

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

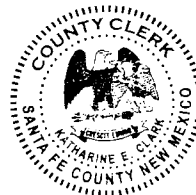
**October 11, 2022**

Anna T. Hamilton, Chair - District 4  
Rudy Garcia, Vice Chair - District 3  
Anna Hansen - District 2  
Hank Hughes - District 5  
Henry Roybal - District 1

COUNTY OF SANTA FE                    )  
STATE OF NEW MEXICO                ) ss  
I Hereby Certify That This Instrument Was Filed for  
Record On The 18TH Day Of November, 2022 at 09:36:18 AM  
And Was Duly Recorded as Instrument # **2001648**  
Of The Records Of Santa Fe County

BCC MINUTES  
PAGES: 55

Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy Destiny Romero County Clerk, Santa Fe, NM



**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**October 11, 2022**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:13 p.m. by Chair Anna Hamilton 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 Hamilton, Chair  
Commissioner Rudy Garcia, Vice Chair  
Commissioner Anna Hansen  
Commissioner Hank Hughes  
Commissioner Henry Roybal

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

The Pledge of Allegiance and the State Pledge were led by Chair Hamilton and the Moment of Reflection by Angela Baca of the County Clerk's Office.

Commissioner Hansen asked that former County Commissioner Ed Moreno be remembered, particularly for his work in support of Indigenous Peoples Day.

**F. Approval of Agenda**

CHAIR HAMILTON: Manager Shaffer.

GREG SHAFFER (County Manager): Thank you, Madam Chair and Commissioners. The initial agenda for today's meeting was posted on Tuesday, October 4<sup>th</sup>, at approximately 5:30 pm, and our amended and final agenda was posted on Friday, October 7<sup>th</sup>, at about 5:35 pm. The caption was updated with regard to Opening Business, item 1. E to reflect Ms. Baca from the Clerk's Office. With regard to item 3. A, that item was added, a proclamation proclaiming October 22<sup>nd</sup> as *Once Within a Time* Day for

SFC CLERK RECORDED 11/18/2022

Children. Packet material was updated for Consent Agenda item 4. A, and the caption and packet material were updated for Consent Agenda items 4. C, and 4. E. In addition, we updated packet material or added it for Consent Agenda item 4. G and 4. H, and we added Consent Agenda 4. A, concerning the Corrections operations for a budget adjustment request.

With regard to Miscellaneous Action Items, we added item 6. C, which concerns use of outside contracts for the northeast-southeast connector project, and we've updated packet material for item 6. F and 7. B. And finally, we added packet material for item 9. B. So again, those were modifications from Tuesday through Friday. I'd be pleased to stand for any questions.

CHAIR HAMILTON: Excellent. Thank you very much. So with those notations, what are – Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I move to approve the agenda as amended by Manager Shaffer.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

**2. APPROVAL OF MEETING MINUTES: September 13, 2022**

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the meeting minutes.

CHAIR HAMILTON: Thank you. I have a motion. Can I have a second?

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: I have a motion and a second.

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

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

**A. Request Approval of a Proclamation Proclaiming October 22, 2022 as "*Once Within a Time Day for Children*"**

CHAIR HAMILTON: I'll go right to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So I'm bringing this proclamation forward, one, because Godfrey Reggio is one of my longest time friends. I've known him for 49+ years and I took care of his children when I first came here, and I have a long history with him. He apologizes that he can't be here. They're doing a test on the movie, but I would like to read into the record the proclamation, if I may please?

CHAIR HAMILTON: Yes, please.

COMMISSIONER HANSEN: So the proclamation is – I also want to just say this, what it says in the proclamation beforehand, but Godfrey is an acclaimed filmmaker and this is his latest film that will be premiered. So I'll read, proclaiming

SFC CLERK RECORDED 11/18/2022

October 22<sup>nd</sup> as *Once Within a Time* Day for Children.

Whereas, individuals within our communities are essential to creating spaces of acceptance, programs for positive youth development, and building centers to provide proper medical care; and

Whereas, individuals within our communities also lend their artistic talents to capture the communities' experiences, exploring innovative ways of doing so while broadening minds; and

Whereas, Mr. Godfrey Reggio, a Santa Fe resident, is an exceptional public servant with long lasting impacts on the Santa Fe community; and

Whereas, Mr. Reggio was a Christian Brother assigned to St. Michael's College from 1959-1961; and

Whereas, Mr. Reggio taught at St. Michael's High School from 1961-1967; and

Whereas, Mr. Reggio also taught at the Loretto Academy from 1961-1967; and

Whereas, Mr. Reggio co-founded Young Citizens for Action, a community organization project aiding juvenile street gangs; and

Whereas, he also co-founded La Clínica de la Gente, a facility that provided medical care to 12,000 community members in Santa Fe, and La Gente, a community-organizing project in northern New Mexico's barrios; and

Whereas, Mr. Reggio co-founded the Institute for Regional Education in Santa Fe, a non-profit foundation focused on media development, the arts, community organization, and research; and

Whereas, Mr. Reggio co-organized a multi-media public interest campaign on the invasion of privacy and the use of technology to control behavior with funding from the American Civil Liberties Union; and

Whereas, Mr. Reggio transformed filmmaking by creating poetic images of extraordinary emotional impact for audiences worldwide; and

Whereas, Mr. Reggio is prominent in the film world for his Qatsi trilogy of essays chronicling the destructive impact of the modern world on the environment; and

Whereas, Mr. Reggio's latest film is *Once Within A Time* created to inspire children and youth of the important role they play in regenerating the environment during climate change; and

Whereas, the *Once Within a Time* World premiere will be screened on October 22, 2022, at the 2022 Santa Fe International Film Festival; and

Whereas, Mr. Reggio will be honored as a recipient of the Santa Fe International Film Festival's Lifetime Achievement Award on October 22, 2022; and

Whereas, this proclamation recognizes Mr. Reggio for his outstanding contributions to Santa Fe County and his avant-garde film achievements; acknowledges his devoted public service, and honors his commitment to our community with an emphasis on children and envisioning their futures.

Therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the 22<sup>nd</sup> of October, 2022, as: "*Once Within a Time* Day for the Children."

And so over the years, knowing Godfrey, he's been a prominent part of my life, but there are other people in his life who have been incredibly prominent and one of his long time collaborators is Philip Glass, who is an internationally recognized composer,

and also filmmaker Jon Kane, who he has worked with on all of his films.

I respectfully ask that the Board approve this proclamation for *Once Within a Time* Day and that everybody have the opportunity to see this groundbreaking film. It is really so timely. It is about our children and the impacts and the trauma that we are having upon them by the war that is taking place, by climate change, and it is really a profound bardic tableau of the world we live in today.

So with that, thank you, Madam Chair.

CHAIR HAMILTON: Thank you very much. Did you actually make a motion?

COMMISSIONER HANSEN: I will make a motion to approve this proclamation for *Once Within a Time*.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. So I have a motion and a second. Is there discussion? Comments any Commissioners wish to make? Very well done. Something that also brings awareness that we might not otherwise have. So thank you very much. Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, yes. I know that Godfrey and Philip Glass and Jon Kane, some of these people, are more of the avant-garde area of the film world, and so therefore may not be household names such as Steven Spielberg and others. But just because they are not household names does not mean that their work does not have the incredible impact upon our community. And if any of you have the opportunity to be able to get a ticket on October 22<sup>nd</sup> I hope you will join us at the Lensic, because it will be an event. And Mr. Reggio is an incredibly entertaining human being.

CHAIR HAMILTON: Excellent. Thank you. So I have a motion and a second.

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

**4. CONSENT AGENDA**

- A. Request Approval of a Memorandum of Agreement Between Santa Fe County and Santa Fe Conservation Trust for Night-Sky Monitoring Stations (Commissioner Hank Hughes) (Packet Material Updated)**
- B. Request Approval to Use Santa Fe County's Logo on Promotional Materials for the November 10, 2022, 'Living with Wildfire Community Listening Session Event,' Hosted by The Forest Advocate and Wild Earth Guardians (Commissioner Anna Hansen)**
- C. Request Consideration, Approval, or Disapproval of Agreement Between Santa Fe County and the Northern Rio Grande National Heritage Area, Inc. (NRGNHA), Agreement No. 2023-0068-ATT/BT in the Amount of \$10,000 for Legal, Bookkeeping, and Auditing Services Necessary for NRGNHA to Discharge Its Responsibilities as the Management Entity of the Heritage Area (County Manager's Office/Gregory S. Shaffer) (Caption and Packet Material Updated)**
- D. Request Approval of Second Amendment to JPA No. 2016-0223-PW/BT Adding \$227,000 Capital Outlay Funds, SAP 20-E2216-STB,**

SFC CLERK RECORDED 11/18/2022

**and \$381,968 Community Development Block Grant – Corona Virus (CDBG-CV) Funds to Construct a Community Well and Water Utility System Improvements in Glorieta, NM (Growth Management/Maxx PL Hendren)**

- E. Resolution No. 2022-\_\_\_\_, A Resolution Regarding Participation in the New Mexico Department of Transportation Project Fund, Project No. LP50034 Administered by New Mexico Department of Transportation for NE/SE Connector Road(s): Adopting Project No. LP50034 for the Construction of 3.96 Miles of New Roadway to Include Bike Lanes, Multi-Use Trails, 6 New Intersections, 26 Drainage Structure Crossings (Including 1 Bridge Structure) and Storm Drain System, Intersection Lighting, and Permanent Signing and Striping (Public Works Department/Gary L.J. Giron) (Caption and Packet Material Updated) **ISOLATED FOR DISCUSSION**
- F. Resolution No. 2022-\_\_\_\_, A Resolution Requesting an Increase to the Road Projects Fund (311) in the Amount of \$4,465,000 (Finance Division/Yvonne S. Herrera and Public Works/Gary L.J. Giron) **ISOLATED FOR DISCUSSION**
- G. Request Acceptance and Approval of a Right of Way Commitment and Vacation of Trail Easement within the New Mexico Land Conservancy's Property on Richards Avenue. (Public Works Department/Scott Kaseman)
- H. Request Approval of County Utility Line Extension and Delivery Agreement Between Santa Fe County and Copacabana Development Company, LLC (Public Works Department/Michelle Hunter) (Packet Material Added) **ISOLATED FOR DISCUSSION**
- I. Resolution No. 2022-\_\_\_\_, a Resolution Requesting a Budget Increase to the Corrections Operations Fund (247) in the Amount of \$250,000 (Finance Division/Yvonne S. Herrera and Public Safety Department/Derek J. Williams) (Item Added) **ISOLATED FOR DISCUSSION**

CHAIR HAMILTON: Are there any items on the Consent Agenda that anybody had questions on? Commissioner Garcia. Please specify if you would like them pulled and we can discuss them separately.

COMMISSIONER GARCIA: Madam Chair, thank you. I just have some – I just want staff to brief me a little bit on E, F, G, H, and I.

CHAIR HAMILTON: Oh, my goodness. Are we pulling all of those?

COMMISSIONER GARCIA: Yes. Madam Chair, I just have minimal questions. Not minimal.

CHAIR HAMILTON: So is there anything else?

COMMISSIONER HUGHES: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HUGHES: I don't want to pull anything but I want to comment on 4. A before we vote.

CHAIR HAMILTON: Okay. Please do. Go ahead.

COMMISSIONER HUGHES: Okay. So 4. A is the memorandum of

SFC CLERK RECORDED 11/18/2022

agreement with the Santa Fe Conservation Trust for the night sky monitoring stations. It's going to be a pretty cool project between Santa Fe County and the Conservation Trust. We will monitor the brightness of the night sky over ten years and after considerable investigation they've decided to put the monitors on the Chimayo fire station #2 in Cundiyo, Eldorado fire station #2, which is at the end of Vista Grande in Eldorado, the Galisteo fire station and as a backup I think the Tesuque fire station. So it's just a really interesting project and we will get the data from it as part of our collaboration.

CHAIR HAMILTON: Excellent. So hopefully as a presentation. Before we have a lot of discussion I'm going to pull the items because technically, that's what we have to do.

COMMISSIONER HANSEN: Okay, I was going to make a motion to approve the Consent Agenda except for the items that are being pulled, which I don't have all the numbers, but you do; right?

CHAIR HAMILTON: Right. I do. So this would be a motion to approve –

COMMISSIONER HANSEN: All the rest of the Consent Agenda.

CHAIR HAMILTON: A through D.

COMMISSIONER HUGHES: And I'll second that.

CHAIR HAMILTON: So I have a motion and a second to approve Consent Agenda items A through D.

**The motion to approve items A through D passed by unanimous [5-0] voice vote.**

4. E. **Resolution No. 2022-077, a Resolution Regarding Participation in the New Mexico Department of Transportation Project Fund, Project No. LP50034 Administered by New Mexico Department of Transportation for NE/SE Connector Road(s): Adopting Project No. LP50034 for the Construction of 3.96 Miles of New Roadway to Include Bike Lanes, Multi-Use Trails, 6 New Intersections, 26 Drainage Structure Crossings (Including One Bridge Structure) and Storm Drain System, Intersection Lighting, and Permanent Signing and Striping**

CHAIR HAMILTON: I see Director Giron coming up to field questions. I'll go to Commissioner Garcia. What questions did you have on E?

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Giron. Under item #E, this is a resolution regarding the New Mexico Department of Transportation just to participate in this 3.96 miles of new roadway.

GARY GIRON (Public Works Director): Madam Chair, Commissioner, yes. This is the result of us having submitted a grant proposal that was supported by the MPO and then approved by the District 5 and the Transportation Commission. This award gives us a total from the DOT of \$4.465 million with our match being \$235,000 for a total of \$4.7 million. I also think that it's noteworthy that last year at this time the DOT also gave us additional funds for the northeast-southeast connector via a similar process. They awarded \$2.375 million last year and our match is \$125,000.

So the total contribution from the DOT for the northeast-southeast connector is \$6.84 million, and our match with that was \$360,000. They have indeed been a good

partner with us.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Giron. So there's \$6 million that the department, the State of New Mexico has actually given to the County and we roughly have in there \$380,000-some dollars?

MR. GIRON: Madam Chair, Commissioner, that is correct.

COMMISSIONER GARCIA: I guess – I assumed that we already had enough money prior to this new additional money coming in to construct the northeast-southeast connector. Is this additional money beyond the design scope of work that we're now receiving from the DOT?

MR. GIRON: Madam Chair, Commissioner, that was true pre- all of the inflation. Inflation has had a significant impact on roadway construction. We anticipate that all of the funding that we have available for the northeast-southeast connector will be used in constructing the project and overseeing the project and getting it delivered within 12 to 15 months.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Giron. So this has already been out for award for construction, correct?

MR. GIRON: Madam Chair, Commissioner, that is true. We're in the middle of the final stages of procurement and we are very hopeful that we will have a contract in the next several days.

COMMISSIONER GARCIA: So whenever we went out to award this contract for a certain amount, and they came in a little higher than what was actually solicited, is Procurement okay that we're going beyond the \$4 million that was actually solicited to all the contractors out there?

MR. GIRON: Madam Chair, Commissioner, this issue came up earlier in the year in conversations with the previous County Manager, Manager Miller. That was disclosed to the Commission that we were going to begin the procurement process and that we were committed to finding the rest of the funds. We knew we were applying for the DOT funds but there were alternate plans to supply those funds in the event that the DOT didn't come through. And so this has worked out perfectly. And so the DOT gave us a signal several months ago that we were going to be successful in this process.

COMMISSIONER GARCIA: Thank you, Madam Chair. It's good to see that we are working with the DOT because about six or seven years ago we were promised some large amounts of money and we never got it but I'm glad to see that staff is actually working with the Department of Transportation because it's a well needed project for this area. Thank you, Madam Chair. Thank you, Mr. Giron.

MR. GIRON: and Madam Chair, Commissioner, if I could also add that we indeed also – we have been working very hard with the DOT. We have built strong partnerships with them and we have been working to make sure that we keep those lines of communication open.

CHAIR HAMILTON: Excellent. Thank you. So does anybody else have questions? Commissioner Hansen.

COMMISSIONER HANSEN: This is a project that you all know I've been working on since 2004 and it was actually \$3 million that we were supposed to get from DOT a number of years ago that during the Martinez administration was taken away and I am really grateful to our Public Works staff for their hard work at building a really



good relationship with DOT. Because of that we have gotten a number of funds under the Lujan Grisham administration and the awareness of how important it is for them to help local governments is really important.

And so this local government fund has really been advantageous not just to Santa Fe County but to all of the counties throughout the state and I think that that needs to be recognized because that was one of the things that was holding us back was this project, the southeast-northeast connector. When that 43 million was taken away in 2010 or something like that it really set us back at the County, because that was part of the money that we were moving forward with.

So I just wanted to state that for the record and I pray that this road will be finished in my term. So I thank you. And with that I make a motion to approve.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Excellent. I have a motion and a second to approve item 4. E.

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

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I just wanted to say that this has been a project that's been going on for a great many years and I remember as a brand new Commissioner them trying to put things in place. I'm glad to see we're getting a lot closer now. We're getting a lot of support. So I appreciate all the hard work from this Commission and the prior Commission. Thank you.

CHAIR HAMILTON: Excellent. Thank you.

[Clerk Clark provided the resolution numbers throughout the meeting.]

**4. F. Resolution No. 2022-078, a Resolution Requesting an Increase to the Road Projects Fund (311) in the Amount of \$4,465,000**

CHAIR HAMILTON: We still have Director Giron. Commissioner Garcia, what were your questions on this one?

COMMISSIONER GARCIA: Madam Chair, my questions were answered with the last item. Thank you. Move for approval.

CHAIR HAMILTON: Excellent. I have a motion.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

**4. G. Request Acceptance and Approval of a Right-of-Way Commitment and Vacation of Trail Easement within the New Mexico Land Conservancy's Property on Richards Avenue**

SFC CLERK RECORDED 11/18/2022

CHAIR HAMILTON: And we have Scott Kaseman. Welcome.  
Commissioner Garcia, what were your questions on this one?

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you. So this is actually regarding the Jane Petchesky property; correct?

SCOTT KASEMAN (Public Works): Madam Chair, Commissioner Garcia, yes, that's correct.

COMMISSIONER GARCIA: So I don't see a site plan in here as into can you explain to me more or less what we're vacating and what we're gaining?

MR. KASEMAN: Madam Chair, Commissioner Garcia, originally when Ms. Petchesky granted the easement to the County it was along the southern border of her property, which she granted an easement for the Arroyo Hondo Trail. The final design of the Arroyo Hondo Trail has moved that alignment and it is no longer required to have the easement across the remainder of now, the New Mexico Land Conservancy's property.

COMMISSIONER GARCIA: Thank you, Madam Chair. So on the most southern end of that property is actually along the river there, correct?

MR. KASEMAN: Madam Chair, Commissioner Garcia, the arroyo itself, yes.

COMMISSIONER GARCIA: So the County has spent some money in actually fending that property the last seven, eight, ten years. So we're going to vacate that easement back to the Conservancy District?

MR. KASEMAN: Madam Chair, Commissioner Garcia, that's correct.

COMMISSIONER GARCIA: Thank you, Madam Chair. So how does that work with our trail plan that we have along that river all the way from the northeast-southeast connector all the way west to State Road 14?

MR. KASEMAN: Madam Chair, Commissioner Garcia, the Projects Department Manager, Curt Temple, would be better able to answer project design questions for that portion of the trail.

COMMISSIONER GARCIA: Thank you, Madam Chair. Just keep in mind I'm concerned that we're actually vacating an easement at the southern end of Ms. Petchesky's property, so by us vacating this, and we have all these trails coming into here an getting out in here. If we vacate this where's the trail network going to go?

CURT TEMPLE (Projects): Right now, the trail, Madam Chair, Commissioner Garcia, is going into where the northeast-southeast connector is going to connect into. So this is coming up from the Arroyo Hondo Trail from basically, there's an existing turnabout there. It goes further down towards the fire station, and this will go back up along the ridge to connect back in over towards the northeast-southeast.

COMMISSIONER GARCIA: So the northeast connector actually is going to go parallel to i-25 headed west, correct?

MR. TEMPLE: This will be at the beginning down there by Rancho Viejo.

COMMISSIONER GARCIA: I guess I'm a little confused, Madam Chair, because I don't see how the northeast-southeast connector is going to connect with – I guess my concern, my question is are we still going to have a trail network for somebody on the most eastern part or most eastern section of the northeast-connector – they can ride their bike all the way down to State Road 14? Because there on Dinosaur Trail there is actually – the County Commission years ago approved an easement so you could ride

your bike or walk about Dinosaur Trail. And then it kind of ends right there before you get to Richards Avenue and I-25.

MR. TEMPLE: Madam Chair, Commissioner Garcia, right now there is the access along Old Dinosaur that goes in and connects into the Arroyo Hondo Trail through the trail systems there through La Pradera. That trail leads down that we did the first part of Arroyo Hondo. It goes to an intersection. You can make a right, go to the fire station. Now you'll be able to make a left and go back up to Richards all the way. So there'll be multiple ways to get down to 14 when we complete that through the Turquoise Trail Subdivision. That's our next phase that we're working on right now trying to acquire easements through Turquoise Trail. That portion is designed. We will start constructing that as soon as we can finalize the easements for that section of the trail. And that will take us right into 14.

COMMISSIONER GARCIA: Thank you Madam Chair. By the County spending money and upgrading that easement, fencing, are we getting reimbursed or anything for that, that we spent money on that property?

MR. TEMPLE: Madam Chair, Commissioner Garcia, not that I know of. No.

COMMISSIONER HANSEN: Commissioner Garcia and everyone, so when Jane Petchesky was still alive and I was working for Oshara Village, we worked with Jane Petchesky to get this easement and there was no payment that I remember or anything being done. Scott could correct me if I'm wrong. Am I wrong, Scott?

MR. KASEMAN: Madam Chair, Commissioner Hansen, no. That's correct. And one other thing may I add please real quickly. Commissioner Garcia, we are obtaining a sewer line easement across the Petchesky property which you approved last BCC meeting to do the new sewer system to connect the new facility on 14. So that's one thing that we're receiving in exchange for vacating the trail easement. We're receiving a sewer easement across this similar property.

COMMISSIONER GARCIA: Thank you, Madam Chair. That's exactly where I was going with this. So we are in negotiations with the Petchesky family to give us an easement from east to west?

MR. KASEMAN: Madam Chair, Commissioner Garcia, we've already received it and the Board accepted it last meeting.

COMMISSIONER HANSEN: So this all happened before – a lot of this happened before Jane Petchesky passed away and then she gave the land to the New Mexico Land Conservation Trust. So all of that land that was hers is now theirs. And she donated all of these easements. She did not request funding.

COMMISSIONER GARCIA: Thank you, Madam Chair. I know. I certainly understand. Thank you, Commissioner Hansen. I know not the entire Petchesky property was donated to the Conservancy Trust because there is some property out there that the Petchesky family owns that is actually for sale. But thank you for answering the questions. This next time if we could have some sort of a site plan or a map so we can know what the County Commission is vacating. Appreciate that. I'll move for approval, Madam Chair.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

**4. H. Request Approval of County Utility Line Extension and Delivery Agreement Between Santa Fe County and Copacabana Development Company, LLC**

CHAIR HAMILTON: We have Michelle Hunter, just as it says. So Commissioner Garcia, do you have questions on this? I'd like to keep them directly relevant to this issue.

COMMISSIONER GARCIA: Thank you, Madam Chair. So where is this? I don't see a site plan. I'm used to seeing pictures. I don't see a site plan. Where is this?

MICHELLE HUNTER (Utilities): Where is this?

COMMISSIONER GARCIA: Where is this property located at?

JOHN DUPUIS (Utilities Director): Madam Chair, Commissioner Garcia, this property is located off of Old Santa Fe Trail. It's near the corner of El Gancho Way and Old Santa Fe Trail. It's referred to as the Muledo Campus, and now there is a school there labeled as Thrive on the monument with the new school's name, which just opened, I believe, this past school year.

COMMISSIONER GARCIA: Thank you, Madam Chair. So the County is actually going to be delivering water to a new development.

CHAIR HAMILTON: Mr. Dupuis, could you give a brief summary on this? Because it was approved – this has been before the Board and approved, so this is really just approving a follow-up technicality that has to move forward to implement what we have previously approved.

MR. DUPUIS: Madam Chair, Commissioner Garcia, those statements are correct, and also this was previously approved. The contract terminated. This is a replacement agreement with the timelines updated.

COMMISSIONER GARCIA: Thank you. That's what I needed to get, that the timeline expired. Thank you, Madam Chair. Move for approval.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

**4. I. Resolution No. 2022-079, a Resolution Requesting a Budget Increase to the Corrections Operations Fund (247) in the Amount of \$250,000**

CHAIR HAMILTON: I believe we have Director Herrera on Webex, and we have our Warden here. So Commissioner Garcia, what were your questions on this one?

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Warden, for being here today. Could you give me a little bit more in detail as to why the wi-fi access? Is that just for inmates? Is that for phone service out there? Is that actually just for administrative staff? What is that?

SFC CLERK RECORDED 11/18/2022

DEREK WILLIAMS (Warden): Madam Chair, County Commission, that is for technology advancements for advancements towards officer safety, inmate safety. One of the recent items we have in front of Procurement, the RFID, which is to enhance inmate welfare checks, special lunches, suicide watches, people who are on detox watches. It's an electronic monitoring system that will help us be pro-active and have electronic watches for inmates. That's a small piece of it.

There's other digital signature paths for medical, inmates for med pass, medication pass, electronic records for that and electronic medical records. It encompasses those things and more. So it just gives us the technology advancements we need to progress moving forward down the road with pro-active efforts.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Warden. So have we not had wi-fi access for these types?

MR. WILLIAMS: We have wi-fi, Commissioner. It's very limited. We've been trying for a couple years to plan ahead to expand the wi-fi so we're prepared for the future.

COMMISSIONER GARCIA: Thank you, Madam Chair. Just the other question I have, so the actual – so the connection from Public Safety to wi-fi, is that out there near the studios? Is that where we're going to connect to? Or are we already connected to the area where the studios are? Because there's a major trunk line, a major fiber line that runs through there. I guess connection – are we going to plug something in and then we're going to have all the connection for everything that we need or do we need to go beyond this and actually get connected to that fiber line that's actually north of the studios? If we need it then we need to start thinking about that.

ELIAS BERNARDINO (Deputy County Manager): Madam Chair, Commissioner Garcia, what's in front of you is infrastructure for inside the facilities. We already have fiber that goes to the facilities. We don't need to make that pipeline bigger. So we already have connectivity. What this is going to help us is create infrastructure throughout the entire facility. Right now we only have what we would call the admin side where the warden and booking and medical staff is located, but it's not a very robust system and the infrastructure would support new technology that we could leverage to support the safety and the well being of those that are inside the facility, including staff, contractors and inmates.

COMMISSIONER GARCIA: Thank you, Madam Chair. No further questions. Move for approval.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

## **5. APPOINTMENTS/REAPPOINTMENTS**

None were presented.

**6. MISCELLANEOUS ACTION ITEMS**

**A. Resolution No. 2022-080, a Resolution Approving the Santa Fe County Acceptance of Electronic Payments Policy**

CHAIR HAMILTON: And can we go to Director Herrera on Webex?

YVONNE HERRERA (Finance Director via Webex): Yes, Madam Chair, Commissioners. As part of this budget submission to DFA, the County is required to submit our policy for accepting electronic forms of payment. The County has been accepting electronic forms of payment for several years from the public for services but we didn't have a policy in place.

Per Section 6-10-1.2 NMSA 1978, local governing bodies shall adopt procedures subject to DFA's approval on accepting electronic payments. The purpose of the policy is to provide guidance for acceptance debit, credit card and electronic transfers for services throughout the County, including accounting controls to mitigate credit card fraud and to provide a basic understanding of the payment card industry PCI regulations.

The Finance Division drafted the attached policy and discussed it with the departments currently accepting the current forms of payments prior to presenting to the Board. The policy covers the following topics: acceptance of processing, the County will accept electronic forms of payments for services and procedures for departments to follow for requesting approval to accept the electronic forms of payment and that the County has an established credit card payment processor on contract and will continue to contract for those services.

Handling electronic payment information details the County's compliance with the payment card industry's data security standards, through employee training on the importance of protecting account holder data, and the approved payment channels that the County will use.

Accounting controls establishes the process for departments to reconcile and report electronic payment activity to Finance, as well as Finance's responsibility to reconcile the activity each month. And finally the County will submit an annual PCI card industry self-assessment questionnaire as a component of its interim budget to DFA.

Currently, most departments have been set up to accept electronic forms of payment which are actively being used by the public. The County provides the most approved forms of payment for property taxes. All other departmental activities require verification of payment prior to the service being completed. In these cases, the approved payment channels are point of sale and internet payments. And with that, Madam Chair, I stand for any questions.

CHAIR HAMILTON: Excellent. Thank you very much, Director Herrera. So are there any questions? Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Yvonne. So this is going to allow the taxpayer to pay taxes with a debit card? Water, utilities with a debit card? Is that correct?

MS. HERRERA: Madam Chair, Commissioner Garcia, correct. Yes. Actually, they've all been – property taxes, we've had the process established for several years now and Utilities has a separate process because of their accounting software but

SFC CLERK RECORDED 11/18/2022

that was implemented last year, I believe.

COMMISSIONER GARCIA: Thank you, Madam Chair. This is great. This is amazing. This is awesome. My cousin has been calling me, two years, three years, four years, about why she cannot pay her water bill through her debit card. And I keep telling her, we're working on it. We're working on it. We're working on it. She finally stopped asking me. But congratulations to all of the individuals, staff Public Works, your team, Yvonne, that actually worked on this because this is where Santa Fe County needs to be. But thank you. This is great news. And with that, Madam Chair, if there's no further questions, move for approval.

COMMISSIONER HANSEN: I second with a discussion.

CHAIR HAMILTON: Under discussion, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Thank you, Yvonne, for your hard work on this and thank you to all the staff of course. I want to state that both Commissioner Hamilton and myself encouraged this to happen at the first strategic planning session – and that we wrote and this was one of the plans that was in the strategic plan, and now it is an actuality and we are all very happy. So thank you very much.

CHAIR HAMILTON: Excellent. That's absolutely true. This is clearly a convenience for everybody and should increase efficiency and everybody's ability to comply and participate so I'm very pleased to see this. Is there any further discussion? I have a motion and a second.

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

6.     **B.     Request (1) Authorization for the County Manager to Negotiate and Finalize Construction Contract No. 2022-0168-PW/APS for the Northeast/Southeast Connector Road and Infrastructure Project, Including All Change Orders, and (2) Delegation of Signature Authority to the County Manager to Sign Construction Contract No. 2022-0168-PW/APS, All Change Orders to the Contract, and Purchase Orders Associated with the Contract**

CHAIR HAMILTON: We'll cut to the chase and go to Brian Snyder since he's up at the microphone.

BRIAN SNYDER (Public Works): Madam Chair and Commissioners, Bill's here to help with any procurement questions, but I'll take the lead on it and then Bill and Ivan are also here to help. In February 2022 the Purchasing Division issued a request for proposals for construction of the northeast-southeast connector road and infrastructure project, and in September 2022 we received proposals from two companies: Albuquerque Asphalt and Albuquerque Underground, Incorporated.

The engineer's estimate is listed in the memo, but the base bid is a little over \$15.5 million and the base bid plus all the traffic circles is around \$17.2 million, also the exact numbers are listed in the memo. We're still at this time in negotiations for this project, so it's an open procurement so we can't answer specifics about the procurement and the details, but we are in negotiations. And at this time the recommended action is to

SFC CLERK RECORDED 11/18/2022

seek approval of delegation of signature authority to the County Manager to negotiate and finalize the construction contract within the available budget and we have the funds available based on the engineer's estimate, including authorization to sign any and all purchase orders and change orders for the project. So with that I'll stand for any questions you may have on where we're at in the process. But we're looking to seek approval to award this contract which has gone through the proposal stages.

CHAIR HAMILTON: That's great. Thank you so much, Brian. Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Yes, this is a great day, I think, that we're finally building the road, so I'll thank everybody on the staff for their part in getting us this far and make a motion for approval.

COMMISSIONER HANSEN: Second.

COMMISSIONER GARCIA: Discussion.

CHAIR HAMILTON: Yes, I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, once again, as my colleagues mentioned, this is a great day in the neighborhood for south if I-25. So what is the total amount for this project? DOT funding, all this funding. What is the total amount? Ivan? Somebody out there?

MR. SNYDER: Madam Chair, Commissioners, we have about \$7 million in DOT funding. Gary mentioned that earlier today. \$7 million in total DOT funding and that is incorporated in the engineer's estimates.

COMMISSIONER GARCIA: So we have more than \$7 million in this project.

MR. SNYDER: Madam Chair, we have the budget available for the engineer's estimate of \$17,278,000. We have that budget available. The County does.

COMMISSIONER GARCIA: Thank you, Madam Chair. I'm just a little concerned that we're actually awarding a contract and we haven't even gone through the procurement process to what their final agreement is. I understand we're giving the County Manager signature authority to actually sign off on that and I just want to make sure we're going to still be within the \$17.278 million that we have allocated for this. And if a change order comes in after the fact, the County Commission is giving the Manager authority signature to sign another million dollar change order, two million dollar change order? Can somebody explain to me how that works, when we get to that point, if we do?

MR. SNYDER: Madam Chair, Commissioner Garcia, we have the available budget, as I mentioned earlier, for this work. Item 6. C, we also have available budget for construction management services. We'll talk about that on the next agenda item, as well as we have a built-in contingency for the overall project. I can't get into specifics of the available budget because we're still in negotiations with the construction contractors as well as the construction manager on the next item. So we have gone through the procurement process and at this time we're in negotiations based on the proposals and the bids that we received as part of those proposals.

COMMISSIONER GARCIA: Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. We have a motion and a second. Is



there further discussion?

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

- 6. C. Request (1) Authorization to Utilize an Outside Contract through the Cooperative Educational Services to Provide Construction Management Services Related to the Northeast/Southeast Connector Road and Infrastructure Project; and (2) Delegation of Signature Authority to the County Manager to Negotiate and Finalize the Project Management Contract and Authorization to Sign the Purchase Orders and All Change Orders to the Contract**

CHAIR HAMILTON: Brian.

MR. SNYDER: Madam Chair, Commissioners, in May 2022 of this year, the Public Works Department worked with the Procurement Division to request a cost proposal from Horrocks Engineers, via their Cooperative Education Services, also known as CES, for construction management services of the northeast-southeast connector roads project. In June of this year, 2022, the County received a proposal from Horrocks Engineers, and at this time we're still negotiating with Horrocks on the final amount.

In the staff memo is the dollar amount that was proposed minus GRT, and we have available budget for that amount. At this time staff is requesting approval to utilize CES for the construction management services for the northeast-southeast connector road project, and delegate the signature authority to the County Manager to negotiate and finalize the contract with Horrocks Engineers, including authorization to sign any purchase orders for this project. So in summary, this is to seek construction management services for the northeast-southeast project. With that I'll stand for any questions.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Excellent. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Brian, for all your work on the northeast-southeast connector. It looks like it is really a great day moving forward. Commissioner Hughes, will you be okay if I make a motion, since this is your district? But I would like to make a motion to approve item 6. C, request to use outside contractor through CES Services.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Excellent. I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair, Mr. Snyder. So this CES contract, are they actually going to do a portion of the funding that we have or the entire funding amount that we have? Are they going to oversee all of that, for the construction management services?

MR. SNYDER: Madam Chair, Commissioner Garcia, once the contract is finalized with Horrocks Engineers, they'll be responsible for all construction management services, which include onsite daily construction, inspections, testing, administrative services, review of change orders – those types of things from the contractor. Internal staff will also be reviewing those same things but we'll have eyes and

SFC CLERK RECORDED 11/18/2022

years on the site at all time during construction. So they will work for the County as well as work alongside the contractor that's selected.

COMMISSIONER GARCIA: Thank you, Madam Chair. The only – I just want to bring this forward. We have some situations with the schools. Whenever we hire the contract management team, whenever the project is done, whatever is in the process, whoever is making those change orders, whoever's doing the testing, ultimately, who's responsible is something if not done correctly in accordance to that.

MR. SNYDER: Madam Chair, Commissioner Garcia, ultimately, the contractor is responsible. Horrocks is doing site testing and observation and will call attention to anything, any discrepancies they see. They're doing testing for the County to make sure of the road quality, the sub-base quality, the earth mixing, those types of things. So they're working for the County directly. Ultimately, the contractor is responsible for the construction of the road per the plans and specifications.

COMMISSIONER GARCIA: Thank you, Madam Chair. So the engineering firm, they're already doing their own testing. So they're actually just helping the County out to make sure that everybody else on site, whether it's the asphalt crew or movers, that they're actually doing the testing correctly; right?

MR. SNYDER: We're doing our own testing as well as making sure the contractor is following through with what the plans and specs call for.

COMMISSIONER GARCIA: So which group gets to keep the great big binders and everything all in there? Is that their responsibility? Ivan's responsibility? Or is that actually the construction oversight team?

MR. SNYDER: So the construction manager I'm sure will have their own binders. A lot of it's electronic these days but similar concept. But at the same time, County staff will be the owner of all that information once the project's complete. So the project will be completed and once dedicated to the County, the County will be owners of all that project information for our records.

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

CHAIR HAMILTON: Thank you very much. Are there any other questions? If there's no further discussion, I have a motion and a second.

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

**6. D. Resolution No. 2022-081, a Resolution Requesting an Increase to the Regional Emergency Communications Center Operations Fund (245) in the Amount of \$184,189**

CHAIR HAMILTON: And if we have Director Herrera on Webex, Yvonne are you taking this?

MS. HERRERA: Yes, Madam Chair. Madam Chair, Commissioners, RECC is requesting a budget increase to purchase servers and necessary licenses and services to support the computer and dispatch system. The CAD system has experience failures or downtime due to lack of storage which has hindered critical communications and intake for police, sheriff, fire and medical and animal patrol calls. A new CAD server is needed. In addition to the new server, a back-up server is needed to store data from

SFC CLERK RECORDED 11/18/2022

1980 in order to assist with any open police cases. A special RECC board of directors meeting was held on September 15<sup>th</sup> at which the board recommended the server purchase to the City of Santa Fe, the County, and the Town of Edgewood, with the Town contributing \$20,000 and the balance being split between the City and the County.

The split is per the terms of the second amended and restated joint powers agreement which is being presented to the Board in item 6. E. The amount being requested in the budget adjustment is for the entire amount, which we'll be using cash balances in the RECC operations fund. This does not, however, relieve the City and Town from contributing their share of the necessary capital purchase. The County will not initiate the purchase until such time as the County Manager receives the respective contributions from the City and the Town or have adequate assurances that the payment will be made timely.

One note we want to make is as I mentioned, item 6. E is being presented which is the amendment to agreement #2020-0133. The amount that's being presented as part of that amendment doesn't match the amount of this budget resolution for the following two reasons: amendment #2 doesn't include a police to citizens module, which was requested by the Sheriff's Office and is going to be purchased out of their own budget, and the BAR includes gross receipts tax which the amendment #2 does not. And with that, Madam Chair, I stand for any questions.

CHAIR HAMILTON: Excellent. Thank you very much. Does anybody have any questions?

COMMISSIONER GARCIA: I do.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Yvonne. This actually concerns me that our RECC, Regional Communications Center has a lot of down time and I'm glad that we're moving this forward, but it really does concern me whenever somebody calls 911, there could be some downtime and I'm glad to see that we're moving this forward. So who actually from the County looks at the CAD system to make sure that it is the proper CAD system and it has enough backing or what not to make sure it's going to handle all the calls that we get in there? Or we're just buying a server?

CHAIR HAMILTON: Maybe Manager Shaffer -

MANAGER SHAFFER: Madam Chair, Commissioner Garcia, if the question is who made the recommendation relative to the server needs, it was the director of the RECC in consultation with the County's own IT Department. So again, these recommended capital purchases were made to the RECC board of directors, who in turn recommended it to this body as well as to the governing bodies of the Town of Edgewood and City of Santa Fe. If the question is broader in terms of the now completed purchase of the One Solution computer-aided dispatch process, that was procured, if I recall correctly, through a competitive process and the current CAD was selected at that time as being one of the most advantageous to the parties. I hope that answers your question.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Manager Shaffer. As you recall, about four or five years ago we had extensive meetings in this chamber with the RECC board, and that was in regards to upgrading the radios, which I believe we purchase Motorola radios. And I just want to make sure that all of

these systems are actually integrated together. The radio systems, the hand-held systems, the Sheriff's Department is asking for a citizen module. I don't know what a citizen module is. I may not need to know what that is. You also mentioned the Town of Edgewood. I'm sure Commissioner Roybal here is interested in the City of Espanola, but when everybody here in Santa Fe County calls the 911 center that call goes to State Road 14 and I'm under the impression that somebody in the Edgewood area calls 911 it goes to Bernalillo County, and then Bernalillo dispatch sends it to Santa Fe. So are we communicating with all of the departments, agencies that are going to utilize this new CAD system? That everyone's okay with it?

MANAGER SHAFFER: Madam Chair, Commissioner, a computer-aided dispatch system is utilized by the RECC in order to assist in the dispatch of 911 calls for Santa Fe County first responders. So I'm not aware of, though I would defer to Director Lujan if I'm mistaken, of the need to coordinate beyond the actual users of the RECC, in terms of other governmental entities.

COMMISSIONER GARCIA: Thank you, Madam Chair, Manager Shaffer. Can you just check with the director and just look into that? I appreciate that. Thank you. Thank you, Madam Chair. Move for approval.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Is there anything further under discussion?

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

6. E. **Request (1) Approval of Amendment No. 2 to Agreement No. 2020-0133-RECC Between Santa Fe County and CentralSquare for CAD System at Regional Emergency Communications Center for the Purchase of Additional Servers and an Additional Module for the Sheriff's Office, Increasing the Compensation an Additional \$178,802.90, for a Total Contract Sum of \$1,367,828.25, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)**

CHAIR HAMILTON: This is an additional related item. And I think we have Mr. Taylor

BILL TAYLOR (Procurement Director): Thank you, Madam Chair, Commissioners. As Director Herrera explained in the prior resolution, this is requesting your approval to amend that contract with CentralSquare to add the additional \$178,000 to the increase to that contract requires Board approval. We would then be able to finalize the agreement and the purchase order would be issued after delegation by the County Manager. With that I'll stand for questions.

CHAIR HAMILTON: Great. Thank you very much. Are there any questions, since this was so closely related.

COMMISSIONER HUGHES: I'll make a motion for approval.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Excellent. I have a motion and a second.

SFC CLERK RECORDED 11/18/2022

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

**6. F. Request Approval of Memorandum of Agreement No. 2022-0233-CSD/MM Between Santa Fe County and the City of Santa Fe Regarding the Use of Santa Fe County Funds for Prevention and Intervention Programs that Address Youth and Community Violence**

CHAIR HAMILTON: I believe we have – all of a sudden it doesn't look like Mr. Taylor anymore.

RACHEL O'CONNOR (Community Services Director): Madam Chair, with me is Mr. Taylor and Chanelle Delgado of the Youth Services Division. We're requesting approval of an agreement with the City of Santa Fe for \$100,000 in order to support the reduction of youth violence in our community. And as you know this was tabled at the last meeting. We did have some discussions with the City in terms of their ability to accept this and they have advised us that they are able to receive funds from the Department of Health and that it's only select funding that they are restricted from receiving at this point in time.

Madam Chair, I also wanted to address a couple of the other questions that were asked. One was the split between the City and the County and I believe – Ms. Delgado, you can correct me if I'm wrong – both entities are putting in equal funds, but the City is hiring a position to perform some of the administrative activities relative to the operating of these grant funds. And with that I'll stand for questions as will the folks with me.

CHAIR HAMILTON: Excellent. Thank you. And we're so happy to have you here. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much, Rachel and Chanelle and Bill. I'm very sorry, Bill, to have broken your ten-year record and I apologize but I really had this question and so I'm very happy to know the City is not impacted by their audit on this funding, because I do think it is incredibly important to help our youth and where we can work together with the City I think it's always important that we find ways to do that. So thank you, Chanelle and Rachel and Bill. Thank you for bringing this all forward. So with that I would like to make a motion to approve.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Rachel. Thank you, Chanelle for your passion for the youth in our community. The only concerns or questions I have is into giving \$100,000 to the City of Santa Fe. What programs are they going to do? How are they going to do it? Here's a check. Here's \$100,000. Go deal with the gun violence for the youth.

I'm just going to say the other day I was at Cabela's about two or three weeks ago and it just amazed me the young individuals that were at the gun counter. Anyway. I don't want to get off track. And actually the question I have is the deliverables. What are the deliverables that we're getting back? How do we know we're going to affect

SFC CLERK RECORDED 11/18/2022

somebody? We can put up a little stand and talk to youths or are we getting involved with the schools? Can you explain a little more how this would work?

CHANELLE DELGADO (Youth Services): Sure, Madam Chair, Commissioner Garcia, the City and I have been in conversations for months now. It's been almost about a year and we have drafted out some strategies that we want to implement through this service contract agreement that we will hire – we will do an RFP and within that RFP we will have deliverables drafted out that the County and City will be in agreement on, and then we will make sure we are following that to evaluate the success of the program as it goes through.

We are looking at a violence interrupter program where we have peer support workers, potentially out in the field working with these kids that have been identified as at high risk for violence or are currently engaged in violence. So there's lots of different strategies we'll be considering as we draft up the RFP for direct service provisions.

COMMISSIONER GARCIA: Thank you, Madam Chair, Chanelle. Also, will the group be working with the public schools and any non-profit organization out there that actually works with youth?

MS. DELGADO: Commissioner Garcia, Madam Chair, a hundred percent, the schools will be part of our program moving forward as we look at the different juvenile probation services, Teen Court, Santa Fe Public Schools. I think any hubs that really support youth in Santa Fe County will be at the table for that.

COMMISSIONER GARCIA: And can we also please have law enforcement in there as well because law enforcement, whether you're City police or the Sheriff's Department, they are aware of individuals.

MS. DELGADO: Yes.

COMMISSIONER GARCIA: If you can please bring them to the table as well.

MS. DELGADO: Absolutely, Commissioner.

COMMISSIONER GARCIA: Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Are there other questions? Is there any further discussion? If not, I have a motion and a second.

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

6.        **G.    Request Authorization to Publish Title and General Summary of Ordinance No. 2022-\_\_\_\_, an Ordinance Amending Santa Fe County Ordinance No. 2014-10 ("Solid Waste and Recycling Management Ordinance"), as Amended by Ordinance 2018-7, to Eliminate Scheduled Increase to Solid Waste Permit Fees**

CHAIR HAMILTON: And we have Director Giron. Welcome.

MR. GIRON: Madam Chair, Commissioners, last January 2021, the last solid waste rate increase was contemplated in Santa Fe County in Ordinance 2014-10. It was set to take effect. The scheduled rate increase would have increased the solid waste permit fees as described in the contract to go from a 12-punch permit from \$110 to \$140; for a six-punch permit from \$55 to \$70; for a three-punch permit from \$27.50 to \$35; and

SFC CLERK RECORDED 11/18/2022

for a one-trip permit from \$18 to \$19; and bag tags were set to increase from \$9 to \$10.

At the time the increase was set to take effect the COVID-19 pandemic was affecting the world, the country, the state and the county. Accordingly, the County Manager suspended the rate increases indefinitely pursuant to Ordinance 2020-4, an emergency ordinance authorizing the County Manager to extend due dates for money ordered the County and waive fees for County services, waive penalties and interest for late payments, or delay the consequences of delinquent payments during the COVID-19 emergency.

In other words, the scheduled rate increase never went into effect. This subject ordinance would codify the County Manager's action which is appropriate given the significant inflation that constituents continue to face and the fact that the fiscal year 2023 solid waste budget presumed the frozen rates rather than the increased rates, and we've built our budget on that.

In addition, we believe that an updated cost study should be performed to guide the development of future rate increases. Currently the solid waste permit fees are at their 2018 level. The fees set forth in Ordinance 2014-10 were based on a report entitled "Santa Fe Solid Waste Management Agency, City of Santa Fe and Santa Fe County Solid Waste Assessment and Management Study, County Section."

A final report was produced by Leidos in March 2014. A lot has changed since then including the increase to Santa Fe Solid Waste Management Agency tipping fees and actual and anticipated changes in the number and location of Santa Fe County transfer stations and convenience centers. It's staff's recommendation that the report be updated and the results be presented to the Board of County Commissioners at a future meeting, at which time the Board can provide direction concerning the future rate structure for solid waste services within the county. That report should be finalized over the next several months with a precise timeline that will be developed after we go out to procurement.

The action that we're requesting today is to authorize publication of title and general summary for this ordinance. And with that I'll stand for any questions.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Excellent. Thank you so much. Commissioner Garcia.

COMMISSIONER GARCIA: Move for approval.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Is there any further discussion, questions?

COMMISSIONER HUGHES: Madam Chair.

CHAIR HAMILTON: Commissioner Hughes.

COMMISSIONER HUGHES: I just want to say thank you and I'm glad that we're able to afford to give our constituents a break on their trash bags. Thank you.

CHAIR HAMILTON: Excellent. Thank you very much. Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Thank you, Gary, for bringing this forward. I know this has been an ongoing issue for as long as Commissioners Hamilton and Roybal and I have served on this Board and so I think that this is a good

SFC CLERK RECORDED 11/18/2022

path forward, especially the inflation that everyone is facing and the difficulty, and so any way that we can help our constituents I think is really important. So I think this is a great solution and I think we already have a motion and a second. So I wholeheartedly second this also.

CHAIR HAMILTON: Is there further discussion? So I have a motion and a second.

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

**7. PRESENTATIONS**

**A. NM Secretary of State's Election Security Program**

CHAIR HAMILTON: We have Tracy Lopez who I assume is probably on Webex. Is that true, Tracy? We want to extend our welcome to you.

TRACY LOPEZ (via Webex): I'm Tracy Lopez. Thank you for having me. I appreciate you adding me onto the agenda, so thank you, Madam Chair, Commissioners, and Manager Shaffer. I would like to take this opportunity to just introduce the election security program and give you some situational awareness and some knowledge regarding your elections for Santa Fe County.

So the purpose of our program here at the Secretary of State's Office is we assist with election infrastructure which includes cyber security and physical security. We are a resource for County Clerks and IT staff. We provide subject matter experts. We hold quarterly IT roundtables for networking, and we are facilitating support services and we have funding available for each county.

The scope of our program is all of New Mexico's Secretary of State's infrastructure, physical and logical as I said. We support 33 county clerks and some municipalities considering some municipalities are still holding elections, and we also have the secured ballot box video surveillance project and those are the ballot boxes that actually have video cameras and upload videos pretty much all day and are automated for the clerks so they don't have very much work to do to do that, but that's what our scope includes.

So election security was designated critical infrastructure in 2017 by DHS Secretary Johnson. Election infrastructure includes storage facilities, polling places, centralized vote tabulation locations, information and communications technology, voting machines and other systems that manage the election process. So this is your storage facilities, any of your polling sites – those would all be considered critical infrastructure.

The designation is not a bad thing. It actually gives the cities' and counties' opportunity to take advantage of federal resources. So basically, we're trying to make our elections more secure and resilient. It comes with benefits and protections. So logical and physical security posture. We work closely with SISA and DHS. I believe Santa Fe County has already had a walk-through of their election space and recommendations and a report was made as a risk assessment and recommendations are made based on that report.

We also provide education and training, federal partnerships, which I can't stress enough at this time, and federal resources, which are available, like I said, to counties and

SFC CLERK RECORDED 11/18/2022



municipalities.

So what this means for you is your County Clerk infrastructure, unless it's segmented off of the rest of your network means your whole network is critical infrastructure. And that's why I'm really trying to stress the fact that you do have federal resources available to you because of that designation.

So according to the New Mexico Election Code Book, I just wanted to let you guys know that you guys have the ability – according to the polling election administrative book, you guys have the ability to designate the polling place of each precinct that provides individual physical mobility limitations, so you guys can re-evaluate where your polling sites are and work with your County Clerk to either move them or keep them but you do have that authority.

And like I said, this is just for some situational awareness and just letting you guys know that you guys do have federal funding and federal resources available. Santa Fe County has 56 polling sites and this is a breakdown of them. I'll give you guys a moment to see them. I wasn't even aware of all of them and I'm from Santa Fe County so this is real interesting for me to read this. So this is where your polling sites are at. These are where your ballot box sites are at and those are the boxes that I described that have the video cameras and 24-hour surveillance. You have one in Pojoaque and seven in Santa Fe.

So some considerations that you should take when you are selecting your polling sites, and just looking at anything to do with elections is they need to be secure, physically secure. They need to have redundant internet. I heard you guys talking about your internet a while ago and wi-fi. It's really important because if Comcast or Qwest or whatever you guys use goes down it's important have redundancy and that way the process of elections doesn't have to stop, and it doesn't prevent people from voting. And the same thing with the power. I know that you guys were speaking about your EOC. I have stressed with county clerks across the state that they really need to communicate with EOCs and their ITs because those two departments know what you're capable of, what capabilities you have and what risks you have.

They have to have accessible parking, and they should each have a building emergency plan and an incident response plan. I cannot stress that enough right now. I'm sure you're all aware of election security issues that we're all facing at this point, so it's really important for clerks, EOCs – and even the state EOC, there is a state EOC, because you are designated critical infrastructure you guys can ask them for help in certain situations. And an incident response team. It doesn't have to be an IT incident, because I'm sure your IT does have an incidence response team, but it could be any emergency situation that comes up at any of the polling sites, in any of the warehouses, anything that's considered election space and critical infrastructure.

And that was the whole point of my presentation. I'm doing this across the state with all 33 counties. I have found – I just started this position about a year and a half ago and I have found that a lot of people were not aware of the critical infrastructure designation nor were they aware of just the basics of what you're responsible for and what you have authority to do and not to do.

And that was the meat. Do you guys have any questions?

CHAIR HAMILTON: That was excellent. Thank you so much, Tracy. Are

there any questions for Tracy.

COMMISSIONER ROYBAL: Madam Chair, I don't have any questions. I just want to thank Tracy for the very informative presentation and we appreciate your time being here today and educating the Commission. We appreciate it. Thank you very much.

CHAIR HAMILTON: Excellent. Totally agree. Any other comments?

MS. LOPEZ: Thank you.

CHAIR HAMILTON: This is so great. Thank you very much for taking the time to come to our meeting and present this. Really appreciate it.

MS. LOPEZ: Great. I appreciate the time to speak, and I would like to say that going forward, maybe we could do something annually just for income and outgoing Commissioners, because like I said, I did find that a lot of Commissioners and managers are not knowledgeable about the critical infrastructure. So I appreciate your time and I look forward to working with you guys in the future.

CHAIR HAMILTON: Excellent. Definitely. Likewise. Great idea.

**7. B. Presentation on Current Santa Fe County Election Process**

CHAIR HAMILTON: Madam Clerk.

KATHARINE CLARK (County Clerk): Thank you, Madam Chair. I wanted to talk a little bit about our voting process, because there have been some questions and also because we're working on the new election warehouse. I wanted to discuss a little bit about the fact that we've outgrown our current warehouse and what our current space needs are because I think it's really important to understand what our operation looks like in order to understand how much space we're actually needing and looking at.

So you probably are aware that in the last five years we've had rapid changes to the electoral process. We have a growing county, so our voter registrations are up and what happens when we get a voter registration is it takes us seven clicks and three screens to process each and every registration, so it's very labor intensive for our office. We do not have necessarily bulk processes to help us with what's called service, which is essentially the online voter registration file. It's very much designed for a mid or small level county and has not been modernized yet to account for larger counties. Bernalillo County tends to throw labor and just bodies at the issue, but other counties like Doña Ana, Sandoval and Santa Fe are all struggling with issues like being behind on voter registration, not being caught up with same-day voter registration.

So what we're seeing is that we don't have enough bandwidth to handle some of the functions that we have to do in the office, given the design of the current computer interface for voter registration. We also have an increased interest in absentee ballots. That was partially because of 2018, so even before the pandemic there was a lot of pressure to increase absentee ballots, so we saw a lot of campaigns pushing for absentee ballots, and then of course in the pandemic we were just inundated with absentee ballots. And during the primary in 2020 I think 80 percent of the people voted by absentee, so that's why there was a nine-day delay in this county to count all of those ballots, because they're used to getting around 400 to 800 during the primary, and that increased to

40,000 to 50,000. So it was quite a bit of demand.

This year we're already seeing – I think we're at 9,000 requests and this is the first day to send out ballots, so we will easily get over the statutory high water mark of 10,000 ballots where we can start counting early, because we're considered a high volume county at that point.

So we're also seeing more legislative requirements so for every site that's open we have to have same-day registration. And same-day registration is not just having a dedicated poll worker to do that same-day registration, because by statute you can't have the person registering voters who would also be the person who hands out the ballots; they have to be separate in the process. So they register. Then that information has to go up to the Clerk's Office and to the service, and then come down to us. Then we have to process it, and then it has to go back up, and then it has to go back out to the polling sites, which means that we have to have a very good internet connection to be able to do that.

So now that we have same-day registration at all of our polling sites, including election day, it means that our need for robust broadband is quite high. And then we also have ballot drop boxes. We have eight of them around the county, six of them are actually ADA compliant, meaning that someone does not have to get out of their car in order to be able to move forward. And then of course we have increased security needs, which includes increased technology needs.

So here's again what I was talking about. 2018 was considered actually the high water mark for absentee ballots and now we're going to easily pass 10,000. We're probably looking at somewhere about 13,000 this election, which doesn't seem like a lot compared to 2020, but because we always want to make sure we get our results in on election night we want to make sure we are – so right now, if when we didn't have the envelopers, about four percent of ballots were damaged by the counting process in just opening the ballots. Now that we have the envelopers we had zero ballots destroyed in the primary, so we're really hoping to sort of increase our through-put but also protect the ballots where we're not having to damage ballots in the counting process.

And so one of the innovations in our County, you can see from 2022 is that we transport all of our ballots with a chain of custody, extrajudicial seals, and also we do GPS. So that means that whenever ballots are being transported from the polling site, because we no longer – in 2018 we were able to keep our ballots at the polling sites in the tabulators, and that was considered secure. Now we've had new updated best recommendations and we don't keep our ballots in those polling sites. We'll bring them back to the warehouse and seal them, but whenever they're being transported, we transport them with GPS trackers so we know where those ballots are at all times.

So the current warehouse we're in – you guys know this – we have completely outgrown. If we were to get new internet there in order to have more of a connection, it would cost us \$10,000 and we decided not to spend that money because we know we're going to knock the building down, but we do have to have extra wi-fi out there because there's just not enough bandwidth to even stream a video from the Secretary of State's training site. So when there's more than three people working there we are actually at our maximum bandwidth.

We had a training room. We need to have 30 people in there. We also have to be able to accommodate observers with trainers, tabulators and a ballot on demand system

for each of the poll workers so that they can practice using the ballot on demand system. We're pretending to be voters and to be able to understand how the tabulator works and all the security measures that we put in place.

The tabulator warehouse portion of the warehouse, 2,500 square feet, doesn't match all of our tabulators. So we have 137 tabulators and they all can't fit in that one space and be certified at the same time. We have a supply room but it's too small, so that's why we have two locked storage pods outside that we keep a lot of our materials, our signs, our ADA compliant stuff. We have an additional storage room which is also too small. We have hallway storage, and we're basically busting at the seams, so much so that we don't even do our absentee anymore at the warehouse. We have to borrow space in order to be able to do that, and in addition to that we have seven storage units, four are climate controlled, where we're keeping all of our permanent records and recording files that we have to keep in perpetuity, which are growing at an exponential rate, and then we have to keep all our retention, which is all of our ballots for the 22 months, and we've even filled – we have borrowed space at the juvenile facility while they're putting the roof on, and we have filled up that storage room too.

So one of the things – so I've been going to conferences this summer now that we have conferences again to try to understand best practices in other counties, and one of the things I have been told was over and over again is that observers and challengers are now part of the election process. We should expect observers and challengers to want to see every part of the voting process, and so when we're planning operational space we have to plan space that allows observers and challengers without basically threatening the election process with them being there, or violating voter privacy. So now when we're doing these spaces and we're planning for spaces like the new warehouse we have to be conscious of the fact that there are going to be people there who need to have transparency but also security around them.

One of the other things that's new and different is that, as Tracy mentioned, elections are now considered critical infrastructure. However, there is not a funding stream other than HAVA money coming from the feds. So when I apply for money or talk to Heinrich or Ben Ray Lujan's staff about getting money, sometimes there's money through the Department of Homeland Security, but most of the money goes to the Secretary of States and then that trickles down to the clerks, but it's very difficult to get the feds to give dedicated money for elections.

We also have increased ballots and we're pretty sure that the legislature will pass what's called permanent absentee. Right now, every election, you as the voter, has to request an absentee ballot each and every election, but we know that there is political interest in having a permanent absentee, so what's going to happen is people will join the permanent absentee list, which will just increase volume of absentee ballots. So we know that more and more people are going to be signing up for absentee, so we need to make sure the absentee process is robust and modern so that we can accommodate the number of ballots.

So right now, like I said, polling sites require same-day registration and a drop box in view of the presiding judge so that way anyone can go in with an absentee ballot and drop it in a secured box, which requires a full set of tablets in order to be able to scan each ballot at the polling site and then prove chain of custody when they get back to the

polling site, to the Clerk's Office, and then time-stamp that. So there's a whole sort of tablets and apparatus that goes with absentee ballots, and then we also have our secure permanent drop boxes and new practices from the Secretary of State.

So we also have – because we have the lessons learned from 2020 and also for same-day registration, we have to increase our poll workers. So basically every site needs to have their own same-day registration agent, and every time we have a new same-day registration tablet, that requires a new person. So we have up to three now at the fairgrounds to keep up with demand, because people were waiting more than 45 minutes during the primary in order to be able to do same-day registration. So while we've increased our same-day registration stations, that also requires the personnel to man those stations. Right now, fairgrounds has up to 20 people working through early voting and election day because we have such a high through-put of voters at that polling location, we also have increased temporary staff. So right now we need to hire extra people just to keep up with same-day registration, because again, it's three screens and seven clicks for every registration. So when people are at the polling sites registering same day, we at the Clerk's Office then have to process that, just like a regular registration and we have a really hard time keeping up so we have to hire extra people to be able to do that.

We also have hired a help desk because what was happening, especially during 2020 is the phones were ringing off the hook and people could not get through. And the staff told me when I took office that sometimes they didn't even start doing their work until 5:00. So they were working until 2:00 am trying to finish their full days of work because all they were doing was answering the phones. So what we did is we hired a help desk, and they're basically trained on the five most common questions that voters have – how to get into service and sort of help them on the very peripheral questions: Where do I vote? If I'm registered, how do I do that? And some of them speak Spanish to make sure we have Spanish speakers for those constituents. But the idea is that it allows our permanent staff to really work on sort of the more technical issues around the election. They can actually run the election when we've hired help desk.

So we hired four people. It may in future elections go up to five because it is very successful to have a help desk so that it frees up people to do the running of the election during the day.

So we also have to have clerks that just come into the office and help us with the sheer volume of all of the election stuff we have to do leading up to the election. So that's – so we have ERIC notices that go out, and that's a consortium of states, ERIC is a consortium of states that have all agreed to be together and send each other data. So that way we know when a voter has died in another state. We know when a voter has registered in another state, and they send us that data. But again, we have to send out mailings a couple times a year so 4,000, 5,000 mailings. And then when those mailings bounce or the voters cancel their registrations, anything like that, we have to process all those again.

So we're in this era of we're constantly updating the voter file, and in order to be able to pull the physical voter registration card from the voter file, because we're up to 110,000 registered voters, we have to hire clerks to help us because today, which is the first day of voting, that's our hard deadline. So we have to get all of that stuff processed and ready so that voters can start voting today.

And then we have temps that have to cover the kiosks, so one of the things that we have to do is we have to cover the kiosk in our building. However, those are essential people who have a job and an election function in the office, and so we actually hire a temp to cover the kiosk so that those people can actually run the election. So we have a lot of people working and we also hire a lot of messengers, what's called messengers, and techs out in the field. We basically quadruple our staff out in the field, so that way they can be servicing all the polling sites, getting all the equipment ready, doing all the packing, setting up all the ADA stuff, and they work directly with several of the organizations around the state to make sure our polling sites are compliant.

And then also what we have one is that our records and recording staff, because by statute we have to check every single box within 24 hours. They right now handle checking the boxes. Because everybody else is so busy with all the election stuff, records and recording staff, they borrow a vehicle – so we borrow about ten to 12 vehicles every election cycle from fleet, and they go out to the polling sites, do the chain of custody. They take their tablet, they scan all the ballots. They seal the box that's GPS tracked. They bring it back to the Clerk's Office, we time-stamp it, we conclude the chain of custody, that's our records and recording staff doing that. And they do that on top of their normal records and recording duties.

So basically, when we hire all these temps in our office that means they all need to have a computer, because everything's done by computer now, and everyone needs to have a phone. Everyone needs to have a cubicle. It is becoming – so basically you walk into the Clerk's Office right now today during the first day of early voting and every cubicle is full. We now need to borrow vehicles. Right? We need to have GPS devices. Every staff needs to have a cell phone or tablet for security purposes because we have seen that some challengers are over-enthusiastic and follow our staff very closely and there have been incidences where like the vehicle will break down and the staff is in a place that doesn't have very good cell phone service and has been trapped with a challenger in the car. So we need to make sure that they can always reach our office. They always have a cell phone. They always have a way of getting a hold of us. And some of the places in the county are quite rural and so we need to make sure we have backup communications.

Staff completing the chain of custody – it's pretty technical, right? You have your tablet, you have to scan all the ballots. You have to make sure you're signing chain of custody. We're bringing you back – everything that leaves the polling site has to exactly match when it gets to the Clerk's Office. We spend a lot of money on Penske trucks because we don't have trucks big enough to handle all of the equipment and handle all of the tabulators, and we do multiple sites a day so we're renting Penske trucks in order to have the big enough truck to be able to move all the stuff we have to do, especially when, for instance, expanded early voting starts, or election day, where we have 32 sites and we need to get those up over the weekend. So basically, we just need more equipment.

So basically, now that we have tons and tons of people, and we have new election rules and chain of custody, and absentee processes and we need to make sure everyone understands the voting process so that no voter gets denied unnecessarily. There's a huge training need now. So by statute, we have to train everyone who is a poll worker and the training lasts about four hours now. And we really do try to get it down, but we do active

shooter. We do de-escalation. We do end of day procedures. We do ADA compliance. There is a lot of things that poll workers need to know and understand, including also our staff need to know and understand so that they can assist our poll workers, messengers, staff that help us – they all get certified on how to certify the machines, just so that they can understand technical issues that happen. So we are really seeing a huge increase in the need for training, so we are constantly doing trainings. We are constantly using the training room. We're constantly using the Clerk's Office to train in the evening, actually borrow our records and recording staff to pretend to be voters and then call into the Clerk's Office and have people practice talking to someone about how to put in a ticket so we can escalate it to the right person and make sure that they're giving the voter the right information, because what I try to emphasize to my staff is that when you tell someone the wrong information that may prevent them from voting. Right? So it's really critical that we have the right information at all times.

So because we have to talk to service at every polling site, we have everything on tablets and laptops and GPS and all these things, our broadband needs have really gone up exponentially. So we are really looking at a situation in which in order to keep elections secure, in order to keep elections running and being able to talk to the voter database, we have to always be on line and it has to be a robust enough connection to meet our security needs.

That's actually something the last point I wanted to mention. So we no longer upload results at the warehouse, because there just isn't enough broadband. It's just not a reliable enough connection. So we actually upload results in the Clerk's Office. I think it used to be that probably at the warehouse people uploaded results, but we don't have enough bandwidth in order to be able to talk to the Secretary of State's website on election night, so we're doing it in the Clerk's Office. Ideally, poll workers would be coming back to a secure warehouse and we could upload because we have a robust enough connection to the Secretary of State's website on election night at the warehouse. So that way poll workers are not vulnerable. They're just parking in the regular parking lot. Ideally, we'd have it where they could park in a secure parking lot. The ballots would not be exposed too long. We can update those results to the Secretary of State at a secure warehouse.

So drop boxes, every polling site and buildings are now under threat. So that's what we've been hearing from the FBI; that's what we've been hearing from SISA. That is what we see from some of the online social discussions. People are talking about sabotaging the tabulators. They're talking about sabotaging the drop box sites to try to force hand tallies and other election processes. So now we're seeing a huge amount of need for extra security, ones that we didn't necessarily see in previous elections. We know, because we get these bulletins, that we need to be alert, so basically there's talk of trying to knock down the ballot boxes, trying to pose as a poll worker, and then somehow so interfering with the election process we would have to hand tally ballots. So we're a little concerned and basically because every new person that we hire has to be screened, it's just an added layer of extra bodies that are needed to help do interviews and make sure that we're hiring the right people.

So I just want to quickly go over our space needs. So by statute every poll worker has to be trained, even our standbys, before they can even accept the position. Ideally

we'd have a space with big screens on the wall for presentations. Each seat would have a computer in front of it, right? So they could work like they would normally work the polls. We need a tabulator system. We need a trainer. And if we don't have hands-on, that means that people make mistakes. People learn by doing the hands-on and that's why we have a little practice election every time we do a training. So we run about 20, 25 trainings per election cycle for poll workers because we hire 300 of them. So we probably need about 750 square feet of space, plus we need observers to be able to stand there.

So by statutory rule, tabulators have to be charged continuously until they are certified and during the certification process. So that means that each tabulator, and this is how they do it in other counties, have a dedicated parking space, and then we work a space around it so that people can bring over the test decks on a cart and basically run each of those ten test decks through, including our sort of special ballots, like the over votes and under votes. So we have 137 tabulators. We need six square feet, right? So we need probably about 2,500 to 2,600 feet of space just to store the tabulators and have all of the election apparatus that goes into them, test ballots, the charging areas, making sure that people can actually observe, because the certification process, as you know, is quite contentious, and there will be people who want to observe that process.

So we also have a ton of things that we need to store. So every federal primary and general election we have to store about 200 bankers boxes worth of materials and keep those safe so that if someone IPRA-ed them or needed to have them for whatever reason they could see them, and then you have to be able to destroy them after the 22 months. We have separate equipment for the loading dock which includes tables, chairs that are ADA compliant, ADA materials, ramps, polling booths, signage – we just have tons and tons of stuff, and we have more stuff because we know that New Mexico Disability Rights and a few other organizations that work with us directly have mentioned that the DOJ is going to be taking a closer look at the ADA compliance of every single polling site and so we in response have ramped up – not to make a pun – have ramped up our access for ADA voters to ensure that we're meeting our statutory requirement. But that means that we just have more stuff and we need to be able to store it. So we need about 1,800 square feet to store all of our election basically supplies, equipment, accessories, etc.

And so we didn't talk about absentee board but we have been borrowing space for absentee board. During the regular local election we use the convention center, and that was about a \$16,000 bill plus the \$10,000 we spent on security. Right now we're in the HR building and it's about 1,250 square feet and that's because we have three different election processes that we have to go through for absentee. First is pre-qualification, and we will have several machines that allow you to basically scan the ballot and then check for a signature and that will tell you whether or not the ballot qualifies or not, that it doesn't qualify, right? Because we want to make sure that voters are aware, and we can tell them. So what the absentee board does is they're bipartisan and they tell us whether a ballot is going to count because it has the required signature. If it does not have the required signature we want to be able to tell a voter early that their ballot is not going to count and please come cure your ballot, or give us some way of curing your ballot so that way it can count.

So pre-qualification is about 450 square feet, then we have an opening space. And



this is where we have to – once we pre-qualify the ballots we have to open the outer envelope and then we have to open the inner envelope, and then we have to shuffle the ballots to anonymize them, right? And we have the envelopers for that, but we're also going to have a bigger extracting machine, and that's a machine that basically takes all the ballots that have been opened, milled open, and sort of pops them open and an operator can pull the ballot out. Because when you have a high volume of ballots that you need to get through in a sort amount of time it's much faster to use an extractor machine, so that's a 10 X 10 machine. And then finally, we have the tallying space, and that's where we have the Dominion server that helps tally all of the ballots with what's called rapid open tabulators. We put stacks of 25 in the tabulators and they calculate all of the ballots and so we can do quite a few in a short amount of time, but getting there, between the actual receiving of the ballot and having the tabulated ballots ready to go, is a pretty large process, so we probably need a significant amount of space to be able to handle that process, plus each and every step is allowed by observers and challengers and so we need to be able to accommodate observers and challengers in that space with our 20-person absentee board.

And we would like to not have to spend so much money on security, but because we're borrowing space and it's not necessarily in a very secure building. It's an okay secure building. We need to guard that equipment over night. We spend a lot of money on our armed guards to stand with the absentee equipment 24 hours a day.

And so this is something that we need space for as well. It's called the command center. Right now we don't have a centralized space. We have the Clerk's Office and tons of cubicles but in other counties they have the command center and that's essentially big screen TVs on the wall, and they show every single polling site and the status. They also have cubicles and phones there, so that if a presiding judge is calling in saying I have a problem, or I can't figure out how to reconcile, a person is there ready on the phone to answer their call. It's also really important to have that very close to where we dispatch techs. So one of the things that we do is we try to dispatch techs and then escalate based on how serious of a problem it is, right?

The number one question is can voters still vote? If you're having a problem, can voters still vote? If voters can't vote, like the power has gone out, the ballot on demand system has stopped working, the internet has gone down, right? We need to be able to get a tech out there really quickly. And so we would like to have just basically 600 square feet for a command center to essentially accommodate this kind of election procedure, because right now it's decentralized and it makes much more sense to have it centralized very close to the techs' offices so we can quickly dispatch people out to the polling site to make sure voters can vote.

And then of course we have the warehouse staging area dock and that needs to be pretty flexible with all of our storage, because we need to be constantly loading, especially those weekends before early voting to make sure we can hit all 32 sites.

And then of course we need office space, right? Because driving back and forth between the warehouse and the Clerk's Office is very inefficient so there's a lot of permanent staff who need their own warehouse space or need to be stationed out there, so that way they can be working on the election and not driving back and forth because right now, sometimes we can't print or we can't do something because of the through-put. The

broadband at the warehouse has either gone down or it's just not working. If more than two people get on it it doesn't work so sometimes people have to leave the warehouse to go somewhere else to be able to be able to get enough internet to work.

And then of course we have records and recording storage. And this is – although we're going digital and we'll be done with that project this month, which is great because then constituents will then be able to buy their documents on line, we still accumulate a ton of records. And these are records, that to be frank with you, are starting to fall apart. So our reception books in the Clerk's Office, need to be rebound and protected with probably acid-free paper and binding and that's going to cost some money. And then our micro-fiche, during our digitizing process, we noticed that several of them have basically disintegrated to the point where we had to ask title companies to give us their copy of our own record.

So what we're seeing is that micro-fiche are essentially melting or disintegrating where they're being stored right now, so the pressure on making sure that we're storing our permanent records in a better scenario is very important. And we also have all of our storage, all of our paper ballots, all of our marriage licenses under sprinklers right now in the Clerk's Office. Right? Because sprinklers are safe for human beings; they're not so safe for permanent records. So we need a plan, long term, of where to move our permanent records, protecting them and not putting them in sprinkler systems. Either a form system or some kind of non-water-based fire security.

I just wanted to make sure that we are clear that the Clerk's Office is working much better. We have faster results, so we are one of two counties that have posted our results first in the last three elections. We, at 7:00 our early and absentee go up right away. We're down to zero percent ballot damage from four percent every election, and we are really good at modernization. We've got everything – chain of custody with tablets. We have GPS tracking. We have new machines in the absentee process that are faster, so we are modernizing our election process.

And I wanted to ask if there are any questions. I'm a little concerned that the current warehouse – because we were given some space in the current – when we were first talking about needing the warehouse and the new warehouse that is currently having the roof put on at the juvenile facility. There was some discussion about giving us more permanent record space. But that apparently has gone away and now we only have 7,700 square feet of space. I think we need 9,000 to 10,000. So the current plan as we see it, without the courtyard being covered is something that we've already basically outgrown. So we need a phase 2 and a phase 3 plan of what to do with our permanent records, and how to get money maybe from the legislature and how to cover that courtyard so that can serve as our permanent record space, because based on what we're using now and what has been proposed, we have already outgrown it, essentially.

So if anyone has any questions for me, let me know.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HAMILTON: Thank you very much. Commissioner Hughes.

COMMISSIONER HUGHES: Just a quick question. Thank you, Madam Clerk for all that information and for doing such a great job with our elections. I just wondered, because you mentioned micro-fiche and that sounds like old fashioned to me too. Looking to, or have we ever looked to digitize the records?

CLERK CLARK: So we have digitized all of them but we have to keep a permanent record of those records, right? And the problem is at the time, micro-fiche – my mom used micro-fiche when she was an appraiser, right? It was the hot, cool thing in the eighties. But now we're seeing that those films are disintegrating. So what would ideally be that while we have all of our records digitized, right? We need to keep our permanent – especially our really ancient records. Some of it is on paper. Some is from the 1850s and 1860s and 1870s. That has to be preserved and we need to have an archival plan. The same thing goes for our micro-fiche. That is disintegrating so we probably should convert that to maybe a permanent CD, some permanent hard copy record, because the problem with the digital is that we do need to keep a permanent copy somewhere.

Honestly, with digital, we probably, as a Clerk's Office, the County Manager and the IT Department currently run our server and run everything. We probably need to put in for our own server, having an additional server, having a mirror copy out of state during disaster. I know we have a mirror copy down in Bernalillo, but essentially we need to have a plan, long term, for how we're going to be the owners of our own permanent records, because we are growing quite a bit, and I know that IT is running out of server space for us.

COMMISSIONER HUGHES: Okay. Thank you. That was all.

CHAIR HAMILTON: Are there any other questions?

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you for the presentation, Madam Clerk. It looks like you took a little while to put this together. Good presentation and I assume you're actually working in regards to the programming aspects of your needs, regarding your statutory requirements from the state legislature because that's the division that we need to talk to and work with to figure out where we need to go, right?

CLERK CLARK: So one of the things that was frustrating for me is that I asked that this warehouse project be on next year's ICIP and I was told we don't need to have that. And now that I'm actually looking at the plans, we are going to need a phase 2 and we're going to need a phase 3, which means we should be on the ICIP to get more money out of the legislature, right?

So I would like to be on the ICIP so I can ask the legislature formally for money, especially to cover the old exercise area that doesn't currently have a roof on it, maybe make that permanent record storage.

COMMISSIONER GARCIA: Thank you. I understand that. And one of the things, whenever we do go to the state legislature I would hope that we have our programming needs actually kind of really detailed as into what is needed for our departments because the state legislature has all these additional requirements and new legislation and I don't know that they actually look at what the needs are, what spaces that the County Commission has as policymakers for obviously our elected officials. Because by statute we're required to house district court, the district attorney's office and the County health building. And so whenever the state legislature places additional requirements on policymakers – but thank you for the presentation.

CLERK CLARK: Yes. I will say that I went to the New Mexico

Association of Counties meeting to present for the clerks on our legislative priorities and it seemed to be quite the theme among all the affiliates of unfunded mandates from the state legislature. Any other questions?

CHAIR HAMILTON: I want to thank you for the presentation. I assume a fair amount of this – we've been working on this for a year and a half, are included in the Airport Road remodel. You mentioned the ICIP process so I assume you're getting into our capital planning process.

CLERK CLARK: Yes. I will say very bluntly it's just not enough space for us. The new warehouse space is just not enough space for us. So because we were originally discussing having some of what's going to be designated as Iron Mountain as part of the Clerk's permanent record, but that apparently has gone away so we do not have enough space in the new facility, based on the plans that I've been shown.

CHAIR HAMILTON: Then I assume you're going to enter into the capital planning process as these – this was a lot of information and I assume more details would be added, evaluated, vetted through the existing process to get them into budgetary considerations.

CLERK CLARK: So the thing is I was told we don't need to, but now that I'm seeing the new plans and I realize we have less space than I was originally told that we did, I definitely will need to be advocating for getting the legislature to give us money, at least to cover some of the – the portal we could enclose. The open exercise area we could put a roof on but that will require money to do that, obviously.

CHAIR HAMILTON: Right. Well, I think I agree. You can advocate for it and the way to do it is to get on the ICIP process which allows us to think about all the things that we could do.

CLERK CLARK: Okay, well, can I make a formal request that we put the warehouse on the ICIP process? I had asked for it originally and was told we didn't need to do it but now I'm asking if we can include it in the ICIP process so we can go to the legislature and ask for more money.

CHAIR HAMILTON: I think there's a process for a reason and it's important to go through the steps.

COMMISSIONER HANSEN: I was going to say there is a process for that and I think that we need to go through that process. First of all, let's see – you're adding an additional 2,000 to 3,000 square feet so maybe we need to see how much space you really need or what will be in the future. And also the process has been going on and how come it's just now that you're realizing there's not enough space?

CLERK CLARK: Because the project manager only met with us, I think like a week and a half ago. Or two weeks ago. When we did the walk-through we were told we were going to have what is now being designated as the Iron Mountain space. The Iron Mountain space is where you guys were going to – because you guys were spending way too much money on the Iron Mountain rental, so we were told we were going to have a portion of that. That, apparently is not the case when we met with the project manager. So we only met with the project manager two weeks ago which is why I requested to do this presentation.

COMMISSIONER HANSEN: So there is a process for getting on the ICIP list, and I think that we need to follow that process.

CLERK CLARK: Right. But I was told, no, before, that we didn't need it.

CHAIR HAMILTON: That's okay.

COMMISSIONER GARCIA: Madam Chair, Madam Clerk, are you talking about this next 2023 legislative session, asking for more money?

CLERK CLARK: Yes. Because when I asked to be on the ICIP I was told no, we don't need more money in this project. But now that I'm looking at the space, and now I'm just being told about the plans just two weeks ago and really seeing what the layout is that we actually have, because it was very up in the air before, I realized that we don't have enough space.

CHAIR HAMILTON: What I would like to reiterate is that I know that we have been aware of this and working on this for a year and a half and the information on the warehouse and the Airport Road development project has been working with you and the Clerk's Office for a year and a half –

CLERK CLARK: I don't see it that way. I see that we've done some tours of the warehouse but the actual space that we had, the definitive space was not laid out for me until the project manager came to discuss it with us. So like the formal square footage with hard lines in it, that was not necessarily revealed to us until about two to three weeks ago. So for us it's been very hard to be included. We've emailed and asked like what's going on to the project manager. Oh, the roof's going on. But that's about it. We don't – I think Evonne can agree. We don't feel like we had enough up to date information at all times.

CHAIR HAMILTON: I find that interesting because I know of lots of meetings that I have been made aware over the last year. The really critical thing about process is the ICIP process allows everything to be vetted and evaluated with the departments in a structured way so that there is fairness across everything that the County needs, and that's really – I think we feel that that process is really critical. And we really respect the needs – elections are hugely important and we really respect the needs that you see and the process is there to be able to vet those needs and put them in the system. And that's what –

CLERK CLARK: Okay, well, I was told no. So that's where we're at, is that we asked to be in the process. We were told you don't need the money.

CHAIR HAMILTON: Okay. We really appreciate your presentation on this. Thank you very much.

CLERK CLARK: Okay. Thank you.

## **8. MATTERS OF PUBLIC CONCERN [See page 47]**

CHAIR HAMILTON: I've been given to understand we have some Webex audio problems, and so I'm going to ask for a recess, because the next item up is Matters of Public Concern – we've fixed the problems? Well, thank you very much for your expedience dealing with the problem. So we are able to proceed on item 8 which is Matters of Public Concern. I will ask if there are any additional, but we're going to start with the people that have signed up. They're listed as being here in person, so if anybody's – if I call your name and you're not here in person but on Webex please unmute yourself. The first person to sign up was Jeff Brugger. Are you here in person?

Daniel, is Jeff Brugger on Webex? Is Jeff Bruger available either here in person or on Webex? If you're available and would like to speak during Matters of Public Concern can you unmute yourself?

I'm going to go to the next person, Timothy Seneky signed up. Timothy if you're available can you please unmute yourself? The next person is Elizabeth Emmons. Are you here or on Webex and available to speak during Matters of Public Concern? And the last person to sign up was Chris Leslie Curtis. If you're on Webex and can unmute yourself? Daniel, do you believe we're still having audio problems? Or do you see anybody on Webex of having knowledge of –

DANIEL FRESQUEZ (Media Specialist): Madam Chair, I don't see anybody that pre-registered for public comment on Webex.

CHAIR HAMILTON: You don't see anybody?

MR. FRESQUEZ: Correct.

CHAIR HAMILTON: I see nobody in the audience so is there anybody else on Webex who may not have pre-registered but wishes to speak to the Commission during Matters of Public Concern. If there are, please unmute yourself and make your presence known.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I'm wondering if it's early – it's 4:30, maybe we can come back to Matters of Public Concern after we get an update from the County Manager.

CHAIR HAMILTON: That's a good idea and I can do that. It's not that early. It's 4:20 so normally we theoretically get to it at this time. I'm happy to double check. What I'd appreciate if there's anybody here present in the building or on Webex who was missed because they weren't present at the moment we had this, if you could let our staff know so that we can re-open this item. But otherwise I'm going to close Matters of Public Concern and go on.

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

### **A. Miscellaneous and COVID-19 Updates**

CHAIR HAMILTON: Manager Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. Not much by the way of updates for you. We are preparing for the 2023 legislative session and are tentatively targeting Monday, December 12, 2022 as the legislative dinner here in our Commission chambers, so please do work, if you haven't already, through your liaison to confirm your availability on that date for the legislative dinner.

With regard to COVID-related updates I would note that the omicron specific booster is not available under emergency use authorization for anybody 12 years and older, and we do have three upcoming vaccine events at County facilities over the next three Wednesdays beginning with tomorrow at the Agua Fria fire station, next Wednesday the 19<sup>th</sup> at the Hondo fire station, and Wednesday the 26<sup>th</sup> at the Edgewood fire station. The events are open to the public from 10:00 am to 2:00 pm. No prior registration is required and so we do encourage folks as we head into the winter months

and spending more time indoors to make sure that they are up to date with their vaccine series. That's all I have. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you very much

**9. B. Discussion and Direction on Potential Short-Term Rental Ordinance Changes**

CHAIR HAMILTON: And we have Director Ellis-Green.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Madam Chair, Commissioners. So on September 27<sup>th</sup> the Board tabled the proposed short-term rental licensing ordinance after the public hearing. There were many public comments received and the Board had a brief discussion on issues. There was not clear direction though to staff on how to proceed with drafting. Through this item staff is summarizing the discussion and possible changes, making recommendations concerning each and asking for clear direction as to how to proceed.

The following items were discussed by the Board following public testimony at the last public hearing. The first is deleting the provision of notice to neighbors. So the draft ordinance proposes neighbors be notified with the short-term rental registration or license is issued. Staff recommended this provision to assist with noise and other complaints and to allow a neighbor to quickly be able to resolve an issue with the owner rather than leaving a voice message for staff. While a staff member can call the owner and ask for them to ensure quiet hours are maintained, this may occur days after the initial complain and with minimal impact. In terms of privacy concerns that were raised, details of short-term rentals are always available on platforms where they are advertised so staff does not recommend a change to this requirement.

Second was quiet hours. The proposed quiet hours between 10:00 and 7:00 am are the same as the nuisance ordinance, but the proposed short-term rental ordinance includes more subjective standards than the nuisance ordinance. The recommended difference in standard is due to the difference between a permanent resident as a guest, as well as the practical difficulties in enforcing the standards in the nuisance ordinance. This ordinance will regulate the licensing and registration of short-term rentals and staff believes that identifying quiet hours and having a more robust standard within the ordinance creates more transparency to owners and guests and may allow for easier enforcement.

The third point was including a third tier. The BCC discussed adding another tier for non-owner occupied short-term rentals where the owner operates an STR adjacent or nearby the owner's residence. There are several concerns with this. First, the business license ordinance has two tiers: licensing and registration. Business registration fees are capped at \$35 per state law. For a business license the fee is not specified by statute but must bear a reasonable relation to the regulation of the business. Without more data on the resources needed to regulate a third tier it's difficult to estimate what fees would be appropriate to regulate such business or defray costs. In addition, if an owner is required to live within a distance of the short-term rental the question would be whether it's on adjacent property, with a block, or further away.

Staff believes that including a third tier of short-term rentals would confuse the public, potentially be subject to legal challenge, and add complexity and difficulty to

SFC CLERK RECORDED 11/18/2022

enforcement. Staff does not recommend adding a third tier. If the concern is cost, staff would recommend that the cost for all licenses be lowered.

The fourth point is cost. It appeared that this could have been related to the possibility of another tier to make it less expensive for non-owner occupied STR owners who live close by or live within the county. If cost is the issue then the cost of the license could be reduced for all licenses. If that approach is taken, the Board is implicitly stated that general fund resources would be used to make up the short-fall for regulation costs. This would be consistent with the County's overall development review fee structure since review fees do not cover the entire budget of the Land Use Division.

The fifth issue was banning non-owner-occupied short-term rentals, differentiating between local and out of town owners of non-owner-occupied short-term rentals. There was brief discussion about not allowing any non-owner-occupied short-term rentals in the county. This seemed to move on to discussion about grandfathering for a period of time. Staff does not recommend an owner-occupied-only requirement or other restrictions on short-term rental ownership at this time. For reasons that were previously communicated, instead, staff continues to support a phased approach to short-term rental regulation with ownership restrictions being considered at a later date on the basis of more data and county-specific markets. In addition, there was a question as to whether locals operating a non-owner-occupied short-term rental could be treated differently than out of state residents running non-owner-occupied short-term rentals. It is staff's opinion that treating out of state residents differently than in-state residents as it relates to non-owner-occupied STRs without more study and data may violate equal protection and interstate commercial laws, and therefore staff does not recommend this type of regulation.

The sixth is grandfathering non-owner-occupied short-term rentals for a limited time period. This was discussed in the context of an owner-occupied-only requirement, specifically, no new non-owner-occupied short-term rentals would be licensed and an existing non-owner-occupied short-term rental would cease to be eligible for a license after a grandfathered period of between three and five years. Without an owner-occupied requirement, this grandfathering requirement is not necessary. Staff also is concerned that there is no data to tell us how long the grandfathering period should be, or whether such a period is reasonable. Enforcement would also be very difficult at the end of the grandfathering period in three to five years. Accordingly, staff does not recommend this change.

The seventh item was limiting the total number of non-owner-occupied short-term rentals. This topic was discussed during the publish title phase of the proposed ordinance at which time the Board indicated support for a phased approach for this case. As previously indicated, staff continues to recommend the phased approach pursuant to an ownership limit to be considered at a later time based on more specific data and market analysis. Staff would point out that the proposed ordinance does not limit anyone from applying for a non-owner-occupied short-term rental license. There are only a few additional requirements for a license versus a registration.

So it had been intended the fees would pay for additional staffing, but if the cost for a license of non-owner-occupied short-term rentals is an issue, the license fees could be reduced for all non-owner-occupied short-term rentals and staff does not recommend



other changes at this point. And just for clarification, the license fee is \$375 for the first year, \$350 for each year afterwards. And I stand for questions.

CHAIR HAMILTON: That sounds great. I think I'm going to start at this end and go around. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So I'm going to kind of start from the back, I guess, or from the last point. I feel very strongly that the fees are not enough. I feel like if we're going to have a regulation that's going to have owner and non-owner we need enforcement and we need regulation. And just because something other has not paid for it does not mean that we shouldn't have this being paid for. Personally, I think everybody could have to get a registration fee or \$35 and then owner-occupied would be \$100 or \$200, and non-owner-occupied would be up to \$500. Because they are the ones who are going to create the most problem and that is throughout the area the case.

I would really want to personally grandfather everyone in and not have any non-owner-occupied at all, but according to our County Attorney that is not possible or is not advisable because we don't have any data at the moment. And so what we do need is data to make that situation possible. I had this idea that we could allow the owner-occupied to be just – that's the kind of short-term rentals we have, but then we could also have – we could grandfather all the people in who have non-owner-occupied and then do a moratorium. But a moratorium, from what I understand from the County Attorney, is not really advisable at this time because we don't have the data that we need to have.

And so Mr. Young, do you want to say anything at this point before we get too far down the road so that we can all kind of be on the same page?

JEFF YOUNG (County Attorney): Madam Chair, Commissioners, so in New Mexico there is not case law on point with this specific issue. While there have been moratoriums on subdivisions for certain building permits for reasons related to septic, which are more health and safety-related, there's not any one point as to the short-term rental issue. There have been some recent cases, even this year, related to the City of Austin and their ban on non-owner-occupied, or essentially having a resident requirement to the regulations and that was struck down by the state court of appeals, as they looked at the issue of the retroactive application of the law affecting those homeowners' rights. The court looked at whether there was a compelling interest to justify that infringement and didn't find sufficient findings in the City of Austin's ordinance to justify that.

So I think as a prudent matter it seems appropriate that you have data to support any regulation that would ban – affect property rights in that way. So that's based on just my research.

There was also a City of New Orleans case out of the Fifth Circuit that talked about interstate commercial as well, infringement upon the out of state essentially and that infringement on the interstate commercial rights of those individuals. So those are a few items to consider but certainly regulations on the short-term rentals, whether they be noise and litter and those types of things are much different than a ban on those short-term rentals.

COMMISSIONER HANSEN: Thank you. I wanted to allow our County Attorney, Mr. Young, to say a few things. So one of the issues that has also been presented to me is in Arizona they have allowed basically short-term rentals open season,

basically, and towns like Sedona have been heavily impacted. People say it's incredibly miserable. I know that's hearsay but from the research that I've done but having the non-owner-occupied has really impacted Sedona and their ability to have affordable housing and so one of the areas that non-owner-occupied short-term rentals' impact is affordable housing. And so I recognize that maybe we need to get data in order to make a stronger regulation, but at the same time I think that in order to have enough enforcement, because we haven't had enforcement, we need to raise the fees. So I'll leave it there at the moment.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Thank you for making this list. It's very helpful. I think in terms of the first one, providing notice to neighbors, I think there is some value in providing notice to neighbors but I would suggest we simplify that to just adjoining property owners. So it being 500 feet from something or other to something or other, some of my constituents have said would be quite – so rather than it being 500 feet, just adjoining property owners.

And then the second thing was I do like the idea of the phased approach to limiting the number of non-owner-occupied short-term rentals. I guess I'm wondering, and this is a question for our attorney, could we freeze it at this point in time and then make the limit later. I mean I don't want to set the limit now. I don't think we need to outlaw completely non-owner-occupied short-term rentals, given what an important part that is to our economy but I do think we're going to limit them. And I guess I'm a little worried about saying, okay, we're going to create this regulation and a year from now we're going to limit it. Does that make it open season on all of our housing for everybody who wanted to buy a non-owner-occupied short-term rental to go buy one this year. So I guess I want to know – from what the case law you quoted it didn't seem to address that, whether we could, without taking away anything anybody has right now, just sort of freeze the number until we decide what the limit is.

CHAIR HAMILTON: That's a moratorium, isn't it?

COMMISSIONER HUGHES: That's a moratorium but I didn't hear him address that.

MR. YOUNG: Madam Chair, Commissioner Hamilton, so are you suggesting to freeze the ability of the short-term rentals to be permitted or licensed, or setting a number limiting the amount right now?

COMMISSIONER HUGHES: Well, I think what I'm suggesting is limiting it to people who had a short-term rental as of today, or whatever date we suggest. In other words, you can keep your short-term rental now but you couldn't go out and buy a house and start a new one until such time as we set the limit at a higher number.

MR. YOUNG: And so in that permitting process, I guess is where I would understand that the person would come forward and try to apply for a permit, they would be denied because they did not own the property prior to this date or whatever the date is the effective date of the freeze. That's a different question. I guess if it applies equally to everyone that there are less concerns from an equal protection standpoint. So I think that the County Manager – I don't know if you've got any additional thoughts on that, but I think you could craft a regulation in that way.

CHAIR HAMILTON: What's the difference between there's a problem

with a moratorium and what Commissioner Hughes is suggesting?

MR. YOUNG: It's the retroactive application is what would be the issue on doing a moratorium now. So the argument could be that I purchased a property several years ago, had the ability to lease it at that point, rent it out on a short-term or long-term basis, and that now there's a regulation in place that prevents me from using that property which I had the understanding when I purchased at that time. And so that's where sort of the City of Austin case had. They went through a retroactivity analysis and said, is there a compelling governmental interest to justify that ban, and that's where they found that there was not enough findings to support that.

CHAIR HAMILTON: So it would only be applicable – any moratorium would be only applicable to new purchases, where somebody purchasing the property already knows there's a moratorium.

MR. YOUNG: That's my understanding, Madam Chair.

CHAIR HAMILTON: I'm sorry. I just didn't understand.

COMMISSIONER HUGHES: I think that was good clarification, Madam Chair. So, yes, that is more or less what I'm asking. I don't know that I have the specific details but I want to make sure that if we do it this way, legally, and not subject to us being taken to court over it if possible. We can always be afraid of taken to court. But I think my idea would be that if you own the property now, and use it as a short-term rental that you can continue to do that. The other way to do it would be just say if you own the property now you can use it as a short-term rental and that would cover people who own a property now but moved away from reason and wanted to rent it. You could put the limit on various spots, but I think what we're trying to prevent is people buying up properties specifically to do short-term rentals until we get the data to decide what limit there should be, if any.

So those are my two ideas. One is to make it easier on the current people by just notifying adjacent property owners, and then the other would be the moratorium that isn't retroactive.

CHAIR HAMILTON: Okay. Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. I wasn't present for the meeting but I definitely listened to the testimony the last couple meetings. On another note, I find it a little bit difficult or hard that actually the fees would pay for additional staffing. We were told that for the SLDC that raising the rates of development permits would pay for additional staffing and I don't see that happening in the zoning department. So I don't know how that's going to work. And one other question that I have and I follow what my colleagues, where they're going with a moratorium. Not moratorium. I just definitely understand that.

I recently looked at somebody that has a piece of property in Cañoncito that are doing Airbnb and through Airbnb, and they get charged a GRT tax. Where is that tax going?

MS. ELLIS-GREEN: They probably pay through Airbnb, and we have verified with our Finance Department that the GRT is coming to Santa Fe County.

COMMISSIONER GARCIA: I'd like to see how the Finance Department verified that that GRT is coming to Santa Fe County, because I have another situation in Madrid where – but nonetheless, I don't have any further comments, Madam Chair.

Thank you.

CHAIR HAMILTON: Thank you. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I still feel that America is the land of opportunity, right? And so people that have made investments in real estate, they want to be able to use the property however they do is adequate for them and sometimes it's STRs, sometimes it's long-term rentals, and I still don't feel that we should set a moratorium in place to limit that, especially for residents. Now, if we could do it for non-New Mexico residents, limit the amount of STRs that a non-resident owns, I think I'd be okay with doing something like that, but at the same time I don't know that we can.

As far as trying to even alleviate some of the affordable housing, the rent in Santa Fe is outrageous right now. I don't think it would even be considered affordable housing with a lot of the rental prices. And it wasn't a small percentage of STRs that actually exist in Santa Fe County so I think that's trying to put a band-aid on something that needs sutures to fix. And so it's something that is a huge demand and something that we really need to address in Santa Fe and pretty much Espanola, and all of the areas near Santa Fe County. There's a huge demand for housing. And so I wouldn't be in support of putting a moratorium in place.

I think that as far as the cost from the permits, I wish there was a way to separate a non-resident versus a resident as well because I think that it has to be clear. It has to be easy for – in order for us to have residents in compliance and wanting to be in compliance it has to be an easy process and not a costly process. I wouldn't support less than \$300 as far as a permit for somebody that doesn't live on the property but is a resident of New Mexico. And keeping that price at \$100 and then \$30 renewable. Somebody that is a non-resident of the state we could look at that and that's basically where I'm at with that.

I don't know if that's something that we can or can't do. Maybe our County Attorney can give us guidance on that. But that's all I have to say right now. Thank you.

CHAIR HAMILTON: Okay. Thank you. So from my point of view. First of all, I strongly disagree with changing the rate structure. I really do not see raising – I think the whole idea of – let me start out by saying that 99 percent of my concerns, 92.379 percent of my concerns were addressed by the original two-tier modification that you brought forward at the second public meeting. One of the best parts of that was that owner-occupied STRs are now a registration, not a license and it gives a real financial advantage to local people, and it's most of the people who have the real ma and pa renting out rooms in my house or my casita who use that for support.

The truth is somebody who inherited their mother-in-law's house after her passing and they want to rent that and they can still get a license to do that. So we're not really disadvantaging them except to the extent that there might be a moratorium. The only remaining concern – let me preface it by saying that I strongly feel that our idea of doing this is in a phased approach to get data was the right way to do it. And that's what we're still looking toward.

I think the remaining concern is a realistic concern, because we will never regulate this to be perfect. There are clearly some places in Santa Fe County that don't really have a high risk of problem from this, like many of the truly rural areas, or at least

rural in the sense of low density and being spread out. And there are some areas that are already experiencing some of those problems which we have not enough data to really regulate. Many people came forward from Madrid. People came forward from Tesuque. I don't remember – maybe from La Cienega. I don't remember everything totally specifically. And that's specifically where we have the greatest need to get data. I really think the two tiers, especially given the research and the recommendation you just made addresses most of those problems. The question is how can we not impair anyone's rights and entrepreneurship and still to some extent protect places that might be overwhelmed with investors coming in.

So I suppose I could – it sounded to me, if I understood right, that one possibility, if it was for non-owner-occupied only, is to put a moratorium that does not impact anybody, whether they currently rent or not, who owns property in the county, that it would only be new purchases where they would already have knowledge of what they're purchasing, that is, and that that would be legal. I suppose we could consider that. But I think you made a very good proposal for the rate structure and for the tiered structure otherwise.

Okay, I'm only going to go around one more time. Commissioner Hansen.

COMMISSIONER HANSEN: I agree with providing notice. I think that adjacent neighbors should be noticed. I agree with the quiet hours. I think that's important. I understand that staff doesn't believe that a third tier is available. Banning or limiting out of state, I guess we don't have that possibility, but I want the Commission to remember that this is a business. People are making money off this, and especially the people who are the non-owners [occupied]. I think it's different for the people who are the owners who do it in their own home. They're still making money off of it. We're still going to have to regulate it. We're still going to have to see what's going on. And we're still going to have to enforce it, and I feel like we need some enforcement.

All of these places, Santa Monica, Portland, they have really good enforcement and I think enforcement is really important. And that is something that we are constantly lacking at the County. We don't have enough enforcement officers as it is. And so to say we're not going to charge people for short-term rentals –

CHAIR HAMILTON: I didn't say that.

COMMISSIONER HANSEN: Okay. I'll live with the \$375 and the \$350, but I think that people who have people in their house also, I think \$100 is a reasonable amount to pay a year to be making tons of money. Maybe not tons of money, but \$30,000 is what I hear is the average. And so I'm just trying to make sure that we have some regulations and oversight, because what has happened in Arizona is a disaster. Sedona is like just out of control and people are really unhappy and a lot of it has taken a lot of the affordable housing away for people to be able to live in Sedona. We're already facing that here. Boulder is another place where there's difficulty. So I'm just making my point that I think that the fees are really important.

The one other thing I wanted to mention. I think that HOAs need to start to step up and many people did not buy their houses to have a mini-motel on their street or in their area. And so when we have these kind of mini-motels popping up, it's a residential area. I don't want a mini-motel in a residential area. I want people to have neighbors. I was so thrilled when I walked to the park the other day and there was all these people

with children in the neighborhood that are actually living in the community. And so I will leave it there and see where we go.

CHAIR HAMILTON: Commissioner Hughes.

COMMISSIONER HUGHES: Commissioner Hansen, did you want to weigh in on the moratorium/freeze idea?

COMMISSIONER HANSEN: Oh, I'm for a moratorium or limiting the amount of houses that we have, but I think we have to do the phased approach and see where we are and what we can get. I'm for grandfathering everybody in who's already doing this and figuring out how it's going to impact our community.

COMMISSIONER HUGHES: Okay, I just wasn't sure. So saying two things from me. I don't want to weigh in on the fee structure because I was trusting staff to come up with a fee structure that worked. \$35 does sound cheap to me but if that's where everybody wants to be that's okay. So I would still like to see a notification requirement reduced to just adjoining property owners, and I think in terms of the moratorium, I want to be clear it doesn't include the owner-occupied. I don't think we need to put a moratorium on owner-occupied rentals, just a freeze on the non-owner-occupied to people who are current property owners as of whatever date we chooses.

CHAIR HAMILTON: Okay. Thank you very much. Commissioner Roybal, do you have additional comments?

COMMISSIONER ROYBAL: I think I said all my comments earlier. I still believe if I'm going to use my residence as an STR or however I choose to use it as an investment property I shouldn't have to notify anybody of the use, but if it's something that the Commission feels we do need to keep on the ordinance then I'm okay with if we change it just to adjacent owners only, but I do want to say that I don't really think that we should have to give notice and when they give notice, this is basically just to let them know I'm doing this and there isn't any way for that neighbor to say I don't want it next to my house. Is that correct?

MS. ELLIS-GREEN: Madam Chair, Commissioner Roybal, no. It wouldn't be for anyone to file a complaint on. It would be more I'm notifying you that I now have a short-term rental registration or license and if there's an issue, we follow this ordinance and here's a name and a telephone number that someone can contract.

COMMISSIONER ROYBAL: Okay. Thank you.

CHAIR HAMILTON: Thank you. So regarding the fees –

MS. ELLIS-GREEN: Madam Chair, Commissioners, regarding the fees, so the registration, when we split it to two tiers, the registration, the fee of \$35 is mandated by statute. We can't change that fee. So if the Board wanted to go to do \$100, for example, to owner-occupied and stay at the \$375 for non-owner-occupied we would need to go back to everyone having a license and not the split between registration and license.

CHAIR HAMILTON: Yes, that was exactly what I was going to say, and I think that defeats a lot of the purpose. There are many other in-home business that are managed in this way. It doesn't impair the possibility of enforcement. If complaints are received you can enforce it just like you can enforce any other kind of in-home business, which is what has happened for years. I really – I personally do not see changing that and do not want to see that tier with that break between registration of an in-home business

and the license. So with that, do you feel like you've had inputs from us? So we can kind of move forward?

MS. ELLIS-GREEN: Madam Chair, Commissioners, if I can run through the points as to what I've heard you'd like me to do. The first is notice to neighbors, to change that 500-foot just to adjacent property owners. The next one is quiet hours, keep that in. The third tier we would not be doing. The cost we would keep it as is. The grandfathering and banning of non-owner-occupied, I wasn't clear whether you would like to say anyone that's currently as of the date that this ordinance goes into effect is operating a non-owner-occupied short-term rental can continue doing that as long as they get their license, but no new additional ones. That had been the discussion and it wasn't clear to me as to whether or not you wanted to do that or not limit it, gather then data, and then come back and possibly –

CHAIR HAMILTON: I think there's a split. I think I was in favor and I'll let everybody speak for themselves, but I was largely in favor of sticking with our intent to collect data first, especially since I thought our legal weigh-in that a moratorium, unless it's on a very limited basis, is problematic. Very problematic, and that was why I made the point to try and reiterate if anything, we would have to allow anybody who already owns a house or built to do whatever. But if we still to this point specifically – Commissioner Hughes, what was your –

COMMISSIONER HUGHES: Well, I had thought of it both ways but I think the way you stated it is perhaps the most lenient and still it gives people the most liberty. Everybody who owns a house now can do whatever they want with it, but you can't – if you purchase your house after the ordinance is passed, then you can't subsequently start it up as a short-term rental. Until we've collected the data.

CHAIR HAMILTON: Are you good with that, Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I am. I'm good with that.

CHAIR HAMILTON: And I thought there was consensus also that it didn't apply to the owner-occupied.

COMMISSIONER HUGHES: Right. That's only for non-owner-occupied.

MS. ELLIS-GREEN: Madam Chair, I did get that, yes. So it would be for the non-owner-occupied you would have to show that as of the date of this ordinance going into effect you already owned the house, and then you could apply for the license.

CHAIR HAMILTON: Right. Were those all the points you wanted to clarify?

MS. ELLIS-GREEN: I believe that's all of them, yes. Thank you.

CHAIR HAMILTON: Thank you for your input.

MS. ELLIS-GREEN: And so with that, I think the Board had asked us to come back at the next meeting for another public hearing, so we will be working on drafting and trying to meet that deadline.

CHAIR HAMILTON: Right.

COMMISSIONER ROYBAL: Penny, do you know when the draft will be available for our constituents to see? So they could go through the draft that we're proposing at that point.

MS. ELLIS-GREEN: I would hope that would be by the end of the week. We did commit to put a banner on the website when we do have a new draft so people

can find the draft easily. But I will work with the County Manager and the Legal Department to see how quickly we can get that out.

COMMISSIONER ROYBAL: Okay. And on that banner then we'll have a way to give any kind of input at that point, right?

MS. ELLIS-GREEN: Madam Chair, Commissioners, we're still accepting public comment so we'll get it out and up as soon as possible. Anyone that provides comments by Monday before the BCC meeting we will go ahead and include that in BoardDocs and anything that comes in later we will hand out at the meeting.

COMMISSIONER ROYBAL: Okay. Thank you.

MS. ELLIS-GREEN: Thank you.

CHAIR HAMILTON: Thank you. Manager Shaffer.

MANAGER SHAFFER: On the point of the potential, and I underscore potential because there is still opportunity for public comment on these ideas. No final action is being taken today. Relative to the temporary moratorium on existing property owners, I just want to make sure as we go through the drafting is that we talked about owning a home versus owning property. So in other words there's a distinction. I think the intent was if you own the property, not that you would already have to build a home, but I want to be clear on that point.

CHAIR HAMILTON: Thank you. I think that's fair.

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

CHAIR HAMILTON: So I've noticed some people file into the chambers. We've already done Matters of Public Concern but people who signed in were not here, so I – raise your hands if you're here because you wanted to speak during Matters of Public Concern. Okay. So I'm going to re-open Matters of Public Concern. I just want to make sure everybody understands. This is Matters of Public Concern, you can speak to any issue but this is not a public hearing. I'm going to limit everybody to two minutes, so Daniel if you could put up a two-minute timer I would very much appreciate it and if you don't mind self-organizing, the first person can please come up to the microphone and give your name and tell us your concern. Somebody.

ELIZABETH EMMONS: My name is Elizabeth Emmons. I'm here to address some of the concerns with the short-term rentals. I'll shorten this because we're now down to two minutes. I've heard a lot of information about how bad STRs are for our community, how they take away affordable housing, cause disturbances and drain resources. But I ask the Commissioners, what is the real motivation and intention to regulate STRs. Have we even asked ourselves that question? Is it to correctly collect taxes? I 100 percent agree with that. Is it to drive STRs to long-term housing? Folks, that is never, ever going to happen. Zillow just came out with the northern part of the county's average home sale expected this year – \$1.1 million for District 1. You think you're going to be able to drive any of that STR housing into long term? You're never going to do it. Housing is driven by pricing, by demand. It's not going to happen.

What concerns me most about this whole process is no one has asked what the County intends to do to address the lack of affordable housing within our county if STRs are really the issue. You will find, once you start collecting the taxes correctly, that the



lodging and gross receipts taxes produced by the STRs annually is in the millions, annually. 2019, it was over \$13 million. All that money got dumped into the City of Santa Fe's coffers.

Now is the time when the BCC can use those tax dollars to make historic, legendary changes to the housing situation in Santa Fe County. Are you willing to take that challenge> Using our tax dollars for the actual betterment of our community. We don't have to re-invent the wheel. Communities around the country have allocated STR tax dollars to buying land and distressed properties and building actual affordable housing, not massive apartment complexes that rent for \$1,000, \$1,700 a month, like within the City of Santa Fe is doing and then calling it affordable. It's not.

What is the rush in forming this ordinance? That's all I'm asking. It makes sense to collect the taxes and to register the STRs so you can get credible data, but let's take our time with the rest of it. Let's really take our time. Thank you.

CHAIR HAMILTON: Thank you very much. Really appreciate it. Next, please.

CHRIS LESLIE CURTIS: Greetings, once again, Madam Chair, Commissioners. My name is Chris Leslie Curtis and I live at 142 Vaquero Road. I am also here once again to support the reasonable regulation of short-term rentals in our county. I was actively involved in advocacy with the City and I would like to thank you first of all, for presenting a generally acceptable ordinance before the last hearing. I felt that the ordinance was reaching baseline measures that would allow you to collect data to really see what negative impacts are created by short-term rentals. I would argue that there are far fewer than you previously asserted.

I also would like to strongly encourage you not to consider a moratorium on non-owner-occupied short-term rentals. I am owner of two non-owner-occupied short-term rentals. I do not feel that the unjust treatment – I was in such favor of you dividing the owner-occupied folks, because I understand that's really a different animal. But the City of Santa Fe does not differentiate between owner-occupied and non-owner-occupied, and while I applaud your efforts to differentiate between those to the benefit of owner-occupied, I consider your treatment of non-owner-occupied as potentially biased and not fair. I am more than willing to pay the fee for licensure. I totally accept that owner-occupied should be a registration, but I strongly ask you to reconsider a moratorium of any type of non-owner-occupied short-term rentals in the county until you have collected data to show that there is really an issue with non-owner-occupied. I would suggest to you that hosts such as myself go to great lengths to make sure that our properties are well taken care of and in compliance with all laws and tax regulations. Thank you.

CHAIR HAMILTON: Thank you very much. Is there anybody else? I thought I saw another hand. Please come up.

JEFF BRUGGER: Hi. My name is Jeff Brugger, and I live at 7 Paseo del Oso, which is located in District 2, Santa Fe. According to the current proposed ordinance, my wife and I are non-owner-occupied STR owners. If the residency requirement were just 100 days we would have an owner-occupied STR. We bought our home in our neighborhood two years ago because the property's covenants allow STRs. We spend most of the year out of state where relatives need our support and we help cover property costs using STRs when we are not in Santa Fe. We use a management

company Casas, and we market on multiple platforms.

The ordinance increases our workload significantly and poses a risk that a future incident or mistake would allow County staff to revoke our STR license. There are several examples of flaws in this ordinance as it's written now that increases our workload. The amount, in my view, to targeted harassment of property owners that offer short-term rentals. Just one example, the providing notice to neighbors. I have no problem with the County publishing a list of addressed licensed as STRs. However, forcing self-managed STR property owners, which I'm not, to communicate personal contact information is potentially dangerous and carries a risk of harassment by hostile neighbors. Contrary to the County staff's statement, private information is not available on the primary platforms where STR properties are advertised. If an issue with the property requires immediate attention, the police can be called as with any other complaint against properties with long-term rental resident or owner residence. Let the police keep the peace and communicate a complaint to the property manager disclosed via confidential STR information.

Another quick example: quiet hours. The hours are the same as existing laws, but this ordinance imposes a highly subjective standard of quiet. Noise of any such character, intensity or duration as being detrimental to the repose, life or health of others. My current full-time owner neighbors aren't friendly with, have disturbed my repose a few times. Why the double standard as existing law.

CHAIR HAMILTON: Okay. Thank you very, very much. Is there anybody else who wishes to speak at this time? Okay. I appreciate everybody being here. I'm going to go ahead and close Matters of Public Concern. Thank you all for your comments.

## **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 HAMILTON: Commissioners, do you have matters to discuss? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So I was invited by Electrification on the Plaza to speak when they had, on October 1<sup>st</sup>, we had our electrification transportation and I remember many years ago going to Electrification Day for electric cars and there was maybe five, and now the whole plaza was filled. I want to recognize our Commissioner who is most likely going to be elected. He runs a business with electric cars and he was on the plaza, Justin Greene, thank you. And Dashing Delivery, a local company that serves all of their delivery via electric vehicles. And so it was exciting and I'm glad that I had an opportunity to support the Electrification Day on the plaza.

Next, we had the Natural Resources Trustees meeting here in the chambers and it was really nice to have Maggie Hart Stebbins and many of the people who are part of the Natural Resource Trustees. I also had a Ready, Set, Go meeting with the Las Campanas

board, and then the big notice is that there is a stakeholder notification, WIPP community forum and open house on October 24, 2022 at 5:30 pm. It will be hosted by the Carlsbad Field Office in Nuclear Waste Partnership. It will be at Buffalo Thunder Resort and Hotel and there is a link for in-person registration and we will send this out on my information via Webex so people can attend, and I will make sure it's share with all the Commissioners so they can notify their constituents also.

The unfortunate thing that I need to share is that the Coffee and Tea this Saturday was cancelled due to weather, which is such an odd event here in Santa Fe County, but I was not going to make people go out in the rain and hike in the mud to sit under the trees, even though we could have sat under the patio structure. It was still quite cold and I hope that we will reschedule some kind of listening session for the Forest Service. And that is, I believe, all that I have, Madam Chair. Thank you.

CHAIR HAMILTON: Excellent. Thanks. Sorry about the weather.  
Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Just a couple of items. I'm having a townhall tomorrow evening at 5:30. It will be on Webex and we're going to talk about open space and Robert Griego and Adeline Murthy will be joining me as well as a number of people, my constituents, who are very interested in our open space program, transfer of development rights and that sort of thing, so it promises to be a lively discussion. And the nice thing about Webex is it can rain or shine or whatever and it's still there. And I certainly envisioned by this time I'd be doing in-person meetings but because my district is split in two and it's an hour between each side it really works better to just invite everybody on Webex.

Another thing I just wanted to mention for the other Commissioners and anybody else is that the Coalition of Sustainable Communities is looking into starting a green bank, which would be a financing mechanism for renewable energy and other weatherization I assume, projects for low-income people around the state, and since we're a member of the Coalition I think it might be nice for us to consider supporting that effort. It will, if successful, bring in lots of federal money to actually fund the bank and so I think it would be appropriate at some point to have them come and show us their business plan and what they have in mind for their green bank. It could accomplish some of the things we have wanted to do but we could do it in conjunction with our other partner communities. That's it, Madam Chair. Thank you.

CHAIR HAMILTON: Excellent. Thank you very much. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I first wanted to say thank you to Community Assistance for Santa Fe Animals. We had an event today in my district and I was able to attend the first location in Pojoaque where they were there giving out pet food for dogs, cats, offering free neutering by appointment at a future date, and also some houses for cats and dogs as well. And so I just want to express my gratitude to Kristin, she worked hard putting that together and I worked on locations for her so together we got this event going out there and when I left early, on one location, because they were going to do one in Pojoaque and one is La Puebla, they had already had about 32 constituents who had gone to them for help with these items and also about 150 pets. So it was a great turnout. There were still people coming; they were going to La

Puebla so I'll give more of an update on that for our next meeting.

Also I wanted to touch on an event that happened a few days ago. I think we had possibly an active shooter in the area where we shut down the County facilities and some of the schools. I wanted to ask Manager Shaffer, I think that I heard that our new facility is on a timer and they couldn't lock the door to keep our – and there was a concern because they couldn't lock the door manually, I think because it's on a timer. So is that correct? Because I was wondering, Mr. Giron, is there something we're doing to mitigate that? Or is that true or is that correct?

MR. GIRON: Madam Chair, Commissioner, County Manager, yes. We're convening a work group to come up with standard operating procedure. We're going to rectify those issues on access control. That's a high priority for us, as well as to make sure that any of the holidays that we close on Mondays or other days of the week that the building is automatically shut down. So I apologize for that having happened but it has raised the issue and we're starting a work group – actually started having that discussion today.

COMMISSIONER ROYBAL: Okay. Thank you, Director Giron, and it's one of those things where, thank god we were able to look at the issue and address it early. I just want to make sure that we protect our employees.

I also wanted – I know that staff has been working on Bishop's Lodge water treatment plant LEDA project application and I didn't think it was quite ready at this point to bring to the Commission as we asked for last time. At our last meeting we asked for it to come forward. So I understand that staff is working with that project, and so I appreciate that. I did want to ask, if anybody could answer this, can we get an update of the status or where we're at with our review or what items that we still need to be finalized? Do we have any information on that?

MANAGER SHAFFER: Commissioner, Leandro Cordova, the Deputy County Manager, would probably be best positioned to give you detailed information. I do know that we are meeting with the applicant on a regular basis and met with them on Friday and we have another meeting scheduled with them for tomorrow, if I'm not mistaken, to continue to go over deal points. So I don't want to overstate my knowledge as to the issues that are being worked through but I want to assure the Board that County staff is making themselves readily available to come up with or work through the issues as they present themselves with the applicant.

COMMISSIONER ROYBAL: Okay. Thank you, Manager Shaffer. I'd like to see it at the October 25<sup>th</sup> agenda which will be in a couple of weeks, I think that if we put it out for the Board to look at and consider and also have – if approved by the Board have it where we could publish title and general summary of the ordinance. I think that's all I have, Madam Chair. Thank you.

CHAIR HAMILTON: Okay. Thank you.

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

CHAIR HAMILTON: Deputy Clerk, do you have something?

SFC CLERK RECORDED 11/18/2022

EVONNE GANTZ (Deputy County Clerk): Thank you, Madam Chair. I just wanted to mention that early voting has started at the Clerk's Office and Saturday, October 22<sup>nd</sup> it will expand to additional seven sites. We had quite the turnout today of 526 voters, which is a little bit busier than starting days the last couple of elections, and people can also request an absentee ballot and we recommend doing it sooner rather than later, because it does take at least seven days to receive in the mail, so either request it early and mail it back or you can drop it in a drop box.

CHAIR HAMILTON: Thank you very much Deputy Clerk. Are there any other elected officials on Webex who would like to speak under Matters from Elected Officials? Just go ahead and unmute yourself if you're there. Hearing none – Daniel, correct me if I'm wrong. Is there anybody on?

MR. FRESQUEZ: Madam Chair, I do not see any elected officials on Webex.

CHAIR HAMILTON: Thanks so much. Commissioner Hansen.

COMMISSIONER HANSEN: I just also wanted to mention that I am very concerned about crime and what has been happening. When Commissioner Roybal mentioned the active shooting and our building being – we had a lock down here in town the other night in my neighborhood. We had shooting happening. There was gunshots at 3:30 in the morning. There's been serial arson going on in my neighborhood also and a catalytic converter had been stolen out of a car, so I do think that crime is really increasing, and I do think that it is something that we really need to be paying attention to. I did call the Sheriff and talk to them even though where I live in is the city. I'm making an assumption; I know that but I do feel that possibly crime is migrating up from Albuquerque. It's only a natural kind of thing that crime is really bad in Albuquerque. It's not unlikely that it would be spreading here, but whether it is migrating from somewhere else or it's homegrown it is definitely a real concern and I just wanted to bring that up. And I thank you, Commissioner Roybal for bringing that up earlier.

CHAIR HAMILTON: Great. Thanks very much.

#### 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:**

SFC CLERK RECORDED 11/18/2022

- 1. Threatened and Pending Litigation Arising from the Adult Detention Facility**
- 2. Bargaining Strategy Preliminary to Collective Bargaining Negotiations Concerning AFSCME 1782**

CHAIR HAMILTON: Mr. Young, do you want to read us into our proposed session?

MR. YOUNG: Yes, Madam Chair, Commissioners. I would ask that we go into executive session to discuss matters as allowed by law, including discussion of bargaining strategy preliminary to collective bargaining negotiations between the Board of County Commissioners and collective bargaining units, Section 10-15-1 (H)(5), as well as threatened or pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1 (H)(7) and those are specifically including threatened and pending litigation arising from the adult detention facility, and bargaining strategy preliminary to collective bargaining negotiations concerning AFSCME 1782, and I would estimate approximately 45 minutes.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Appreciate it. Yes.

COMMISSIONER ROYBAL: I'd like to make a motion to go into executive session for the items that have been summarized by our County Attorney.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. I have a motion and second. Can I please have a roll call?

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

Commissioner Garcia	Not Present
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye
Commissioner Roybal	Aye

[The Commission met in executive session at 5:31.]

## **12. PUBLIC HEARINGS**

- A. Case # 22-5190 Irene Trujillo Easement Vacation and Relocation and Approval of Landowner's Acknowledgement Statement. **WITHDRAWN****

SFC CLERK RECORDED 11/18/2022

**CONCLUDING BUSINESS**

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

Having completed the agenda and with no further business to come before this body, Chair Hamilton declared this meeting adjourned as the Board moved into Executive Session.

Approved by:

  
Anna Hamilton, 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 11/18/2022