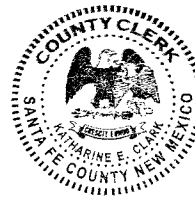


**November 15, 2022**

COUNTY OF SANTA FE ) BCC MINUTES  
STATE OF NEW MEXICO ) ss PAGES: 86

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



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

**November 15, 2022**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:04 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 Official Erika Quintana 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 Susannah Lecuyer of the Assessor's Office.

Commissioner Garcia requested a moment of silence for Mary Romero Page and Evangeline Juliet Tinajero. Commissioner Hansen requested a moment of silence for the mother of Darlene Vigil.

**F. Approval of Agenda**

CHAIR HAMILTON: Manager Shaffer, there's been a request to move up

SFC CLERK RECORDED 12/28/2022

– perhaps you already know this – to move the presentation 7 .A up to right after 3. A, so we can have the presentation and the proclamation on the Assessor’s Office all toward the beginning. I’d be happy with that if that’s acceptable to everybody. Are there other changes you wanted to highlight?

GREG SHAFFER (County Manager): Thank you, Madam Chair and Commissioners. In terms of changes to the agenda, our initial agenda was posted last Tuesday, November 8<sup>th</sup> at approximately 5:42 pm, and our amended agenda was posted on Thursday, November 10<sup>th</sup> at approximately 5:54 pm. The only change to the agenda itself was the addition of item 9. B, a report pursuant to Resolution No. 2022-087, concerning pay to acting district chiefs needing to serve more than two months. Otherwise, there has been either additions to or updates to packet material from the posting of the initial agenda, and that is the case with regard to items 4. A, 4. G, 4. H and 6. B, as well as 7. B. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. So with those changes and the move that I mentioned, if there are no other changes, what’s the pleasure of the Board?

COMMISSIONER GARCIA: So moved.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: I have a motion and a second for the agenda as modified.

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

**2. APPROVAL OF MEETING MINUTES: October 11, 2022**

CHAIR HAMILTON: Are there any changes or what’s the pleasure of the Board?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the minutes as submitted.

CHAIR HAMILTON: I have a motion. Do I have a second?

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. 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 November 15, 2022 as “Santa Fe County Assessor’s Office Staff Day in Recognition of Contributions Made to Ensure Quality and Excellent Customer Service to the Community of Santa Fe County”**

CHAIR HAMILTON: I’ll go to Commissioners Hansen and Garcia.

COMMISSIONER HANSEN: Thank you, Madam Chair. So it’s really my

SFC CLERK RECORDED 12/28/2022

pleasure and honor to recognize the County Assessor's staff. We have really an exemplary staff at the Assessor's Office, and under the leadership and guidance of County Assessor Gus Martinez, the Santa Fe County Assessor's Office received national and international recognition for excellence in customer service, meeting statutory requirements and following the International Association of Assessors' best practice standards. The Santa Fe County Assessor's Office became the first jurisdiction in the State of New Mexico and the 49<sup>th</sup> jurisdiction out of 3,007 in the country to receive the IAAO's certificate of excellence in assessment administration.

Santa Fe County Assessor's Office staff achieved these recognitions by employing multi-faceted technology consistent with public outreach and sincere community engagement. They also honored veterans and those within our community who have made a difference during Heritage Month. The Assessor's Office has been instrumental in creating and developing a five- to six-year reappraisal plan, eventually reducing it to a three-year plan to improve property assessments during County Assessor Martinez' eight-year term the County Assessor's Office created the first policy and procedures manual along with eight-year planning to ensure stability for the future.

I cannot say enough about County Assessor Martinez. He has done an exemplary job and he has led a staff that has done an exemplary job, and that is what we all strive for, the idea of teamwork and working together to provide public service for our entire community. And we are really, really fortunate to have such a great staff at the Assessor's Office and I just want to thank all of you from the bottom of my heart for all of the work that you do to work with the public, because I know that's always easy, but you have – I never hear complaints about the Assessor's Office, at least not in my office. So I want to turn it over to Commissioner Garcia to say a few words and then I'll make a motion.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Commissioner, for bringing this forward. The individual that actually started my career here in Santa Fe County working with the Tax Assessor's Office back in 1981 through about 1992 and a half, if you want to call it that. Back in those days we actually used to draft the maps with pencils. Commissioner Roybal here can attest to that because we both started working in the Assessor's Office a couple of moons ago. It was a little bit different back in those days. Technology wasn't around. Like I said, we actually drafted maps on paper. We had those folders. People would go out with their tape measures and measure the buildings and come back and create a valuation for a piece of property.

The Assessor's Office is very instrumental in what Santa Fe County and you all are responsible as a team to bring in the valuation for the great budget that Santa Fe County has, and I thank Assessor Gus, his up and coming Assessor Isaiah Romero, as well as the entire team there, because as Gus knows this, it actually takes an entire team to have a great department, where there's great communication, great people working all together. I used to be very amazed that Gus would be working the front counter. I thought that was really awesome, that he worked the front counter with all his staff up there from 8:00 to 5:00. And that was – I was very impressed with that, Gus. Thank you for that.

COMMISSIONER HANSEN: Commissioner Garcia, would you like to read with me the proclamation?

COMMISSIONER GARCIA: Sure.



COMMISSIONER HANSEN: So I'll start and then we can go back and forth. Does that work for you?

COMMISSIONER GARCIA: Yes.

COMMISSIONER HANSEN: Okay. We are proclaiming November 15<sup>th</sup> as Santa Fe County Assessor's Office Staff Day.

Whereas, the International Association of Assessing Officers, IAAO, is a professional organization, which has a network of 7,000 members in 90 chapters in the United States and around the world; and

COMMISSIONER GARCIA: Whereas, the Santa Fe County Assessor's Office, under the leadership and guidance of County Assessor Gus Martinez, who served from 2015-2022, established a local New Mexico Chapter of IAAO in 2016; and

COMMISSIONER HANSEN: Whereas, the Santa Fe County Assessor's Office became the first jurisdiction in the state of New Mexico and the 47<sup>th</sup> jurisdiction out of 3,007 in the country to receive IAAO's Certificate of Excellence in Assessment Administration; and

COMMISSIONER GARCIA: Whereas, teamwork, effort, passion, and dedication of staff within the County Assessor's Office led to the receipt of four national and international awards; and

COMMISSIONER HANSEN: Whereas, the County Assessor led a team of four dedicated employees, including Jennifer C. Romero, Ivan Barry, Tommy Garcia, and Isaiah Romero, who worked diligently over six months to compile, organize, develop, and create a fifteen-page document, presentation, and video featuring how the Assessor's Office provides five-star customer service to internal and external customers; and

COMMISSIONER GARCIA: Whereas, the team leaders mentioned above relied heavily upon and received tremendous assistance and support from all staff in the County Assessor's Office and particularly from Jessica Ulibarri, Nicolette Martinez, and Marcella Vialpando as well as from Daniel E. Fresquez, Media Coordinator; and

COMMISSIONER HANSEN: Whereas, the County Assessor's Office staff were recognized internationally by being invited to conduct four in-person and two virtual presentations on how they serve the public, providing quality customer service, meet state statutory requirements, and follow IAAO best practice standards; and

COMMISSIONER GARCIA: Whereas, the County Assessor's Office staff employed technology including, but not limited to, a state-of-the-art website, social media presence, live chat/chatbot feature, automated forms, use of a CRM portal for protest and business personal property submittals, text messaging updates, implementation of aerial imagery, creation of informational videos and help guides, public outreach, and community recognition via on-site outreaches across Santa Fe County, honoring veterans and those within our community who made a difference during Heritage Months; and

COMMISSIONER HANSEN: Whereas, in addition to technology and community support, the County Assessor's Office has been instrumental in the creation

SFC CLERK RECORDED 12/28/2022

and deployment of a five- to six-year reappraisal plan, eventually reducing it to a three-year plan to improve property assessment; and

COMMISSIONER GARCIA: Whereas, during County Assessor Martinez' eight-year term, the County Assessor's Office created the first Policy and Procedures Manual along with an eight-year plan to ensure stability for the future; and

COMMISSIONER HANSEN: Whereas, the County Assessor's Office staff's passion to build transparency and accountability has created one of the most proficient offices throughout Santa Fe County; and

COMMISSIONER GARCIA: Whereas, County Assessor Gus Martinez' term ends December 2022, the intent of this proclamation is to honor his leadership and staff for their outstanding team efforts.

COMMISSIONER HANSEN: And so there I would like to make a motion to approve this proclamation recognizing – Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the 15<sup>th</sup> of November, 2022, as Santa Fe County Assessor's Office Staff Day.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Fantastic. So we have a motion and a second. Under discussion, do other people want to make comments?

COMMISSIONER GARCIA: Madam Chair, if I could continue my comments, Madam Chair. The words that I said earlier may drop to the entire Assessor's Office. You guys are the best in the country. I went to a seminar a while back with actually Mr. Martinez and some of his team leaders and it's pretty amazing to be there at a nationwide conference when you all get recognized. Great job, Gus, for creating a great Assessor's Office as well as your entire team. Every time I go down there there's two or three people – can I help you? Can I help you? But great job. Congratulations.

CHAIR HAMILTON: Excellent. Anybody else? Commissioner Hughes.

COMMISSIONER HUGHES: I don't think there's anything to add except congratulations, wonderful job, and it's great that you got the award. Thank you.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. As Commissioner Garcia mentioned earlier, I started my career in public service a little over 30 years ago in the Assessor's Office as the mapping technician, I guess they used to call them before, doing the lot splits for the Assessor's Office. Just to see how far we've come over the years is just amazing, but I think everybody has seen that, the technology that's advanced over the years. Back then we used to have our computers that were still DOS and you had to punch in a lot of commands just to get anywhere on a lot of those computers. Now we have the geographical user interfaces that we can just click on icons to jump to different programs.

I just want to say that it's been really wonderful to see how the Assessor's Office has progressed over the years. Assessor Martinez began his term as the Assessor the same time as I became a Commissioner and so we had a lot of conversations even prior to

being elected into office, talking about working together and making a lot of these services better for our constituents. So my hat's off to what the Assessor's Office has fought for and really shines for the County over the years. It's just huge accomplishments and I'm honored to have served with Assessor Martinez and his leadership for Santa Fe County. Congratulations and thank you all for your leadership and to all of your staff.

Usually, you see how passionate your staff is in working for the County and I see a lot of posts on Linked In and it's just obvious your staff takes a great pride, the same as their leadership. So thank you for your service and thank you for the great eight years you've put in, Assessor Martinez.

CHAIR HAMILTON: Excellent. It's basically been said, but congratulations, Assessor Martinez. Really well deserved for all the technical accomplishments and also all the service and also everything you did for your staff, which includes tremendous individual development which really helped develop your entire office, and that's impressive. So we have a motion and a second.

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

COMMISSIONER HANSEN: And Madam Chair, could I ask if Assessor Martinez, would like to say a few words?

CHAIR HAMILTON: No, I get to ask that. Just joking. And we did move the presentation up to here. Assessor Martinez.

GUS MARTINEZ (County Assessor): Thank you, guys. I really appreciate it. My eight years have gone really fast. I guess when you're working hard things go pretty quickly. I today, just want to honor my staff. You're only as good as the people you surround yourself with and I have probably the best staff in the country, without a doubt. We've been able to accomplish a lot of things throughout the years and it's been with hard work, and with effort, and effort means work.

I pushed hard for the past eight years, because there's a short period of time and a short window that you need to accomplish things as an elected official. I wanted to just promote Santa Fe County as well as the Assessor's Office around the country and show that a little county in New Mexico can do great things. And I just, again, I want my staff to stand up and honor each and every one of them, and thank them for the job that they've done. They're very hard workers and deserve that.

CHAIR HAMILTON: Thank you so much. The County has definitely benefited from everything you and your staff have done and we wish you all the best in the future. It should be a pretty seamless transition to item 7. A which we moved up.

## **7. PRESENTATIONS**

### **A. Presentation on the Office of the Santa Fe County Assessor's Accomplishments 2014-2022**

CHAIR HAMILTON: So you have the floor, Assessor Martinez.

ASSESSOR MARTINEZ: The reasonings for just coming up to you guys is we just really wanted to let you guys know where the Assessor's Office is and where I'm handing it over to at this point within my eight years and I'm just going to reflect on

just the technologies and the things that were brought in.

But before I do that I have a lot of special thanks that I need to recognize people and definitely I want to recognize former County Commissioners Robert Anaya. When I came in he was there and also Miguel Chavez, former County Commissioner Miguel Chavez. Former County Commissioner and Senator Liz Stefanics. The late Commissioner Edward Moreno, and Commissioner Kathy Holian. Commissioner Anna Hansen, appreciate everything. Commissioner Garcia, I appreciate you also coming to the conference and hearing about technology. Commissioner Anna Hansen, thank you for your leadership and also just being there for the office. Commissioner Hank Hughes, I've dealt with you a few times during that but it was a pleasure working with you. And former Assessor Domingo Martinez, he did a lot of lifting and I was able to build on the foundation that he laid.

Our attorney, Bridget Jacober, late attorney, appreciate her time with our staff. Former Deputy Tony Flores, instrumental – I worked well with him. Great leader. Former County Manager, Katherine Miller, we spent hours of time to be with each other talking about the office and kind of the direction of where it was going. County Manager Greg Shaffer, we worked with him. Great guy, just integrity. One thing that you know about Greg though is he's by the book, and that's good. And I appreciate that because you know where you stand with him. And Deputy Manager Leandro, the short time that I've got to be with him, this is a stand-up guy. I wish I had more time working with him and I appreciate your assistance.

Also I want to recognize Rachel Brown, the County Attorney upstairs. Great to work with. And also the Finance Department. I want to recognize them because it takes everybody working together. And the Purchasing, HR, Departments, all the departments. I also want to as employees and former employees, I want to recognize Gary Perez, which was my chief Deputy Assessor. Also, my other chief Deputy Assessor in the second term was Chris Sanchez. I definitely want to recognize Daniel Fresquez, instrumental. We spent hours together when I was first elected and just going over information and how we're going to get it out to the public. Stand-up guy. The County is really blessed to have a guy like that. He has moved – not only has he helped me move my office, but he's moved the County into the 21<sup>st</sup> century and you do a heck of a job, man, and you deserve to be honored.

P.J. Griego, thank you for being my operations manager my first four years. I appreciate you. You did a heck of a job. Amanda Lucero, she's not with us. She was here from my office, went to the Manager's Office, went to the City of Santa Fe, so we're missing somebody huge there, but I remember a little story about her. She was working at Starbucks when I hired her and she did a heck of a job for me and kind of moved up the ranks through the County, so I'm really proud of her.

Emma Felt, another great person in my office that got promoted into the County Manager's Office. Also, Bill Taylor and again, Yvonne Herrera. Appreciate that, what you guys do day in and day out. A lot of work that you guys got to do, a lot of paper you guys got to push, but I appreciate you guys.

And then all my current staff, I couldn't have done it without them, all the hard work, day in and day out. Again, as I say, I push hard. They're probably tired. But man, they accomplished a lot of things, and I couldn't have done it without them. So I just

SFC CLERK RECORDED 12/28/2022

wanted to recognize – and Brittany Lovato. She was in my office also. I want to recognize here and all the work that she did. She is with the County Manager's Office. At first I used to get frustrated, like they're taking my employees. But we come to the realization that training them and then moving up and you've got to be happy for them to progress. So you guys got people from my office that are working good for the County. So I just wanted to kind of mention that and my staff there.

So talking about goals, when I first came into office, there's a few things that I just wanted to do, was really provide great customer service, bring in integrated technology and sustainability. And when I first came into office what I did was I did a gap analysis of the office before I took it over. I needed to see what I was getting into, what I needed to still fix, and I hired IAAO, International Association of Assessing Officers to come in and let me know what things I needed to fix. So I definitely – they did the gap analysis. It took probably about six months to do, and then we started chipping away at everything of what we needed to fix in the office.

There's a lot of firsts to the office. The strategic plan of the office was just really giving my eight-year plan of what I wanted to accomplish for the constituents of Santa Fe County. In that time we created core values for the office: honesty and integrity, quality of excellence, fairness and quality, teamwork and sustainability. We also created a mission for the office and a vision. To me, coming into office, customer service was very important. I've been in the office for 26 years and we battle a lot with the constituents and we needed to change the atmosphere. So it was huge that I came in, and what we did with customer service was we definitely did a lot of outreach within the community.

But the first thing that I did was I took off the answering machine. We answered, for the past eight years, we've answered – my staff have worked diligently to work hard to answer every phone call within four rings so it doesn't go to the answering machine. Is it hard work? Yes, it is. It's hard work when the tax bills go out, when the notice of values go out, it's ringing off the hook. I appreciate them taking that challenge to answer every phone call, and I think the constituents would agree.

Then what we did, what I brought in was live chat. We were the first ever Assessor's Office in the country to bring in live chat and a chat-bot. And so it was important to me – how do I connect with constituents? I wanted to connect with them in the comfort of their home. They didn't have to come to the office. I would eliminate a lot of phone calls and a lot of traffic coming in and the chat software that we purchased and we brought in in 2015 has done that, and you can see as the afterhours, the chatbot is for afterhours, from 5:01 to 7:59 in the morning. Our staff do the chat, monitor the chat all day long and answer those from 8:00 to 4:59. And it's a lot of work but they have taken the challenge and are very knowledgeable for that. So if you look at the trend there of 2016 to 2021, you look at all the chats that we've done through that time period of every day from 8:00 to 5:00.

And that's just part of the chat service there of how it pops up onto the website.

What was important to me when I came to office was really to get information to the public, so it was really updating our website. How could we get a website that everybody – traffic that everybody pours into the website and gets their information. And what that did is it eliminated the calls and when I created the website and working with Daniel at first was really, how do we make something very simplistic that people are

going to use, the stuff that's not buried in there, and really that you can click on and move and get that information which created with Casey's help in my office was a search map tool, which would allow property owners to search their property, get all kinds of information, such as square footage, such as value, deeds – all that information that was put on the website. So it was redesigned.

And where you can see through time, how much people are really hitting the website. Back in 2019 we had 178,000 people hitting our website and in 2020 we had 231,000 people hitting the website in a year. And now of 2021 we're at 223,000 people hitting that website. So it's being used, not just by the County. It's being use by the City of Santa Fe. It's being used by the State of New Mexico. It's being used by realtors. It's being use by insurance agents. It's by the public. So it's a great tool.

We implemented text messaging, so it was like how do we communicate with the public during a COVID timeframe? We wanted to make sure that we connected with people, so what we did is we implemented text messaging first through our protest period, so when a property owner would protest it would send them a text saying we received your protest and this is the appraiser that's working on your protest. When we were scheduling dates and time we would send them text messaging. We just wanted to provide – that was part of providing great customer service.

Outreach was important. When I first started back in 2015 it was important, and prior to that it was important to go out to all the different communities within Santa Fe County, and during the time of protest we would do four outreaches, Monday through Friday for the whole month of April. We'd go up north and down south and in and around Santa Fe to meet taxpayers in their area there. And that was just a part about building trust with the community. Because at that point, prior to that, people didn't want to see us. And so if I could change the message, if I could go out there and really help them and service them and let them know that we're there to help, that we would build trust in our community.

And so this is the stuff that we kind of send out. We have on our website, in the newspaper, all this information about the outreaches. We did clips on social media: Did you know? Different things like that to connect with the public.

We do an Assessor's update, really talking about what's happening within the Santa Fe County and the Assessor's Office, where we're reviewing property at, that sort of thing. Where are we at with outreaches, really doing – in the month of April we're putting this information out in the *New Mexican*, we do a short story about appraisal. We just try to connect. We let people know about values, residential values, commercial values.

It was important to bring in integrated technology to better do our jobs, and as I mentioned, I asked Commissioner Garcia to come with me to a pictometry conference there to show how the technology worked. And working with Katherine, I remember back in 2015 we discussed bringing in pictometry and I said I'd give up three FTEs if you just give me pictometry so I can show you that it could be more efficient. And we started off with a pilot and from that pilot ended up going through the whole county and flying over the whole county with oblique imagery and aerial photography, as well as doing an ag review in the month of July, flying over for ag properties, so we can be more efficient.

What it's helped us do at this point is a reappraisal. We started – I'd been in the

office for 26 years and we had never done a reappraisal, finished a reappraisal. With this technology we finished a five-year reappraisal plan and we're on our second one. We're finishing up this year at the end of this year, a three-year reappraisal. So we've done two reappraisals in five years. Why is that important? It's important because the more we review the property the more we're up to date with values. And the less, I believe, protests that we receive. So I will say at this point, last year we received the lowest protests that we've ever received in the history of our office, which was about a thousand or a little bit under a thousand protests.

We also – part of the pictometry piece, the aerial photography, there's a component called change finder, and what that helped us do is it helped us to – prior to pictometry we had a lot of omitted assessments. And an omitted assessment is somebody that we find that hasn't paid taxes on their new improvement or additions. And what this helped us do is really what pictometry gets is the old picture and the new picture and it merges them together and it lets us know who put in new improvements on the property so that we could be up to date, which we use for a building permit process that we review on a daily basis.

I'm proud to say that in our office there's Work Flows that we put in, and what Work Flows does is it helps us move work to different departments efficiently and the work can be tracked in that manner.

We created a CRM portal which allows constituents to protest their value on the website without coming into our office. We cater to both but we push them to there so it's more efficient. So whether you're out of the country, whether you're somewhere else, you have that ability to protest in April and do it at your leisure.

We just got a new technology and I want to thank Ms. Clark, our County Clerk. We partnered together to be able to bring this technology in what is appraised and what is a deed. It reads the deeds, former deed and current deed and what it does is it pushes it into our system and we're more efficient and up to date with deeds. Where deeds would take us eight hours a day, it's going to take us probably two hours a day to transfer deeds. So this technology is huge and I want to thank her personally for working with us to bring this technology in.

Sustainability and model office: So to bring sustainability in a model office we had to correct a lot of stuff and what we are trying to do, as you see, is the omitted assessments. In 2012 we had 808 omitted assessments and a grand total of about 3,108 omitted assessments at that point. Now it's dropped 98 percent because of technology. Protests also have dropped.

I'm glad and I'm proud to say we have produced our first policy and procedures manual in the history of our office. It's probably about, I think 2,000 pages, so there's the two volumes there and we do have this right here which has all the volumes and we give them to our staff so they can look at them and use their policies and procedures. So I'm really proud of that accomplishment and of our staff and everybody coming together to create those policies and procedures.

So the history of the Property Tax Division and oversight by the State of New Mexico. Prior to my administration, even during the beginning of the administration, it was tough to get a good evaluation but I'll say that through time as we built trust with them and as we cleaned up our act, I'm proud to say that we are now getting excellent

evaluations from the Property Tax Division because of the great staff and the job well done that they've done to be able to have a good evaluation. They even said as part of it that we're a model office in the State of New Mexico. And so I'm very proud of our staff for really cleaning up the office and really working on every aspect of the office to be able to get a good evaluation.

And with all the hard work, my staff has produced in the past eight years, we are a recipient of four international awards. And I will tell you this: there's people all over the country that this doesn't happen to. It was really a perfect storm with the great staff that I have. But in the past eight years, 2016, 2017, 2019 and 2022 we have received four international awards and I'm very proud of my staff because again, without them we wouldn't have been able to accomplish this stuff here. Without a great County, great County Commissioners, great staff, this is impossible. We have to work together in order to as a team to be able to accomplish this. And it's not just my staff but it's different departments to make things click and work, to be able to be successful like this.

And so with that, I just – I definitely want to thank the County Commission that gives us the tools that we need to be able to accomplish things like this. Commissioner Hansen, you've been instrumental, just an advocate for me to be able to bring that technology, each and every one of the Commissioners. Commissioner Roybal, I remember just really talking with you and really working with you on the radio and talking and getting information out to the public. I appreciate each and every one of you guys. I appreciate each and every one of my staff, and again, I'll say it's not possible.

And one thing I'll leave you with, the 33<sup>rd</sup> president of the United States, Harry Truman said, "It's amazing what you can accomplish if you don't care who gets the credit." And the credit goes to my staff and the hard work that they do. Everybody that worked in my office, the Commissioners, the County – because without you guys, it's impossible. It's been a great ride. I've had a great time. I'm tired. I need to decompress a little bit, but thank you guys. I appreciate each and every one of you guys and I'll just leave it with that. It's been a great ride. Thank you.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I have to say, Gus, it has been an honor to work with you and everything that you have done is so impressive. And it has only made Santa Fe County look better and better. And that's because of your staff and because of you. And I agree with your statement. It's amazing what you accomplish if you don't care who gets the credit. Absolutely. But you get a lot of credit for the hard work that you have put in these last eight years. And I know that Isaiah Romero will follow in your footsteps. I'm sure you've trained him well and so I'm grateful.

ASSESSOR MARTINEZ: I want Isaiah to come here. Come up here, Isaiah. This guy here is a hard worker. He's been with me. He's been in the office for 20 years. And I know that when I pass the torch to him he knows the responsibility of the office and the level that it's at and where it needs to be. It's hard when you create something like this with staff and you create something special, for any of us, and I'm going to be real. It's hard to give it over. It's hard to let it go. Right?

But I know this guy here, he's going to do an excellent job for Santa Fe County, and I'm proud of him, of the things he's going to accomplish and what he's accomplished



already. And so I just ask that you give him the tools that he needs to be successful. Because we're only as strong as the tools that we get to be able to go out in the community and being able to result stuff for our constituents. Congratulations.

COMMISSIONER HANSEN: Assessor Martinez, you've set a great example and we look forward to working with you, Assessor-elect Romero, welcome to the team, even though you've been on the team for a long, long time, it is exciting that you get to take the helm. My only request is that whenever you publish or print or do anything in the newspaper that you include the County logo.

ISAIAH ROMERO (Assessor-Elect): Again, I wasn't prepared to speak, but I asked my wife, I don't need a reason to speak. So I'll say a few things. I was able to learn a lot from Benito Martinez, a lot from Domingo Martinez and Assessor Gus Martinez. So I'm going to utilize a lot of that in the next four years. A lot of people ask me, they're like, hey, are you excited? And I thought about it, and it's not just one person. Many people are asking, are you excited? And it's more than excitement. It feels like a purpose. I feel like I've been building up to this for a long time. And I guess one thing that I think about is I'm a little bit nervous about this because Gus has done such a great job. Now it's time to step up. But the one thing that I continually go to is the great team that is here. So again, for the great team at the County Assessor's Office. Thank you. I look forward to working with you guys.

ASSESSOR MARTINEZ: And we have a short little video that we want to play.

[A video was shown]

CHAIR HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Assessor for the presentation. A couple of comments that I'd like. Your no voice mail policy – very good. Another thing that I also like that you haven't forgotten. I utilized this with my late grandmother, when I was on the school board as well, is there's some individuals out there in the community that don't have one of these still. My grandma never had a cell phone. So please don't forget about those individuals that don't have technology and don't want to learn about technology because they're from a different era than we are.

In regards to the oblique imagery – that stuff's amazing. Some individuals here don't even realize, as when we went to the conference, we attended a conference about seven years ago with Philip Montano, when you go buy a phone, it's all about this camera. That's what it's about. You're going to be able to take a picture some day and it's going to tell you how many people in the audience are wearing gray, what kind of wood that. Technology is moving faster than we can even think.

I did talk to Assessor Martinez one time as into the other departments, whether it's the Planning, whether it's the Zoning Department, whether it's the Road Department, this imagery that you have in your department is amazing. You can count stop signs on that from the air. Public Safety can utilize that for whatever you need out there. It's just the technology that we already helped previous Commissioners as well as budget and so on and so forth. Great job out there.

I just need to know what happened to the 2019 award, 2020 – the awards that we missed those years. We just didn't qualify for the awards. We missed 2018, 2020, 2021.

Once again, thanks to your staff, especially the first line of defense – I shouldn't say defense because that's the way it seems some times when you walk into an office anywhere. It's always a defense, right. The first individuals when you go talk to somebody there at the Assessor's Office, they do an excellent job, as well as your team. Thank you.

CHAIR HAMILTON: Thank you. Do we have other comments?

COMMISSIONER ROYBAL: Madam Chair, just congratulations, Gus. You've had a great two terms and you've done a great job and it's been an honor to serve with you. I remember one of our coaches in Pojoaque. He worked so hard with all of his players that for two or three years after – he left coaching from Pojoaque, he actually – they actually won state tournaments under different coaches. It was just the foundation that he set and you've set a great foundation here for Isaiah to come forward and run with and I know he's going to do a great job. So just once again, thank you for your leadership and your dedication to Santa Fe County.

CHAIR HAMILTON: Thanks. So we can just close out by saying thank you all for being here. Congratulations, Gus. Congratulations, Isaiah. Thanks to everybody for being here to mark this important milestone and the transition. Thank you.

[Photographs were taken.]

**3. D. Resolution No. 2022-088, a Resolution Supporting State Legislation to Establish Industry-Wide Reductions on the Emissions of Greenhouse Gases**

CHAIR HAMILTON: So I've had a request to do 3. D next. Does anybody object to that slight change? And so I'll go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. I'm bringing this resolution forward because it is in line with everything we have been doing at the County due to the climate induced drought and heat cycles. New Mexico experienced the most severe wildfire season in New Mexico history. The drought has gripped New Mexico and the Southwest over the past 22 years. President Biden's administration and Congress has passed the Inflation Reduction Act which will direct unprecedented resources towards fighting climate change nationwide.

I'm bringing this resolution forward because we're coming into the legislative session and the New Mexico Legislature has passed the Energy Transmission Act of 2019, the Community Solar Act of 2020, along with Governor Lujan Grisham's Executive Order of 2019 and has also sent a clear directive to New Mexico agencies to evaluate the impacts of climate change on their programs and operations and prioritize integration of climate change mitigation and adopt the practices into their programs and operations.

The County has adopted numerous ordinances to reduce the emissions of greenhouse gases, plus we have our own emission standards. We joined the Race to Zero with ICLEI and so I wanted to bring this resolution forward to support the state legislation to establish industry-wide emissions on greenhouse gases.

And I also have in the audience someone I have known since he was six years old. Noah Long, who is a board member of the Conservation Voters of New Mexico, and he

SFC CLERK RECORDED 12/28/2022

would just like to say a few words about this resolution, and I thank you, Madam Chair, for moving this up.

CHAIR HAMILTON: Of course. Thank you. Welcome, Noah.

NOAH LONG: Thank you, Madam Chair and members of the Commission. It's an honor to be here before you and thank you, Commissioner Hansen, for giving me a few minutes of your time. I just want to thank the Commission for taking a look at this resolution, considering it, and appreciating the urgency with which we have to act on climate change in this moment. The resolution supports action by the state to cut emissions in half by 2030. That means we have seven years and by my count, one month and two weeks. Seven years, one month and two weeks to cut our emissions in half. And that's an enormous task. And it's because we've spent too long as a country, as a society and as a planet ignoring this issue or getting wrapped up in what was sort of a false debate about the reality of climate change and fortunately, as a state we've moved past that. We're moving quickly to address these emissions but we have to move even more quickly still and we need binding statutory limits on emissions to give the state the authority it needs to cut emissions from every sector of our economy.

I think the good news is the wind is in our sails as a County. The wind is in our sails as a state to cut emissions with the enormous funding and standards passed with the Inflation Reduction Act this year. I think we have momentum we've never seen before. So with that we have the opportunity and we also have the challenge that's incumbent on every level of government from the City to the County to the State to act quickly to cut our emissions, and I ask you to not stop here. I ask you to continue to push the state to make good on this commitment, to pass legislation this year, and to quickly follow through on that statute and those emissions reduction.

I note in the resolution it notes the incredible progress the County is already making to recognize emissions within the County and to do what the County can to cut emissions in a way that will help lead the state forward on action here. And I ask you to continue that work – to look at our land use practices, to look at our buildings, to look at transportation and transit opportunities to cut emissions here and to continue to lead the state in this important work. And with that I thank you and look forward to working together to get the state to pass this important legislation.

COMMISSIONER HANSEN: Thank you, Noah. It's nice to see you. It warms my heart to know that the younger generation from myself is here supporting this hard work that we have to do. So with that I would like to request that we pass this resolution to support statewide legislation to establish industry-wide reduction of emissions of greenhouse gases.

COMMISSIONER HUGHES: And I'll second.

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

COMMISSIONER HUGHES: Madam Chair.

CHAIR HAMILTON: Commissioner Hughes.

COMMISSIONER HUGHES: My wife has just started working at the Climate Bureau at the State Environment Department so I know that they are just getting off to a good start this week working on all this.

COMMISSIONER HANSEN: Absolutely.

SFC CLERK RECORDED 12/28/2022

CHAIR HAMILTON: Excellent. Any other comments? It doesn't take, I think, paying more than half attention how important doing this stuff is, so thank you for bringing this forward. And good luck to all of us in actually achieving this sort of thing, because we definitely need to achieve this. There is a motion and a second.

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

COMMISSIONER HANSEN: Thank you, Madam Chair, and thank you Conservation Voters of New Mexico for everything that you do for our state and the work that you do. It is always good to have additional partners in this work and thank you to the Commission for believing so strongly in the need to reduce our greenhouse gas emissions.

CHAIR HAMILTON: Excellent. Thank you.

[Ms. Romero provided the resolution and ordinance numbers throughout the meeting.]

**3. B. Request Approval of a Proclamation Proclaiming the Month of November as "Native American Heritage Month"**

CHAIR HAMILTON: Going back to Commissioner Hansen.

COMMISSIONER HANSEN: Yes. First I want to thank the Commission and I want to thank my constituent liaison, Laura Jagles for bringing this proclamation to me to help the County recognize we have a number of Native American employees and I really want to recognize and honor them. I also want to recognize that we are on Tewa land and this is an important thing to recognize during Native American Heritage Month.

I would like to read this resolution into the record, please, Madam Chair.

CHAIR HAMILTON: Yes, please.

COMMISSIONER HANSEN: Whereas, in 1990, President George H. W. Bush approved a joint resolution designating November 1990 "National American Indian Heritage Month" to recognize the achievements and contributions of Native Americans; and

Whereas, similar proclamations, under various names, including "Native American Heritage Month" and "National American Indian and Alaska Native Heritage Month" have been issued every year since 1994; and

Whereas, in October of 2021, the United States Department of the Interior Secretary Deb Haaland signed the Not Invisible Act of 2019 into law to address the disproportionate numbers of missing and murdered Indigenous peoples. The Not Invisible Act Commission is a cross jurisdictional advisory committee composed of law enforcement, tribal leaders, federal partners, service providers, family members of missing and murdered individuals, and most importantly, survivors; and

Whereas, in November of 2021, President Biden adopted a proclamation declaring the month of November as Native American Heritage Month in the United States; and

Whereas, in 2021, the United States Department of the Interior Secretary Deb Haaland announced plans to investigate "the troubled legacy" of past boarding schools

SFC CLERK RECORDED 12/28/2022

run by the government and religious organizations to assimilate Native children to white culture across the US. The review titled, the “Federal Indian Boarding School Initiative”, will create a comprehensive report on schools, including identifying “cemeteries and potential burial sites” where Native children may have been buried. The initiative “will serve as an investigation about the loss of human life and the lasting consequences of residential Indian boarding schools,” and

Whereas, Preston McBride, a Dartmouth College scholar documented at least 1,000 deaths at just four of the five hundred Indian boarding schools that existed in the United States, including the non-boarding schools on Indian reservations; and

Whereas, as of October 11, 2021, the Federal Bureau of Investigation listed 192 missing and/or murdered Indigenous peoples in New Mexico; and

Whereas, Native Americans serve in the military at a higher rate than any demographic, and tribal languages of Hochunk, Eastern Band Cherokee, and Choctaw created code utilized during World War I and the languages of the Navajo, Comanche, Chippewa, Oneida, and Meskwaki were utilized for code during World War II; and

Whereas, Santa Fe County shares within its boundaries, seven sovereign pueblo nations and recognizes that Native Americans inhabited the lands known as the Americas since long before they became known as the Americas; and

Whereas, Native American people specific to this area have inhabited this land for centuries, under their own governance while simultaneously under the countries of Spain, Mexico, and now the United States; and

Whereas, Native American people’s cultures, languages, and traditions persist despite multiple means to annihilate them; and

Whereas, local pueblo nations contribute to the economy and workforce, providing economic stability and employment for local residents; and

Whereas, in negotiating aspects of the Aamodt Settlement Agreement, local pueblo nations secured water resources for surrounding communities; and

Whereas, farming practices of several New Mexico tribes assist us with preserving our seeds and water resources, and we continue to seek their advice for how we sustain and remediate our natural environment; and

Whereas, sovereign pueblo nations’ vibrant heritages enrich Santa Fe County and our visitors; and

Whereas, together, we hope to preserve and treasure the Native American people for their resiliency, traditions, and unwavering desire to instill their language and culture for future generations, and we support their efforts.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the month of November, as: “Native American Heritage Month.”

And with that, I move to approve this proclamation.

COMMISSIONER ROYBAL: Second.

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

COMMISSIONER ROYBAL: Madam Chair, I just want to thank Commissioner Hansen for bringing this proclamation forward. I know that there’s been a long history of our Native American culture and all of our cultures that work together in

SFC CLERK RECORDED 12/28/2022

Santa Fe County and it's something that should be recognized and we hope to keep at the forefront and work together as a community. So thank you.

CHAIR HAMILTON: Excellent. Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I also want to thank Commissioner Hansen for bring this forward and recognizing that in Santa Fe County especially it's so important to recognize the contributions of our Native America neighbors and friends, whether they live on a pueblo or in the city, the contributions are so important. Thank you.

CHAIR HAMILTON: Excellent. Yes. Thank you so much. Is there other discussion or comment? This is important and are there other activities that are associated with this month of recognition?

COMMISSIONER HANSEN: Madam Chair, I don't know of any other activities but I wanted to bring this resolution forward so that we can do this on a regular basis so that it's made aware. And we did have Indigenous Peoples Day last month and so also Tesuque Pueblo had their traditional feast day on November 12<sup>th</sup> and so although all our pueblos are closed at the moment since corona virus, I did also want to state that the Native American pueblo population only since 1948 have they had the right to vote, which is something that I think we should hold dear because having the right to vote is a special privileged for all of us. Myself as a woman, we did not receive the vote until 1920. So I think it's really important that we continue to encourage voter participation and recognize how important it is to vote.

CHAIR HAMILTON: Excellent. So we have a motion and a second.

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

**3. C. Resolution No. 2022-089, a Resolution to Support the New Mexico Department of Transportation in Placing Restrictions on Large Vehicles Traveling on NM Highway 14**

CHAIR HAMILTON: Commissioner Rudy Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. I'm bringing this resolution forward. I've been in contact for probably the last three or four years with Speaker Brian Egolf's office as well as myself. We both represent the Madrid area and we've represented it for a little while and I'm totally familiar with the Madrid area with my tenure working here at Santa Fe County. As you know or may not know, but if you do go there during the weekends the town is a unique retired mining town south of Santa Fe.

There's actually a lot of population there when it comes to the weekends. During the week, summer months, tourists actually attending the different village events, different traditional community events. One of the things that has happened in the last five or six years is we had a fatality out there. And what's happening that we believe is the semis, 18-wheelers are coming down from I-40, they actually press that great phone that says Google Maps, put in Santa Fe and it actually routes them through the Village of Madrid.

We've had many numerous concerns with the residents in the Madrid area. The Speaker's Office as well as my office has been working on this for quite a while. We've

SFC CLERK RECORDED 12/28/2022

had some intense meetings, some meetings with anybody from the New Mexico State Police Chief, his deputy chief, our Sheriff, his assistants, the State Highway Department, the Secretary of the Highway Department, many individuals in regards to this resolution.

Some of the individuals I would like to thank that started out with me in regards to this resolution as well as working on this is Javier Martinez with the New Mexico Department of Transportation, Franklin Garcia, Deputy Cabinet Secretary from the New Mexico Department of Transportation, Paul Brasher from the DOT, John Mule from the DOT, our County staff, our Public Works Department, Gary Giron, his staff, Ivan Trujillo, Brian Snyder, my assistant Brittney Montoya. From our Legal Department, Estevan Sanchez has actually been working with all of us in regards to this resolution.

Some of the challenges that people out there that people may not see is that's actually a state road that is within the county limits. It goes through the Village of Madrid. So when it comes to enforcement, and it comes to who governs that road, those are some of the challenges we had as into who's going to oversee enforcement of that? Who's going to put up the signs there? Who's going to look at the actual length of the vehicles going through that village?

So we worked this out. It took a little bit of time but nonetheless we have worked it out and I would actually like to thank from Speaker Egolf's office is Joseph Martinez as well as Angela Chavez. In the last two, three sessions they've actually worked very closely with myself in getting this resolution passed.

So with that, Madam Chair, I would actually like to read the resolution into the record, if possible.

CHAIR HAMILTON: Yes. Please.

COMMISSIONER GARCIA: A resolution to support the New Mexico Department of Transportation in placing restrictions on large vehicles traveling on New Mexico Highway 14.

Whereas, residents and governing bodies of New Mexico have raised awareness of and concern over the use of New Mexico Highway 14 by large vehicles; and

Whereas, the residents of Madrid, Cedar Crest, Sandia Park, Golden, Los Cerrillos, San Marcos and Lone Butte have identified themselves as the people in a written declaration accompanied by signatures stating historical and current concerns due to large vehicles utilizing NM 14 within the above communities; and

Whereas, these communities attract thousands of tourists each year who walk through the communities to enjoy eating, shopping, and other activities; and

Whereas, the New Mexico Department of Transportation initiated a traffic study with respect to NM 14 through the community of Madrid; and

Whereas, large vehicles may need to use both lanes of NM 14 while navigating narrow turns, thereby crossing the double yellow line and potentially obstructing oncoming traffic; and

Whereas, NMDOT staff have provided the following information to Santa Fe County:

1. A length restriction of 55 feet will be established for vehicles travelling on NM 14 between milepost 15.78, which is the intersection of NM 14 and NM 344 north to milepost 44.85, the intersection of NM 14 and NM 599;

SFC CLERK RECORDED 12/28/2022

2. Any vehicle longer than 55 feet will need a permit from NMDOT to travel on NM 14 within these mileposts;
3. Neither a detour route nor a location for vehicles longer than 55 feet to turn around exists between the above referenced mileposts; and
4. NMDOT will post signs along this route to notify travelers of the length restriction.

Whereas, the NMDOT agrees to collaborate with Santa Fe County and New Mexico State Police to provide outreach to the trucking industry and to communicate information about the length restriction to the traveling public.

Now, therefore, be it resolved that the Board of County Commissioners of Santa Fe County supports the New Mexico Department of Transportation in its effort to place the above-mentioned restrictions within the identified mileposts to create a safe roadway for the communities that are impacted.

Madam Chair, with that, I'd actually like to make a motion for approval.

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

COMMISSIONER HUGHES: I'll second.

CHAIR HAMILTON: Excellent. So there's a motion and a second. Is there other discussion on this?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I'm very happy to have this resolution being brought forward. I know that the new representative, Representative Reena Szczepanski, has also worked on this for many years with Speaker Egolf. So I'm sure she now represents that district once it's January 1<sup>st</sup>. So I'm sure she will be happy to receive a copy of this resolution.

CHAIR HAMILTON: Excellent. Is there further discussion? Very good. Thank you so much for bringing this forward. There's a motion and a second.

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

#### **4. CONSENT AGENDA**

- A. **Request Approval of the Food Processing Lease and Food Security Services Agreement Between Santa Fe County and Reunity Resources for Food Processing Use to Support Local Food Security Efforts with Funding from the New Mexico Food Security Grant (Growth Management Department/Nate Crail) (Packet Material Updated)**
- B. **Resolution No. 2022-090, a Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) in the Amount of \$70,487 and a Budget Reduction to the Law Enforcement Protection Fund (211) in the Amount of \$40,000 (Finance Division/Yvonne S. Herrera and Sheriff's Department/Ken Johnson)**
- C. **Resolution No. 2022-\_\_\_, A Resolution Requesting Budget Adjustments to Various Funds in the Amount of \$452,734 (Finance Division/Yvonne S. Herrera; Fire Department/Interim Fire Chief Jaome Blay and Assistant Chief Jacob Black; and Adult Detention Facility/Warden Derek J. Williams) ISOLATED FOR DISCUSSION**

SFC CLERK RECORDED 12/28/2022



- D. Request (1) Approval of Amendment No. 1 to Agreement No. 2021-0158-CSD/CW with Behavioral Healthcare Services, Inc. dba New Mexico Solutions, Increasing the Compensation an Additional \$1,372,806.20, for the Continued Provision of Operational Crisis Services at La Sala for a Total Contract Sum of \$2,972,806.20, Exclusive of NMGR; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Alex Dominguez) **ISOLATED FOR DISCUSSION**
- E. Resolution No. 2022-\_\_\_\_, A Resolution Supporting Changes to the New Mexico Municipal Housing Law for the 2023 Legislative Session (Community Development Department/Joseph R. Montoya and Housing Division/J. Jordan Barela) **ISOLATED FOR DISCUSSION**
- F. **Resolution No. 2022-091, a Resolution Ratifying the Provision of Free Waste Disposal for the Community Cleanup on the Caja Event Held on November 5, 2022 (Public Works Department/Gary L.J. Girón)**
- G. Resolution No. 2022-\_\_\_\_\_, A Resolution Adopting the Term Extension for Local Governments Road Improvement Fund Project No. SP-L500389 for Pavement Rehabilitation/Improvements of Agua Fria Road (CR 66) & Main Street (Public Works/Gary L. J. Girón) (Packet Material Added) **ISOLATED FOR DISCUSSION**
- H. **Resolution No. 2022-092, a Resolution Adopting Local Governments Road Improvement Fund Project No. SB-L500413 for Pavement Rehabilitation/Improvements of Agua Fria Road (CR 66) (Public Works Department/Gary L.J. Girón) (Packet Material Added)**
- I. **Resolution No. 2022-093, a Resolution Authorizing Holidays, Closing of County Offices, and the 2023 Santa Fe County Employee Calendar. (Human Resources Division/Sonya Quintana)**

CHAIR HAMILTON: Is there anything that anybody wishes to have removed for discussion, or what's the pleasure of the Board?

COMMISSIONER GARCIA: I do, Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, thank you. I just have some brief questions on C, D, E, and G.

CHAIR HAMILTON: That's a lot. So we're going to pull those. Do I have a motion to approve A, B, F, H and I?

COMMISSIONER HANSEN: So moved.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second on the limited numbers on the Consent Agenda.

**The motion to approve items A, B, F, H and I passed by unanimous [5-0] voice vote.**

SFC CLERK RECORDED 12/28/2022

**4. C. Resolution No. 2022-094, a Resolution Requesting Budget Adjustments to Various Funds in the Amount of \$452,734 (Finance Division/Yvonne S. Herrera; Fire Department/Interim Fire Chief Jaome Blay and Assistant Chief Jacob Black; and Adult Detention Facility/Warden Derek J. Williams)**

CHAIR HAMILTON: So, Commissioner Garcia, your questions on 4. C.

COMMISSIONER GARCIA: So in regards to the memorandum on fire operations to accommodate additional Public Safety employees, the cost of \$315,000. Who are these employees? Where are they going? What's the need for this? Is the new Public Safety building going to accommodate these additional employees?

JACOB BLACK (Fire Department): Good afternoon, Madam Chair, Commissioner Garcia. Yes. This request will go to fund a remodel of our existing Public Safety there at the Fire Administration building. We are going to be changing some of the landscape, working within the walls that we currently have, adding furniture with the goal to move and consolidate staff that is located at the Fire Prevention Office to our Fire Administration so that we can work more effectively.

COMMISSIONER GARCIA: Thank you. So maybe Director Giron or maybe P.J., so we're actually going to – this is part of the Public Safety Complex, correct? So is this additional and beyond what we just approved a bid for a while back? Within the last month or so?

P.J. MONTANO (Public Works): Correct. This is outside of the contract that you guys approved last month or two months ago.

COMMISSIONER GARCIA: Thank you. So is there a reason why this wasn't included in the scope of work for the five, six million dollar contract that we just approved?

MR. MONTANO: This need came up after we started the scope of work for that project.

COMMISSIONER GARCIA: Thank you. I'm just concerned that we're actually approving a six, seven million dollar Public Safety addition, now we're coming in with some additional money to actually remodel the existing Public Safety facility. So the project that's located out there on State Road 14, I would like to have seen that this was all included in our huge, large project, but maybe, Mr. Giron, you could help me out.

GARY GIRON (Public Works Director): Madam Chair, Commissioner Garcia, we had proceeded with the project. We had already developed the scope for the project for Public Safety and at the end of the day, having conversations with Fire and with the Deputy County Manager, Elias Bernardino, there was additional need to house folks in the Fire section, and then based on that conversation we began to figure out what that floor plan was going to be, what their need was, and proceeded with this project as a smaller project. It is not major construction. Most of it is just cubicle types of situations

SFC CLERK RECORDED 12/28/2022

that we are putting there, plus additional storage.

And to answer your question, the timing did not line up in terms of the request for this as the programming was being done. And for that, I know it can present some questions.

COMMISSIONER GARCIA: Thank you, Director Giron. Thank you, Madam Chair. Move for approval.

COMMISSIONER HANSEN: Second.

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

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

4. D. **Request (1) Approval of Amendment No. 1 to Agreement No. 2021-0158-CSD/CW with Behavioral Healthcare Services, Inc. dba New Mexico Solutions, Increasing the Compensation an Additional \$1,372,806.20, for the Continued Provision of Operational Crisis Services at La Sala for a Total Contract Sum of \$2,972,806.20, Exclusive of NMGR; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Alex Dominguez)**

CHAIR HAMILTON: Commissioner Garcia, your questions on that?

COMMISSIONER GARCIA: Yes, thank you, Madam Chair. Reading the caption, this is to request an additional – almost \$1.4 million for La Sala. La Sala is actually a great – for lack of a better term, tool, that this community actually needs. But can you explain to me a little bit more in detail what the \$1.4 million is for?

ALEX DOMINGUEZ (Community Services Department): Yes, Madam Chair, Commissioner Garcia. The requested amount is to supplement for the operations of the Crisis Center. The original budget for the Crisis Center is at \$1.6 million but we did have some left over funds from the previous fiscal in the amount of \$2,972,000-plus, and when you put those two funds together you come up with the \$1.6 million.

That being said, we also have some language in the scope of work that will start sharing with the County any funds that New Mexico Solutions is drawing down from other funding sources. It will also start being reflected in their quarterly reports to us to hopefully not expend that whole \$1.6 million, but as far as our commitment of the original agreement it is budgeted for \$1.6 million for the operation of the Crisis Center and the Mobile Crisis Response Team. As of the last quarter of the previous fiscal year New Mexico Solutions did phase in all of those services and is now fully operational.

COMMISSIONER GARCIA: Thank you, Madam Chair. On the Crisis Team, is that the Crisis Team that's run out of the Fire Department?

MR. DOMINGUEZ: Madam Chair, Commissioner Garcia, no. This is La Sala, but this is only the side of the Behavioral Health Crisis Center, which is operated by New Mexico Solutions.

COMMISSIONER GARCIA: Thank you. This is a great program that the County has out there for individuals in this community. Awesome. Move for approval,

SFC CLERK RECORDED 12/28/2022

Madam Chair.

COMMISSIONER HANSEN: Second.

MR. DOMINGUEZ: Madam Chair, Commissioner Garcia, thank you.

CHAIR HAMILTON: Excellent. So this is for 6. D, a motion and a second.

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

**4. E. Resolution No. 2022-095, a Resolution Supporting Changes to the New Mexico Municipal Housing Law for the 2023 Legislative Session (Community Development Department/Joseph R. Montoya and Housing Division/J. Jordan Barela)**

CHAIR HAMILTON: Commissioner Garcia, what are your questions?

COMMISSIONER GARCIA: Madam Chair, this is actually a resolution that we've actually passed in order to go to the state legislature and have full consideration of the County Commission so we can actually amend the New Mexico housing law? So my question, Joseph, if who's going to go out there and who's going to be going out there and who's going to be lobbying for this bill.? Who's going to carry it? What is the process that we're going to be doing?

JOSEPH MONTOYA (Community Development Director): Madam Chair, Commissioner, we haven't got to the point to exactly who's going to carry it. I know there's been some conversations with different representatives and senators. At this stage my impression is that obviously we would use our regular team. Of course we'd be happy to be able to assist in any way.

I did want to give a small update. We have had conversations with both the Department of Housing and Urban Development and the Mortgage Finance Authority. There may be a hiccup. We don't know. We have to find a statute relative to our ability to take out the one section in the resolution relative to the board membership. I wanted to make you aware of that.

COMMISSIONER GARCIA: Thank you. Thank you, Madam Chair. So Joseph, will you send me or just if the Commission would like some updates of where we are, if somebody is going to sponsor the bill or not. Have Hvtce Miller – Hvtce Miller actually, as you know, he's actually our legislative liaison so I'm just interested in following the bill as you guys are. Thank you.

MR. MONTOYA: Madam Chair, Commissioner, we'd be happy to provide updates along with our Housing report updates so that every single month you would be able to get something. We'd be happy to do that.

COMMISSIONER GARCIA: Yes. Thank you, Madam Chair. Move for approval.

COMMISSIONER HUGHES: Second.

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

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

SFC CLERK RECORDED 12/28/2022

COMMISSIONER GARCIA: Madam Chair, also, Mr. Montoya. You know what might be a good little idea is that gentleman there, Mr. Jordan, to take him to that Roundhouse and show him how that stuff works over there. It's be some gook knowledge for Jordan to see how a bill goes through inception all the way through to the Governor's desk, right? It'd be a good thing for him.

MR. MONTOYA: Madam Chair, Commissioner, I will definitely keep that in mind as a fellow roundhousian, there's a lot of experience to be had there. We'll see if he's ready for it. I don't know. We'll check that out. Thank you.

**4. G. Resolution No. 2022-096, a Resolution Adopting the Term Extension for Local Governments Road Improvement Fund Project No. SP-L500389 for Pavement Rehabilitation/Improvements of Agua Fria Road (CR 66) & Main Street (Public Works/Gary L. J. Girón) (Packet Material Added)**

CHAIR HAMILTON: Commissioner Garcia, the last one.

COMMISSIONER GARCIA: Thank you, Madam Chair. The question I have on the rehabilitation and improvements to Agua Fria Road. Can you explain to me what that is about? I know what it's about but I guess the concerns I have is when you drive down Agua Fria Road which is in Commissioner Hansen's district, that road goes like this. We actually have resurfaced it. It still goes like this. And what happened with that is whenever we hired Wilson and Company many, many years ago there was no follow-through in regards to the compacting of that road. So is this actually going to include compacting of the road or is it just resurfacing?

BRIAN SNYDER (Public Works): Madam Chair, Commissioner Garcia, we did some excavation and recompacting in from of the Nye School, near the intersection, just west of the intersection of Henry Lynch and Agua Fria a couple months ago to address one of the problem areas that's been identified. This project is to mill and inlay, do a two-inch mill and inlay of Agua Fria and Henry Lynch, Caja de Oro Grant and Lopez Lane. So it's going to be a full mill and inlay along that stretch. And the funding for this is LGRF funding for a portion of the Agua Fria work.

COMMISSIONER GARCIA: Thank you, Madam Chair. So this is for Henry Lynch Road. Is that what this is?

MR. SNYDER: Item G is LGRF funding for a portion of Agua Fria but we've bundled the four roads in that area together into a larger project to attract bidders, so this item is just for Agua Fria, funding-wise.

COMMISSIONER GARCIA: So, Madam Chair, so Agua Fria will be re-compacted and it won't do this?

MR. SNYDER: We've already addressed the compacting issues that were brought to our attention.

COMMISSIONER HANSEN: And Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: A couple of years ago we worked on a number of the wavy situations in Agua Fria and according to Lois Mee that has improved substantially. And then also this is only paving a small portion of Henry Lynch that is in

SFC CLERK RECORDED 12/28/2022

Santa Fe County that we took into the County a number of years ago. It is not the whole road because there is work being done by the City where they got DOT local road funds and so we have a memo of understanding with them to be working on the entire Henry Lynch Road.

COMMISSIONER GARCIA: So we are going to work the entire –

COMMISSIONER HANSEN: No. The City is going to work the entire Henry Lynch Road. Because they got – this is just our portion. The small .2, .3 mile.

MR. SNYDER: Madam Chair, Commissioner Hansen, it's about a tenth of a mile from the intersection of Agua Fria and Henry Lynch. Right by the Nye School. It's like a tenth of a mile.

COMMISSIONER GARCIA: Thank you, Madam Chair. If you wouldn't mind, can you coordinate with – we're talking about Henry Lynch Road which is in front of the storage units, but can you coordinate with the City of Santa Fe and see if they have any plans to do the remaining portion of Henry Lynch Road?

COMMISSIONER HANSEN: They do.

COMMISSIONER GARCIA: So that way we don't have actually us out there two months and them out there in three months, and it's just – complete the whole road, if they're willing to do it and if they have it on their plan.

COMMISSIONER HANSEN: So they have – Public Works Director Giron has been working with the City on an MOU and we are working together with them on Henry Lynch.

COMMISSIONER GARCIA: Good. 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.**

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I actually just want to thank Commissioner Garcia for these questions. It helps to clarify to our constituents as well a lot of these questions that he brings up, so I appreciate those questions. And I also wanted to see if we could move up before the Miscellaneous Action Items, item 7. B.

CHAIR HAMILTON: Sure. If there are no other objections from anybody we can go ahead. My understanding is those presenters have a commitment later so it would be a benefit to move them up.

## **7. PRESENTATIONS**

### **B. Presentation on Environmental Cleanup Efforts Currently Underway at Los Alamos National Laboratory (LANL)**

CHAIR HAMILTON: Welcome. Come right up. Welcome to the BCC. If you can introduce yourself you have the floor. We very much appreciate your being here.

MICHAEL MIKOLANIS: Good afternoon, Chair, members of the

SFC CLERK RECORDED 12/28/2022

Commission. I'm going to do a little of a tap dance because the other presenter is walking into the building right now. But I'd like to go through the first few slides and I can carry the beginning part of it until he gets here. I'd like to introduce myself. I'm Michael Mikolanis. I am the Department of Energy's Office of Environmental Management Field Office Manager at the Los Alamos National Lab.

I appreciate the invitation and the opportunity today to meet with you and provide an overview of our legacy waste cleanup mission at Los Alamos and what we're doing up there. With me today and I'll introduce him when he actually gets up here again is Joe Legare. He's the vice president and executive officer of N3B, our cleanup contractor, and I'll explain a little bit about that in a moment.

I'd like to begin my introducing you to what we do by first discussing a little bit about the organization structure and how we do what we do in Los Alamos. There are two program offices under the Secretary of Energy that do work up at the Los Alamos National Lab. The first program office is the National Nuclear Security Administration, which handles the national defense mission as well as the research element of what is done up at the field office, at the national lab, and then the office of Environmental Management is the second program. We are responsible for the legacy waste cleanup mission on the hill. That's what we're going to be sharing and giving you some insight today.

Under each federal program office is – we each employ our own contractors to do our mission. In the case of NNSA, they employ the Triad National Security Limited Liability Company, and the Office of Environmental Management, we've contracted with N3B to do the legacy waste cleanup mission. So two federal field offices, each employing its own contractor to do the scope of work.

EM-LA's legacy waste, legacy cleanup mission is to safely and efficiently and with full transparency complete the cleanup of legacy waste. That's waste that was generated before October of 1999, and the contamination that was generated resulting from the nuclear weapons development and the government-sponsored nuclear research at LANL from the Manhattan Era days through the cold war.

Before I turn the microphone over to Joe, who's going to really walk you through, we've got a hopefully entertaining slide show here full of a number of pictures to illustrate and provide the overview of what we do. I think I want to end my introduction by addressing safety, which is a top priority for the field office. We build in safety throughout initial clean up decisions. It's built within those. We ensure safety in how we implement the work resulting from those decisions and then there's safety inherent within the regulatory requirements that we have to meet as we do the legacy waste cleanup mission on the hill.

So to summarize, we want to send our people home in the same condition that they arrived in the morning to do work and we're here to protect the public and the environment as we do it. And with that, I'll turn it over to Joe to run through the remainder of the slides and provide you an overview in detail and then I'll come back if there are any questions or any time you're interested in discussing anything. Joe.

JOE LEGARE (N3B): Good afternoon. Thank you for inviting us here today. I'm Joe Legare. I'm the executive officer for N3B. I've been in this industry just about 40 years, between the Department of Defense and Department of Energy, and this

SFC CLERK RECORDED 12/28/2022

is always the best part of the job, communicating what we're doing and sharing our successes and our challenges.

As we talk about the legacy cleanup mission, really consistently we talk about it in terms of protecting water quality, in terms of cleaning up the land, and ultimately in terms of shipping waste offsite and those are the three things, fairly high level and happy to dive in deeper with any questions you may have.

First and foremost, in terms of priorities, and it's also reflected in the consent order with NMED as a Campaign A, which indicates it's the number one priority, is the hexavalent chromium plume. And our goal here is to remediate contaminated groundwater, protect Los Alamos County and the Pueblo of San Ildefonso water supplies. Additionally, and one we don't talk about as much but of very high importance is water monitoring, ensuring water leaving the lab is available without restriction and to protect the Buckman Direct Diversion water supply.

I think in the next couple of slides I have a few photographs to bring it home a little bit about what it looks like in the field.

So these are really interesting. So on the left, that's actually in Mortandad Canyon, also known in the lab speak as Technical Area 5, and what you're seeing is the main industrial area, if you will, for the chromium-6 treatment plant. At the top of the photo on the left, those are containers for water. As you might imagine, as you're operating pumps and treatment systems and changing out parts, you need to manage a lot of water. We treat over 100 million gallons a year in this plant. So that's what those are in the back. They're called Baker tanks. And I believe the container in the middle is the main part of the treatment plant, and it's where all of the water is pumped to. It goes through ion exchange. That removes the chromium-6, the hexavalent chromium, and then it's re-injected as clean water and the chromium is retained in those ion exchange vessels.

So you can see back there, there's some support buildings as well, and that's at the bottom of the canyon, Mortandad Canyon. On the right you can see well drilling in progress. And it's not broken; it's at an angle on purpose, because sometimes this is the area on the surface that I have available due to cultural resources or other aspects, but the real ground spot that I want to hit is somewhere out there and so we drill at an angle so we don't disturb the surface in an inappropriate place, but we're able to hit the subsurface down around 1,200 feet in that geographical position that we want.

So stormwater – why stormwater? The concern is that contaminants could become entrained in the stormwater and flushed down a hillside, ultimately down into the surface water sources. And so we work to control stormwater flow across the site. Over time we'll remediate those areas on the surface that have the potential for some historical contamination. But until we do, we monitor the stormwater. We capture the water and we sample it, and we learn from that what's going on upstream from the sample points, and there are hundreds of these across the site.

You can see on the left, the gentleman is putting in a stormwater control. Pretty typical, and we have over 2,000 of these across the site, and it's a wattle. You've seen these on construction sites. They're intended to trap sediment, to reduce the flow rate during a storm event, and that's what he's doing there is putting in a stake and supporting that wattle. This is something that goes on throughout the year whenever we have a significant rainfall event, which we did have some pretty good ones during monsoon



season this year. We'll go after that and inspect and adjust and repair as needed.

And then over on the right you see a sampling station for stormwater where we do composite samples. And that means we'll take a little bit of time and we'll fill up these plastic sample bottles. A lot of these are on telemetry. So we'll tell the employees when there's water that is available for pickup and we'll go out to that spot, get that sample and send it offsite for analysis.

So first I talked about groundwater and stormwater, and that is a major mission area for us. Secondly, you can see here, potentially contaminated soils. We investigated more than 1,100 hazardous and radioactive sites and a number of those sites merited remediation, meaning it's been reported as an area of potential contamination due to historic laboratory operations, and we will go in and we will actually do the sampling to understand if there is contamination there that needs to be remediated. In some cases there was conservative reporting; in other cases not, as you can imagine over the decades.

And then we have a couple of bits of jargon up there: aggregate areas. An aggregate area is an area of acreage that consolidates, typically in the watershed, multiple potential contamination sites. They got names years and years ago. There's 27 of them and it's a way that we do bookkeeping as we go to specific geographic areas to characterize, remediate, and release those areas back.

And then the material disposal areas, which are basically landfills. You'll hear them called material disposal areas, MDAs, and there are seven of them in the legacy cleanup that need to be dispositioned through the full spectrum of remedies, being leave it alone, cap and cover, complete re-excavate it and ship it offsite and fill up the hole. That is the embodiment of what we call remediate the land's mission for the legacy cleanup. I think we have a couple of slides here as well, some photos.

So pretty typical here, South Ancho, so that is north of Bandolier and just a little bit west and south I think of White Rock. You can there, there's a vault, an underground chamber, due to historical lab operations, and that's what a lot of these aggregate areas are going to look like when you drive by them. If you see them from Highway 4, from the truck route, and we'll go in and we'll have a sample plan that we have approved by the regulators from the State of New Mexico, execute that sample plan to understand the extent of contamination in that area and what if any remedial actions need to happen in response to those sample results. So again, pretty typical. They don't really advertise themselves if you drive by, not typically.

This is one we've all heard about quite a bit, Middle DP Road and you see it as you're passing the airport on your right if you're coming up the hill. You can actually see TA 21 on your left, and when it's just a little bit further west from TA 21 on DP Road, right across from the Fire Department training station, and here you can see excavating and in this case surveying. So every bucket gets surveyed to understand if it's contaminated radiologically or not, so that we can apply the appropriate level of control as it's containerized and shipped off as waste to the appropriate disposal facility. So that's pretty typical of the activity there. Quite a lot of characterization of it as well. We don't want to excavate unnecessarily, and so we'll characterize and ensure that we're targeting our time and money to where it needs to be.

And then the third. So we talked about the water, we talked about the land, and now shipping waste, which ultimately for most of what do, that's the pointy end at the

end, ship waste offsite. The TRU waste, that's transuranic waste, we hear a lot about that and that goes down to Carlsbad, New Mexico, on approved shipping routes, and we actually had a very successful year. We made 52 shipments during the fiscal year. The original goal was 30. The department challenges us to 40, and then we made 52, so it was very successful.

And then the low ground TRU, which we're just starting on excavating. You may of heard the corrugated metal pipes, again, from historic ground operations were buried and disposed of temporarily in Area G, that will be a big part of the future work of retrieval, processing, characterization and then shipping to the appropriate site. And then low level waste, essentially that means by definition it's not high level waste and it's not TRU waste but it has some level of radioactivity in it and again, a very good year there. We shipped about 560 cubic meters offsite. A good rule of thumb, and you're going to see a graphic here in a minute, we use a 55-gallon drum as sort of a standard metric if you're trying to relate cubic meters, cubic yards, containers, so forth. So there's about five drums to a cubic meter. So you look and you see a cubic meter number, times it by five and that will tell you about how many drums that equates to.

A couple interesting photos and then I'll turn it back over to Michael Mikolanis. Pretty typical configuration of what we have in a dome in Area G, which is just up the hill from White Rock in Los Alamos County. You can see them stacked three high. They have labels, depending on their characterization status and their content. What you don't see at the end of each row is a bar code. So every drum that is moved is managed in a database to understand where the drums are, where the material is – that may be uranium, plutonium-bearing and so forth, and so it's a highly controlled evolution so that at any point we know how many drums and how many grams of material are in any drum anywhere in Area G, and it's the same system that they use at the lab as well, and so we work together in that.

Here, this is a different dome. This is dome 231, and what you're looking at is a container within a container. So you see the dome covering the top of the photo, and inside, that's called a permacon. More jargon, but essentially it's a way to control ventilation and so there'll be negative pressure as you're doing operations inside that permacon to ensure that any air goes through what are called these HEPA filters, high efficiency particulate air filters, to ensure that any airborne contamination only goes where we want to go. And that's the purpose of a permacon. And so the kind of activities you would see in there are when you open up a drum. There's been a drum sitting there for decades. We say we need to go and see what's in it, make sure it's compliant to go to WIPP or go to a low level waste disposal facility. It's called opening up a drum, and you want to do that typically, depending on the history of that, in a very controlled environment just to ensure there is no release to the environment.

And here what you'll see, and it's very realistic, but this is actually a mock-up, not actual contaminated materials that they're working with, that's inside a glove box. And so you can see the three levels here of control. We have a person working through gloves in a glove box to look at what's in a drum and to repack it. That is in the permacon and the permacon is in the dome. And so three levels with different purpose of control as we do these highly sensitive nuclear processing operations.

So two examples here. We can ship in the outdoor environment. It's called the

mobile loader on the left, essentially a crane and some sophisticated equipment for balancing the load, and then we can also work in an indoor facility that we share with the lab called RANT, both of them are within a mile of each other over in TA 54. And so on the left you can see the crane is holding the lid to one of the TRUPACT-II, that's the vessel that the TRU waste is containerized in as it goes down to WIPP. And on the right you see a configuration, and if that looks like Saran Wrap, it's because it is. I don't think they use that brand name but it's essentially plastic wrap. There's a machine that does that, that goes around and those seven drums on the bottom and those seven drums on the top, and that's an additional support mechanism. That whole configuration goes into the vessels we're going to see on the next slide. When they come out on the other end in Carlsbad, that's how they go down the elevator and into a room for permanent disposal in that configuration.

Most of us have probably seen these going down the highway. Every route is approved by the Department of Energy and for us, we're all familiar with 599. That's the approved route going around Santa Fe, down the WIPP road to Carlsbad, New Mexico.

This is a graphic we use just to show – and I'm not sure if we're using the end zones or not. It probably depends on which team you're a fan of. Some teams don't use the end zone. But essentially, taking those 55-gallon drums and stacking them two high on a football field is about how much waste we've shipped under this contract over the last 4 ½ years. Just a fun way to depict it.

So just switching gears just a little bit. I'll talk a little bit about hiring. We also have openings posted on our website. It's been a very tough recruit and retain environment, partly I think due to the legacy of COVID. Certainly we compete with the lab, with Sandi, with other Department of Energy sites, and so we have very aggressive recruit/retain policies including job fairs and incentives. We also have – we grow our own. We have a workforce development program that includes an apprentice program. And the apprentice program allows the participants, the students, to be paid while they're going to school. They have a job, and a lot of it is work-study, but when they graduate they have a job with N3B at the legacy cleanup, and they also can earn an associate's degree. So they have accredited courses. It's been fantastic.

In addition to the apprentice program we have something we call a boot camp for technicians. They'll go through a 13-, 14-week program at Northern New Mexico College, UNM-LA, and come out and they'll have the minimum qualifications to then have a mentor, and again, paid, and they go to work as reactor control technicians, waste handlers, and between that and the scholarships through the end of the first five years we will have produced about 100 employees, when we look at the apprentice program, we look at the boot camps and the scholarships. So it's been really good. We're really proud of it.

On the other side you can see some of the community support initiatives, similarly as we come up at the end of our five-year term here we will have contributed about \$2 million back to the community, both in the workforce development programs, as well as specified grants to applicants in northern New Mexico.

COMMISSIONER ROYBAL: Madam Chair, just a quick question. I've heard a lot about the apprenticeship program and I think that's probably what you are describing. Is that correct?

MR. LEGARE: That's correct.

COMMISSIONER ROYBAL: Okay. And also there's a community commitment program and maybe that's later on but I was wondering if those go hand in hand.

MR. LEGARE: Yes, thank you for the distinction. In our community giving, which will be about \$2 million. It says \$1.4 million here but as we end the five-year term, about half of that goes to the workforce development, and that's the apprentice program where we have the work-study, classroom sessions as well as going out and working in Area G or on some environmental remediation program or project, and then that's complemented by a specific grant giving program. We've developed a purposely very streamlined process to where we could receive a paragraph or a page explaining why this charity or this company could use this \$15,000, this \$20,000, and we review those and get that money to the community to help develop businesses, support charities, in addition to the workforce development.

Okay, I'll hand back. If there are any additional questions, but let me reintroduce Michael Mikolanis to address this last slide. Thank you.

CHAIR HAMILTON: Thank you.

MR. MIKOLANIS: Thank you, Joe. In coming before you tonight we wanted to provide, we wanted to save as much time as possible, devote as much of the time that you had for us to provide that high level overview, and also answer any questions, but as we ramp up the high level overview I wanted to focus on the last priority that I established with the field office. I'm a new field office manager. I arrived, I reported for duty in August of 2021 so I've just completed my first year. As I engaged with members of the community, elected officials, our important governors of the pueblos, the mom and pop on the street that we meet at the community forums, and my regulator – can't forget my regulator, a recurring theme that I heard from all of those engagements was a desire or more transparency, more engagement on our cleanup mission, to understand more about what we do.

So I've made this a priority for changing the dynamics of the legacy waste cleanup mission and engaging in more community discussions and opportunities where they come, and I really appreciate the invitation to N3B and the Department of Energy to come here tonight and discuss it. I've put up here on this slide, it's a narcissistic picture of me at the podium in the Fuller Lodge, in one of our environmental management cleanup forums. But we do those three times a year. We've got a number of other stakeholder and community engagement opportunities. I and my counterpart for NNSA meet with the pueblos anywhere from monthly to quarterly, depending on which pueblo governor desires and what the availabilities are. I've worked and focused my field office on improving the relationship and the transparency that we have with our regulator. I can't collaborate with my regulator. I certainly don't partner with the regulator, but by working to engage more frequently, improving the transparency, I expect that that will help us work together jointly to clean up the environment for the residents of New Mexico.

And two things I want to focus on there is one is Justice40. When I reported in, I learned our field office here was a pilot program for a presidential initiative called Justice40 which is to ensure that a minimum of 40 percent of certain federal funding goes

SFC CLERK RECORDED 12/28/2022

to disadvantaged communities. There are just five pilot projects within the Department of Energy and only one within the Office of Environmental Management. That brings a lot of attention and high level attention and visibility from Washington, DC here. So that's a huge engagement with the public opportunity and something I'm very proud to be piloting for the government and the nation.

And the last thing, in the upper right hand corner, I wanted to talk a little bit about, which is developing a strategic vision for the field office. We're a young field office. It was – we came into being in 2015, and we're still standing ourselves up in some areas but one of the infrastructures that we need to put together is a strategic vision for how I complete the legacy waste cleanup mission. And the typical approach for the Department of Energy in putting these plans together is we lay out the priorities. We balance them out based on cost and schedule and other considerations, share it with the elected officials, other stakeholders, and hopefully get a lot of positive feedback.

But we're not doing that this time. Again, I said I wanted to focus and make it a priority for community engagement. We're going to build this from the bottom up with community engagement. We've identified a number of stakeholders. The regulator is going to be involved. The advocacy groups – Nuke Watch is an example of one of those. The elected officials from Los Alamos County, reaching out to Española, Santa Fe, a number of different engagement groups where we're going to bring these groups together individually, first educate them a little bit, kind of like what we did here. A lot more detail, to help them understand what's involved in doing the legacy waste cleanup mission. And then we're going to have a second session with each of them to understand the values, the objectives, the priorities for the community, the public, the elected officials, the pueblos, our regulator, the advocacy groups, feel and see and get those values and objectives and priorities in place, and then imagine a townhall, virtual and in person, where after we process that information a little bit, the Department of Energy and our cleanup partner come together to lay out a strategic vision that reflects the priorities and the values and objectives that we heard in some alternatives to lay in between with periodic breaks for public comment as we build this in front of them.

Obviously, the Department of Energy is the decision maker at the end of the day but we'll build this strategic vision with that stakeholder, that public engagement and do it in front of them. And again, that's a little bit different from what the federal government typically does when we do these things. It's really an exciting initiative and I'm looking forward – it's going to be hard. I'm under no delusions of that. I'm going to have diametrically opposed values and priorities at times. But that's an example of the commitment that I'm bringing to the field office to improve that transparency and to do that public engagement. So that's the last of – we move to a beautiful picture of the mesa and any questions that you all might have for us. This is just meant to be a very high level discussion. We had no particular agenda or topic to bring before you, just again, part of the public engagement and my desire to reach out and begin these discussions and questions tonight, and I'm happy to come back at any other time with the Commission in the future as any additional topics you want the department to address. So with that I'll be quiet and answer any questions you might have. And Joe, you can come on up with me.

CHAIR HAMILTON: Excellent. Thank you so much. We really appreciate both of you being here. Are there questions? I know, Commissioner Garcia,

and then we'll go all the way across. Do you want to start or – let's just go across.

COMMISSIONER ROYBAL: I just had a couple of questions. I know that the nature of basically the soil conditions in Los Alamos, there's a lot of tufa because of volcanic soil conditions. So how do you guys deal with the aggregate areas and how does that fit into the legacy cleanup?

MR. LEGARE: Great question, and the aggregate areas, if it's an area with historic activities and maybe the intent of some disposal there, you may find that the excavation into the tuff has already occurred. And while Middle DP Road is not part of an aggregate area, as a great example there of where there were some historic areas and you could see a very clear delineation from previously disturbed areas to the tuff. We do find ourselves as well with heavy equipment – excavators, backhoes, cutting through the tuff, depending on the nature and extent of contamination.

Typically, we'll plan for that in advance, having good information on the aggregate areas that we're going to investigate. That's not always the case, as you know, and the cost of the Department of Energy cleanup sites, the cleanup process sometimes is a learning process as well in terms of the history and what was recorded. And so it is a challenge. It can be, but we have the equipment and the planning to deal with the different geological conditions. A rather good case in point is when you're drilling a well down to 1200 feet you'll encounter several different strata. We've used experienced personnel that have the tools to deal with the different strata and the different geologic conditions.

COMMISSIONER ROYBAL: Okay. Thank you. Just one more question. I know that the laboratory also has shipments that they send to WIPP as well. Is there times when you guys combine these shipments with the laboratory, and then what is that procedure?

MR. LEGARE: Thank you, Commissioner, for that question. We do commingle our waste at times. The Environmental Management has its shipments that are allocated from the Waste Isolation Pilot Project, or WIPP as it's called, and NNSA has to ship off its newly generated waste. When we commingle waste in a shipment we do it for this reason. There's a number of limitations of what you can actually load into the trucks and the containers that carry the transuranic waste to WIPP. So there's limits like a couple of them that come to mind is weight is one of them. Also the material, how much curies at one time you can put into it. So when we bump up against one of those limits, when we haven't fully filled up the three containers that go on a truck, no one wants to ship empty air to WIPP and we certainly don't want to put empty drums down in the mines. So if I were to use an over the dinner table kind of analogy, if I'm trying to load up my pickup truck with firewood, and I've got a 10 cubic foot bed, and I can only put 500 pounds in there, if I get to the 500 pounds and I've still got a couple cubic feet left over in here, I'm going to take out the denser logs and I'm going to put the balsa wood or whatever else, the lighter woods in there so I can completely fill up my bed.

So if EM's waste gets to that 500 pounds in my crude analogy, I may back off 50 pounds and let NNSA put their lighter stuff in to finish the load. That way the shipment that is dedicated to Los Alamos to remove the legacy waste doesn't carry – if I didn't put NNSA waste in there I'd have to put empty drums. We call them dunnage. And then I'm just shipping air and empty drums in the trucks, put them down in the mine, and that's

not a good use of taxpayer money. So we do occasionally commingle waste like that, but the reason I just described is why we would do that. I hope that answered your question, sir.

COMMISSIONER ROYBAL: Okay. Thank you, Madam Chair. I think that's the only questions I have right now.

CHAIR HAMILTON: Good. Thanks, Commissioner Roybal.  
Commissioner Garcia.

COMMISSIONER GARCIA: Thank you for your presentation. Very educational for myself. As an individual who actually has been down to WIPP, very interesting place down there. During that time I actually went with some individuals from Santa Fe County, northern New Mexico, to go meet with General Gordon who actually worked for the Department of Energy many years ago in regards to the lab's renewal of their contract. It's very interesting, like I said. Very, very interesting. I can relate to what you're talking about, anywhere from the trucks being loaded. I like your analogy, like when you go get a cord of wood you want to fill up the entire truck.

The way the trucks are double-walled, the barrels as well as the traffic on 599, I understand that. Some of the things that – I have a question on the hexavalent chromium that you talked about earlier in the presentation in regards to – you mentioned the Buckman Diversion water table. Can you touch base a little bit more on that? Is it near there you all are looking after that?

MR. LEGARE: Yes, indeed. There are some controls and a gauging station at the Buckman Direct Diversion, including radar that faces down so you can see if there's flow, the level of flow, going through that gauging station, as well as photography, and the ability for the Buckman Direct Diversion to divert that water. So the drinking water supply for Santa Fe can be diverted to the groundwater well field for Santa Fe if they were ever concerned that contaminated sediment was passing through that point. So it's a big monitoring and control point, so if there were a significant rainfall event, there's an option for the Buckman Direct Diversion to divert that water.

I don't have the history to know when the last time was that that was conducted, but it is a tool that they have to ensure, since the drinking water comes from both the river and the groundwater well field, it provides that option on a specific day or a specific period on where that water comes from.

MR. MIKOLANIS: I'd like to elaborate on it a little bit because there's a couple nuances in there. We could actually have an entire presentation on just the question you asked. But not to turn everybody into environmental scientists, but the chromium-6 plume, the chromium-6 issue that we're dealing with is actually in the aquifer, 1,000 feet below the level of Mortandad Canyon that Joe was talking about. When the chromium was released from power plant operations – I'm talking steam plant operations back in the fifties and sixties and seventies, it was released in that canyon. A lot of it was held up in the wetlands that are there in the soils, but most of the remainder then either washed away or found itself in the aquifer.

The gauging station that Joe was referring to, if there was any release of – it protects and notifies Buckman when there's a large flow so that they usually will divert the intake from the river at those times. Because it's not just – maybe with the washing of any chromium in the sediments in the wetlands, we've got measures in place to slow

SFC CLERK RECORDED 12/28/2022

down water so that doesn't occur. But there's also the concern of any other radiological contaminants, other RCRA contaminants – copper, steel, anything else that might have been running off from the operations of the lab that might be entrained in the canyons and in the dried up – in the streams that only flow during really good monsoons.

That diversion station is there to not measure what might be flowing through there. You'd need an entire chemical lab to do that. But what it does is it notified Buckman when there is flow so that their operations can be adjusted based on the potential risk that there might be something that's there.

We also have an MOU and fund Buckman for performing environmental analyses of the water, etc. to be able to provide additional assurance to the residents of Santa Fe who use the water and drink the water, to give additional assurance of that risk, and I would leave the Buckman to explain in any more detail what happens. Since we have part of the MOU I wanted to clarify the chromium part of your question with the gauging station that Joe answered. I hope I didn't confuse you too much.

COMMISSIONER GARCIA: Madam Chair, no, you didn't confuse me too much. But in regards to the gauging stations, so that plume that's there, is that plume moving around or is it going away? Do we know?

MR. MIKOLANIS: Commissioner Garcia, good question. The plume is being maintained on lab property right now through operation of what's called an inter-measure. It's a series of injection wells and extraction wells that Joe showed you some pictures of. We extract chromium from the center of the plume, clean it and inject water down-gradient from where the groundwater flows. Imagine your neighbor has a big smoky campfire going on. The wind is gently blowing the smoke over your little gathering here, and your neighbors, who are the pueblo, live right next door don't want the smoke either.

The inter-measure, to use the crude analogy that I just shared, would be the equivalent of putting a large industrial fan that kind of blows upwind and stops the wind from moving the smoke. It's going to kind of bunch the smoke up. And that works for a little while but eventually the smoke is going to find a way to get around it. But you can change the groundwater flow – you can change the airflow in my analogy to contain the chromium on lab property so it does get off into the San Ildefonso lands, which are where the groundwater flow would be taking it naturally.

It's 1,000 feet down. It's quite a distance away from anywhere that it would emerge, to where it might emerge into the Rio Grande. The groundwater flow in that area is about 150 feet per year, and I don't know how many miles away that is but you can tell that it's decades away. Right now, the inter-measure is there to contain the plume on the property while we move to a final remedy with the State of New Mexico.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, for that. So you all are – we're all watching what's happening with the Aamodt water settlement, the Ranney wells that are being drilled out there. You're familiar with that I suppose, correct?

MR. MIKOLANIS: Commissioner, I'm not aware of that but now that you've given me something I probably ought to be aware of I'll do some homework after this.

COMMISSIONER GARCIA: And so one of the other things I just wanted



to mention, I'm totally glad to see that your organization is involved in basically giving back to the community. The employment force that you hire up there, giving back for local development, the apprenticeship programs out there. It's actually good to see that you are giving back to the community. So thank you for that.

MR. MIKOLANIS: You're welcome.

COMMISSIONER GARCIA: And thank you for your presentation.

Appreciate that.

CHAIR HAMILTON: Thank you, Commissioner Garcia. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair and thank you for involving the public ahead of time and all your work going forward. And I just had sort of a two-part question and you've probably answered this other places but I don't remember the answer. How long will it take you at the current rate to clean up all the legacy waste and if you had all the money in the world that Congress could give you, how long would it take if you could faster

MR. MIKOLANIS: Oh, so the first hardball question comes out. Good question, Commissioner. Thank you for it. The date that the Department of Energy advertises is 2036 for completing the legacy waste cleanup mission, but I'd like to explain that a little bit because the date that my predecessors have advertised is based on – I mentioned we're building a strategic vision. I have more detailed plans now. It's based on those. But that planning assumes cap and cover for those material disposal areas that Joe talked about in his aggregate area discussion.

Our regulator, the New Mexico Environment Department is not committed to, though we'd definitely agree with that as a remedy in the RCRA processing. Members of the community that speak up at my cleanup forums are concerned about that too. They're looking for more of complete restoration to pristine, which may not be physically possible, or some type of targeted retrieval. So if we were to go beyond cap and cover, the 2036 date I expect would need to be changed as well because when you start fully extracting, that's a lot more work than the cap and cover part.

The second question you asked, how long with limitless money would it take? I really can't answer that but I'll tell you this. I was just asked a very similar question by one of the – Representative Chandler at the legislature when I presented yesterday. She asked me what would it take to double the shipping of transuranic legacy waste off the hill. And I would answer, right now I'm not limited by money. I'm limited by the processing capability I have, the treatment systems I currently have in place. We're going to be putting some more, as well as the labor force. Currently N2B operates a single shift during the work week. I could do more working around the clock, two shifts, but right now, with the attrition being what it is, N3B is working very hard to just maintain the stable single shift and the supporting organizations that we currently have in place. And as attrition occurs and you replace the experienced workers who either retire or they choose to work somewhere else, that changes the experience. You don't want to go faster when you're bringing in newer workers. So it's a very complicated question. I wish I could give you a straightforward answer to limitless money but that's a hypothetical that I should probably stay away from anyway. I hope I answered your question, Commissioner Hughes.

COMMISSIONER HUGHES: Well, that helps, and I do understand it's a complicated question and I guess if you had unlimited money you could double the pay and perhaps get more people and double the rate at which you are able to do it. But all those things need to fit together. So thanks.

CHAIR HAMILTON: Thank you, Commissioner Hughes. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Mikolanis and Joe Legare. It's nice to see both of you. I want to state that I have worked with Michael for the last year and I feel that it some ways came about because of me going to Washington, DC and requesting DOE to send me somebody who I could work with. And they went through a number of directors at EM and we finally got Michael and I'm very happy to be able to work with you. We do not agree on everything, but we have a good communication. We work together well. I am serving on the EM-LA strategic planning. I also regularly attend the technical working group that N3B holds with Erik.

So I would like to thank you for being here because I think it is really important that we allow citizens to hear a high level presentation. I find it very interesting that my work "pristine" has migrated into people's language here. When I brought that word up a number of years ago it was a little shocking to the group but I think that was before Mr. Mikolanis came. And so I see that he's appropriated it on a number of occasions.

MR. MIKOLANIS: I listen.

COMMISSIONER HANSEN: I know you do listen and I appreciate that. I certainly don't support cap and cover. Unfortunately I feel that a lot of the MDAs are in unlined pits and so therefore we don't know what was put into those landfills close to 50, 60, 70 years ago and so it concerns me because as you know, Commissioner Hamilton and myself serve on the Buckman Direct Diversion and we are quite concerned about our water supply.

I also want to thank you for getting the flow meter installed. That was one of the first projects that Mr. Mikolanis and I worked on as soon as he came here. This is something that I had been asking for for over 11 years since we lost the last flow meter. So I am grateful to have that in operation. I think it might still need a little bit of work but it's providing us with the information that we need to be able to close the diversion plant so we're not diverting water during storm events, which I consider really important.

I think you answered one of the questions. You said the chromium plume was a thousand feet, give or take 500. Or what is the actual depth of the chromium plume?

MR. MIKOLANIS: Commissioner Hansen, it depends whether you measure it from the top of the mesa or the bottom of the valley. The chromium plume is floating – is in the upper 50 meters I believe of the aquifer. Give or take a little bit. That's one of the areas of characterization that we still need to have data to be able to characterize where the bottom of the plume is. But the aquifer is about, as I recall, about 900 to 1,000 feet below the surface of the canyon itself. So we're talking about a thousand feet below the canyon is where the chromium plume is, but I can get you, for the record if you wish, specific depths as to where the aquifer is and how deep the plume is. I will get that information and have it sent.

COMMISSIONER HANSEN: I think it would be important to present that tomorrow at the Defense Nuclear Facility Safety Board.

SFC CLERK RECORDED 12/28/2022

I also am encouraged by the number of shipments, since we had a number of years when no shipments were sent and I do recognize that N3B has worked very hard to get waste off of the mesa but we would all like it off sooner rather than later. And so the more waste that you can get off, the better. And I won't take any more of your time at the moment since this is a high level overview but public engagement is incredibly important and meeting with constituents and working with elected officials is necessary for us to provide transparency and to feel that people can have some trust in DOE and the government.

MR. LEGARE: First, on your comment on waste shipping, thank you. It's been a priority. There's also an operational efficiency. The more waste we ship the less we have to move around to find the drum that you need to characterize and ship and so it builds on itself. The more waste you can ship as you de-inventory the drums the more efficient things become and you get really good traction.

The last comment – thank you and for N3B, we'll come any time you invite us. We love to communicate the mission, in good times and in bad. I things are going great, if there are focused issues that we need to discuss, transparency is the best way to go about these things. So thank you for your comments.

COMMISSIONER HANSEN: Yes. I think it's important and sometime in the next year that you come again we will have a new Commission, two new Commissioners, and I think it's important that they are informed also of what is happening up on the hill because it does affect us. It has a huge impact on our community. We are a tourism, outdoor recreation community and making sure that we can provide a safe environment for our visitors and constituents is incredibly important. And so with that, Madam Chair, I will yield the floor. Thank you.

CHAIR HAMILTON: Thank you very much. Yes. Thank you very much for being here. We look forward to more communications and really appreciate your time and effort in presenting to us.

MR. MIKOLANIS: Thank you, Madam Chair. Appreciate the opportunity, and also I thank the Commission for the flexibility. We requested a last minute schedule change and I thank the Commission for accommodating that.

CHAIR HAMILTON: Of course. Not a problem.

MR. MIKOLANIS: Have a good evening.

CHAIR HAMILTON: You too.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I just want to say thank you also for the update and the presentation. I think it's imperative, as Commissioner Hansen mentioned, for us to get these updates on a yearly basis. We can see how the risk mitigation is moving forward and I just want to thank them for their hard work in mitigating the legacy waste concerns at Los Alamos National Laboratory and just thank you for being here tonight.

## **5. APPOINTMENTS/REAPPOINTMENTS**

None were presented.

SFC CLERK RECORDED 12/28/2022

**6. MISCELLANEOUS ACTION ITEMS**

**A. Consideration of and Direction Concerning COLTPAC  
Recommendations for Santa Fe County Open Space Conservation  
and Transfer of Development Rights Program**

CHAIR HAMILTON: We have Adeline to start with and Robert's here. Welcome, Adeline.

ADELINE MURTHY (Senior Planner): Good evening, Madam Chair, Commissioners. Thanks for having us today. I'm Adeline Murthy, the Open Space and Trails Senior Planner, and I'm joined by Robert Griego, the Planning Manager and also the TDR program manager. I believe that we also joined on line today by COLTPAC vice chair, Linda Segal, as well as COLTPAC committee member Jan Cohen. And we were joined earlier today by COLTPAC chair, Ruben Cedeño, but unfortunately he had to leave early for another appointment.

And for the public out there today, COLTPAC is the County Open Lands, Trails and Parks Advisory Committee. Today we'll be presenting COLTPAC's recommendations to the Board of County Commissioners regarding the permanent conservation of open space properties through the transfer of development rights, or TDR program. This will be followed by staff recommendations but first I'd like to share some background on the issues that these recommendations address as well as some information on the TDR program.

COLTPAC is aware that most County open space properties are not permanently protected from development and committee members are concerned about properties being sold or used for purposes other than open space. In May, 2022, staff received direction from the Board to coordinate with COLTPAC to consider the TDR program as a means to permanently preserve land acquired through the County Open Lands, Trails and Park program. COLTPAC formed a conservation subcommittee to consider options for permanent protection of County open space properties and then communicated their findings and recommendations to the full COLTPAC committee for their consideration.

The committee discussed strategies to ensure permanent protection from development for County open space properties and concluded that TDRs are the best tool to conserve open space properties because it is a permanent and enforceable restriction on future development.

TDRs are a market-based tool to preserve agricultural areas, environmentally sensitive areas, rural open space, scenic vistas, and other areas of special character by directing growth to locations that are more suitable for higher density development. The owners of these preservation areas, called sending areas, transfer or sell their rights to develop the property to developers in areas designated for higher densities called receiving areas, and in so doing must record a document permanently restricting development on the sending area.

The Santa Fe County TDR program is established and regulated by Section 12.14 of the Sustainable Land Development Code, or SLDC. As per the SLDC, a permanent and enforceable restriction on future development is required for a parcel of land to qualify for the TDR program. In other words, a land use restriction can and must be used

SFC CLERK RECORDED 12/28/2022

within the framework of the TDR program. Although TDRs do not prevent the future conveyance of a property, the transfer of development rights is permanent as per the SLDC as evidenced by a recorded TDR agreement and TDR survey plat.

The County has established a TDR bank as part of their TDR program via Resolution 2016-141. That resolution is in your packet under Exhibit A. the resolution states that development rights that have been severed from County-owned lands may be deposited into the County TDR bank and that funds from the sale of these development rights shall be used for the acquisition of additional development rights from open space, agricultural and environmentally sensitive areas for deposit into the County TDR bank.

In December 2020, the Board of County Commissioners passed Resolution 2020-93 which formally expressed the County's support for the 30 X 30 initiative which is a state, national, and global initiative to protect 30 percent of the planet's land and waters by 2030, to preserve the earth's biodiversity and stabilize the climate. Resolution 2020-93 directs staff to continue preserving varied habitats in Santa Fe County to meet this goal through the purchase and management of land with high conservation value.

One of the duties of COLTPAC is to advise on the funding for the Open Space and Trails program as per Resolution 2022-4, and this will tie back to COLTPAC's second recommendation.

Next, in Exhibit B in your packet, you'll see that staff has developed an initial prioritization of open space properties for the open space conservation TDR program. The initial prioritization list identifies the first 16 parcels to include in the program, open space parcels. The parcels are prioritized from A to D, with Priority A being the first set of properties to be certified, and after a parcel is certified a TDR certificate can be issued which is then deposited into the TDR bank in accordance with resolution 2016-141.

So now I'll go over the COLTPAC recommendations. COLTPAC recommends the following to the Board of County Commissioners: First, COLTPAC recommends that development rights be permanently removed from County open space lands through the use of TDRs with TDR agreements that promote conservation values, and that the TDRs thus generated be deposited in the County TDR bank.

Number 2, COLTPAC recommends that the Board amend Resolution 2016-141 to authorize the use of revenues from County open space TDRs for natural resource conservation management, maintenance, enhancement and acquisition of open space properties in alignment with the Santa Fe County Open Space and Trails and Strategic Management Plan. And although Chair Cedeño cannot be here right now he did ask me to present to you a few comments on his behalf. First, he wanted to let you know that all COLTPAC members voted unanimously to pass these recommendations and second, he would like to recognize Commissioner Hughes and Commissioner Garcia for being present at recent COLTPAC meetings, as well as Attorney Roger Prucino for his legal advice to craft the recommendations.

Next I'll present the staff recommendations that are tied to COLTPAC's recommendations, but first in order to give you the background necessary to understand staff's recommendations I'd like to present to the Board the following steps that need to be accomplished in order to initiate the TDR program and ensure the success of the program. These steps will require Planning Division staff resources and adequate funding in order to be accomplished. So contingent on the Board's approval to initiate the TDR

SFC CLERK RECORDED 12/28/2022

pilot program, staff will then initiate TDR qualification reports for the Priority A open space properties based on the property conservation values and criteria for TDR sending areas in accordance with the SLDC.

The qualification reports include the estimate of TDRs based on the property acreage, zoning district and identification of existing easements and structures. Then staff will complete the draft TDR qualification report and seek approval of the report from the landowner, which in this case would be the County. After approval of the TDR qualification report, staff will request County Manager authorization to initiate the transfer of the development rights in accordance with the TDR certification process. This process entails contracting with a surveyor to administer the TDR sending area plat, drafting the TDR agreement for each parcel while not prohibiting activities that further the goals of the open space properties such as educational events, signage, and conserving agricultural values.

The Land Use Administrator will then review and approve the TDR sending area plat. The TDR agreement is then reviewed by COLTPAC and then the agreement is presented to the Board for approval. After Board approval, the agreement and TDR sending area plat are recorded. These are the steps that are needed by staff. Then once the agreement and plat are recorded the TDR certificates can then be issued for placement into the TDR bank.

So as next steps, staff needs to identify the cost for TDR survey plats for Priority A open space properties and request the budget for the TDR survey plats at mid-year in order to complete the TDR certification for the Priority A properties. Staff also needs to review the 2017 TDR bank analysis report, including the review of TDR pricing, TDR bank procedures, and marketing and outreach and updating that analysis as necessary based on new market conditions.

And once the TDR bank has sold TDRs from Priority A properties, revenue may be used to fund the administrative costs of the bank and capitalize the bank in order to provide a stable supply of TDRs and stimulate the local TDR market.

So then to conclude, staff recommends the following recommendations to the Board of County Commissioners: Number one, contingent upon the Board's approval of COLTPAC's recommendation for the conservation of Santa Fe County open space properties through TDRs, staff recommends initiation of the open space TDR open space conservation program based on the TDR pilot as outlines in the prioritization list or Exhibit B.

Number two, prior to the Board's consideration of COLTPAC's recommendation to amend Resolution 2026-141, staff recommends a review and analysis of both that resolution and open space program funding as part of the greater, ongoing Open Space and Trails Strategic planning process, as well as conducting the market analysis needed for the operationalization of the TDR bank. Thank you, and Robert and I now stand for questions.

CHAIR HAMILTON: Excellent. Thank you for the presentation. So are there questions? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. It's not a question. I think that COLTPAC has done a great job and the staff have done a great job of reviewing. I think it's a very important mechanism to preserve open space using our

SFC CLERK RECORDED 12/28/2022

transfer of development rights and this is a first step towards making that program that the Commission developed I think back in 2016, to make this program actually work to both preserve open space and create density in the areas where we can provide sewer and water services. And so do we need a motion on this?

CHAIR HAMILTON: I'd like to hold off on a motion until we have discussion.

COMMISSIONER HUGHES: I know, but do we need one? Well, I can make one later if nobody else makes one before that.

CHAIR HAMILTON: I think they just need direction but it can be done as a motion and we can ask. So thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Adeline, for your presentation. I think this is a good plan and move towards preserving our open space. I'd kind of like to say for the record part of the reason South Meadows was sold was because it was annexed by the City. It had been offered to the City numerous times, and I know that these recommendations are a result of that happening. And so I just want to be very clear that we did not have the possibility to develop that open space but it had been annexed.

So I think that this is a good plan moving forward and let's just see where it goes.

CHAIR HAMILTON: Excellent. Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you for the presentation. This is actually very good to move forward. In regards to when the County purchased and pass a bond in the year 2000 and purchased open space it was to remain as open space. And what happened in South Meadows is probably a different story for a different day, but this will actually protect all the open spaces that we have right now from the County not allowing us to sell Thornton Ranch. For us not to sell the Santa Fe River Greenway. For the Madrid open space greenbelt.

So this actually protects our current inventory of open space. And so what should happen with whatever happened with South Meadows it would never happen if this is actually passed. So one of the questions that I have in regards to it is we've been working on TDRs for already seven to ten years on this transfer of development rights. I have three individuals from the La Cienega area – where are we at with the TDRs? Where are we at with the TDRs? That's my question. I understand this is the first initial phase of moving it forward.

I didn't realize it was so complex until you actually gave your presentation. Not complex but challenging, because you have all of these properties here that are – Priority A, there's 23 units, 23, units, 14 units, 14 units. Staff has to an evaluation on all of those properties? What they're valued at? Whether there's agricultural uses or not? Whether they're being utilized or not or how? This is actually very good. However, I won't be sitting up here but I just hope my colleagues actually follow up with this because all these priorities, where are we going to put them at? Is there a line item that we're going to put these, that they're valued at? Who's going to oversee that? Who can purchase them? What time they can purchase them? That's all the stuff that you are reading off of what the next steps are that we need to do, correct?

MS. MURTHY: I'm sorry – can you –

COMMISSIONER GARCIA: So this is the first initial steps of going down TDR process, of how it's going to work, and when it's going to work, and – is that

correct?

MS. MURTHY: Madam Chair, Commissioner Garcia, that is correct.

COMMISSIONER GARCIA: Thank you. Thank you for your presentation.

MS. MURTHY: Thank you. And Madam Chair, Commissioner Garcia, I would like to clarify that the transfer of development rights does not keep the County from selling a property. However, it does ensure that development will not happen on that property. So if it were to be sold to the City of Santa Fe, for example, because development rights have been severed from that property, no development could then occur in the future. And I'll defer to the TDR program manager to answer your question about the timeline of TDRs. Thanks.

COMMISSIONER GARCIA: Thank you, Madam Chair. So Mr. Griego, Robert, what is the timeframe? What is your next initial steps, steps 2 through 5?

ROBERT GRIEGO (Planning Manager): The next steps, Madam Chair, Commissioner Garcia, the next steps in regard to this recommendation here is if the Board approves the COLTPAC recommendation we would begin initiating the TDRs on this property. As Adeline discussed, we would need to first qualify the properties and then certify the properties, so there is a process for that, for each property needs to develop a TDR agreement and a TDR survey plat that is in accordance with our Sustainable Land Development Code in Section 12.14, it identifies the regulations in regard to the TDR program.

So we will begin initiating that process at the Board's direction today. And each of these properties then as identified in Exhibit B, the prioritization, we would begin to go through the certification process. Each of the TDR agreements then come to the Board of County Commissioners for approval and COLTPAC has also recommended that they review them prior to the Board reviewing them.

In regard to the previous – the timeline for the previous TDRs that have occurred, the County has preserved over 211 acres of property. Those properties have resulted in 11 development rights, TDRs, that have preserved those lands. Of the properties that have been preserved, those properties are permanently protected so with this process, the TDR bank that the Board established by resolution, the mechanism for after the properties are certified, they would go into the TDR bank and be available for purchase by development.

COMMISSIONER GARCIA: Thank you, Madam Chair. How many staff members are working on this?

MR. GRIEGO: In regard to the open space TDR program we only have our open space senior planner working on that, along with myself as the TDR bank manager.

COMMISSIONER GARCIA: I know I'm jumping a little bit around, Madam Chair, but so where is Thornton Ranch on this spreadsheet?

MR. GRIEGO: Madam Chair, Commissioner Garcia, this does not identify all of the properties. We do anticipate per COLTPAC's recommendation of completing all of the properties. Thornton Ranch is complicated for numerous reasons but it is one of the properties that we would be – again, we are looking at providing TDRs for all of the County properties. It's just not in the first prioritization phase that we've



identified in Exhibit B.

COMMISSIONER GARCIA: Thank you, Madam Chair. So this TDR proposal from staff is actually in regards to only Santa Fe County open space. So if a private individual has 1,000 acres out there, he doesn't qualify for this? Or does he qualify? Or he just sits out in limbo

MR. GRIEGO: Madam Chair, Commissioner Garcia, this program that we're providing to you, this is the open space conservation TDR program. The TDR program is still – this is only for County open space. We do have the TDR program that is still active. As you mentioned, we have qualified numerous properties that have not yet been certified and that is almost as the property owner – the property owners who want to certify their properties if they've been qualified. There is a process for them to do that. Some property owners have chosen not to certify their properties until they find a buyer for those development rights.

In regard to existing applications, we do have some properties that we are currently – we just completed a qualification report in La Cienega and we are currently reviewing another application in La Cienega which is a significant property and we have another TDR application in for another area of the county. We currently are limited in staff and we are hoping to bring additional staff to help support the TDR program.

COMMISSIONER GARCIA: Thank you. Thank you, Madam Chair. One last question. So in your opinion, what is the timeframe for a piece of property to get TDR Commission approval?

MR. GRIEGO: From beginning to end? So if a TDR property comes forward for qualification we can do a qualification in a timely fashion. The certification process does require a survey so it does require a survey plat to be created. So if it is the County who is moving forward on the open space, we would need to hire a contractor to do the survey, to do the TDR survey plat, which then would need to be reviewed and approved by the Land Use Administrator. Simultaneously, we'd need to develop a TDR agreement outlining the uses for that property, which would come to the Board for approval.

COMMISSIONER GARCIA: Thank you.

CHAIR HAMILTON: Thank you very much. Commissioner Roybal, did you still have questions? I certainly have. Or at least some comments. Commissioner Roybal, do you want us to come back to you?

COMMISSIONER ROYBAL: No, but I do want to thank them for the presentation and their hard work on this.

CHAIR HAMILTON: Excellent. So in general, this is a really good idea. But I have to say that this is not the first time this idea has come up. I talked to our previous County Manager several years ago towards the beginning of the TDR program, because it certainly makes sense that you have a resource in our open space that have some development rights associated with them that won't be needed. And so it's a potential win-win situation. But that win-win has to do with severing the rights from, in this case, as a pilot program, selected areas of County open space.

Transferring those TDRs to the TDR program, that can help jump start the TDR program. Now, I know it's several years later, so the idea of jump starting the TDR program, it's disappointing that that's still necessary. From the point of view of how this

SFC CLERK RECORDED 12/28/2022

idea originated, I at the very least would support the staff recommendations. I understand it makes sense as an additional funding source for open space, and open space is something everybody up here supports. So the staff has at least recommended to look at sources of funding that currently would be available to County open space, but also compare that to what would be needed in a TDR program.

So I for one definitely support doing this, but support just postponing the second aspect of COLTPAC's recommendation until we have a little more information. It will get the program started. It's a complete win for the open space program to be able to sever those and have those areas protected, and we can visit what the balance would be in terms of funding and funding needs between the TDR program and the open space program.

MR. GRIEGO: Thank you, Madam Chair. In regard to the TDR program, I just wanted a clarification. The TDR program is up and running right now and we have preserved properties for conservation. There are – the process for the TDRs to be sold is again – that is a process that is ongoing. My understanding is that there are TDRs that are currently in the process of being sold, but those TDRs are not necessary until the development would come forward for final development plan.

CHAIR HAMILTON: I understand that and I really appreciate that. The selling – the money that is – even open space would not make money from proceeds of selling the TDRs until they're sold for development. But the selling of the TDRs is what the TDR program depends on for its continued operations and being able to buy additional development rights and what not. And so I think it behooves us to just take the time to look at whether that's a viable program with the TDRs other than the ones the County is selling, so that that money is reasonably put toward open space. It's just a little bit of time to get that economic analysis. In my mind, anyway, it's up to everybody to see what the comparative funding sources are, because that's the only source for TDRs, as far as I understand. It's just my reasoning for supporting the staff recommendations, because it does not commit to not using the money for open space; it just gets the study before the decision is made. Commissioner Hughes

COMMISSIONER HUGHES: Thank you, Madam Chair. I was about to express a similar sentiment, so I think we're pretty much in agreement. I think COLTPAC recommendation one, certainly I would support in moving TDRs from the County open space, and the staff recommendations to prioritize as we have done. The most sensitive areas and the areas easiest to do a pilot to get the TDRs off of – and following that to take them off of places like Thornton Ranch that are probably not as threatened by development but also a little more complex. And to consider Resolution 2016-141, I think my reasoning is just slightly different from Commissioner Hamilton's. I'm afraid that the TDR income is going to be so sporadic and small that it may not be enough to accomplish what we want to do in terms of maintaining our open space.

And so I think perhaps COLTPAC could come back to us with a recommendation for the regular budget cycle as to what's that's going to take. Because I do think that any money we get from the TDRs into our TDR bank, we might want to use that to purchase TDRs elsewhere, preserving more open space for agriculture and sensitive areas that way, but at the same time I don't want to short-change our open space program. I think it's very popular. Most people hear about Thornton Ranch, the first question they ask is when

can I go hike there. So I don't know if we need to put this in form of a motion or if the direction is fine as it is.

CHAIR HAMILTON: I'm looking over at our attorney and we can find out if we want a motion.

JEFF YOUNG (County Attorney): Madam Chair, Commissioners, it is an action item for the Board to consider. However, from the presentation it sounded like they are looking for direction on this so I'd defer to the Chair.

CHAIR HAMILTON: I would suggest, because there are two different options and I think to make it clear, are you prepared to make a motion?

COMMISSIONER HUGHES: Sure. I'll make a motion that the Board support COLTPAC recommendation number one to remove development rights from County open space as recommended by COLTPAC, that we ask the staff to move ahead with their prioritization, and that we further consider Resolution 2016-141.

CHAIR HAMILTON: So staff recommendation number two?

COMMISSIONER HUGHES: Staff recommendations number one and two.

CHAIR HAMILTON: Okay.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. So I have a motion and a second. And did that sound clear to everybody? If there's no further discussion.

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

MS. MURTHY: Madam Chair, Commissioners, thank you and we appreciate your direction on this.

**6. B. Request Authorization to Publish Title and General Summary of Ordinance No. 2022-\_\_\_, the Bishop's Lodge Local Economic Development Act (LEDA) Project Ordinance**

CHAIR HAMILTON: We have our Deputy County Manager, Leandro Cordova to start out our presentation.

LEANDRO CORDOVA (Deputy County Manager): Good evening, Madam Chair, Commissioners. Thank you. As this project has come before you a few times I'm not going to get into all of the background and summary. We'll just right into why we're here. At its October 25, 2022 Board of County Commissioners' meeting the Commissioners gave staff direction to develop a LEDA ordinance and project participation agreement for consideration by the Board today. Those documents are attached for the Board's consideration.

County staff and representative of the borrower have worked diligently to develop the LEDA ordinance and PPA in the timeframe directed by the Board. Because of that timeframe, however, both County staff and the borrower reserve the right to request additional changes as the LEDA ordinance moves forward. There are, however, two seemingly deal-breaker issues that are ripe for discussion. Number one, a claw-back provision if the borrower fails to perform their substantive contribution, and the adequacy

SFC CLERK RECORDED 12/28/2022

of the security offered by the borrower.

And I just want to make a quick note. I want to thank our staff for all the hard work they've done. We've really had a great team and they were working really hard to get this done. I do apologize for the late memo, but we did try to accommodate the borrower's requests and different things that have come at the last minute.

At this time I'm going to turn it over to Mr. Montoya to help me explain some of the major issues regarding the substantive contribution.

MR. MONTOKYA: Madam Chair, members of the Board, as you know, the first part of the issue here is – we have two issues. One, we have the issue of security. We have the issue of a claw-back clause or aspects of the Economic Development Act. Just a very quick issue of background. The Economic Development Act is an act put in place in order to be able to make changes to the State's constitutional provision generally known as the State's Anti-Donation Clause of the constitution.

That provides both a regulatory and statutory requirements in terms of what is necessary in order to be able to achieve a LEDA-related transaction. As you know, we have chosen to use the LEDA transaction system in place in order to provide very low interest money as a pass-through in order to be able to provide capital for the necessary improvements.

There's three aspects to this. The first aspect that is incredibly important is we actually clearly define what the donation is. Right? In this case, in this very particular case, the donation is the difference of value between a market rate and the subsidized rate. So as an example, if we use, for instance a .25 percent interest rate that has been recommended, and in this case we use arbitrarily a five percent interest rate in terms of the capital that might be available. Actually right now, capital is going up. It's around seven percent, but if we were to use a five percent rate, that difference is around \$2 million.

So it's incumbent upon us to very clearly define what that is. We're talking a little over \$2 million. So the reason why it's very important from a regulatory and statutory standpoint in defining what that donation value is because that is what our contribution is to this economic development initiative.

The second aspect to this that's very important, so after very clearly defining what it is that a donation value is, and that's an important aspect to be communicated. The second aspect is defining exactly then what the substantive contribution is from the folks that we are providing the assistance to. And so in this case, the initial contribution was three jobs. And so three jobs. Three jobs total, relative to a little over \$2 million in assistance that we're providing.

CHAIR HAMILTON: That is not what's in the agreement.

MR. MONTOKYA: The agreement is actually – the issue is for the direct member. So what we're saying in this particular case is that there's currently five jobs that are being held in the sewer plant and they're saying that with this money is they will create, after the sewer plant is finished, three more jobs. Now, that being said, three jobs would not in any manner or form be considered a substantive investment. It doesn't provide economic impact back to us relative to the value of a little over \$2 million, if we use the original scenario. So what we are proposing, and as LEDA is really a job-oriented program. So if you look at kind of the aspects in terms of what it is that the State of New

Mexico is looking for, is jobs. And they were looking for 80 jobs.

And we didn't just make that up out of the blue. Eighty jobs is the number of jobs that the clients or the recipients of these funds stated that would happen if in fact they receive these monies as a secondary aspect. So the economic analysis had primary, secondary, and tertiary aspects to it. So in this case, if we're talking about jobs, just jobs directly, the primary jobs are the three new jobs we'd get by creating a new plant. The secondary aspects to it are 80 jobs that would be created directly by the resort itself. So those are jobs that for instance they intend to create a spa. They intend to create other things to expand the capacity. They intend to add more rooms, and other things of that nature to be able to expand the capacity which would result in new jobs. Eighty jobs, which staff considers a substantial economic impact. It's a substantial economic impact from 80 jobs versus three. And again, this is taken directly from the economic analysis that is mandatory that was produced. So that's where that number comes from.

And just as a little background, first we had a consideration of just the tax base that was being provided and specifically because we can track it very well, the tourism tax base. However, really, from the state's perspective, this really is a jobs program. And so that was the next step. So that's the second kind of consideration that we have to have in terms of what it is that the County will get from this relative to these particular funds, not including of course the tax bases that we are normally getting in terms of tourism taxes and gross receipts taxes and things of that nature.

Now, the third and last thing, and again, I want to emphasize this is both regulatory and statutory. There is no Economic Development Act programs that are with a claw-back. And so that's the last subject. So once you've defined what the actual donation is, and then we define what it is our expectations are, what we expect from it. And so the expectations are, from staff's perspective, is that 80 jobs will be produced within the ten-year amortized time that had been agreed to in terms of the loan documents. And then lastly – this is significant as you may have seen that there was a newspaper article this morning in the New Mexican specifically on this exact subject. And so there's a little wrangling that's going on between the Economic Development Department and the legislature right now, the LFC. But this is really the case and the heart of the matter.

We need to be able to have a claw-back, meaning our expectation is, yes, you have said that you will be creating 80 jobs. We agreed with that analysis. It was a fundamentally sound analysis based on the projections of growth that are to happen because you can't put a new spa in. You can't create new homes and you can't create new units unless you have your sewer working. And so that we would then, as part of this agreement the 80 jobs would be created, and we're talking base jobs so jobs over \$25 an hour, which, just so you know, already, the current jobs that are there are on average in excess of that. So their job base is very health.

I want to be able to make that clear that we have to have a claw-back, meaning if in fact that 80 jobs aren't produced within the period of time, the ten-year amortization that we've agreed to, then we get our money back, or portion of the money – things would be worked out as a percentage of the jobs, get the money back. That is not a negotiable aspect of this. It's a mandatory aspect that we have to have a claw-back.

This is all the much more important because we don't have a security on the loan.

We've been working with the applicants to get something that's secure, i.e., liquid capital that's obtainable on the call. And we have not been able to receive that. So at this stage it's an unsecured loan. So that's one aspect that we'll speak about later in terms of the security issue. But it's vitally important that we have a claw-back. This is not a – this is nothing that, oh, well, we kind of like this, or something of that nature. It's a mandatory requirement of the LEDA Act.

So I just want to make you aware of that that we have to have the ability and enough capital available to us, at least in the amount that it relates to the donation value that we're providing. And again, that donation value again, just to restate the obvious, is the difference between the subsidized rate that we're providing and market rate. We can go back and forth between what the actual market rate is. Right now, because interest rates have gone up, it's hard to get money for commercial development less than seven percent. There's some monies out there that if you have a very high bond rating you're able to get that but it's around seven percent. We did use the five percent number just to be conservative, but just to be clear, even at the conservative rate of amortization of ten years at five percent, it's still over \$2 million. And with that I'd be happy to answer any questions you might have.

CHAIR HAMILTON: Commissioner Roybal, do you want to go first?  
Okay. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you for the presentation. Thank you for staff for working on this so quickly. So fast. I got emails last night in regard to what's going on, what's happening, and like that. Because this is a huge possible undertaking that Santa Fe County may take.

Some of the questions I have is in regards to the creation of jobs, is that in the tenth year, the fifth year, the second year, the second month? What guarantee do we have that they will be creating jobs?

MR. MONTTOYA: Madam Chair, Commissioner, that's exactly what we would have to put in the agreement, is that – so the analysis is that after improvements are made, easily within the ten-year period of time that there would be a creation, internally to the organization of 80 jobs. And so we use that number. We didn't make it up. It's the number that they provided to us, and so the question really is what is our guarantee? What I'm saying is, yes, we have to have a guarantee. We have to have a guarantee. And if we don't get our 80 jobs as has happened with a few other entities throughout the state, then we need the ability to claw back our money. Because that wasn't produced. So the guarantee is in effect our ability to claw back funds.

MR. CORDOVA: Madam Chair, Commissioner Garcia, I think to answer your question, we would true it up at the end of the term. So in ten years we would determine whether the 80 jobs had been met.

COMMISSIONER GARCIA: What is their workforce now?

MR. MONTTOYA: Madam Chair, I don't remember the number quite frankly. We did actually get a review of the current workforce. They've had actually an exponential growth in their workforce when they took over the asset. So there's been, what? They went from zero employees, some maintenance people. The sewer system was working. The system was running. But they've had an exponential growth in the amount of employees that they have. I don't remember the current amount but I'd be happy to get

that for you.

COMMISSIONER HANSEN: I think it's something over 200.

COMMISSIONER ROYBAL: I was just going to say, I thought they had mentioned for us it was 200 or better at this point.

COMMISSIONER GARCIA: Thank you, Madam Chair. So explain to me the no security on this loan that we're lending to them. There's no security at all on this loan that we're getting, Santa Fe County is getting?

MR. CORDOVA: Madam Chair, Commissioner Garcia, if I could go on to that part I'll go ahead and explain that.

COMMISSIONER GARCIA: Is this a different presentation?

MR. CORDOVA: No, just to continue on in the presentation. To answer your security question specifically. The borrower did come back and provide us a couple options but what was actually substantial was they pledged to create an escrow of three years worth of debt service payments, which equates to approximately \$500,000. In the proposal they would pay us the loan until the seventh year and then allow that three years of escrow to pay the final three years to get us to the ten-year term. What's still unsecured at this time is the balloon payment at the end of the ten-year term of just under \$3.5 million. So we still do not have the security as proposed for the balloon payment.

There was also a couple other proposals provided by the borrower but none of them did equate to actual dollars and cents. Just last night the borrower offered the County a second lien on the resort property. County staff does not believe that a second lien is adequate. There is no guarantee that the resort would actually sell for its appraised value, especially during a recession or if it's a distressed property in bankruptcy, and as the holder of a subordinate lien the County would get paid only if the first lien holder was fully paid. And in addition, the County has generally not accepted a junior position in any LEDA projects funded to date with County funds. And in sum, the worst case scenario of another bankruptcy involving the resort would be a subordinate lien holder who may not receive anything on its claim.

COMMISSIONER GARCIA: Thank you. So the County has never been in a second place for a lien holder?

MR. CORDOVA: No. Not in any of the projects where we've used County funds.

COMMISSIONER GARCIA: So assuming this individual or group or organization would not get us 80 jobs, this claw-back. I read in the paper today, the claw-back. The state is trying to figure out how this claw-back works, right? So how would the County go about starting the process of a claw-back? Or what do we need to do? How would that work?

MR. CORDOVA: Well, Madam Chair, Commissioner Garcia, the loan must be paid back regardless of whether the borrower performs its substantial contribution. So that's clear. But at this time, at the submission of the memo anyway, the borrower has not agreed to a pro rata recovery of the interest rate subsidy so we do not have a claw-back at this time as proposed from the borrower. So we do not have a mechanism to go after if them if they do not perform the 80 jobs.

The claw-back as proposed was not accepted by the borrower. The borrower did not accept the claw-back as proposed, and at this time there's no claw-back at all within

SFC CLERK RECORDED 12/28/2022

the PPA or the loan ordinance.

MR. MONTTOYA: Madam Chair, Commissioner, I did want to make clear that there is a slight difference between the security and the claw-back. Security means that for instance if there's a default of some kind, irrespective of performance, we are protected so that we can pay back the loan to the state. That's the security. Claw-back is if they do not perform the 80 jobs – we fully expect they will, but if they don't, then that is an asset, the donation value gets back to us, because we didn't get what we paid for. We went to Walmart. We bought a nice bike. The bike didn't perform. We get to return the bike within the period of time it is.

Just so you understand there's a difference. Now, the connection is that because we have an unsecured loan right now –

COMMISSIONER GARCIA: Not yet.

MR. MONTTOYA: Right now. As of today, it's unsecured, if the deal was to go through. We also don't have a claw-back. We have neither. And so that's what's important to make sure that if we had security, well, we might be able to negotiate something that says, okay, well, we're going to be able to – if it was a liquid security that we were able to get, well, we're going to take that as your claw-back. We don't have that. We don't have a choice but to have a claw-back. We have to have a claw-back. That's part of the contract for LEDA.

COMMISSIONER GARCIA: Is there a reason why the – what is it? Juniper or is it Bishop's Lodge? Who are we working with?

MR. CORDOVA: Madam Chair, Commissioner Garcia, we're working with three different entities. One being called BL Facilities, LLC. Another Juniper BL Holdco, LLC, and then Bishop's Lodge, the resort. So all three of those entities have offered some type of corporate guarantee, none of which is a first lien and the correspondence we got back last night was they just did not agree to the interest rate subsidy claw-back.

COMMISSIONER GARCIA: Thank you for bringing up the interest rate. Thank you, Madam Chair. This interest rate, who came up with this percentage. My understanding that the state would actually have what? seven percent? Then a private entity – tell me the percentage of the three or four that are out there. Private would lend as individuals, what? As a percentage rate?

MR. MONTTOYA: Madam Chair, Commissioner, the state is providing us very low interest funds, and we're tacking on a few points, points of the .25 percentage and selling that money at that rate. So they're receiving the loan at .25. That's the rate they're getting. But what they're receiving in a donation is the difference. Let's just say we're a regular bank of some kind. They came to us and we're a bank, and we say, yeah, we're in the business of lending you money that we can get a return on our investment. And we're going to sell you the money at seven percent. In this case we made a case for five percent as an example.

Let's say we're going to sell you this money at seven percent, the market rate. What we're doing as a government institution, is we're providing a donation value of the difference between the .25, and in this case example we have a memo as five percent. That's the difference. That's what we're providing in value. So if it was just a regular loan we wouldn't be doing a LEDA. If it was a seven percent interest loan, we're not



donating anything. We're giving a loan and getting our money back. But we're giving a very low interest loan.

And so the value of that donation is what we have to have – I don't want to use the word security – a claw-back on. Because we're giving a low interest loan in exchange for performance, and the performance is the production of in this case 80 jobs. Each deal is different but this is what the economic analysis said was do-able. So we agreed with that economic analysis.

COMMISSIONER ROYBAL: Director Montoya, if we had a second lien would that be a claw-back as well or that wouldn't be a claw-back? Just out of curiosity what is the equity in that second lien?

MR. MONTOYA: Well, there'd be no equity because actually the organization is upside down. Its assets are actually less than what they owe. So we would be getting negative equity.

CHAIR HAMILTON: But that's not what the spreadsheet shows. The difference in the value of the appraised value of the property as is, and their liabilities is in the 40-some million dollars, which is more than our \$2 million claw-back. So why are you saying they're upside down?

MR. CORDOVA: Madam Chair, if I may, when you look at their balance sheet they have about \$2 million in cash on the balance sheet. They then have some accounts receivable – furniture, fixtures, equipment – all of their current assets equate to what's still short of their current liabilities of just under \$4 million. So they're about \$750,000 short of assets versus liabilities in the short term. Yes, it's true they have equity. The equity is only realized if they were able to sell the asset at full market value. What we're contemplating here is a worst case scenario where they would most likely not be able to get full market value, either because it's in a distressed situation or because they're now bankrupt and they can't continue to operate the hotel.

CHAIR HAMILTON: It's interesting, since loans are made all the time on appraised value of a property. I don't understand how you can just discount it.

MR. CORDOVA: Madam Chair, Commissioners, that's a bank loan. We're doing public finance and it's a lot different in the sense that we do not – we need a liquid kind of security so that if worst case scenario, which we all hope would not happen but in the worst case scenario, the taxpayer dollars would be protected and we would have a mechanism of which to pay off the loan and get out of the deal so that we could then maybe someday lend again.

We don't have a portfolio of 100 loans. Once could go bad or even ten could go bad and we would still then be able to kind of cover it from the others. This is our first loan. If we fail, we're 100 percent failure rate. That's the big difference between public lending and private lending. And we did go out to different – New Mexico Economic Development Department, we worked with them to get some guidance. We went to New Mexico Finance Authority to get some guidance. It's the standard request of all public lending to have security that covers the principal and interest of the original loan.

CHAIR HAMILTON: Didn't NMFA suggest that the offer that was made was more than adequate to cover our risks?

MR. CORDOVA: No. Actually no. NMED also would have had concerns with the security package as proposed to us.

CHAIR HAMILTON: Were you finished? I interrupted you,

COMMISSIONER GARCIA: That's all right. This is very – this is interesting. So the .25 percentage, when that came in regards – we're going to give you .25 if you give us three jobs. Now we're going to give you .25 if you're going to give us 80 jobs. Is that – is this 80 job thing have to do with the highing and lowering of that interest rate?

MR. MONTOYA: Madam Chair, Commissioner, no. That was not of their ability. We discussed very early on and both parties agreed in terms of the percentage rate that we would sell the money on. There was a request that we keep the interest rate as low as possible, primarily for their balance sheets, which we agreed. That's what we attempt to do is provide low interest monies. We're receiving the money – or we may receive the money. We don't know the interest rate that we'll receive it at. But it won't be over .25 percent. So the money that we receive, because remember, this is not our money, unless we lose our collateral. We're putting up public dollars to the state in order to receive these monies, or these funds.

And so that was fair. That was an early part of the negotiation and both parties agreed. The idea was instead of a high interest rate to pay us back our overhead that we have and expenses that we're going to have through the process of doing this loan they would provide us capital monthly, and that is part of the current agreement – I wasn't here but we had all agreed on previously. And so that was part of that agreement.

So that's not a variability. Just so you know, the economic analysis, and this is the standard way it's done. Again, there is primary, a secondary and tertiary effects. So in this case the primary effect is three jobs, because we're fixing a plant. That's the immediate project. However, there's a greater value than those three jobs because it's going to help with the plant, then also they have to a spa and they can increase revenue and they can grow, which would be 80 more jobs than they currently have. So over 280 jobs total.

And then thirdly, just so you know, for a tertiary benefit, it still has to do with it. We also analyze the tertiary effects or had the tertiary effects analyzed, which is with all those new jobs, these 80 new jobs and the amount of tourism coming in, how much more is being spent in the economy. And so then you get a lot larger number because those people are eating at restaurants, those people are buying things, and that's another good effect that comes back from the tax basis. So there's three things now.

In this case, we're holding them accountable though, for our 80 jobs. You have to do 80 jobs as part of our donation to you. We are giving you money. We're literally giving you a million dollars, in essence in cash, and we expect something for our money. That's what that's about.

COMMISSIONER GARCIA: So the capital monthly is the jobs. Here's how I look at it. Santa Fe County is going to loan somebody \$5 million. We have no claw-back. We have an unsecured loan. Is that true or not? Yes? No?

MR. MONTOYA: Yes.

CHAIR HAMILTON: That's an opinion.

COMMISSIONER HANSEN: It's not an opinion.

MR. CORDOVA: Yes, I would say it's unsecured at this time. It's unsecured to the tune of \$3.5 million, the balloon payment at year ten.

SFC CLERK RECORDED 12/28/2022

COMMISSIONER GARCIA: So whenever you go borrow money from the bank, they're going to charge an interest rate, right? Because the bank has to make money off of that. So they money we're making off of it is the .25 percent, which is how much money?

MR. MONTTOYA: Well, just to be clear, we're not making .25 percent. We're borrowing money. So it's not as if we're using our cash and lending this. We're borrowing money. We don't know exactly what that rate will be but we hope it will be a lot lower than .25, right? And so when we make a deal to borrow the money, then we're going to resell that money, still at a very low interest rate. That's unheard of. No one can get that kind of money right now. This is a good deal. This is a standard kind of economic development deal that you're providing low interest rate capital to people. So right now, those funds are both unsecured or a portion of them, and there's no claw-back. There's nothing to claw back in case they don't process that 80.

MR. CORDOVA: And Madam Chair, Commissioner Garcia, I believe the amount is just over \$100,000 on the .25. So you're really looking at \$100,000 over the \$5.125 million.

COMMISSIONER GARCIA: And jobs.

MR. CORDOVA: And jobs. Yes. Jobs are the substantive benefit that we're seeking.

MR. MONTTOYA: Direct benefit. So we don't want to discount, because this is also true, we don't want to discount that if they pay all their gross receipts taxes and they pay all their tourism taxes to us, that's a substantial benefit to the County of Santa Fe. We don't want to discount that because it's absolutely true. And if they create these jobs that's new economic benefit coming in.

COMMISSIONER GARCIA: So let me ask a question. Let's assume an individual has ten jobs right now and they will bring 80 jobs to create additional GRT tax. Aren't these people already shopping in the community?

COMMISSIONER HANSEN: Yes.

MR. CORDOVA: Madam Chair, Commissioner Garcia, yes, theoretically. They may not have a job right now, but they theoretically are local. Probably, but that's hard to answer.

COMMISSIONER HANSEN: There's more of an answer to that. Part of the GRT comes from operation of the resort, which is tourism and those people don't live here already. Which is what you were just referring to, the GRTs and this additional – whatever, you said it was secondary or tertiary gain from operations.

COMMISSIONER GARCIA: I understand what the revenue is and whether it's property tax or GRT tax, lodgers' tax, they're still going to come to the resort. We're not dealing with how much more GRT tax, lodgers tax that they're going to bring in. We're dealing with a mechanism to pay for the wastewater treatment plan. So that was my initial thought is 80 jobs. These people are already from here. They're already spending the money in the local community, or are they not? I don't know. Are we going to bring 80 more individuals from Colorado to work here? We don't know.

MR. MONTTOYA: Madam Chair, Commissioner, we do know in fact though they started from very few jobs to estimated over 200 and the vast majority of those are folks that live here. It's a historic count.

COMMISSIONER GARCIA: But if these individuals were to go to – you said New Mexico Finance Authority. What would their interest rate be?

MR. CORDOVA: Madam Chair, Commissioner Garcia, I don't have the direct answer to that but NMFA, New Mexico Finance Authority has private lending programs, so they have different opportunities and the interest rate would vary depending on which program they chose to pursue. The collateral support program, as an example, usually partners with a bank and oftentimes the bank will use the same interest rate they would for any other private lending. They just depend on the Finance Authority for the collateral that might be missing otherwise that would allow them to approve that loan. That's just one example.

MR. MONTOYA: Madam Chair, Commissioner, just to be absolutely clear, in speaking to the Finance Authority and to the Economic Development Department, they both said that they would demand, just as we are, security. Liquid security because that's what you have to do. So that wouldn't change.

COMMISSIONER GARCIA: I'd defer to any additional questions if anybody has any.

CHAIR HAMILTON: I'm sure people do. Commissioner Roybal, since this is your – do you want to wait?

COMMISSIONER ROYBAL: I can bring up a couple of questions but then I'll defer to my other Commissioners. I do want to say that I think that – have we asked about the plan for collateral or have we looked at that at all? And what was the determination on that?

MR. CORDOVA: So Madam Chair, Commissioner Roybal, they actually did offer up the plant as collateral. We do not want to accept that plant as collateral because we don't see it as collateral. It's more of a liability. If we ended up receiving the plant we would then have to operate that plant, most likely, or we would have to work with the homeowners in the shared service agreement that Bishop's Lodge Resort has with the homeowners to try to figure that out. So we didn't accept that as collateral because it wasn't enough collateral for us to be able to pay off the loan. There's not enough revenue within the wastewater treatment plant to exceed the 30-year debt service amortization that has been proposed. So there wouldn't be enough revenue within the plant to give us the security we're looking for anyway. And you can't necessarily sell the plant and liquidate it that way. There's really only one – or the resort and the homeowners are the only users of that plant and they're the only beneficiary of the plant.

COMMISSIONER ROYBAL: I wasn't saying only the plant but in addition to what they have been giving as collateral or said as collateral as far as the additional money that the resort is worth. According to the spreadsheet it was like \$47 million and I think that's a little under half of what the total resort is worth. So I'm wondering like, even if they were in a position where it wasn't the best circumstances and they still had to sell, I can't see that we couldn't get the \$5 million back from it.

But the other thing is I have probably over 200 constituents in that area that are being served by this wastewater system. That's something that I've gotten phone calls and I've gotten about 30 letters of support trying to work on improving the situation and working with Bishop's Lodge on this so that they could provide that service. So it's definitely a hard situation. I'm the Commission for that district and it's my responsibility

to listen to these constituents and try to help them the best way that I can. So I understand where the liability with the County. I know it is just a loan and I think that the way that this loan would work, just like when I got a homeowner/builder/contractor line of credit. Would it be in the same type of position where I was released a certain amount of funding as that project progressed, and then only that amount of funding I would get after I met each milestone. Is that kind of the way it's set up with Bishop's Lodge?

MR. CORDOVA: Madam Chair, Commissioner Roybal, yes, that's also the way NMED's loan to us would operate. It would be a reimbursement basis. So we would have to provide them examples of costs already incurred. They would then turn around, give us the money. We would give the money on to the borrower.

COMMISSIONER ROYBAL: Is there a percentage from NMED along with this loan, or is it just half a percent or whatever it was that you said for Bishop's Lodge as far as what the County would make back on this loan?

MR. CORDOVA: So Madam Chair, Commissioner Roybal, I had a little bit of a hard time hearing you but I think you asked if the interest rate from NMED – would you mind repeating the question?

COMMISSIONER ROYBAL: Is there an interest that's coming from NMED in addition to the half percent that Bishop's Lodge is paying the County back?

MR. CORDOVA: So Madam Chair, Commissioner Roybal, right now, the market rate for us as the public borrower to NMED, I think it's .001. So we would add the .25 to that and the total rate at this time would be .26. So it's still a very low interest rate loan. That fluctuates slightly based on the market, but at the last discussion we had with NMED it was still .001. That's the interest rate we would pay.

CHAIR HAMILTON: Or technically .01.

MR. CORDOVA: Yes. .01.

COMMISSIONER ROYBAL: And when did Juniper take possession of Bishop's Lodge? Do we have that information?

COMMISSIONER HANSEN: From what I understand it was about a year ago.

COMMISSIONER ROYBAL: Do you know when Juniper actually purchased Bishop's Lodge?

MR. MONTROYA: Madam Chair, Commissioner, it wasn't actually kind of a clean break with that. So Juniper Capital was an investor in the previous owner. So as you know, the original family had owned it for years and years and they sold it to a firm who was an operator. Juniper Capital was an investor in that firm. And then when they went bankrupt – not Juniper. Juniper didn't go bankrupt, but the owner-operator who invested. Juniper Capital came in and took over the debt and therefore took over operations of it. So it wasn't kind of clean, like, oh, we just purchased and bought it. They slid into it because of a previous bankruptcy of the last owner.

COMMISSIONER ROYBAL: Okay. And then I know – I think it was in one of the last meetings, I thought it was sometime in mid 2021 maybe or towards the end of 2021, do we know – because I know in previous years when Bishop's Lodge was closed we didn't get any GRT but do we know what we have gotten in GRT in even the last year?

MR. CORDOVA: Madam Chair, Commissioner Roybal, I don't know the

exact GRT numbers. I know we have been collecting lodgers' tax and I will say they are I think the second largest contributor of lodgers' tax in the county right now, behind the Four Seasons. At last check, I believe our Finance Director told me we received \$25,000 in the last month, just from Bishop's Lodge, so we're on track to exceed about \$300,000 for the year. That's an estimate though.

Madam Chair, Commissioner Roybal, GRT typically is also tacked on to that for the County portion, for the County, so there was GRT as well for the increments the County has initiated in the county, outside the municipality. So we would have gotten GRT as well. I just don't know the exact amount.

COMMISSIONER ROYBAL: Okay. And do we know if Juniper has ever filed for bankruptcy? Because I know that that's one concern. But I didn't know if that's ever happened in any of their other –

MR. CORDOVA: Madam Chair, Commissioner Roybal, the companies, the three entities that we're dealing with have not filed for bankruptcy. We've done a little research on that. Those three entities specific to Bishop's Lodge have not had a bankruptcy filing.

COMMISSIONER ROYBAL: Okay. I think on the spreadsheet that we have it says it's worth a little over \$100 million. Okay. That's all the questions I have for right now, Madam Chair. Thank you.

CHAIR HAMILTON: Okay. I'll come back to you, Commissioner Garcia. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. Hopefully this will be lightning round, compare to – because a lot of the questions have already been answered but I just want to clarify a few things. I think you referred to that if we were in the first position on the mortgage, that would be considered adequate security, because then we would get paid first. It's not that we're not worried they can't sell the property; we're worried they'll have so many other debtors on it, by the time they get around to paying us we wouldn't get paid back. Is that correct?

MR. MONTROYA: Madam Chair, Commissioner, that's correct. I also do want to bring up the concept of third party. When we made this offer we said here's the forms of collateral, forms of security that we're willing to take. We had five or six different forms of security. It's premised on that it's not based on the asset, whether large or small of the development itself. Because if the development goes bankrupt then we don't have anything. So it's premised on another form of security that we can take liquid. Say, oh, it didn't work. Thank you very much. We're taking this money, in order to pay the state, because we're liable to pay the state.

And so when we say part of being "unsecured" is the idea that if you're looking at the asset to pay and the asset goes down you would have nothing, whether you're in first position, second position, it doesn't matter. You have nothing. Or you'd have to go through a lengthy court fight, all the time we are still liable for paying the state. So we don't want to be struggling to attain some assets through bankruptcy court, but at the same time still be liable for paying the state.

COMMISSIONER HUGHES: So would we be comfortable with first position or not?

MR. CORDOVA: Madam Chair, Commissioner, I believe based on the

balance sheet, yes. Being in first position would put us in front of the debt to Fortress which is about a \$57 million debt. So if we were ahead of the \$57 million debt I think we'd be comfortable with the security based on the balance sheet.

COMMISSIONER HUGHES: Okay, and I understand that wasn't offered. I just wanted to be clear. The other thing, so is there any assurance in the draft agreement that they're going to be able to pay that balloon payment? That's frankly one of the things that worries me the most is there's no obligation to set aside money here to save up for the balloon payment at year ten or anything like that?

MR. CORDOVA: Madam Chair, Commissioner Hughes, no. And that's the biggest concern of staff as well. That's the reason we have not been able to recommend this all along. That security just hasn't been offered up yet.

COMMISSIONER HUGHES: Whether they were doing anything to – whether there's something in the agreement where they had to put money aside so that they could make the balloon payment at year ten. And then my last question I think is – I think I know the answer but I want to make sure. So we're still on the hook for our bonding capacity to pay back the state. That's the collateral that the state is wanting. Yes. Okay.

MR. CORDOVA: And Madam Chair, Commissioner Hughes, if I could just expand on that a bit. Because we don't have security comfortable enough to cover the \$3.5 million at the ten year, we would most likely need to request the 30-year term from NMED as well so that we're lined up to minimize some of our risk. We did find out we could pre-pay early so if the balloon payment was made at year ten we could then pre-pay our 30-year note with NMED, but if we didn't do that and we went shorter of a term we would have a much higher risk of being upside down on the deal if we were able to be paid out at year ten.

COMMISSIONER HUGHES: So how does it work that we're putting our bonding capacity up as collateral to the state?

MR. CORDOVA: Madam Chair, Commissioner Hughes, so the bonding capacity we have is from our general purpose increments that have all been put together after they're earmarked. We have whatever's remaining of that capacity. That's what we're offering up. There's different ways to do that. A lot of times a smaller entity will have that money intercepted directly where NMED just gets it directly. We might be able to argue around that but we would still, if we didn't make our debt service payment that would be the form that they would go after.

COMMISSIONER HUGHES: Okay. But we'd be locking that up for 30 years, basically. Okay. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you Madam Chair. Thank you. I read this late last night, your memo, which I agree with. We should not be doing this. They're not ready to – they're not ready to secure this loan. So I support what you wrote in this memo, because I think that it is really protecting the taxpayer. That is our job as Commissioners is to protect the taxpayer and this loan is not protecting the taxpayer.

I have a couple questions. Do we have terms from NMED? It sounds like we don't have terms.

MR. CORDOVA: Madam Chair, Commissioner Hansen, they still are in

review of our application. They said they may have an answer for us within the next couple weeks. The way their process works is they would give us an award in a preliminary step. We would then at some point be issued the funds available for the construction of the project on a reimbursement basis. And then at the completion of the project they roll that into a loan and they base the term on the useful life of the asset. So if the useful life of the asset turns out to be 25 years, that's the longest we would be able to go. The max they can go is 30, if the useful life of the asset is determined to be a 30-useful life.

So we don't have the terms yet. We wouldn't have the terms until we completed the projects. We wouldn't know exactly what they'd be willing to give us in terms of the 25, 30, 20. We could always accept a shorter term, but the longest they'll go is based on the useful life of the asset.

COMMISSIONER HANSEN: So how can we move forward without terms? I find that concerning to me. We don't have terms from NMED for this loan, and so it seems like there's a lot of variables that we're not ready for prime time. We shouldn't be at this stage. We should be – there's a lot of things that look to me like we still need to negotiate if we're going to even more forward. One, I think it's crazy for us to do a 30-year amortization when we don't know how long the life of the plant is. If the plant's life is 25 or 20 years, maybe that's what the amortization should be.

But also the fact that the balloon payment is not secure, which is more than half of the loan is disturbing to me. How can you go forward and how can you say to the taxpayers, don't worry. I'm just going to trust these people because we need a wastewater plant. I get they need a wastewater plant but is the wastewater plant permitted at the moment? Does it have a permit? Are they in compliance? I don't know. I don't think so, not if they're having to empty that plant all the time.

And why can't they create a mutual domestic? Why can't they create their own mutual domestic and borrow this money directly from NMED? Why are we putting taxpayer money at risk? Is what I want to know.

MR. CORDOVA: Madam Chair, Commissioner Hansen, in regards to the NMED loan, you're absolutely correct. We do not have those terms yet. That is one of the major contingencies. Staff would definitely prefer to know what those terms were before we agree to final terms with the borrower. But as I mentioned, we would not know that for a little while still. NMED is still working on their application and approval process.

COMMISSIONER HANSEN: So what's the rush? Why are we rushing to get this done when we don't have all this information? I personally think that this either needs to be tabled or killed. Either one. Because it's like – we're putting the County at too much risk from my humble opinion. And I agree with everything that staff has said. One of the things that we do is we hire staff to advise us, and if we're not taking your advice then we are really missing the target to me. I believe that staff has analyzed this way more than we have and spent way more time. How much staff time have we already spent on this and we are understaffed as it is at the moment and we're continuing to spend staff time on something that is not anywhere near secure and is not giving us a security package.

When I spoke with Christa Kelley on the phone – I'm sure she called everyone. I



asked her about the balloon payment and they said, well, they'd go out and get a loan. So that makes me even more uncomfortable, because they're asking us for money, and then they're going to go get a loan to pay off the balloon payment. That's just crazy. They should be paying – if we were going to even think about this it should be a ten-year loan with ten-year amortization, so that it's paid off in that amount of time, but I don't see that happening. I do support everything that you have said. I've read this over a couple times and you are advising us not to move forward at this time and I think that that is the correct way to go.

Action requested says consider the draft LEDA ordinance and the PPA in determining whether to authorize publication of general summary and the draft of the LEDA ordinance. As indicated, the County does not recommend doing so based on the security offered by the borrower and the lack of a claw-back provision pursuant in which the County could recover a proportionate amount of interest rate subsidy if the borrower fails to create the promised jobs.

So if we hire staff and we don't listen to them, what are we doing? That just –

CHAIR HAMILTON: Are there any further questions? Because we got that. Any additional questions?

COMMISSIONER HANSEN: My additional question is in the capitalist model, the person with the highest risk pays the highest interest. We're – I'm not considering but somebody is considering loaning somebody with the highest risk the lowest interest rate. That's not how it works in this society that we live in. So that's my final comment at the moment. I might have more, but I personally think this should either be tabled or killed.

CHAIR HAMILTON: Thank you, Commissioner. I have some questions too. Go ahead.

MR. MONTROYA: Madam Chair, we did learn something that I think that was distressing to both staff and the applicant yesterday, or the other day in terms of talking to the Environment Department, is the timing issues. The issues that come with timing is I think one of the issues is the plant is failing now. And one of the questions and issues is we would need to go as fast as possible in order to remedy the situation because there's people who will not be able to flush their toilets or the resort may not begin, so it's a timing issue. One thing that was distressing to hear, I just wanted to let you all know is that even before – once we receive the money, but even before they are able to get a contract out, or the applicants are able to contract out, they have to do a NEPA. It's an environmental review.

And nobody at Environment has ever seen a NEPA take less than six months. So even if we're able to move forward right away and get this and let's just say it takes two months to get the funds from the state if they're amicable and they review our process and they're happy with everything, and we're able to pass through, there's still yet another six months. So that was very distressing to hear, quite frankly, from my perspective. And also I think from the applicant's perspective, because that lengthens out the time considerably by which we had originally hoped to be able to do something one way or another, whether it's capital from us or capital from any other source to be able to fix this problem.

I think everybody agrees here this problem needs to be fixed, whether or not

we're the ones that can be of assistance I think is at issue but I don't think anybody's disagreeing that this is a problem that needs to be fixed.

CHAIR HAMILTON: So can you – and I agree with that and in fact in a way it seems sort of sad that frankly the idea of high risk and paying a high interest isn't really everything that's applicable in this case because there's a whole community that depends on that sewage treatment plant and that is what this low interest loan program – and months ago, honestly, my ability to judge time has been completely messed up by COVID but it was quite a few months ago when the concept or using this money, this kind of loan you were very in favor of because it's low interest to good causes.

Why we went into doing it only as LEDA is another question entirely, but I recognize that part of the problem is that NMED has the ability to do this and they just haven't bothered to work it out. The idea of doing this was because it is an important community service that deserves that kind of low interest support. The question is whether it can be done.

We've done previous LEDA things. We have had previous situations if I'm not mistaken with job targets, much lower job targets. Have we ever done claw-backs? Did we always have claw-back?

MR. MONTOYA: Madam Chair, yes. We've always had a claw-back.

CHAIR HAMILTON: Why haven't they been done in the past? Because we forgave – I remember one situation where we just sat up here and said, oh, well, you can have more time to try to hit the job and we forgave them that.

MR. MONTOYA: Madam Chair, there's been actually a couple of these. Some of these have actually been state LEDAs that we were the pass-through effectively for these state funds, and so we had less of a say because it was using state monies relative to the claw-back from job production, just so you know this. In this case, it's our money. So there is a difference. I think the closest analogy would be the LEDA project that we had – and this was before my time – with the Santa Fe Studios. And I think that would be the closest analogy. Now in that case it wasn't job – it wasn't actually amount of jobs; it was job hours. As you may remember we had trouble – they hadn't tracked the job hours that were promised and so we had to actually go in and actually get the proof because they had not been tracking appropriately. So we learned some lessons from that.

And you will see when you review – you're going to be reviewing a new LEDA ordinance here, lessons learned. This would be in the ordinance, so these are not the kind of things that are negotiable. These are things that this is the law.

CHAIR HAMILTON: When we did the movie studio it was LEDA, so it had the same requirements. What were the liquid assets we got from them?

MANAGER SHAFFER: Madam Chair, if I could. The job performance goals as well as the County's loan guarantee for a commercial loan for Santa Fe Studios, as well as the purchase agreement relative to the land, they were all secured by a first position mortgage on the property. So relative to the question about Santa Fe Studios they were secured by a mortgage in first position on the property. We did in fact file foreclosure action not with regard to the job performance goals but relative to the payment for the land. And so we did in that case start the process of exercising our rights in order to ensure that the County was paid for the property. Ultimately we were paid and that action was dismissed. So the short answer is all of the obligations of Studios was

secured by a first position on the property which was appraised much higher than what would have been committed to it.

And that was the main point I just wanted to clarify in terms of the discussion is that in my experience at least at Santa Fe County the substantive contribution, which is the jobs we're talking about, in my experience those are actually secured as well. The claw-back is part of the security. So it could be a mixture of things, but if we continue looking at Santa Fe Studios as an example, both the job creation goals were secure by the mortgage, which went to the \$10 million that came from the state, and then in addition, the County's loan guarantee is also secured by a mortgage. And so in my experience again, all of that is secured when we enter into these deals.

CHAIR HAMILTON: So in the previous meeting, one of the things that was in the deal was the \$2 million that they were setting aside. Isn't that liquid to cover the donation. There's a difference between the donation and the loan.

MR. CORDOVA: So Madam Chair, as we mentioned earlier, when the \$2 million on their balance sheet –

CHAIR HAMILTON: No. The \$2 million cash that they were putting up.

MR. CORDOVA: So the escrow that they're proposing is three years worth of debt service payment based on the 30-amortization.

CHAIR HAMILTON: And there wasn't also a \$2 million previously that was discussed?

MR. CORDOVA: I do not recall that, Madam Chair. We never got anything in writing proposing anything like that from the applicant.

CHAIR HAMILTON: Okay.

COMMISSIONER ROYBAL: And the agreement that ties to the claw-back, Madam Chair.

MR. MONTROYA: Madam Chair, for clarity, we have no agreement for a claw-back. The jobs are the production goals. That's what we're getting back. We have no agreement of any kind for any dollar amount of any value for a claw-back.

COMMISSIONER ROYBAL: You said that earlier.

MR. CORDOVA: Madam Chair, Commissioner Garcia, there's no collateral –

CHAIR HAMILTON: I still have the floor. Part of it is I feel like this is a moving target and there are a lot of things that have been offered that have then been decided were insufficient. And I think it's really sad because this is an economic engine for the County and there's a large community that's at stake. This was seen as a really good way to get a fix on what's a basic human need problem, which we've done other places. And that's the way I viewed it. So I understand some but not all of what the County has said in terms of being uncomfortable with the status of the loan because we are in rocky economic times, rocky from the point of view of slightly less – unstable, in terms of predictability.

I think it's a very extreme position to say that this facility would have no value at the point that there would be a default so I think it's a little bit extreme to say that that's totally unsecured. But I do feel like it's critically important to preserve the County's position and taxpayer money. This was also viewed as a mechanism. The passing through money that facilitated a critically important project to a large number of constituents and

we haven't really managed to do that. I'm very sorry to see that.

This is an action item isn't it?

COMMISSIONER HANSEN: I would like to make a motion to deny to publish title and general summary.

COMMISSIONER HUGHES: Second.

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

**The motion to deny carried by 3-2 voice vote with Commissioners Hansen, Hughes and Garcia voting with the motion and Commissioners Hamilton and Roybal voting against.**

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: So I just, as you indicated earlier, I think that it would have been a great project for us to do for our constituency in that area. As I mentioned, I've gotten quite a few letters of support. I'm concerned for that community, and I think that we may have missed a great opportunity here today.

CHAIR HAMILTON: And I truly agree with that. I'm very, very sad to see this go away as an option. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you for staff and the individuals that worked on this all the way up until last night and all weekend. And thank you for all the hard work everybody did on this. Taxpayer dollars. As you mentioned, there is no claw-back. I've talked to three or four individuals on unsecured loans. Don't do it, they said. No collateral. I understand they have a little bit of collateral. Money aside, they have a \$47 million resort out there. I was just hoping that they would put some money aside for that. Obviously, the first lien holder – that first lien holder is not going to let this horse go in front of them. Of course not. Who would?

So just as some of my colleagues – this is just – can't go with it in regards to taxpayers' money. So that's who I have and that's the gist of my vote. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you for letting me explain my vote. I'm not voting against a sewage treatment plant for Tesuque. I think they desperately need it and should they proceed, I think I didn't see any way forward with this mechanism so I hope that the community and Bishop's Lodge will pursue other options and maybe a mutual domestic was mentioned. Maybe that's possible but certainly I hope that we can proceed in a different direction. I voted with Commissioner Hansen because I felt to table it would just drag this out to an eventual death somehow. So that's it. Thank you.

CHAIR HAMILTON: Thank you. Were there any other comments? Thank you everybody and thank you so much to the staff for the effort you put in. We really, really appreciate it. I know that this was very difficult and apparently contentious but with tremendous respect, it was really appreciated.

MR. CORDOVA: Thank you, Madam Chair.

SFC CLERK RECORDED 12/28/2022

6. C. **Request (1) Approval of Amendment No. 1 to Agreement No. 2022-0266-A-CSD/MR with the Life Link, Increasing Compensation an Additional \$189,200 and Increasing Capacity in Navigation Services for Those Involved in the Criminal Justice System, for a Total Contract Sum of \$372,000, Inclusive of NM GRT; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR HAMILTON: We'll go right to Mr. Taylor.

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, Commissioners. Glad to be here this evening to present to you amendment #1 to the agreement with Life Link. This increases their compensation an additional \$189,200, requiring BCC approval. We're adding the additional money for an expanded scope to add an additional navigator to deal with the criminal justice portion of behavioral health. And with that I can stand for questions.

CHAIR HAMILTON: Thank you. Are there questions on this item? Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Mr. Taylor, so the approval that we did several months ago, maybe a few month ago in regards to the purchase of the Lamplighter, does this have anything to do with that new facility?

MR. TAYLOR: Madam Chair, Commissioner Garcia, I do not believe it does. No, it does not.

COMMISSIONER GARCIA: Thank you. Thank you, Madam Chair. Move for approval.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: So I have a motion and a second. Any additional questions or discussion?

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

CHAIR HAMILTON: Rachel, did we go too fast for you there?

RACHEL O'CONNOR (Community Services Director): Madam Chair, Commissioners, I'm very grateful for the vote. I do want to say just a few things from the Community Services Department. We actually have worked with Life Link for some period of time now and the program that they are in the process of creating provides navigation services and support for people that are leaving the Santa Fe County Detention Center. So we have been impressed with the quality of the service that they are providing. We are boosting that up because we believe that we can reduce recidivism in the jail process through this program.

And so we are eager to have them present to you on the kind of services they're providing but I did want to give a little bit of detail to what the Santa Fe County program – what Santa Fe County is funding. Thank you.

CHAIR HAMILTON: Thank you so much.

COMMISSIONER HANSEN: Madam Chair.

SFC CLERK RECORDED 12/28/2022

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Commissioner. Thank you, Madam Chair. Thank you, Rachel. I think Life Link is a really important organization and something that has served our community and the fact that we don't have half-way houses or we don't have any of those kind of services, they are providing something really valuable to people who are leaving jail and I am really grateful that we are doing that because I think that is one of the ways that we can really lift up our underserved population. And I look forward to speaking with you more about how we can work with them.

I wanted to share with the Board that Life Link chair, Craig O'Hare, who was a previous member of our community, an employee here, has asked me to speak at their December 2<sup>nd</sup> fundraising event, and so I'm hoping that Rachel, you will help me with my remarks because I think that what they're doing is really important. So thank you very much.

CHAIR HAMILTON: Excellent. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, thank you. Ms. O'Connor. So are you here to give a presentation or you gave a brief presentation of what Life Link has done or is doing?

MS. O'CONNOR: Madam Chair, Commissioner, in respect for the time, I'm just going to give the snippet that I gave which was an overview of the services that they will provide to people that are leaving the Santa Fe County Detention Center, specifically those with behavioral health issues. We do anticipate that in the future Life Link will come back and give a more detailed presentation to the Commission about the services that they're providing.

CHAIR HAMILTON: That would be great. Thank you.

COMMISSIONER GARCIA: Yes. Thank you, Madam Chair. Please have them come back because those are actually providers' programs that the community doesn't realize the need for them and what we're actually doing to assist the providers in helping out this community, because it's just very sad when you go out there and you see people there on the streets. You know that. Thank you.

MS. O'CONNOR: Thank you.

CHAIR HAMILTON: Commissioner Roybal, did you have –

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just wanted to thank Rachel and Jennifer and thanks for all your work. I call for different questions from my constituents, from the Pathways Shelter that works with our constituents as well, the ones that are either in homeless situations or opioid addiction, behavioral health. You guys have always been so responsive. So I just want to thank you for everything that you do for our community.

CHAIR HAMILTON: Okay. Commissioner Hughes.

COMMISSIONER HUGHES: I just had a quick question, Rachel. Are we still thinking about possibly developing a half-way house or a housing component to the Life Link navigation?

MS. O'CONNOR: Madam Chair, Commissioner, there is funding included in the Life Link. There is what we call "flexible funding" that we have provided to Life Link for the purpose of supporting people on the social determinants of health. So

that funding can be used for housing. It can be used for transportation, food, anything that supports that person in terms of their baseline existence.

For example, if we have someone leaving the detention center that is significantly impaired in terms of behavior health, that they believe is at risk, they can provide funding for those supports. And there is a significant chunk of funding to do that contained within this contract that you are approving.

COMMISSIONER HUGHES: Okay. Thank you. I guess I think at some point we may want to develop some actually housing as well.

COMMISSIONER GARCIA: Thank you. Thank you, Madam Chair. Just on that note, if I may?

CHAIR HAMILTON: Sure.

COMMISSIONER GARCIA: So in regards to the mid-town campus that the City Council will be reviewing and looking at here soon, is there a way that we can actually – or are we working with the City, Ochoa, which is your equal at the City. She's like you. Your team is doing an excellent job. So is there a way that we can actually help in providing some of this money to – I don't know. Yes, I do know. To the mid-town design project or for programming to assist the City? Because 75, 80 percent of those individuals are located within either the City of Española area, now in the Edgewood area, and definitely on the south side of the city limits.

MS. O'CONNOR: Madam Chair, Commissioner, the City Community Services Department and CSD at the County work closely together on these issues, and we have a number of joint projects right now that provide support to vulnerable populations. So people, whether that person is homeless, is coming out of the jail system, has significant behavioral health needs, we do try to dovetail our activities so that we are not overlapping and can find the broadest reach for the monies that we have.

CHAIR HAMILTON: Thank you so much for that.

MS. O'CONNOR: Thank you.

6. D. **Request (1) Approval of Amendment No. 8 to Agreement No. 2019-0007-PW/CW Between Santa Fe County and Molzen-Corbin & Associates, Increasing the Compensation in the Amount of \$254,182, for a Total Contract Amount of \$1,034,550.90, Exclusive of NM GRT, for Engineering Services Related to the Cañoncito Eldorado Water Transmission Line; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR HAMILTON: I'll go back to Bill Taylor.

MR. TAYLOR: Thank you, Madam Chair, Commissioners. Before you today is amendment #8 to the agreement for engineering services. This increases their contract an additional \$254,182 for additional engineering services to include project observation, administration services, the extension that's required to meet the needs of the department. They are at a capacity limit on providing those services so we are amending using the contract with the engineer to provide those services. The initial contract did not include those services as we were in a better position to do the project observations.

CHAIR HAMILTON: Staffing-wise

MR. TAYLOR: Staffing-wise. Correct, Madam Chair. That's correct.

Staffing-wise, this is going to really help the department complete the project and reach substantial completion for the project. So with that, Madam Chair, I'll stand for questions and Mr. Dupuis is present for any questions regarding the project.

CHAIR HAMILTON: Thank you. Thank you for being here so late, both of you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. And since you did have to stay so late I do have a question. So where are we in the project and what remains to be done? I assume that we are still actually delivering water from Rancho Viejo through Eldorado to Cañoncito or something like that. So there's just a few things left to finish up?

JOHN DUPUIS (Utilities Director): Madam Chair, Commissioner Hughes, we are currently trying to get all the conversion from the old meters that were servicing customers to the new meters, and the new customers are members of the association that were not previously served, so they didn't have an old meter, getting them connected with a new meter.

COMMISSIONER HUGHES: So those people are in Cañoncito?

MR. DUPUIS: Correct. And there are also homes along Old Las Vegas Highway.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR HAMILTON: That's great.

COMMISSIONER HUGHES: So I'll move for approval.

COMMISSIONER GARCIA: Second.

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

**The motion passed by unanimous [3-0] voice vote.** [Commissioners Roybal and Hansen were not present for this action.]

**6. E. Request (1) Approval of New Mexico Food Security Grant Award/Agreement in the Amount of \$1,386,301 for the Food Mobile Program; and (2) Approval of the Equipment and Service Lease Agreement No. 2023-0106-CSD/BT with the Food Depot to Expand the Food Mobile Program**

CHAIR HAMILTON: Mr. Taylor.

MR. TAYLOR: Thank you, Madam Chair, Commissioners. Before you are two agreements. One is a grant agreement from the State. The Governor's Office of New Mexico made available \$10 million for grants for funding for food security efforts around the state. The County was awarded \$1,386,301. Along with that, inclusive from DFA is also an equipment lease agreement with Food Depot to administer that food to the public. With that, Madam Chair, I'll stand for questions. And we also have Jennifer Romero here to answer any questions the Commission many have.

CHAIR HAMILTON: Excellent. Thank you and thank you, Jennifer for being here. Questions, Commissioner Hughes.

SFC CLERK RECORDED 12/28/2022



COMMISSIONER HUGHES: Thank you, Madam Chair. I just had a quick question. I'm sure this is a great idea. I know it is, but will the Food Depot be able to keep this going after the funding from the Governor is used up? Maybe they haven't indicated that but if they have could you let me know?

JENNIFER ROMERO (Community Services): Madam Chair, Commissioners, the grant is mostly for purchase of items, so yes, they will be able to continue afterwards.

COMMISSIONER HUGHES: Okay. Thank you. I move for approval.

COMMISSIONER GARCIA: Second, discussion.

CHAIR HAMILTON: Yes, under discussion.

COMMISSIONER GARCIA: Thank you, Ms. Romero. So we're actually a pass-through for this \$1.3 million? And then once it goes out through Procurement it actually goes to the qualified vendor?

MR. TAYLOR: Madam Chair, Commissioner Garcia, the money is to be used by the County to actually purchase the equipment – a trailer, refrigerator equipment, some storage – that type of equipment, that the County will do through Procurement to purchase those items. Then we're leasing that equipment to Food Depot to utilize to administer the food.

COMMISSIONER GARCIA: Thank you, Mr. Taylor. So once again, this is actually to purchase equipment that the County will own.

MS. ROMERO: Madam Chair, Commissioners, yes.

COMMISSIONER GARCIA: The County will own the trailer, will own the refrigerator, we will own – and where is this stuff going to be stored at?

MS. ROMERO: Madam Chair, Commissioners, the Food Depot would be responsible for keeping the items at their facility, which is in the lease agreement.

COMMISSIONER GARCIA: So I'm just going to ask the question. So in regards to the refrigerator that lasts 10, 15 years, this \$1.3 million, it's meant basically for the equipment that you mentioned, the three or four different items.

CHAIR HAMILTON: And the mobile van, right.

COMMISSIONER GARCIA: What kind of mobile van is it?

MS. ROMERO: Madam Chair, Commissioners, if I can give a little bit more background.

COMMISSIONER GARCIA: Yes. Please.

MS. ROMERO: Thank you. So in April 2022 the Governor made \$10 million available for grant funding for food security around the state. Funding was made available on a reimbursement basis through June 30 of 2023 and a local government had to be the fiscal agent. In May of 2022 the County supported the Food Depot's proposal seeking \$1.6 million, and in August of 2022, the County received notification that the Food Depot's proposal was funded in the amount of \$1,386,301 to be exact, and was asked to execute the attached grant award and agreement letter.

Because of this we would be the owners of the materials that are purchased. The proposal includes a 52-foot food mobile, and this is an expansion of their original food mobile that was created, I believe, in 2020 due to the pandemic. This food mobile is much larger than the current food mobile and would be available to service more rural areas of the community without having to come back to their original facility and filling

up with additional supplies.

The structure of the food mobile is also a little bit different. Their original food mobile was more so for distribution in rural areas, so individuals would line up and hey would receive a food bag from the food mobile. Food mobile 2.0 as we call it would be a large food mobile where an individual can actually enter in, kind of like a small grocery store and pick out their own items that they would feel comfortable utilizing at home. They would know how to use the ingredients that are more appropriate to their dietary needs.

I'd also like to say in terms of need, the most recent Youth Risk and Resiliency Survey data showed that 12.9 percent of youth surveyed stated that they went hungry most of the time, sometimes, or always, because there was not enough food in their home. This would be one of our efforts to hopefully mitigate these youth from not having enough food.

COMMISSIONER GARCIA: Thank you, Madam Chair. So the Food Depot would be responsible for operation, who's going to drive the truck. They're basically utilizing us as a pass-through so we can actually procure the items that are needed for the Food Depot.

MS. ROMERO: Madam Chair, Commissioners, yes.

COMMISSIONER GARCIA: And so if somebody from La Cienega, Edgewood, up north wanted to talk to the Food Depot, they would have to talk to the Food Depot in order to get that truck delivered or in order to get that truck there once a week, once a month, right?

MS. ROMERO: Madam Chair, Commissioner Garcia, I think the intention is to really hit the areas that are in most need. So if food mobile 1 can cover certain areas with food mobile 1, and if that has enough capacity that will continue on. Food mobile 2 will be used for areas that maybe have more individuals that would utilize the vehicle and in more rural areas of the community where it's hard to kind of get out there and come back to their original facility.

COMMISSIONER GARCIA: Is there additional money out there that the Governor set aside for this type of use? Do you know?

MS. ROMERO: Madam Chair, Commissioner, for this grant specifically there was \$10 million available. I believe the state is hopeful that we would reapply again in the future. They do plan to have another application process in the next fiscal year.

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

CHAIR HAMILTON: Excellent. Is there other discussion? I have a motion and a second.

**The motion passed by unanimous [3-0] voice vote.** [Commissioners Roybal and Hansen were not present for this action.]

SFC CLERK RECORDED 12/28/2022

**6. F. Request Reallocation of American Rescue Plan Act (ARPA) Funds from Public Awareness & Public Health Related Expenses to the Following Positions in the Santa Fe County Fire Department: (1) EMS Quality Assurance Lieutenant and (2) Warning and Emergency Public Information Officer**

CHAIR HAMILTON: I imagine Manager Shaffer and Jaome Blay will explain to us.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I think that hopefully the background is pretty well laid out in the staff memo. On one hand, the Board of County Commissioners did allocate \$1.2 million in ARPA funds to public awareness and public health related expenses associated with COVID-19. In the event, we have not utilized much of that money for that purposes and the Community Services Department does not believe that the current state of the COVID-19 pandemic will support significant additional expenditures of that kind.

In terms of other needs elsewhere in the County, the fiscal year 2023 fund budget included funding for two new FTE within the Santa Fe County Fire Department – an EMS quality assurance lieutenant and a warning and emergency public information officer. Funding for those positions was used to meet what was considered a paramount need of funding pay increases within the bargaining unit that were reflected in amendment #1 to the CBA. Now that we're reassessed what's going on with the ARPA funds we would just respectfully request that the Board reallocate \$800,000 in funds that had been previously allotted to public awareness and public health for purposes of the EMS quality assurance lieutenant and the warning and emergency public information officer. We estimate that that should be sufficient to fund the positions through fiscal year 2026, after which point in time another funding source would be needed.

I'd be pleased to answer any questions as would Director O'Connor and interim Fire Chief Blay.

CHAIR HAMILTON: Excellent. Thank you. I know these positions were well justified previously so I'm really glad to see them come back around. Are there other questions? Commissioner Hughes.

COMMISSIONER HUGHES: I agree. This is a great idea. I move for approval.

COMMISSIONER GARCIA: Second, and just discussion, Madam Chair. I'm interested in that public information officer but we can sit down and talk about it. Thank you, Madam Chair.

CHAIR HAMILTON: Just for the record, that's been something that's been on the books for quite a few years. Okay. So I have a motion and a second.

**The motion passed by unanimous [3-0] voice vote.** [Commissioners Roybal and Hansen were not present for this action.]

CHAIR HAMILTON: That takes us all the way through 6. We've completed 7. I think we have been at this so long it's been recommended that we take a

SFC CLERK RECORDED 12/28/2022

five minute break, and then we'll reconvene and pick up on public comment and executive session and the public meetings. Thank you so much. We'll be back in five.

[The Commission recessed from 6:58 to 7:10.]

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

CHAIR HAMILTON: So I'd like to reconvene. This actually takes us to item 8, which is Matters of Public Concern. My first question is is there anybody here in chambers from the public, not with respect to the public hearing which will come later, but with general matters they wish to address to the Board of County Commissioners? Is there anybody on Webex?

TINA SALAZAR (Manager's Office): Good evening, Madam Chair. There are no individuals signed up to speak under public concern.

CHAIR HAMILTON: Excellent. Thank you so much. So just for good measure, there's nobody here in the chambers as well. I'm going to go ahead and close Matters of Public Concern.

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

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

CHAIR HAMILTON: We have two items and I'll simply go to Manager Shaffer to present those two items.

MANAGER SHAFFER: Thank you, Madam Chair, Commissioners. First, relative to Miscellaneous and COVID-19 updates, I did want to reiterate that we will be attempting to complete a road improvement project in the Agua Fria area before December 30<sup>th</sup> of this year, weather permitting. The construction is anticipated to begin on November 21<sup>st</sup> and on December 30<sup>th</sup>. It is a phased project involving Agua Fria Street, Henry Lynch Road, Agua Fria from Skeeter Lane to San Ysidro Crossing as well as Agua Fria from San Ysidro Crossing to Lopez Lane, and then finally, Lopez Lane from Agua Fria to Rufina Street and Caja del Oro Grant Road from Agua Fria Street to Camino Cemeterio.

Director Giron is handing out a brief power point for you to peruse at your leisure. [Exhibit 1]. The work will require that the roads be closed to through traffic, generally Monday through Friday from 8:30 am to 4:00 pm. It is possible, in order to get the projects done this construction season that the County may allow the contractor to work on Saturdays.

But again, local traffic will always have access as will emergency responders and we will endeavor to keep the public informed through a variety of means. Message boards will be placed in advance of paving to inform and communicate with the motoring public. We will also endeavor to use our district email distribution list in order to send out email reminders to let folks know what roads will be closed during what periods of time as the construction actually progresses. And finally, we'll also post information on our Facebook page. So I did want to provide that general update to the Board and to members of the public who may be listening.

SFC CLERK RECORDED 12/28/2022

With regard to COVID-19, the only two updates I have is that the Governor did extend the statewide public health emergency associated with COVID-19 I believe through December 9<sup>th</sup>, if I'm not mistaken, and I would just remind everyone that per the CDC we are in a state of high transmission in Santa Fe County and so remind everyone to be careful and that the CDC recommends and our policy requires general mask wearing when you're not working alone. Speaking into a microphone, drinking water, eating, what have you, but generally, for the time being we have to mask up. Thank you.

CHAIR HAMILTON: Great. Thanks so much. If any Commissioners have questions of the Manager please speak up. Otherwise I'm going to go on.

**9. B. Report Pursuant to Resolution No. 2022-087 Concerning Paid Acting District Chiefs Needing to Serve More Than Two Months**

CHAIR HAMILTON: We have a report pursuant to Resolution 2022-087 concerning paid acting district chiefs needing to serve more than two months. And we have Acting Fire Chief Jaome Blay. Welcome.

JAOME BLAY (Acting Fire Chief): Good evening, Madam Chair, Commissioners. As you may know, we have 14 fire districts, two of which for some time now have not had a volunteer district chief. Instead we've had some paid personnel from Fire Admin filling in that position, specifically for the Agua Fria District and Edgewood District. As you also may know, in November, fire districts hold their nomination/ election and then in December they have their election meeting.

So we're hopeful that we will be filling those vacancies with volunteer district members. Captain Mike Feulner has been reaching out to the community and trying to get some attention from some of the members to step up to that position, and the same thing for Agua Fria. So we're hopeful that we will be getting both of those positions filled with volunteer members.

One of the reasons why we've found ourselves in that position is due to the COVID pandemic. It became difficult to recruit people to meet in person. Some people also, some of the district members left the volunteer fire department due to vaccine mandates. But overall, I think we are coming back and we are trying to strengthen our volunteer ranks moving forward by recruiting and retaining them, by making the process a little bit more efficient and more effective, so again, we're hopeful that we will be recruiting members for those positions.

CHAIR HAMILTON: Excellent. I really appreciate that. It is no small – it is clearly no small task to rebuild the volunteers from where they are not to where they need to be. So I really appreciate hearing the commitment to do that. It's not trivial and it was never envisioned as being trivial. It was just envisioned as being really, really critical. And so I really appreciate you coming and reporting on these two districts. Are there any questions anybody has? I guess not. Manager Shaffer, did you just give me the high sign?

MANAGER SHAFFER: No, I was just going to say that obviously we'll report back after the November and fall and winter election cycle moves forward to inform the Board when those positions are in fact filled with volunteers, or if we run into unexpected problems we'll obviously report that as well. That's all I was going to add.

SFC CLERK RECORDED 12/28/2022

CHAIR HAMILTON: Excellent. I was going to make that presumption and actually verbalize it. So thank you very much. Is there other stuff that you have?

ACTING CHIEF BLAY: No. Thank you, Manager Shaffer, for bringing that out and bringing out on page 3 of that resolution where should acting district chief need to serve in that position for more than two months the County Fire Chief shall report this to the Board at the next regularly scheduled Board meeting. So I wanted to make sure that we'll report that should that take place. But we are hopeful that we won't have to.

CHAIR HAMILTON: Yes. It's an ongoing effort. We anticipate it being a really strong and also well supported effort from up here. So thank you very, very much.

**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: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I will be brief. I have no townhalls scheduled until January, giving people a break over the holidays. I am the County's representative on the Regional Transit District and I just wanted to mention that the Regional Transit District needs bus drivers. It's no surprise that we're all seeking employees and were it not for the lack of bus drivers they would be back to running all their routes, but some of them are still on demand, including my neighborhood. So hopefully we're going to get some bus drivers as things go back more toward normal.

And I also wanted to mention that Commissioner Hansen and I as well as Manager Shaffer and Attorney Young were at a meeting about supporting the Coalition of Sustainable Communities in their efforts to create a green bank, which would among other things take advantage of some of the federal funding that's coming down due to the recent federal legislation for climate change and I think I ended up with more questions at the end of the meeting than I had at the beginning but that's okay because I just didn't know how many things there were to be questions about beforehand. But as we learn more about this effort and I certainly think we do want a green bank in New Mexico, I will report back.

And that's it for me. Thank you, Madam Chair.

CHAIR HAMILTON: That's actually good to hear. Commissioner Garcia. No? Commissioner Roybal. No? Great. That takes us – I don't have anything either. I'm going to move right now to Matters from Other Elected Officials.

**10. B. Constituent Concerns, Recognitions and Requests for Updates or Future Presentations**

CHAIR HAMILTON: Are there any other elected officials any place to be seen who wish to speak at this time? Is there anybody online?

MS. SALAZAR: Madam Chair, no, there's no one on line to speak.

CHAIR HAMILTON: Excellent. Thank you so much.

SFC CLERK RECORDED 12/28/2022

**12. PUBLIC HEARINGS**

**A. Ordinance No. 2022-08, 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: That takes us – we have two items remaining. Matters from the County Attorney and the Public Hearing, but I am guessing the Public Hearing is going to be shorter, both of them, than executive session. So I’m going to go ahead and go to item 12, which is the public hearing on the waste ordinance, amending the Solid Waste and Recycling Management Ordinance. Director Giron, thank you so much for staying the course and waiting so long to get to this.

MR. GIRON: Madam Chair, you’re welcome. Commissioners, the issue in front of you is 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 increases to solid waste permit fees. To give you the background, this has been before the body before, general title and summary have been in the paper on 10/31 of this year, but to recap.

In January of 2021 the last solid waste increase contemplated by the Ordinance No. 2014-10 was set to take effect. The scheduled rate increase would have increased the solid waste permit fees as described in Section 13 A and B as follows: 12-punch permits would have gone from \$110 to \$140; six-trip punch permits would have gone from \$55 to \$70; three-trip punch permits would have increased from \$27.50 to \$35; one-trip permits would have increased from \$18 to \$19, and five bag tags would have increased from \$9 to \$10.

As you can remember, we were in the middle of COVID when those rate increases were set to take effect and because of that the County Manager at the time suspended the rate increases indefinitely pursuant to Ordinance No. 2020-4, an emergency ordinance authorizing the County Manager to extend due dates for money owed the County and waive fees for County services, waive penalties and interest for late payments, or delay consequences of delinquent payments during the COVID-19 emergency. In other words, the scheduled rate increases never went into effect.

The subject ordinance would then codify the County Manager’s action taken at that time, which is appropriate given the significant inflation that constituents continue to face and the fact that the fiscal year 2023 solid waste budget was presumed frozen, rather was based on the old rates and not on the new rates.

In addition, the updated cost study – this is a second item. It won’t take a second to talk about this. We’re proposing that we would do a cost study to look down the road for future rate increases that examine the present state of the solid waste collection center sites. Currently, 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.” Long enough title. The final report was produced by LEIDOS in March 2014.

A lot has changed since then including an increase to the Santa Fe 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 is our recommendation from staff that the report be updated and the results be presented to the Board of County Commissioners at a future meeting, sometime in the spring, at which time the Board can provide direction concerning the future rate structure for solid waste services within the county, because I believe that it is appropriate for us to update that study so that the Commission can make an informed decision.

We are planning, if this is approved by the Commission tonight, that we would seek to update that report and get a scope of work and we believe that it will only take about 60 or so days for that report to be updated and then brought back to the Commission. So for today, the action requested is that the Board of County Commissioners approve the attached ordinance codifying the action taken by the County Manager to waive fees and to freeze them at the earlier rates.

And with that I'll stand for any questions.

CHAIR HAMILTON: Excellent. And before we go to questions I'm going to – these both require public hearings so I'm going to open the public hearing. Is there anybody here in chambers who wishes to speak to this item in particular? Seeing none, is there anyone on Webex, online, who wants to speak to this ordinance?

MS. SALAZAR: Madam Chair, there is no one online to speak in regards to this ordinance.

CHAIR HAMILTON: Excellent. Thank you very much. So I'm going to close public hearing and go to Commissioners. Do you have questions, discussion? Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I appreciate being able to I guess reiterate or codify this agreement and what we brought forward by the County Manager. It's always been one of those situations where it's a very difficult situation. When I first came into being a County Commissioner, a couple years in I wondered every year, the permits seemed to be going up and I don't remember it coming to the Commission and I asked Manager Miller at the time and she said, well, there was an ordinance put in place prior to you being a Commissioner that every year it would go up till it reached a certain point.

We were able to slow that down and stop it at one point because it was getting to a point where I was seeing mattresses thrown on the county roads and people were just throwing their trash. And so I think that it was getting to a point where people couldn't afford those permits. So I'm glad that we were able to stop them. Glad that we're not going to move this up. As Commissioner Anaya used to say, roads are really expensive but we don't charge people to drive on the roads. And so I think at some point, maybe there's some way we could look at adding to our property taxes so that we don't have to come up with purchasing these on a yearly basis. I think there are some counties that possibly do that and just figuring out how we can work with our constituents.

But I do appreciate this and I move for approval.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Okay. So I have a motion and a second. Under further discussion, Commissioner Garcia.



COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Giron for bringing this forward. I was assuming Commissioner Roybal was going to start bringing an ordinance forward for some toll booths on County roads but glad he didn't go down that road. This is very interesting in regards to how the ordinance got established many years ago and how it evolved. It's interesting. This chamber was full one time when we actually, when the County actually was proposing to increase the solid waste fees.

There's three or four different areas that will never pay themselves off based off of tax dollars: transit, wastewater treatment plants, solid waste. So it will be interesting to see how the study and how the analysis goes and who they compare it to and how it goes out there. But I think this is good that as Commissioner Roybal pointed out, it's going to be a big educational piece to the taxpayer out there, because it's not good to see whenever we raise those fees at one time people are literally – you understand where I'm going to go on this. But appreciate you bringing this forward and I probably won't be able to see this ordinance coming forward, but nonetheless, appreciate you.

MR. GIRON: Madam Chair, if I could respond, Commissioner. That's one of the reasons we chose to go with LEIDOS because they have done the study for the surrounding area, for the City of Santa Fe, for SWMA, and actually for a neighboring country, for Taos County. So they have all of that data about what other communities are doing and that will then inform what we find out for the report for Santa Fe County.

COMMISSIONER GARCIA: Awesome. I don't know if now is the time to do or not, but didn't we have a pilot program in regards to curb pickup of solid waste in the Eldorado area? I think we had started with that, or that didn't go anywhere.

MR. GIRON: Madam Chair, Commissioner, I don't recall. Greg, do you?

MANAGER SHAFFER: I'm sorry, Madam Chair, Commissioner. That's not ringing a bell. We'll have to look into that and get back to you.

CHAIR HAMILTON: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to say that I support the idea of doing the study. So I think it's a good idea.

CHAIR HAMILTON: And actually, that was going to be my response. Thank you for bringing forward that idea and doing the study, because the old one is older; things have changed, like you said, and there's nothing like actually having some information to be able to work with. So what a concept. So at this point, if nobody has questions. Erika, are you still online to be able to do a roll call?

MS. QUINTANA: I am, Madam Chair.

**The motion to approve Ordinance No. 2022-08 passed by unanimous [4-0] roll call vote as follows:**

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

SFC CLERK RECORDED 12/28/2022

**13. PUBLIC HEARINGS ON ADMINISTRATIVE ADJUDICATORY MATTERS**

- A. Case # 15-5054, La Entrada Final Plat for Phase 1/Sub-Phase 4. Univest-Rancho Viejo, Applicant, JenkinsGavin, Inc., Colleen Gavin, Agent, Requests Final Plat Approval for Sub-Phase 4 of the La Entrada Residential Subdivision Phase 1 to Create 49 Residential Lots within a Previously Approved 404-Lot Residential Subdivision. The Property is Located within the Santa Fe Community College District Planned Development District, Between Avenida Correcaminos and Caminito de las Rositas, North of Rancho Viejo Blvd. and West of Avenida del Sur, within Sections 19 & 20, Township 16 North Range 9 East (Commission District 5)**

CHAIR HAMILTON: John Lovato, welcome. Thank you for making this presentation.

JOHN LOVATO (Case Manager): Madam Chair, Commissioners, thank you. Univest-Rancho Viejo, Cass Thompson, representative, requests final plat approval for sub-phase 4 of the La Entrada Residential Subdivision Phase 1 to Create 49 residential lots within a previously approved 404-Lot residential subdivision. The property is located within the Santa Fe Community College District Planned Development District, between Avenida Correcaminos and Caminito de las Rositas, north of Rancho Viejo Blvd. and west of Avenida del Sur, within Sections 19 & 20, Township 16 North Range 9 East, Commission District 5.

The chronological history of the project is as follows: On April 11, 2006, the Board of County Commissioners granted master plan approval for Rancho Viejo Village West, for a mixed-use development – residential, commercial, community – consisting of 1,250 residential units and 117,250 square feet of commercial space on 668 acres to be developed in three phases within Rancho Viejo.

On September 12, 2006, the BCC approved the La Entrada Subdivision Phase 1, which was part of Rancho Viejo Village West. The BCC granted preliminary plat, final plat, and development plan approval of 456 residential lots with a Commercial Community Center, on 249 acres in accordance with the approved master plan and variance to permit a cul-de-sac road exceeding 300 feet.

On December 19, 2006, the plat for the southern portion of La Entrada Phase I, south of Rancho Viejo Blvd, consisting of 238 lots was recorded.

On June 10, 2014, the BCC approved the vacation of the platted archaeological easement located within La Entrada Phase 1 residential subdivision, which has been mitigated.

On June 9, 2015, the BCC approved the requested amendment to the preliminary plat, final plat, and development plan for La Entrada Phase 1. The request was for a reduction in the number of lots from 456 lots to 404, an increase of undeveloped open space from 139.78 acres to 146.36 acres, an increase of developed open space from 5.69 acres to 7.87 acres, and a reduction of the private park area from 4.13 acres to 3.94 acres. In addition to these changes the applicant requested the removal and realignment of

SFC CLERK RECORDED 12/28/2022

several roads within the subdivision.

On November 10, 2015, the BCC approved a request for a master plan amendment to sub-phase the previously approved La Entrada Residential Subdivision Phase 1, north of Rancho Viejo Boulevard. Preliminary plat approval for all four sub-phases and final plat approval for Sub-phase 1, which consisted of 58 lots.

On November 13, 2018, the BCC approved the final plat for Sub-phase 2, which consists of 24 lots. On January 14, 2020, the BCC approved the final plat for Sub-phase 3, which consisted of 35 lots. And I just want to note, Commissioners, there's a typo there and it should not read recorded September 13, 2019, instead recorded December 21, 2021, as Instrument # 1973264.

Zoning: The property lies within the Community College Planned Development District within the Village Zone/New Community Center Zone of the Community College District. Residential density in Village Zone including any new Community Center, Neighborhood Centers and Neighborhoods contained within the zone is 3.5 dwelling units per acre minimum. The applicant proposes 49 lots for sub-phase 4 with lot sizes that range from 0.18 acres to 0.68 acres in size.

At the Preliminary Plat stage the Application was reviewed for the following: fire protection, water supply, liquid waste, signage, terrain management, solid waste, access, open space, lighting, protection of historic and archaeological resources, and affordable housing.

Growth Management staff has reviewed this application for compliance to pertinent code requirements and finds the subject is in compliance with County criteria for this type of request. The application is in accordance with the preliminary plat approval.

Recommendation: Staff recommends approval of the final plat, for Sub-phase 4 of the La Entrada Phase 1 Subdivision subject to the following conditions. Madam Chair, may I enter those conditions into the record?

CHAIR HAMILTON: Yes, please.

[The conditions are as follows]

1. The Final Plat for Sub-phase 4 must be recorded in the Office of the County Clerk.
2. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat.
3. The Applicant shall submit an engineered cost estimate to be approved by Staff and a financial guarantee in an amount sufficient to ensure completion of all required improvements prior to recording the Final Plat.
4. The Applicant shall comply with all conditions of the approved Master Plan, Preliminary Plat, Final Plat and Development Plan.
5. Accessory Dwelling Units are prohibited on these lots.
6. Water use shall be restricted to 0.20 acre-feet, per year, per lot. Water restrictive covenants shall be recorded with and referenced on the Final Plat.

MR. LOVATO: Thank you, and I stand for any questions that you may

SFC CLERK RECORDED 12/28/2022

have.

CHAIR HAMILTON: Excellent. Thank you. Before I go to questions, is the applicant here? Would they like to make a statement?

MR. LOVATO: Madam Chair, they are and so is their agent.

CHAIR HAMILTON: Excellent. Welcome.

[Duly sworn, Colleen Gavin testified as follows:]

COLLEEN GAVIN: I'm Colleen Gavin, 130 Grant Avenue. Madam Chair, members of the Board, I know it's been a late evening for you, so we are in agreement with staff's recommendations and conditions of approval. I did prepare a presentation but I will defer to your questions and conversation and if necessary we will pull up any type of relevant slide.

CHAIR HAMILTON: That sounds great. I appreciate the approach and appreciate the staff and you and the applicants to bear with us for what turned out to be a longer meeting. So unless people have questions they feel should be answered before public comment, I would like to open public comment, because that's obviously going to be brief. I'm going to go open public comment. Is there anybody – I don't see anybody new, but is there anybody here from the public who wishes to speak to this matter? Seeing none, is there anybody on Webex who wishes to speak to this issue?

MS. SALAZAR: Madam Chair, there is no one online to speak regarding this issue.

CHAIR HAMILTON: Thank you so much. So I'm going to go ahead and close public comment and go to questions from the Commissioners. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and this looks like a very straightforward thing. I just had a question for whoever. How does the affordable housing component of this work?

MR. LOVATO: Madam Chair, Commissioner Hughes, the affordable housing was granted at the previous plat amendment within the approvals. And so what they've done is they've laid these out and so far 34 of the affordable housing units have been constructed, and there are several more that are going along, but as each phase moves along they construct these in accordance with those approvals.

COMMISSIONER HUGHES: So is the affordable housing part of the overall La Entrada, not necessarily part of just Phase 4? Is that right?

MR. LOVATO: Madam Chair, Commissioner Hughes, that is correct.

COMMISSIONER HUGHES: Okay. And you said those have already been constructed for the most part?

MR. LOVATO: Madam Chair, Commissioner Hughes, about half of them have been constructed.

COMMISSIONER HUGHES: Half of them have been constructed. Okay. Thank you. That was my question.

CHAIR HAMILTON: Other questions? Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, just apologize to Mr. Thompson actually sitting out there for a little while. He got to hear some good interesting cases. But just seeing the subdivision develop from the Dinosaur Trail area, actually very impressed with your development and how affordable housing, commercial,

and you're actually keeping an eye on everything that happens out there. So I appreciate that. Thank you.

CHAIR HAMILTON: Commissioner Hughes.

COMMISSIONER HUGHES: I'll move for approval.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: So I have a motion and a second. Is there anything further under discussion? Seeing none.

MR. LOVATO: Madam Chair, just for clarification. Would that be with staff conditions?

CHAIR HAMILTON: Yes, of course.

COMMISSIONER HUGHES: Yes, with staff conditions.

CHAIR HAMILTON: And the seconder is with staff conditions?

COMMISSIONER GARCIA: Yes.

CHAIR HAMILTON: Okay, yes. I got a yes on that. So there's a motion and a second.

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

**11. MATTERS FROM THE COUNTY ATTORNEY**

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

- 1. Breach of Settlement Agreement and Related Agreements Related to Annexation**
- 2. Executive Management Personnel Issues**
- 3. Claim Arising out of the Adult Detention Facility**

CHAIR HAMILTON: Attorney Young, can you please read us into what we'll be doing?

MR. YOUNG: Yes, Madam Chair, Commissioners. For tonight's executive session we have limited personnel matters as allowed by Section 10-15-1(H)(2) NMSA 1978, as well as threatened or pending litigation in which the County is or may become a participant as allowed by Section 10-15-1 (H)(7), and specifically including

SFC CLERK RECORDED 12/28/2022

breach of a settlement agreement and related agreements related to annexation, executive management personnel issues, and then finally, claim arising out of the adult detention facility.

CHAIR HAMILTON: Thank you. And I believe that we have a potential action item afterwards, so we will be coming back out.

MR. YOUNG: Potentially yes. We'll go ahead and reserve that option, but I estimate about 45 minutes, approximately.

CHAIR HAMILTON: Okay. Great. Really appreciate it. So I would entertain a motion to go into executive session.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move that we go into executive session as outlined by our County Attorney.

COMMISSIONER ROYBAL: Second.

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

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

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye
Commissioner Roybal	Aye

[The Commission met in executive session from 7:46 to 9:29.]

CHAIR HAMILTON: We have to make a motion to come out of executive session.

COMMISSIONER HUGHES: I make a motion to come out of executive session and nothing was discussed except those matters mentioned by Attorney Young.

CHAIR HAMILTON: And no decisions were made.

COMMISSIONER HUGHES: And no decisions were made.

COMMISSIONER HANSEN: Second.

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

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

**11. B. Potential Action on Items Discussed in Executive Session**

Deemed not required.


SFC CLERK RECORDED 12/28/2022

**14. CONCLUDING BUSINESS**


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

Commissioner Hansen moved to adjourn and Commissioner Garcia seconded, and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 9:30 p.m.

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 12/28/2022



EXHIBIT

tabbles

1

# SANTA FE COUNTY AGUA FRIA ROAD IMPROVEMENTS PROJECT 2023-0021-PW-KE



**Construction Start Date (Weather Permitting):**

November 21, 2022

**Anticipated Completion Date:**

End December 30, 2022

SFC CLERK RECORDED 12/28/2022

## PROJECT COORDINATION



- The Regional Emergency Communications Center (RECC)
- The Agua Fria Village Association
- City of Santa Fe Traffic Division
- The Santa Fe Trails Transit Department
- Santa Fe Public School Transportation



## ► Star Paving



\*Road paving will typically be between 8:30 am and 4:00pm Monday – Friday

\*In an effort to expedite work and to minimize disruptions to businesses, Santa Fe County may allow the contractor to work on Saturdays.

\*Paving is weather and temperature dependent with minimum road surface temperatures of 35 degrees and rising.

## ► Project Phasing



PHASE 1 - AGUA FRIA STREET BETWEEN WILLY ROAD AND LOPEZ LN. (.85 MILES)  
 PHASE 2 - HENRY LYNCH ROAD FROM AGUA FRIA TO WOFFORD LN. (.08 MILES)  
 PHASE 3 - AGUA FRIA FROM SKEETER LN TO SAN YSIDRO CROSSING. (.68 MILES)  
 PHASE 4 - AGUA FRIA FROM SAN YSIDRO CROSSING TO LOPEZ LANE. (.69 MILES)  
 PHASE 5 - LOPEZ LANE FROM AGUA FRIA TO RUFINA STREET. (.57 MILES)  
 PHASE 6 - CAJA DEL ORO GRANT ROAD FROM AGUA FRIA STREET TO CAMINO CEMENTERIO. (.64 MILES)

TOTAL MILEAGE= 3.51





## AGUA FRIA AREA PROJECT PHASING

### Traffic Control

- ✓ Message Boards will be placed in advance of paving so to inform-communicate with the motoring Public.
- ✓ Safe work will require road closures with full detours.
- ✓ Roads to remain open to local traffic and emergency vehicles.
- ✓ Roads to be reopened at the end of each work day.

**\*MOTORISTS, PEDESTRIANS AND BICYCLISTS ARE URGED TO SEEK ALTERNATE ROUTES, EXPECT A FULL DETOUR AND ALLOW ADDITIONAL TIME TO NEGOTIATE THESE ROAD CLOSURES**



SFC CLERK RECORDED 12/28/2022