SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING

March 8, 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: 11

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Deputy _____ County Clerk, Santa Fe, NM

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SANTA FE COUNTY

SPECIAL MEETING

BOARD OF COUNTY COMMISSIONERS

March 8, 2023

1. **A.** This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:03 p.m. by Chair Anna Hansen in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

Roll was called by County Clerk Katharine Clark and indicated the presence of a quorum as follows:

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

Members Excused:
None

C. Approval of the Agenda

CHAIR HANSEN: Is there any changes from staff?
GREG SHAFFER (County Attorney): No, Madam Chair.
CHAIR HANSEN: What's the pleasure of the Board?
COMMISSIONER GREENE: Move to approve as presented.
COMMISSIONER HUGHES: Second.
CHAIR HANSEN: Motion by Commissioner Greene, second by Commissioner Hughes.

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

2. FY 2024 CONGRESSIONALLY DIRECTED SPENDING

A. Presentation and Discussion of Proposed Projects for FY 2024 Congressionally Directed Spending Requests

CHAIR HANSEN: Growth Management, Robert Griego. Welcome, Robert.

ROBERT GRIEGO (Planning Manager): Good afternoon, Commissioners. This item in front of you today for this special meeting is to discuss proposed projects for the FY24 congressionally directed spending requests. This request included in your packet is a background memo which I'll go over and we will discuss potential projects and go back to the Board for a request for direction on moving these forward.

U.S. Senator Ben Ray Lujan, Senator Martin Heinrich, and Representative Teresa Ledger Fernandez have issued a call for final applications for Congressionally Directed Spending – CDS, and Community Project Funding – CPF, for fiscal year 2024. These projects support community priorities for federal funding and is a critical tool for local governments and non-profit organizations in New Mexico to voice their priorities to the federal government.

Staff is requesting Board of County Commissioners approval of e projects for which CDS/CPF applications should be submitted.

The Congressionally Directed spending is not an open-ended capital outlay request. Instead, CDS/CPF projects are limited to specific federal agency accounts. This means that the project still must meet the eligibility, matching, and other requirements of the account. The CDS/CPF process is competitive, since the Senate limits the funding available for CDS projects and the House of Representatives limits the number of CPF requests per representative to 15. Finally, the respective Appropriations Committee actually chooses the projects to fund.

In the past two years, the County has submitted project applications for Congressionally Designated Spending for various road, facility, water and wastewater projects. Projects were identified through a subcommittee of the Capital Planning Committee, which includes Public Works – Roads, Utilities, Facilities, Growth Management/Planning, the Housing Authority Division, Community Development Department and the County Manager's Office, which reviewed existing capital project requests and selected possible projects for consideration.

For FY 22, the County Housing Authority received a grant award in the amount of $1,044,172 for re-roofing repairs at Housing Authority sites through Congresswoman Teresa Ledger Fernandez.

For FY 23, the County Housing Authority Division received a grant award letter from HUD on March 2nd, last week, which awarded $1,212,000 for the re-stucco facilities project. So we have been successful in the last couple of years in receiving awards.

The funding agencies, list of eligible funding agencies and accounts for Congressionally Directed Spending includes the following agencies: Agriculture, Rural Development and related agencies, Commerce, Justice and Science, Energy and Water

Development, Financial Services and General Government Homeland Security, Interior, Environment, and Related Agencies, Labor, Health and Human Services, Education, and Related Agencies, Military, Veterans Affairs, and Related Agencies, Transportation, HUD/Housing and Urban Development, and Related Agencies.

For each of the different funding mechanisms there is a requirement for community support. Congresswoman Ledger Fernandez has informed constituents that "Members must demonstrate that there is significant community support for the proposed projects. This demonstration is critical to increasing the likelihood that the Appropriations Committee will choose to fund a project. Support may be evidenced by, but not limited to the following: letters of support from elected officials or other local and state entities; press articles or newspaper editorials highlighting the need for the requested CPF; listing on state intended use plans, community development plans, or other publicly available planning documents; resolutions passed by city councils or boards.

In addition, the federally designated spending criteria requires projects to demonstration community support through at least two letters of support from third parties within the community that would benefit from fulfillment of the request. These letters must clearly communicate the benefits that the request would confer upon the community.

In regard to the staff process, County staff evaluation criteria began while the Board approved Resolution 2023-009 to adopt the FY 2024-2028 ICIP. Staff reviewed the ICIP to identify projects that may be eligible for CDS and CPF funding as well as another significant project that will soon be presented to the Board for action, which is the County Public Safety Radio Project. Staff also applied the following general criteria to evaluate potential project options: generally avoid duplicate requests to the New Mexico Legislature and U.S. Congress for the same project to the extent possible, be respectful that our federal delegation has shown interest in our public housing sites previously; avoid projects with significant contingencies beyond the County's control; avoid projects for which there are other significant funding opportunities; and pursue projects that relate to emergency preparedness, training, response, or rehabilitation.

Although not currently on the ICIP, the County's Public Safety Radio Project has been in development for years. It is a mission critical public safety project that will either upgrade the County's land mobile radio system or allow the County to join the Digital Trunked Radio System, DTRS, that is owned and operated by the New Mexico Department of Information Technology, DoIT. The amount included in the project cost column below is the lower of the two alternatives that will be presented to the Board. Inclusion of the project does not commit the County to any alternative, but it may potentially secure partial funding for a very expensive and necessary project.

The applications for the CDS/CPF funding includes the following: March 10, 2023: Senator Heinrich; March 12, 2023: Congresswoman Leger Fernandez; and March 16, 2023: Senator Lujan

Staff intends to submit duplicative applications with all three members of our federal delegation, since our understanding is that they do coordinate and have different funding priorities.

The guidelines that staff has reviewed has also indicated that the delegation is requesting that projects be prioritized for funding.

Daniel, if you could bring up Exhibit B that would make that a little bit bigger. While Daniel is bringing up the recommended projects which are in your packet, and it is on Exhibit B. So the first project is Santa Fe Public Housing upgrades for electrical panels for three Santa Fe County public housing sites. The three sites include the Camino de Jacobo, Santa Cruz and Valle Vista. The project description is exterior and interior electrical system upgrade of service panels and breaker box for 186 units within these three public housing sites at $6,000 per unit. Again, these projects with the housing upgrades have been successful in the past. They've been very specific in the requests that we have received.

The category that's identified for this funding source includes the Department of Housing and Urban Development and the Economic Development Initiative. The average award for this category, according to the guidelines is $1.5 million.

The next project that we have identified for a recommended project is La Puebla Station 1 burn building. That project cost is $280,000. This project is to place a training tower at La Puebla Station 1, which will make it easier to provide necessary training to district members in the area. The project consists of site preparation, which includes leveling, dirt removal, placement of gravel, as well as the pouring of concrete footings in the foundation. A pre-designed and fabricated burn structure would then be assembled on site by the vendor.

The pre-fabricated structure is estimated to cost $200,000; site preparation is estimated to cost $50,000, 12 percent project management is $30,000. Staff describes this that this project should not consume significant project management resources, given its relatively simple scope. Again, this category is Agriculture and USDA Community Facilities and the average within this is just over $1 million is the average award that was previously provided.

Finally, the last project is the County Public Safety Radio project. This is a larger project - $7,751,300. This project, the County Public Safety project will allow the Count to move to a Project 25, P-25 digital radio system. The standard for public safety digital radio communications. The P-25 system will enhance interoperability with key partner agencies to meet the needs of first responders. It is fully supported and allows for updates to extend the radio communications' lifecycle. The category that we identified for this project would be the Department of Justice Community Oriented Policing Services, Law Enforcement Technology and Training. Again, staff will, based on the Board's direction, staff would further refine the project and the submittal in accordance with the criteria and guidelines for each of these projects.

There is staff available to answer questions specifically about these projects and I stand for questions from the Board.

CHAIR HANSEN: Thank you, Robert. Questions from the Board? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. How much do we expect to get overall? Or maybe the best question is how much did we get last time?

MR. GRIEGO: Commissioner, the Housing Authority received an award last week, March 2nd, in the amount of $1,212,000 and this was for the re-stucco facilities project. It was a very specific project for the Housing Authority and that was what was received in FY23. That's the grant award that we received last week. In FY22 there was

an award of $1,044,172 for reroofing repairs at the Housing Authority from Congresswomen Teresa Leger Fernandez.

COMMISSIONER HUGHES: Okay. I'm just wondering why we're applying for the $7 million project because it seems to me that wouldn't be very attractive for someone giving only a seventh or a fourteenth of a project. But there must be some logic behind that. Are we hoping to get a little bit to get it started, or why would we – I'm just confused about that one.

MANAGER SHAFFER: I can try to address that, Madam Chair and Commissioner. No, we have no expectation that we're going to receive $7 million from the federal government. At the same time we did think that it fit along with the burn building into the general topic of emergency preparedness and training of our firefighters in a time of increased demand relative to their services. But with a project of that size, even if we were successful in obtaining the immediate grant in that category of $500,000 it's better than a poke in the eye with a stick as my Corporations professor once said. But it helps start to make that a more manageable project. So that was the rationale, though I can obviously understand if the Board wanted to be more focused in its request. I hope that answers the question.

COMMISSIONER HUGHES: Yes. That's very helpful. Are we thinking then that we'll apply for all three and we hope that we get one or two? Is that sort of the idea?

MANAGER SHAFFER: That was our intent, and again, we tried to have a targeted list but we were going to apply for all three, recognizing that the individual members of our delegation may have different priorities in terms of what they're looking to fund this cycle.

COMMISSIONER HUGHES: Okay. Thank you. And my last question is were there any runners-up that stand out? The request said we should pick these three or something else, but I don't know what the something else would be, but are there some runners-up that we want to think about? Or was there nothing else that you really thought worth applying for?

MANAGER SHAFFER: I think if I could, Madam Chair. The other one that received a lot of consideration but ultimately staff didn't recommend was the Rio en Medio project, and that was due to the fact we have a pending duplicate request with the New Mexico Legislature that I think we're optimistic will be well received, and we weren't confident that if both requests were met that we would be able to expend the $2 million. So again, we didn't want to ask for something that we didn't feel we could spend if we hit the lottery and both requests were funded. I think that was the other one that I recall having discussions about, but Robert obviously could give you insights as to others that maybe were considered but weren't brought to my attention.

MR. GRIEGO: Madam Chair, Commissioner, I think there were other projects that were looked at for potential from the ICIP. Again, as we indicated, part of our criteria was not to duplicate the requests or ask for the same funding from the state that we were asking from the federal Congressionally Directed Spending. But there were also some projects that were associate with funding that is again, it's eligibility and the requirements. Some of the funding sources go directly to the state, as opposed to the

County. So we did look at all of the eligible agencies and accounts to try to determine the fits within those.

Again, this request in front of you now is specifically to – again, if the Board does have additional projects for consideration we could certainly look and see if they would qualify through the criteria that's been vetted.

COMMISSIONER HUGHES: Okay. Thank you, Madam Chair.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: So I guess the question I'll put out there is have members our congressional delegation expressed areas that they are focusing on this year? Or that Congress in a picture is focusing on? In past times certain aspects of infrastructure and certainly since the pandemic, emergency management, emergency response capabilities, communities resiliency, which overlaps with that. It does include things like, whatever – flood protection, emergency response, all sorts of things. Various things have been emphasized.

Recently, given the emphasis on both infrastructure and emergency capabilities, I think it's not a bad selection of projects, and in particular, the burn building and the radio system are really critical to what we do. Really, there's tremendous immediate value. So unless they've specified – like a few years ago the state was specifying this is the year of water. We're funding water projects this year. So, yes, you could go put in for a [inaudible], but what part of "We're funding water projects didn't you understand?" But if our federal delegation hasn't done that, then maybe we could think about it more broadly. Bu I think these are really good projects and the odd thing about the radio project, a big huge project, it's very hard to get it off the ground in any other way, so federal funding is one of the places you typically go to get – at least put a chink into the armor of having to consider a project of that magnitude.

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

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Robert. I have similar concerns about the radio project. I would say that if we got half – seed money, ten percent of it, that is what our expectation would be, but that's not enough to even get us off the ground in this case of $7 million. That's almost something that a bond issue would be – a countywide bond issue would go for emergency services in my humble opinion. The concern also on that is that I actually was speaking with Senator Heinrich's office before this meeting and they mentioned that seemed like a large ask and so I think they were correct in guessing that it is a very large ask for the feds. But it also comes with a time limit. The money comes in about 14 months or so, 15 months, and only has a one- to two-year window to spend it. And so if it's something that we get the money and that we don't have the rest of the money to do this project, and we're giving the money back, is that the wrong source of that?

And so I think this is a necessary project. I actually love the idea, but I'm just wondering if this is the best use of this request right now. It's more rhetorical than anything and I would love to hear more about the Rio en Medio project. I think that the communities up there, and if there was a fungibility to either do it – because there's two projects up in Rio en Medio that they've been talking about. One is for the flood control, and I think that's what's going before the legislature now, so if we could find out whether

we have been included for the full funding that we need, or if this could be complementary, or there's the second project up in Rio en Medio in that corridor, which is adding a road widening and bike lanes and all these sorts of recreational access and emergency access route up there. So if we asked for a Rio en Medio-ish project that allowed it to either be working to fill, back-fill whatever we get at the legislature, or what we don't receive at the legislature, and then anything extra could then be for the roads project.

And then lastly – so I leave with the last question is, how if this is a year and a half out, how are we dealing with inflation right now? Are these somewhat inflation adjusted numbers that allow for a ten to fifteen percent increase in cost and should we be asking for ten percent more than the current budgeting looks like?

MR. GRIEGO: Thank you, Madam Chair, Commissioner Greene. I think there was a couple of pieces to that. In regard to the Rio en Medio project, again, we did identify a project on our ICIP which is related to our open space property and funding to clean that up. There are additional funding sources and projects that could be considered. But the project that we had been considering as part of the review was specifically the open space project.

I think in regard to the funding dates and amounts, going back to the previous grant awards that we received – again, each of these are different agencies and each of the agencies may have different grant awards with the timelines. But the Housing projects that we received, and Jordan is here to discuss, but my understanding is the grant award for FY22 was recently submitted and that award expires in 2030. And then the grant award that we recently – that we got last week, the deadline on that one is –

JORDAN BARELA (Housing Director): Madam Chair, Commissioner Greene, good afternoon, yes. And there may be some changes to the process in the interim between the time we received our first grant award and this new award, but the timelines associated with the first award we received indicated we had 24 months to get a contract in place, but the expenditure date was actually in 2030. So we were looking at a total of about seven years from 2023 and beyond to have the funding fully expended. So I'm not aware if through this new award process there's been adjustment to timelines or if there's a difference between directed spending from the Congress side versus the Senate side. There may be some variance there. But just based on our experience it was some pretty extended timelines on the funding.

COMMISSIONER GREENE: Thank you. And inflation adjusting?

MR. GRIEGO: I think the projects were reviewed by the agencies and these were the costs that were identified by them. So I don't know that – again, we can certainly go back to the committees and ensure that the costs that we are requesting are appropriate but they were reviewed recently as we have submitted them.

COMMISSIONER GREENE: And then the road project, is there an inner – a way to fund across those whether it's the open space or the roadway up to Rio en Medio.

MANAGER SHAFFER: I think, and Robert, you can tell me if you disagree, Madam Chair, Commissioner, because of the way that the – again, it's not a general capital outlay. It has to tie to a specific agency account. I don't know that you would be able to make one request in the hopes that it would spill over. You would

actually be, I believe, making a separate request under a different category, which would be transportation, as opposed to the USDA Conservation Program, which I believe is what had been identified for Rio en Medio. So we'd have to look to see if the road widening project would meet the criteria for the transportation project but my general sense is that there would be that opportunity for the spillover, as opposed to if you got money from the state. They could just write it however they wanted to write it, to give you that flexibility.

COMMISSIONER GREENE: Thank you.

CHAIR HANSEN: Thank you. So my experience with this type of funding is the congressional delegation likes projects that they can go and have a photo with. They like to be able to see what we're doing. Congresswoman Teresa Leger Fernandez came to Camino Jacobo when we were doing the last project of reroofing and rehabilitating. This kind of spending that's earmarked particularly is a congressional earmark and so therefore Congress likes to be able to show off their project.

I do think the radio project is a big ask, but at the same time something that's really important because it is public safety and especially I'm wondering if we have any other agency asking for that money. Is the City able to ask for this earmark money also and are they asking for money from the congressional delegation for the radio system?

MANAGER SHAFFER: Madam Chair, yes, they would be eligible. I don't know whether or not they're asking for funding. They're pretty far along in terms of their migration to the statewide public safety radio system, and I believe they have all the funding secured that they need to make that switch.

CHAIR HANSEN: Okay.

MANAGER SHAFFER: And I could, if I could just add, I could understand, obviously, the rationale for not including the radio project, but because of its importance and because any amount of funding would help, that's why we brought it forward for your consideration. But obviously, the two other projects are move focused and something that they would be able to feel as if they were funding in total. So I can understand that rationale very much.

CHAIR HANSEN: I definitely think we should leave it on the list. Getting a million dollars towards it is possible. They've give us $1.4 million, $1.2 million so that would certainly make a dent in moving towards that project. Commissioner Hughes

COMMISSIONER HUGHES: Thank you, Madam Chair. Just along those lines, can we, in the application for the radio project, show what a million dollars would get, so that if they can only give us a million dollars, can we do – can we buy a third of this system? I don't know. Or can we buy a tower? So that if they only give us a million dollars they can still feel like they've bought something significant.

MANAGER SHAFFER: We can certainly look at that to see what we might be able to tease out and even maybe tailor the request so that it's for a specific component of the overall project. So we could analyze that.

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

2. B. Request Authorization to Submit Congressionally Directed Spending Applications for Chosen Projects for FY 2024

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Madam Chair, I'll make a motion to approve the three projects as presented.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay. I have a motion by Commissioner Hughes, a second by Commissioner Hamilton. Any more discussion?

COMMISSIONER HAMILTON: Question. I'm just wondering if, based on our suggestion, County Manager and everybody involved finds a way, decides to tailor the radio project, would that be still within our motion? Like if they find that they can put up just the tower.

CHAIR HANSEN: If we show a budget or we show cost allocations of how it goes in, I think that's –

COMMISSIONER HAMILTON: That would fit within the motion then. Yes. Thanks.

COMMISSIONER GREENE: Or like a phased approach. First million gets you this. The second million gets you that.

CHAIR HANSEN: I think the budget would show what you would get – what different elements would cost and they would then know what they're getting for their first million.

COMMISSIONER HUGHES: Right.

COMMISSIONER HAMILTON: That answered the question.

COMMISSIONER HUGHES: Yes, I assumed that was sort of part of the motion, that staff was going to try and break that out.

COMMISSIONER HAMILTON: Agreed. Thank you. Madam Chair, thank you. You answered my question.

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

3. CONCLUDING BUSINESS

A. Announcements

CHAIR HANSEN: So once again, this is International Women's Day, so congratulations to all the women on the Board and elected officials who are in the audience and present. A hundred years ago there might not have been women elected officials here. So I think that's moving forward.

COMMISSIONER BUSTAMANTE: Madam Chair, I don't think it was as far away as 100 years.

CHAIR HANSEN: That's probably true. Maybe 50.

3. B. Adjournment

Upon motion by Commissioner Greene and second by Commissioner Bustamante, and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 2:37 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
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SFC CLERK RECORDED 03/30/2023