capping the number of non-owner-occupied short-term rentals allowed per owner because what we want to do is make sure you have a way to prevent corporate monopolization of residential areas.

Now, I don't really see that happening per se in unincorporated Santa Fe County like it did in the City of Santa Fe proper, but we feel like that's something that you really should put in there that would protect the citizens of Santa Fe County and maintain the society and cultures of Santa Fe County.

Talk about the density of short-term rental units. For owner-occupied short-term rentals we don't think it's necessary to limit the density of owner-occupied short-term rentals in unincorporated Santa Fe County for the reasons that I talked about earlier. And I did talk about non-owner-occupied short-term rentals. Limit the density of non-owner-occupied short-term rentals in unincorporated Santa Fe County to reduce the strain on communities near the City of Santa Fe and again protect the traditional and historic areas. It's really – the staff needs to work by looking at the density that's within the area. You have some communities like, say, Chupadero that there's a lot of short-term rentals because there's a lot of very, very wealthy people that have second and third homes there and they're trying to keep them occupied while they're not there. So it's not a one size fits all, but it's going to take some looking into to see what the density should be and there needs to be a way to have some flexibility for communities that it doesn't

particularly work for.

And I used the example of Madrid already. Save yourselves some grief and just grandfather in the existing short-term rentals that fit the criteria.

One of the big things in the input was that a lot of people were complaining about the registration process and the application process. And what was really, really interesting to me is that people that got into the program early on, like say last March, got lots of complaints, and basically, this whole program was tricked over to the County employees to take over the process. I can imagine the first two or three weeks were heck and there were a lot of people that weren't pleased with the timeframe and there were a lot of issues to be worked out. But in conversations with the staff, we believe that they've got it worked out and their programs and their processes are in pretty good shape now. And you can tell that because you can tell that a lot of people that were short-term rental got into the program later had a lot of good things to say about the staff that were very efficient. They were very helpful. The process wasn't too bad and they were very, very appreciative of the staff. So our opinion is that any issues or complaints you had about the process had to do with when you first started the program. But I think they've got it together now.

One of the things that we couldn't understand, and it almost felt punitive and some of the short-term rental talked about it is why there was a requirement for non-owner-occupied short-term rentals to have to once a year redo a full application annually. And so we think that there's no reason to onerously impact one group or another, especially if it's the same short-term rental and anything hasn't changed. So we're working on maybe streamlining that for second year or third year non-owner-occupied short-term rentals. And the application process – why have them resubmit all of this paperwork? Of course if there's fire regulations or anything that needs to be reviewed that's fine. But virtually everybody said, can you make the process a little simpler?

And the biggest thing about our balance approach is you need to enhance ways from compliance and enforcement. Some of the other communities have graduated fees for repeated violations. So say you have somebody that has a party at an Airbnb somewhere and there's complaints in the neighborhood. Track it. Monitor it, and if they do it again then there's a bigger violation, and then if they do it again, perhaps you take them out of the program. But the issue of enhanced enforcement and compliance is really where you can keep the benefits for all the citizens but mitigate the negative parts. So it's all about enforcement of the issues. You have good regulations but it's just a matter of enforcement so we recommend enhancing compliance and enforcement.

And again, I talk about implementing penalties specific to the management companies or the platforms because it was kind of surprising to me. There's a few management companies that manage a lot of short-term rentals in the unincorporated areas of Santa Fe County so when Rachelle said we had 100 people that were non-owner-occupied, that there were several on it that were managing anywhere from two to ten short-term rentals. It sounds like people have vacation homes and they don't want to mess with it so they hire a management company. But the management company should be responsible for them too and that could help with compliance and enforcement. We're not sure about the legal ramifications of it but other communities are doing it nationally and we feel like that should be something you should look at to assist with the

compliance and enforcement issue.

One of the things in the contract that we looked at, were asked to look at specifically by contract were changes to the short-term rental contract. So when we looked at Section 4.H, Section 1.1 and 1.10, that section was all about – to be quite frank, short-term rentals are bad and they mess with affordable housing and they do this and it's noisy and it's that. Well, we feel like those things need to be edited to have a little more balance to them and it will probably same you all a lot more headaches as well because honestly, in my opinion if subsections 1.1 to 1.10 were out of there nothing would change about the ordinance. It's just that part would be out. But it really had nothing but the negative impacts of short-term rentals and it caused you all some problems.

Section 3.8, incorporate the more stringent enforcement and penalties, we talked about. Section 4, incorporate total number and density limits for non-owner-occupied short-term rentals near the city. And we talked about that. I mentioned that three or four or five times now. But that's the key to making this thing work, is making sure that the traditional historic communities and communities near the City of Santa Fe aren't saturated with short-term rentals.

Section 5.2.4 is interesting because it defines adjacent neighbors. And what's so unique about that is you might be somewhere where your neighbor is ten acres away from your or more, or you might be right dead center in the middle of Madrid where your neighbor is 25 feet away from you, so that's pretty broad when you say define adjacent neighbors. The City of Santa Fe put a 50-foot distance between short-term rentals and we're not sure we recommend that per se, but that one size fits all, define adjacent neighbors, really kind of doesn't meet the needs of the ordinance per se.

And Section 6.3.1 asks for them to write what was the purpose of the building before you turned it into a short-term rental? What are you using it for? What it's going to be for after, and we felt that was a little bit onerous as well. In talking with the staff I understand a little more about why they want to know what it was used for before but I think that section can be eased up on people as well because it's pretty onerous where people have to go back and figure that out. It's a lot of paperwork and I don't think it really changes anything in the ordinance.

And again we wanted to, in 6.3.5 of the ordinance, incorporate short-term rental annual renewal process for non-owner-occupied short-term rentals. Some of the staff said they were looking at that already, so that would be very helpful, make it easier on certain people to fill them out but it would also ease a lot of the animosity some people with non-owner-occupied short-term rentals might have, like you're just penalizing us and making us fill out a lot more paperwork just because of that. So it doesn't really do anything and it would do nothing but help the image of the County and ease everything for everybody filling them out.

And again, prohibit events in non-owner-occupied short-term rentals with appropriate penalties. Airbnb has a very good community disturbance policy so we recommend looking at that policy and there's no reason for that. If people want to have an event or parties, there was one short-term rental that was using it for events and weddings and that has nothing to do what this is and those guys really need to go and apply for event licenses. This isn't what this is about. So there's no problem with prohibiting events. There's other ways for people to apply to have an event at their

property but Short-Term Rental ordinance isn't the place for it.

This was interesting. Santa Fe and the West in general, we're a pretty interesting group of people, the Wild, Wild West we like to call it sometimes. There's reformed hippies that have yurts and some people have some pretty nice RV parks that were going as short-term rentals but the regulation doesn't permit anything like that. It's because it's a residential resolution. We're not recommending that you add those to the ordinance per se but make sure that the staff can tell people, oh, you have a yurt? You need to apply over here. There's a different process for camping or something like that to do the same thing. But this ordinance isn't appropriate for it. It's important to let people know that there are ways to permit alternative accommodations for what would be a short-term rental. So that was an issue that people brought us, is we're a unique county and people are putting limits on what we can do, or something like that.

I just think it's important that people that are coming in, instead of saying no, you can't have a yurt or RV, say it more like, well, then you need to go through a different process. It's more of a campsite process or something. There is a process for it. But we don't recommend that it belongs here. But it does need to be explained to people.

So we really feel like this is an iterative process with staff and they're going to need some time to really detail the things that we talked about so we're recommending extending the moratorium for new owner-occupied short-term rentals. Let the staff finalize these for the ordinance and then you can have a nice, organized ordinance that will meet the citizens' needs of unincorporated Santa Fe County.

Rachelle, do you want to add anything to what I said?

MS. HOWELL: I don't think so. I think you gave a well rounded summary of our approach and what we found, and really, Madam Chair, County Commissioners, we are ready to stand for questions if you have any or if you need any clarification on what we presented to you.

CHAIR HANSEN: Thank you very much for an informative amount of information. This is one of the reasons that we wrote the ordinance and we wanted to make sure that we started to get some data and get some information. We knew that when we wrote the resolution and the ordinance it was not the final and I think it's really important that I hear from all of the Commissioners about how they felt about the report. I feel that it was incredibly informative but I will wait until later to make a number of comments that I have, and I will start with Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. Thank you for doing all this work. I like the report. I basically like the recommendations. I think they're for the most part pretty well thought out. I have a question about one of them but it's about a detail. Actually, the idea of setting a radius from the city, I agree with the concept that you're trying to not do one size fits all so that more rural areas might need the same density limits, for instance, of non-owner-occupied than closer into the city. I wonder if you – conceptually a radius, like proximity to the city does make sense conceptually, but I wonder if that would capture it appropriately or if it has to be sort of a generic radius but then include some communities. So that when there are communities that are developed, if you do a true radius you may cut a community in pieces. So I just wonder what you think about the radius approach compared to having to define essentially community by community.

MR. CORDOVA: I use the term radius in a very broad manner. Many years ago I was doing economic development work for Santa Clara Pueblo in Española, and they were having a hard time getting major retailers in the market because the traditional way to look at it is concentric circles. People within a half a mile from a Safeway or a supermarket or a Home Depot – five miles, ten miles. And so consequently a lot of companies did go move into the Española Valley because of it. But we live in a community that was – it's the Rio Grande River that decides the radius. People moved in along the river and so the river was really the radius of where lots of people live because of the water, starting with the pueblos.

So we spent a lot of time back then looking at a non-traditional – maybe radius isn't the right word, but a non-traditional way to do that. And I think you're right spot on, and that's why we just couldn't say, oh, okay. Anything within five miles of Santa Fe should have X or Y because you can't do that. So that's why it's going to take some time for staff to really identify where those issues are. So maybe I need to retract the word "radius" in, and you're totally right. But that's what we meant by it.

COMMISSIONER HAMILTON: Well, that makes sense, and I appreciate the response. I might be thinking of the term too mathematically. I do agree with the concept. I just think in this case the devil might be in the details of how it's implemented but that's fine. That can be worked out. Thank you very much. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I appreciate this report and frankly I agree. The recommendations are sound and it's really about integrating the considerations, integrating what has been said and the considerations that had been stated and finding that the report substantiates many of those concerns that had been brought to us and the benefits that were anecdotally shared. So I don't really have any questions except to look forward as to how we're going to implement this, actually get it into the system. I see that we have another item below this that requires us actually getting a general summary of an ordinance, so how that happens is part of a process that I'm not familiar with. Otherwise, I'm very much in favor with that has been recommended and looking forward to how we take the next steps. Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I think this report has a great deal of really important information and I think it's going to take a little while to digest it. There's some work for the staff to do in terms of looking at the radius. I'm not convinced that the radius idea is the best one. We have lines around our jurisdiction, which is the county line, and maybe that's the radius we should work in because I don't – if short-term rentals aren't really a problem outside five or ten miles outside the city, then I think imposing the density restrictions uniformly isn't going to hurt anybody outside that radius. But I may not be thinking about this right, so I would like staff to look at that a little bit.

I think it was good to talk about enforcement because we do get complaints. I've been getting complaints about a particular house in my district that seems to attract a lot of people who make a lot of noise and chase people up and down the road with drones and other such nuisance things. And I guess I wonder, one thing we didn't look at in this report is whether we want to restrict in residential areas the number of people. We restrict

it to two people per bedrooms but then we have some houses where outside corporations usually have come in and made eight bedrooms, so you can have 16 people, and that may not be appropriate in every residential neighborhood or maybe even any residential neighborhood. I think those are more like hotels or guesthouses that maybe should be in our commercial areas. Certainly there's a place for those because every year my family rents one somewhere and so I don't object to the idea of having a place where 16 people can gather all in one house and have a good time but I'm not sure that that belongs in a residential neighborhood.

And I certainly agree with the idea of – I think that the ordinance that we're going to consider after this just extends the moratorium so that we have time to consider it. I think originally we were thinking we might get this data more like in June or July and have time to process it by November. We don't really have time to process it. But anyway, those are my comments for now.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Go ahead. If you had a response to that I can hold my question.

COMMISSIONER HUGHES: Yes. Happy to hear a response.

MS. HOWELL: Chris, did you have a response?

MR. CORDOVA: Oh, yes. I believe that the ordinance already deals with how many people per household and we didn't recommend changing that. So we did look at it but I think it's covered already in the ordinance, if I'm not mistaken. So that's why we didn't address it in the report. We should leave that part of the ordinance as it is, which was I believe two people per bedroom or something like that. I don't remember right now but that's why it wasn't addressed per se in the report.

MS. HOWELL: And interestingly enough in all of our research and community survey responses and other things, in our data collection this did not pop up as an issue, the total number of people who can stay in a particular house at one time. So Commissioner Hughes, the house in your neighborhood, no one sent in a note to us about that particular house. But I recognize that that might be an issue.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you very much. So in transparency, my wife and I own STRs but not in Santa Fe County, although they are in Santa Fe County. They are in the City of Santa Fe. They are licensed and regulated by the City of Santa Fe. And we've been doing this for close to 15 years at this point and we are non-owner operators, but we live next door, so we hear when people are laughing or having a good time next door, and it's actually nice. It's better than having my neighborhood have a lot of prior to STRs becoming de rigueur and being the norm, we had a lot of vacant homes. So we had a lot of homes that were literally dark and we had break-ins where people would show up at Christmas and would be like, somebody broke into my house three months ago. Because they don't have people taking care of their house. So having activity in your neighborhood is a knock-on benefit of this.

But one of the points that I found with the presentation that I want to bring up is the fact that Southwest Planning said this is a mature market. Right? And the moratorium, we gave people a promise – this was before my time but we gave people a promise that the moratorium would be lifted in November and there is no quantification of what would happen if we didn't extend this. Would it be 200? 500? 5,000 homes that would suddenly

rush the gates to get grandfathered in? I don't think so. I think it would probably be a few, of some people that have purchased homes in this past year that say I've waited until November. Now you told me that this was an opportunity for me to get licensed and so on.

So I do not actually believe that at this point extending this is fair. We've had the concept of takings and we gave people a promise in the past that this would sunset in a few weeks from now, and if we have major adjustments to this, so be it. It does not look like the gloom and doom on the map is so apparent as to what was what brought up to us originally, that there were thousands and thousands. There's maybe 500 or 600 in the county. So I don't think that these recommendations are so ready and I don't know that three months would do this and I don't think it's fair to be adding this restrictions for another three months when there's probably been less than a thousand homes eligible from this that were purchased in the last year in Santa Fe County. I did rough numbers from the Realtors Association and it's close to a thousand homes that have been sold in the last year. I doubt more than ten percent of them would be wanting to become short-term rentals. So I do not think that this is something that's fair for those maybe ten percent, and I think –

COMMISSIONER BUSTAMANTE: Madam Chair, Commissioner Greene, when you have a chance.

CHAIR HANSEN: Okay. Commissioner Bustamante.

COMMISSIONER GREENE: I would cede the floor as a response if it's related. Yes, ma'am.

COMMISSIONER BUSTAMANTE: So how do you propose then that we would integrate the study and with all due respect to say guessing ten percent when everything has been built on and we started a conversation talking about data. So if we don't have that data but we're just speculating, how would we actually integrate the recommendations that are made because of something that isn't deemed fair? I do have concerns about doing it right. So fairness with regard to what it means to how it's executed and how we would have to live with it in the future isn't fair either. So as much as there have been commitments that have been made, there isn't anything that says that a moratorium can't be extended in the interest of doing it right.

So I guess it's a two-part question. How would we do it with the recommendations that we have been provided and have paid for, as well as assuring that we're going to do it right when even staff is saying if we're going to integrate this they would need the time to actually get that done?

CHAIR HANSEN: So I'm going to take a moment here. That is why we want a moratorium is to integrate what the report has done, and it is only for three months. There was talk of doing it for six months. Our County Attorney advised us that it would be more respectful to do it for three months. I think that staff – this has been a huge undertaking for staff. This is a tremendous amount of work and they have done an outstanding job and I want to thank them for the hard work on this and I think it is incumbent upon us to give them that time to integrate what we have gotten in this report and take on this moratorium because – and allow them to do the work in an environment that's not creating more work for them all of a sudden.

Three months is not a huge amount of time.

COMMISSIONER GREENE: So let me give you, if I may, Madam Chair and Commissioner Bustamante, so imagine if I purchase a home six months ago knowing full well that there's a moratorium that sunsets on November 25th, and that based on the rules that were set up right now that I would on November 27th or whatever the Monday is after Thanksgiving, that I would be able to go apply for a permit.

CHAIR HANSEN: That's not what the regulation says.

COMMISSIONER GREENE: Current regulation says that. That the moratorium ends and I would be able to – I was precluded from this and now the preclusion, the moratorium, is over, and now based on the current rules –

CHAIR HANSEN: We also took the opportunity to actually say that we were going to take the data into consideration, and we were hoping to get that data before now and we didn't get it. So maybe we don't want to just open this up, because we want to rewrite the rules, and that's what we're going to do with the ordinance. And you're saying, oh, well, just let them go in under the old rules before we've had a chance to update what we want to do. That's not fair to anybody.

COMMISSIONER GREENE: No, it's fair to the current standards. The rules are the rules.

COMMISSIONER HAMILTON: There are clearly valid pieces on both sides, but you have to admit Commissioner Greene's point is true. We set things up with specific expectations and it's entirely possible that people moved forward operating on those expectations and now we're changing the game. So we do have to – it's a factor I think we need to consider. The idea that we intended to this with the data is critically important, but some of the data – and I'm not sure which is the exact right way to go. That's not what I'm arguing. But it is a very fair point that Commissioner Greene is making and one piece of data that Southwest did present is that the numbers are not increasing rapidly. That's why they've made some of their other recommendations.

If they had said this is on the verge of exploding; we're at the low part of an exponential curve, that would have been another thing. Now, that's not hard numbers. That's relative numbers, and so Commissioner Bustamante's is valid but it is in the perspective of their analysis that it's a maturing market and therefore less of a risk. That's all. I just think it's a fair point to consider in comparison to the real need of revising the standard.

CHAIR HANSEN: They also said we should limit the non-owner.

COMMISSIONER HAMILTON: Absolutely. Absolutely.

CHAIR HANSEN: So we have a reason to rewrite the moratorium, extend the moratorium so that we can limit the amount of non-owners, so that we don't have an influx, but I have a number of other comments.

COMMISSIONER GREENE: So to continue on that they also mentioned that the non-owner-occupied in a systemic fashion is not really a problem in Santa Fe. This is not Vegas. This is not New York City where people have bought hundreds of apartments and homes. There's not enough of that volume in – there's a little bit more in the City of Santa Fe but in Santa Fe those are mostly within the BCD and the commercial districts where some folks have purchased –

COMMISSIONER BUSTAMANTE: So Madam Chair, so what you just said is that we don't have the numbers that we're concerned with. So I go back to the

original statement. We're making assumptions about a whole bunch of lives that are going to be affected because they thought the moratorium was going to be lifted now in November and they went and purchased things, which we don't have any data on. We don't know how many people have actually done that. But what you just said is we were just told that there aren't a whole bunch of them. So I guess I still go back to what would be the hazard in extending a moratorium when we don't have any idea.

You've both said we have people who went out and bought homes. We have people who went out and bought homes thinking they were going to be able to have the second location or whatever it is that their plans are that are going to be impeded by the extension of a moratorium, but then you said but it's not a big issue because they also have said we don't have a lot of that going on. In the interest of doing it correctly because both of those cases, both of the examples that you've give do not have any data behind them. There's nothing that substantiates how many people we are talking about. So in the interest of doing it correctly with whatever number of people may or may not have bought a house in the interest of using it as a commercial venue, I would say to do it correctly, especially being – representing a portion of those more rural and remote areas that this is a very big deal and that we have to do it right.

I will in all – with all due respect to everybody who does that work, and I see people from Growth Management here, one of our big weaknesses is enforcement. It's not something that I would say the County is known for doing very, very, very well. And that is an issue.

So if we do something and just say, well, we're going to go ahead and move forward with something that has already had its issues because we promised. We didn't make any promises. And again, it is before us. But it was stated that it would be in November. But nothing says that it can't be extended. So that being said, without having any real data that supports who has bought something in the interest of creating a commercial entity in the county, I am very much of the place that says let's do it correctly. And for those who may have bought in the interest of thinking I'm going to be able to do something commercial, by the time this opens up in November, then there's just a little bit of hold on the interest of doing it correctly and ensuring that we have the infrastructure to actually enforce those things. Enforcement is a huge part of this and it has been a weakness, at least in the last ten years if not more.

So I'm having a hard time understanding the case without you having the data, say on both sides.

CHAIR HANSEN: And also what staff is recommending and what the consultants are recommending is that we do the moratorium for three months. They didn't say the amount of time exactly, but we're not doing it for six months which was the initial idea. And so I think three months is a really good compromise on that. But we're kind of a little ahead of ourselves because I think there's other recommendations that we need to give to staff, and I think that they are also looking for. And so –

COMMISSIONER GREENE: Madam Chair, if I can respond to Commissioner Bustamante. There are two issues here that you're putting together. The first one is the data of these folks. The systematic and the corporate nature is the part that I was saying is not happening here. So that's different than the other issue of people that are in the system here trying to do it. There's two separate things here.

Second, if we move the goalposts on two levels and require that we extend the moratorium and change the rules, we are disempowering people that purchased homes. Period. Period. Absolutely. Takings – maybe the attorneys in the room will call it something else, but you are literally moving the goalposts on somebody that's set on the rules right now, they said on November 27th I would be able to apply under the current rules and if you change the rules or extend the moratorium and change the rules you have to let people in – we gave ourselves a year to assess the situation. The folks in this data said this is not as big a threat as we thought it was. This is not destroying our neighborhoods like the threat was: oh, my god, this is killing us. It's not affecting affordable housing. There's so much positive here that they brought up that in the fact that we are going to move this – we're already on the hook for one law suit; bring it on, I guess. Let's sit here and try to take another one on. Right?

I think that that would be a much more legitimate lawsuit to say you've moved the goalposts, and you've changed the rules.

CHAIR HANSEN: And we have the ability to do that.

COMMISSIONER GREENE: We do, but you also have the –

CHAIR HANSEN: We can do that.

COMMISSIONER GREENE: We have the ability to do a lot here. Yes.

You're correct.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just want to point out to our new Commissioners that when we set this up it was always with the idea that we were going to change the rules because we didn't know what the rules should be. So we were always going to change the rules. I agree with Commissioner Greene that there's probably not a terrible, awful thing that's going to happen if we don't extend the moratorium but yet that is the recommendation of staff and the consultants and I think also – I was going to suggest, although I won't suggest this strongly at this point, that we do four months because December hardly counts with everybody on vacation. So four months would give the staff more time but if we want to stick with three months we'd all just – that means that we as the Commission have to really work hard and rush to get the staff what we want them to do.

CHAIR HANSEN: I think that we should hear from staff, because we've heard from the consultants and I really think that we should hear from staff. I do have a few also kind of maybe controversial issues that I'm just going to throw out there because even though the consultant did not hear consistently about people who have seven bedrooms and have 14 people renting and 22 or 24 cars, I have heard a number of people complaining about that kind of situation in a residential neighborhood. That is not what we want.

The idea of short-term rentals in the beginning was I have a bedroom in my house. I have two bedrooms. I had two kids and they're gone and I want to rent those out. To transform a house in a neighborhood from – that was maybe a five-bedroom or four-bedroom house and they changed the den to another bedroom and they changed another room to another bedroom, and all of a sudden they have seven bedrooms. That means they can have 14 people and that they can have 24 cars per day in a residential neighborhood.

It's happening in Sunlit Hills. It's happening in Paseo del Sur. It's happening in Eldorado. It's happening in other places. That's not the idea of short-term rentals. Even though Commissioner Hughes likes to stay in those kinds of places, he also recognizes that it shouldn't be in residential neighborhoods. And I think that that is something really important that we have to deal with. So like do we limit the number of bedrooms or do we limit the number of people? Like that was some of the recommendations that they made in the report about density and I think that that's important.

How many short-term rentals can one person have in the county? That's something that we need to talk about that has to do with density also. Like, can one person have five? Three? Two? There is other things. I also think that the – so one of the other things that the report talks about is a tiered approach, and so let's say there's a person with a house and they have one bedroom. And they're the basic beginnings of the short-term rental. That was how it was designed. You have an extra bedroom and you rent that out. Those people – I'm fine with them having the \$35 fee. That seems completely reasonable.

Then when you get to people who have a seven-bedroom house or a five-bedroom house and they're living in the guesthouse, and they are paying \$35, that doesn't seem right to me. I am grateful to Isaiah for recognizing that we put this ordinance in place as the Assessor and that it has changed the aspects of the housing, because I think that is another important way to look at this. But I do think very strongly that most people should pay the \$300 a year as a fee, or as a registration, or as a license, or whatever you want to call it. Because \$300 is what people make in maybe two nights anywhere in Santa Fe. I don't think that that's unreasonable.

Maybe that's why I defined it as like the person who has the one-bedroom house who as an original Airbnb, maybe their fee is still \$35. But maybe they're happy – in Santa Fe, you pay \$375 a year for every single house that you have. Right? We're talking about enforcement and how we're going to pay for enforcement? Well, how you pay for enforcement is through these fees and that's how most communities pay for their enforcement is through their fees.

You can look – I have read a tremendous amount about STRs and that is their method of enforcement is the fees that they collect. We are allowing these people to run a business in our neighborhoods. Many HOAs do not allow short-term rentals. Las Campanas does not allow short-term rentals. Other neighborhoods have regulations, have HOAs, but their HOAs are not going to ever enforce it. So is it up to us? It's not up to us to enforce HOA rules and regulations. This is one of the other things that needs to be edited in the ordinance is – like we're not responsible for HOAs. That's a civil matter.

So the high number of guests – so these are some items that I think we need to give staff to work on. And so since we've each had a time to talk I would like to hear from staff and hear their recommendations. So, Penny, thank you very much for being here. Thank you for all your hard work on this.

PENNY ELLIS-GREEN (Growth Management Director): Madam Chair, Commissioners, I think that staff's opinion is that if you do want to set limits on the number that somebody can have, the separation between them, that we should extend the moratorium. We would ask for the resources as well to allow staff time to be able to bring you back an ordinance quickly and from the Board's time to possibly have a study

session before the next BCC meeting where we can have time to be able to provide all the options for each things and know exactly what the Board wants to do.

If we have that we can draw fairly quickly. We can bring back publish title and then the ordinance and then hopefully we would get that done before the new February deadline. But we would need staff resources, meaning I will have to free up some of my team and I think Jeff would free up his team and the Board's commitment to do a study session so we really get clear direction on each point.

CHAIR HANSEN: I think that sounds fantastic, Penny. I really appreciate your comments. I feel very strongly that doing a moratorium for three months and giving staff the resources to continue this project and process is a really important thing for us to do, and respectful of the staff and all the hard work that they have done in the past.

COMMISSIONER BUSTAMANTE: Madam Chair, in light of what Commissioner Hughes has said about the month of December, the question to staff: Is that adequate? Does that raise flags that the holiday season does tend to take people away?

MS. ELLIS-GREEN: Madam Chair, Commissioners, time is always difficult. I think we would hope that we could have a study session before the next BCC meeting to possibly be able to then bring a publish title document back at the end of November and hearings, or early December, and then hearings either later on. I guess there's not a late December meeting, so early January.

MANAGER SHAFFER: Madam Chair, Commissioners, so if you extend the moratorium by three months, in essence our bogie for adopting a new ordinance with whatever those permanent rules might be is January 26th. So to give that context, I think that staff is comfortable that we can do that with the new reporting data so long as we're prioritizing that work and the Board is prioritizing it as well. We'll work on what a potential study session may be, tacking it on to the beginning of a meeting – you might not want to do that. It makes the days longer, but perhaps we can find another time. But we can work out those details.

But the point is in doing it, number one, we are committing to providing those resources and number two, the three months was an effort to try and strike a balance between providing permanent regulations in an expeditious timeframe that while also one that also allows for due consideration of the data and competing viewpoints by the Board as well as the public through the public hearing process. Thank you.

CHAIR HANSEN: Thank you, Manager Shaffer, and also the property owners also knew the rules could change, because we said that. And they also – it also included extension. We could have completely outlawed any more non-owners in the new rules. I don't think that's what we're going to do. But that was a possibility that if they didn't register before the time they were out. And we didn't say, oh, this is going to end on November 26th, and then it's a free-for-all. We always said, since you weren't here when we did this, we always said that we were going to change the rules and if the data came back and said, oh, my god, you have way too many non-owners in the county, we could have limited – we would change the rules and say no more non-owners at all.

So it's not valid, what you're saying. Okay.

COMMISSIONER GREENE: I will acknowledge that I wasn't in the room at the time of that, but we did say that we would have this all complied and

completed by now. We extended the opportunity to register by a few months but the moratorium wasn't extended at the time. It's just moving goalposts at a time that to me is a little unfair for the folks involved in this.

COMMISSIONER BUSTAMANTE: Madam Chair, with all due respect, Commissioner Greene, this isn't a football game so the post wasn't being moved. When you get a report you tend to take action on the report so I would suggest that maybe we're mountain climbing and we didn't realize there was another hill. So I'm changing the metaphor from goalposts to mountain climbing. We got up a hill. We got information that is going to impact how we would move forward, but there's still another hill before us, and that, we're going to go ahead and make sure that we only do a shorter hill than a higher hill. So that way we can get over that hill to accommodate those people who thought they were playing football. How does that sound?

CHAIR HANSEN: So I think a study session is really the way to go. Thank you, Penny and Erle and Lisaida for that suggestion. And before the next meeting, so that means – today's the 31st, our next meeting's the 14th. Do we want to do it before, on the day of the 14th? Also I would like to ask, staff is comfortable with the three-month moratorium, yes or no? Yes. Okay. That's what I see. Erle?

MR. WRIGHT: We'll do whatever we have to do.

CHAIR HANSEN: Okay. Thank you. Lisaida? Okay. And I know that Jeff recommended that.

7. B. Request Authorization to Publish Title and General Summary of Ordinance No. 2023-___, an Emergency Ordinance Amending Ordinance No. 2022-07, the Short-Term Rental Regulation, Registration and Licensing Ordinance, and Ordinance No. 1992-3, the Business Registration and Licensing Ordinance, to Extend the Moratorium on Non-Owner-Occupied Short-Term Rentals

CHAIR HANSEN: So is it possible that I could have a motion for the moratorium as written in the agenda?

COMMISSIONER BUSTAMANTE: Madam Chair, so moved.

CHAIR HANSEN: There's public comment – do I have to do a public hearing? I don't think so.

MR. YOUNG: Madam Chair and Commissioners, so this is an item to authorize publishing title and general summary. There will be a public hearing at – I think it's November 17th at 2:00 pm or after, and that would be the time for public comment at that public hearing on this matter.

CHAIR HANSEN: Right. So we are only publishing title and general summary today.

COMMISSIONER GREENE: You will be able to speak at the next item on the agenda.

CHAIR HANSEN: You will be able to speak at Matters of Public Concern if you wish to on this item. This is only publishing title and general summary on the moratorium. And there will be other – and we will do a study session.

COMMISSIONER HUGHES: Madam Chair, I'll second the motion and

also, just to clarify, this only puts the matter out there. Everybody gets to come back on the 17th and tell us whether you like it or not.

MANAGER SHAFFER: Madam Chair, Commissioner, it's actually going to be part, if I could – I'm sorry to jump in. Part of the special meeting that's already been scheduled for the 17th, just so that we can comply with noticing deadlines and the like. So it is the 17th, on or after 2:00 pm. It will be part of the meeting agenda for that special meeting. It's already on your calendars.

CHAIR HANSEN: Okay. And in between that time, somehow we'll deal with that next. So I have a motion to publish title and general summary. I have a motion from Commissioner Bustamante. I have a second from Commissioner Hughes. Do I need a roll call vote?

COMMISSIONER GREENE: And you need a discussion.

CHAIR HANSEN: Okay. Under discussion.

COMMISSIONER GREENE: Under discussion, I take – not offense, but I take issue with the fact that this is an emergency. This is a self-made emergency. I do not think that emergency clause is applicable right now. There are specific rules to the emergency clause that would trigger this and I defer to the Attorney to say whether he agrees but I do not think that this is an emergency.

CHAIR HANSEN: Mr. Young.

MR. YOUNG: So Madam Chair, Commissioner Greene, the emergency clause allows the Board to implement emergency effective days in the event it affects public health and safety, and so that would be a determination by the Board at the time of the hearing on that matter.

COMMISSIONER GREENE: Okay, well, let's make our case that this is not an emergency, but I do not think that this is an emergency. So thank you.

CHAIR HANSEN: Okay. Do I need a roll call vote? Okay, I will have a roll call vote, Deputy Clerk.

EVONNE GANTZ (Deputy Clerk): For the ordinance?

CHAIR HANSEN: To publish title and general summary.

The motion to authorize publication of title and general summary passed by majority [4-1] roll call vote as follows:

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

CHAIR HANSEN: Thank you very much. The ordinance passes four to one.

COMMISSIONER HUGHES: The motion to publish title and general summary because we still haven't passed the ordinance.

CHAIR HANSEN: No, we still haven't. You're right. And we will not do

that for some time at the moment. Then, a study session. So I believe that we have 14 days. Is it possible that next Friday, or if we could all look at our calendars and see what is possible. The 10th happens to be a holiday. If you all didn't know, it's Veterans Day. I didn't know until I was told yesterday. I guess we've given up on the Nixon progress of Monday holiday. I've been told that the 10th is a holiday. Is that correct?

MS. GANTZ: So, Madam Chair, are we talking about having another meeting about this?

MANAGER SHAFFER: Madam Chair, Commissioners what I would suggest if I could is staff can get a sense of time that we might need to provide you with as much useful and comprehensive analysis as possible, and then we'll solicit potential dates for that study session. Again, with the idea that we're looking to adopt the permanent regulations at some meeting in January, if you work backwards, that would mean publish title and general summary at the meeting in December. So I just put that out there. So if you would allow us to do that and then we'll try and solicit a date and time for a study session rather than putting something on the books now, would be my suggestion.

CHAIR HANSEN: I'm fine with that. Thank you.

MS. GANTZ: And if I just may add, with the election next week, the Clerk's Office will be a little swamped.

CHAIR HANSEN: We know you're a little overbooked over there. Okay. We have passed – we have listened to short-term rental presentation. We have passed the authorization to public title and general summary.

8. Matters of Public Concern

CHAIR HANSEN: And now I'm going to go to Matters of Public Concern. I wonder if Daniel is available to help with the timing. But otherwise, I have a number of people who did sign up for Matters of Public Concern. How many people want to speak? Would you please raise your hands? Six. And there's some on line. So I'm going to allow it to two minutes. So if you would please line up, and Matt, can you help me with the timer? No?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, I'm getting the timer up right now. I apologize.

CHAIR HANSEN: Okay, so Daniel, you're here. Thank you very much. So if you could please put up a timer I would be grateful and I will request the first person to come up for two minutes.

PAT LILLIS: Hi. My name is Pat Lillis and I just – I imagine I can talk about the short-term rentals. Is that correct?

CHAIR HANSEN: Yes. Of course.

MS. LILLIS: I have a different take on the report that we heard today. I never heard any mention of a primary residence requirement, which is nationwide the solution that many communities have. I wrote a letter to all of you but the County isn't accepting my emails so I'm going to read part of it and add a couple things. In 2020 I wrote to Ulrik Binzer, who is the founder and CEO of Host Compliance, which is no Granicus about short-term rentals asking if there was a list of communities that have

primary residence requirement. He said, I don't think there is an official list, but pretty much any major city that is experiencing affordable housing challenges have a primary resident requirement at this time.

Since our Santa Fe community exemplifies the "experiencing affordable housing challenges" I want to let you know why I think a primary residence requirement is the best idea. A primary resident requirement gives the County a chance to slow down the impact of investor non-owner-occupied short-term rentals that raise rents for working individuals and families, drive up homeowner purchase prices, take long-term rentals off the market, displace families and working people and also they fear long-term rental evictions due to short-term rentals.

I suggest three additions or changes to the ordinance. I have been working on this for many years, by the way. One would be to include a basic primary resident requirement. There would be no need for caps, easy to enforce permanent resident of six to nine months. So I guess have to – anyway, please read the letter I sent to you.

CHAIR HANSEN: It was in everybody's box and everybody got a hard copy.

MS. LILLIS: I hope everybody reads it, because it's pretty good. Anyway, thank you very much.

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

KRIS LESLIE-CURTIS: Good evening, Madam Chair, fellow Commissioners. My name is Kris Leslie-Curtis. I am president of the Santa Fe Short-term rental. I live at 142 Vaquero Road, near Eldorado, and I am here to go on record today to basically say first we are now officially a 501(c)(6) recognized organization. We are not the same organization as the fellowship. We are a different organization.

We would like to go on record to say that we oppose the extension of the moratorium. It has hurt the real estate market. It is not pro-economic growth and we oppose it. Additionally, I'd like to briefly state that although we know the County Assessor's Office does not report to the County Commissioners, we also oppose the action to move short-term rentals' classification from residential to non-residential. There are three existing court cases that I believe the Assessors are aware of at least two of them, but there's also a third case that has been cited in the Lincoln County case. There is state precedent that has rules that short-term rental, three times, are primarily residential in use.

Also, quickly I would like to address that although the idea of what a short-term rental should be, that it's owner-occupied and that's a better short-term rental than a non-owner-occupied, I'm going to tell you as a non-owner-occupied short-term rental five star host, there is a bias in this room against non-owner-occupied short-term rentals. And that is very evident. And we want to see that short-term rentals that are non-owner-occupied are treated with the same respect as owner-occupied short-term rental. Thank you.

CHAIR HANSEN: Thank you. Next.

STEPHEN CHIULI: Good evening, Madam Chair and Commissioners. My name is Stephen Chiuli. I want to talk about short-term rentals. It seems to be the popular subject today. I found it really interesting to see the study that you did. Thank you for doing that. It was helpful to me. 84 Sunlit Drive West is a single-family residence on a narrow, windy dirt road with a steep driveway. It is permitted right now to have 22

daily guests, 14 over night.

When I spoke to the Fire Chief he said this is a disaster waiting to happen. The Ft. Worth, Texas corporate owner has threatened suit to the neighbors because they asked them to stop the noise at 2:00 am. They have an outside facility. The other day I saw a van-load of men leaving the property. Now, they could be good people, be missionaries from Utah coming to save us. At the end of the day is we don't want a van-load of men running through our family neighborhoods.

We have another property, 48 Texcoco – this is all Sunlit Hills, by the way. Three buildings each have two or more bedrooms. We can have 12 to 18 people staying in them overnight. These are businesses. They're not in compliance with our zoning. They are found as businesses in accordance with the appellate court that found with Teller Design that were supposed to be taxed as businesses.

I believe an owner-occupied short-term rental makes much more sense than these big corporations coming in, buying our homes, buying our affordable housing, pushing our teachers and our first responders out, and all the ones that are benefiting from this are the corporations, certainly not our neighborhoods. When I bought in Sunlit Hills I expected to see my neighbors, not corporate people bringing in large van-loads of guests. I thank you for your time.

CHAIR HANSEN: Thank you very much. Next please.

COURTNEY PETTIS: Madam Chair, Commissioners, thank you for the time and opportunity to speak with you. My name is Courtney Pettis. I grew up on a ranch south of here, very rural area, and it's deeply personal to me to make sure that everything is safe, secure, but we're not prohibiting economic development in this area. But as implemented, the moratorium is doing directly that. It is being directly discriminatory up against individuals who are unable to live in their property but are seeking to rent them out when they're not there to ensure that things are done in compliance.

In April I was denied a permit. I purchased a property as my parents are aging and need more assistance on the ranch. I am hoping to spend more time here but my career has taken me elsewhere and I'm not able to do that. So simply because of two reasons, because I didn't purchase the property before the November effective date of the ordinance, and because I am unable to live here full time I am discriminated against and not able to get a permit.

I work in a regulatory tax and permit agency. When we want to bring people into compliance we don't tell them, no, you can't be a part of this. Regulations are naturally an iterative process. What starts out as final today we're going to get more data, we're going to understand and we're going to change and we're going to evolve those. We don't want to keep people out of being compliant simply because we want to get things perfect. That day is never going to come.

You are going to get –your existing permittees are going to have to change and they're going to have to adapt to whatever you determine is going to be those changes that you do down the road. Keeping people out of the process right now, you don't even understand what the full environment is, the full parameters of individuals that actually want to be permitted. You want that data. You want that information. By opening it up, it really helps you. And as far as resources, I think that a task force of individuals that really

are dedicated to the community and want to see this done properly would be a great way to aid and assist in this process, and I would welcome that opportunity. Thank you.

CHAIR HANSEN: Thank you very much. Next.

GREG SIPP: Hello, my name is Greg Sipp and I've been living in Sunlit Hills for over 30 years in peace and quiet with neighbors being neighbors, respecting each other, and about a year and a half ago, a hotel moves in next to my house. They gutted it. They put in all these bedrooms. I don't know how many they can have in there now, but they can have 15, 20 people in there. It's a freakin' hotel. Okay? You've permitted a hotel to move next to me and destroy my life. This is not fair. There have been short-term rentals in Sunlit Hills forever. They've been guesthouse. They've been owner-occupied, and they are – and the thing about being owner-occupied, if they're too noisy, the people living right next to them, they're going to say, hey. I have people partying every night.

And the thing is we've had noise issues in the neighborhood, you call the neighbor and you say, oh, can you pipe down? No problem. No problem for over 30 years. These people are coming to party and you ask them to be quiet and they tell you to go screw yourself. We paid all this money to be here. We're going to have a good time. We don't care about you.

So I just beseech you to limit the number of short-term rentals. I think they should be owner-occupied, because like I said, it's been forever we've had this in the neighborhood and there hasn't been a problem. We see a couple of cars drive up. They don't make noise because the owner is there. So anyway, thank you.

CHAIR HANSEN: Thank you very much. Next, please. Is there anyone else in the audience who wishes to speak? If not, I believe, Daniel, you have some people online?

MR. FRESQUEZ: Madam Chair, we have one person online. Cynthia Carter.

[Cynthia Carter did not speak.]

CHAIR HANSEN: Okay. Is there anyone else online, Daniel?

MR. FRESQUEZ: Madam Chair, there are no other users online that would like to speak.

CHAIR HANSEN: Okay, and there's no one else in the audience who wants to speak, one more time? Okay, I am closing Matters of Public Concern. I want to thank you all for your time in coming here to speak to us. I think it's important. We will be dealing with the Short-Term Rental Ordinance and moratorium issue over the next couple of months so your voice is valuable and we appreciate it and thank you for being here.

9. Matters from the County Manager

A. Miscellaneous Updates

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I really just wanted to note for the public and as a reminder to you that we do have our next strategic planning session scheduled for Monday, November 6th beginning at 9:00 am. And in addition, we do have a special meeting of what will be both the Board of County

Commissioners and the County Canvassing Board for Friday, November 17th at 2:00 pm. Please check to make sure those dates and times are on your calendar. Thank you, Madam Chair.

10. Matters from County Commissioners and Other Elected Officials

A. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I don't think I have anything. Thank you.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair and fellow Commissioners, everyone in the audience. We're having a cleanup on Saturday of the Caja del Rio. Everyone is invited to meet at the La Cieneguilla Petroglyph parking lot to participate in the cleanup of the area and your participation would be absolutely welcome.

As well, just to bring up a concern that some constituents have brought to me with the La Familia Medical Center possibly closing in 90 days and in the southern part of the county La Familia is very much used by a number of the constituents. I don't know if, how, what, the County could possibly do to address the issue but it has been brought to my attention that approximately 75 percent of the low income residents in southern Santa Fe County at least use La Familia.

And lastly, I would have to say I cut my teeth on dealing with County, with government, with anything, on dealing with road issues and we all heard about a pretty disastrous issue that happened off of Highway 14 and Bonanza Creek Road. And I'm grateful that the County is going to help support – we'll have to work with the Department of Transportation to support marking but whatever we do, people are racing through there and fatalities are happening. It's that kind of thing where we wait for the numbers to kind of rack themselves up so that we finally do something. So yet again today I did receive another email in the interest of making sure that when this issue comes before us in whatever way we're able to do something comprehensive at that intersection that you all are aware of the issues as they build. Right?

So that's all I have. Thank you.

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

COMMISSIONER HUGHES: Thank you, Madam Chair. Just a couple things. My next Hour with Hank townhall will be on November 7th at 5:30, going back to the online format after a couple of in-person townhalls. I'll also be meeting with Rancho Viejo North and Rancho Viejo South in the next couple of months. They have a lot of concerns about maintaining the existing roads and new developments in their area, now that we're finishing the northeast-southeast connector. So I look forward to talking to them.

I wanted to mention since I'm your representative on the Regional Transit District that we have ordered a fleet of electric buses. We had hoped they would come in 2024 but it think they're coming in 2025. It takes a while to build those. But I'm certainly looking forward to riding in one.

And just sort of to tag onto what Commissioner Bustamante said, since Highway 14 is also in my district, at least the left lane [inaudible] but we both heard a lot about a recent accident there and I've also been hearing about the intersection of Highway 14 and Valle Vista which is in my district. So I think that maybe we need to bring this to the Metropolitan Planning Organization. As we have more houses built along Route 14 I think we're going to need to improve that road, at least as far out as the housing goes, because it's not really as much of a rural road as it used to be and it probably needs some improvements.

Thank you, Madam Chair. That's it for me.

CHAIR HANSEN: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I would be happy, by the way, to discuss this with the MPO at the next meeting, but I would recommend that we put it on the list for the MPO now because they're seeking new projects in the next few days. So if we want to go reach out to Eric I would recommend that we do that right now to study this because otherwise we're just going to miss a year.

So in terms of things that are going on in my district and things that are going on that I'm covering – Tesuque, the Tesuque Village Association is going to be having their first of many cleanups. I'd like to thank the staff at the County for helping coordinate with some bags and gloves and implements of destruction to help pick up the trash. This is going to be happening this weekend on November 5th. I want to congratulate the Town of Chimayo for getting their temporary post office reopened this week. However, it is really a temporary solution and so I'm encouraging us to start working on how to get a permanent solution and a more accessible and weather controlled situation up there. And so I'm working with our congressional delegation and potentially with the community up there to identify a better location for that, a more permanent solution.

And then also Tuesday is election day so please if you live in the city or actually if you live in the county there are ballot issues for everybody, including the Community College Board, so even if you don't live in the city you should go vote.

And early voting ends on Saturday and election day is on Tuesday. So please go vote, everybody. Thank you.

CHAIR HANSEN: Thank you. So for me, we had a milestone for the Coalition of Sustainable Communities on the 13th. The Governor announced the New Mexico Climate Investment Center and that is moving towards a green bank, which is really a fund to help with low income and sustainability housing and many other things that a green bank can do.

We had the Northern Rio Grande National Heritage Area board meeting. I am now the vice president and we created an emeritus board and a number of our members joined the emeritus board that have been on the Northern Rio Grande National Heritage Area for 20 years. And so that was a really good progress and something I have championed because I felt like it is a very important organization that provides a lot of grant opportunities throughout the counties of Rio Arriba, Taos, and Santa Fe. We also

chose our grantees and that list will be coming out soon.

I want to thank everybody who came to the Romero Park ribbon-cutting. It was quite successful. We had at least, according to P.J., about 100 people there, and it was incredibly fun, and people were playing pickleball and enjoying the park, enjoying the playground and I think it's really great to have a new regional park.

Sheriff Mendoza and I held a coffee and tea which was really good and one of the main things that we discussed was catch and release, which seems to be a real problem throughout Santa Fe County and the State of New Mexico and how can we address this crime problem, and I believe that crime is going to be on the Governor's call, and so I think we do need to think about what catch and release means and how we can work on addressing that. Because what happens is the jail becomes a revolving door and the people get arrested, let out, and then they get rearrested, and then they get let out, and they get rearrested, and then they get let out. And they don't get to sentencing. And so I think it is up to our DA to really start working on sentencing and making the catch and release process not so ordinary.

We had a great conference here with the outdoor recreation, outdoor economy for a couple days. It was really well attended from throughout the state and I had the honor and privilege of going on one of the outings and I went to Puye Cliffs and it was just amazing and I'm really honored that I got to go there. At the moment that's all I have so I am going to move on.

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

CHAIR HANSEN: Madam Deputy Clerk, I know you want to remind people to vote.

MS. GANTZ: I do want to remind people to vote. So, yes, we have early voting going on now through Saturday. We have absentee drop boxes which would love to accept anybody's absentee votes. We are encouraging people to use the absentee drop boxes because the post office, the mail is really slow right now. And to guarantee that we receive your absentee ballot we are requesting people use the drop boxes.

And then of course, election day is next Tuesday so by all means, everybody come out and vote. Thank you, Madam Chair.

CHAIR HANSEN: Thank you very much for that reminder to please go vote. And you can go vote at 100 Catron and numerous other places around the county.

12. Informational Items/Reports

- A. Community Development Department September 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- B. Community Services Department September Monthly Report. This Agenda Item Contains an Attachment.**
- C. Growth Management Department September 2023 Monthly Report. This Agenda Item Contains an Attachment.**

- D. Human Resources Division October 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- E. Public Safety Department September 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- F. Public Works Department September 2023 Monthly Report. This Agenda Item Contains an Attachment.**
- G. Quarterly Report on Restricted Housing at County Correctional Facilities Pursuant to Laws 2019, Chapter 194 (HB 364)**

There were no questions or comments regarding the reports.

11. Matters from the County Attorney

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:
 - 1. *City of Santa Fe vs. Board of County Commissioners*, First Judicial District Court, Case No. D-101-CV-2023-01555**
 - 2. FMCS Case #230130-03039 Santa Fe County Deputy Sheriff's Association and Santa Fe County**
 - 3. *Emmens v. Santa Fe County*, U.S. District Court, District of New Mexico, Case No. 1:23-CV-00588; and (4) David Garcia Tort Claims Notice.****

CHAIR HANSEN: Mr. Young.

MR. YOUNG: Thank you, Madam Chair, Commissioners. I would ask that we go into executive session tonight to discuss the following threatened or pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1(H)(7), NMSA 1978, specifically including: *City of Santa Fe vs. Board of County Commissioners*, that's in the First Judicial District Court, Case No. D-101-CV-2023-01555; also FMCS Case #230130-03039, Santa Fe County Deputy Sheriff's Association and Santa Fe County; number three, *Emmens v. Santa Fe County*, U.S. District Court, District of New Mexico, Case No. 1:23-CV-00588; and then finally, David Garcia Tort Claims Notice.

SFC CLERK RECORDED 12/08/2023

CHAIR HANSEN: Okay. Can I have a motion to go into executive session?

COMMISSIONER GREENE: Madam Chair, I move that we go into executive session and that we will adjourn now and we will not reconvene afterwards.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: Okay. Roll call vote.

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

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

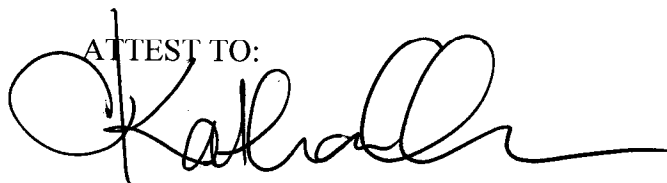
[The Commission met in executive session at 5:42.]

13. **Concluding Business**
A. **Announcements**
B. **Adjournment**

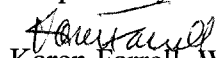
Chair Hansen declared this meeting adjourned at 5:42 p.m.

Approved by:


Anna Hansen, Chair
Board of County Commissioners

ATTEST TO:

KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:


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

SFC CLERK RECORDED 12/08/2023