

SFC CLERK RECORDED 04/07/2022

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

**February 22, 2022**

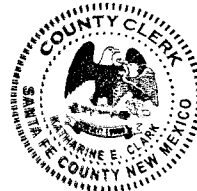
Anna T. Hamilton, Chair - District 4  
Rudy Garcia, Vice Chair - District 3  
Anna Hansen - District 2  
Hank Hughes - District 5  
Henry Roybal - District 1

COUNTY OF SANTA FE       )  
STATE OF NEW MEXICO    ) ss

BCC MINUTES  
PAGES: 46

I Hereby Certify That This Instrument Was Filed for  
Record On The 7TH Day Of April, 2022 at 09:48:00 AM  
And Was Duly Recorded as Instrument # 1985351  
Of The Records Of Santa Fe County

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



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

**February 22, 2022**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:30 p.m. by Chair Anna Hamilton in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

Pursuant to continued concerns regarding COVID-19, this meeting was conducted on a hybrid platform incorporating both in-person and virtual participation.

**B. Roll Call**

Roll call 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 Alexander Painter of the Growth Management Department.

Commissioner Garcia remembered Javier Gonzales, former County Commissioner, Santa Fe City Mayor, and NACo president, who passed away this week. Commissioner Hansen lauded his work as the youngest and only Hispanic head of NACo. Commissioner Roybal recognized him for his public service.

Commissioner Roybal also asked for a moment of silence for the mother of Community Services Director Rachel O'Connor, and for the mother of former County Attorney Steve Kopelman.

SFC CLERK RECORDED 04/07/2022

**1. F. Approval of Agenda**

CHAIR HAMILTON: Manager Miller, do we have any changes of note?

KATHERINE MILLER (County Manager): Yes, Madam Chair. Just a couple of changes. We posted the agenda on Tuesday, February 15<sup>th</sup> at 5:08 pm, and then we posted the amended agenda with the following two amendments on Friday, February 18<sup>th</sup> at 5:05 pm. Those two items are Consent Agenda item 4. D. That packet material that is in the BoardDocs, that material was updated. No change to the caption, just the packet material. And then under Matters from the County Manager, item 9. B, that packet material was also updated with the end of the first session of the 56<sup>th</sup> legislature. And those are the amendments to the agenda, Madam Chair.

CHAIR HAMILTON: Thank you. I see that's 8. C, first session of the legislature, for the record. So that's updated. So with those amendments, what's the pleasure of the Board?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the agenda with the updated changes.

COMMISSIONER GARCIA: Second.

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

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

**G. Employee Recognition – Years of Service and New Hires**

MANAGER MILLER: Thank you, Madam Chair. As you know, we've been trying to hire and fill all our vacant positions, and in January of this year, January 1<sup>st</sup> through 31<sup>st</sup> we added about 12 new staff to the County rolls. In Human Resources, we have Deputy Director Melinda Moquino. In IT we Ryone Birnie-Visscher. He's an IT generalist. In Planning we have Nathaniel Crail. In Public Safety, in Corrections, Detention Officer Megan Martinez. In the Fire Department, Administrative assistant, Arianna Archuleta and Forestry Tech Marco Grajeda.

In RECC Dispatch, we have a new trainee, Deborah Tang. In Public Works, Department Project and Facilities Management, two new custodians, Rosa Beltran Soto and Ana Erazo Gomez. And then in the Sheriff's Office, Sheriff's Deputy 3, Leonard Martinez and Sheriff Deputy Cadet Brendan York. And those are the new hires.

Then recognizing our employees for their consecutive years of service in five-year increments, we have five individuals that hit their five-year mark in February, and that's Paulina Lopez who started in the Fire Department and then was in the County Manager's and now she's in DWI Division of our Community Services Department. Then Edgar Madrid in Animal Control in the Sheriff's Department. Marvin Tapia in our adult facility, and Oliver McCartney in the Sheriff's Department Administration. And Daniel Smith in Road Maintenance in Public Works.

Then hitting their ten-year anniversary this month, Celeste Sanchez in Property Control, and Christopher Flores in the RECC/Administration. And then rounding off the

SFC CLERK RECORDED 04/07/2022

list Kenneth Vaughn in the County Clerk's Office in Reporting and Recording has met his 15<sup>th</sup> year anniversary this weekend.

So I just want to congratulate the staff for their milestones with Santa Fe County and thank them for all their service to the constituents of Santa Fe. And that's all I have.

CHAIR HAMILTON: Thank you so much. Are there any comments from Commissioners? Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. As an individual that has worked for Santa Fe County for 28 – I don't know how many years now. Thirty years. Sometimes during these last three years it's been a challenge to the whole nation and to local government but however, the employees that work for the County, we appreciate you. And we may not tell you this every single day but thank you for working for Santa Fe County because all through Santa Fe County all the day long we're one of the top three, top two counties out of 33 counties in the State of New Mexico due to our great leadership. Thank you for what you do and we appreciate you. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I also want to thank all the employees during this struggle, during this pandemic. It hasn't been easy for anybody and we all know that and I just want to thank you for your dedication and hard work and echo everything that Commissioner Garcia said. Thank you.

CHAIR HAMILTON: Thank you so much, Commissioner Hansen. We definitely truly appreciate it. Before I say it I'll go to Commissioner Hughes.

COMMISSIONER HUGHES: Just real quick. I also want to welcome the new employees and especially my good friend Deborah Tang. I'm so glad she decided to work for the RECC. She used to be the Director of St. Elizabeth's Shelter so I worked with her for many years in the homeless arena.

CHAIR HAMILTON: Excellent. Thank you so much, Commissioner Hughes. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just want to echo the sentiments from my fellow Commissioners and just congratulate our employees that have met milestones in their careers. Correct me if I'm wrong, Manager Miller, but Paulina Lopez, was she admin for the Manager's Office for a while? Is that the same Paulina? Okay. I remember saying I'd like to go into a department where I could utilize my degree that I went to school for, so I'm glad to see that she's moved into a department where she can actually put her skill set that she learned and she went to school for. So I'm really happy to see that and I'm just so enthusiastic to see our employees that stay here for five, ten, fifteen years. I just want to thank them for choosing Santa Fe County for their career. It is a great place to work, as Commissioner Garcia mentioned. He's been here for 30 years and so I think it's just really special to be able to see that we have the dedication from these employees.

Also just wanted to thank the employees that have chosen to start working for Santa Fe County. We look forward to recognizing you for your years of service later in time. I think that it will be really nice to see these names come up once again later on, five, ten, fifteen, 25 years anniversaries and be able to just know that we're providing a good place for employees and always just let you know that Santa Fe County is here to help you if you ever have any questions to bring forward to HR or anybody else. We just

really thank you for choosing Santa Fe County to be a public servant to our community. So thank you, and welcome aboard and thank you for all of our employees that have been here for five, ten, fifteen years. Thank you. We really appreciate your committed service to Santa Fe County. Thank you. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. I think my colleagues have said it all.

**2. APPROVAL OF MEETING MINUTES**

**A. Request Approval of the January 25, 2022 Board of County Commission Regular Meeting Minutes.**

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I move to approve the minutes as presented for January 25<sup>th</sup>.

COMMISSIONER HUGHES: I'll second.

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

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

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

**A. Request Approval of Proclamation Proclaiming the Month of March 2022, "Certified Government Financial Managers Month"**

CHAIR HAMILTON: We bring this forward every year, partly out of thanks and respect for the service that the Association of Government Accountants provides in terms of their education and professional development of people who actually work in government. It's obviously been very, very important to our functioning. And rather than just read what is written in the background material I'd like to invite – I believe we have on the line Kusum Adhikari, who is an audit supervisor at the New Mexico Office of the State Auditor. If you're with us could you please speak to this and accept our thanks for accepting this proclamation?

I will go ahead and read some of what we wrote. The New Mexico Chapter of the Association of Government Accountants is a professional organization which has a network of over 14,000 members and approximately 201 active members in New Mexico. They represent state, federal, municipal and private sector accountants, auditors and financial managers through training efforts, professional certification, publications and ongoing education. The AGA helps members build their skills and advance their careers. AGA certified public finance manager program provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate education and employment history, to abide by AGA's code of ethics, to pass three examinations requiring expertise in government environment and budget, and the CGFM holder to maintain certification by completing at least 80 hours of continuing professional education in government financial management topics or related technical subjects every two years.

As we enter the month of March let us acknowledge the association that has been

SFC CLERK RECORDED 04/07/2022

instrumental in training government financial professionals and to succeed as powerful leaders throughout our community. Let us also recognize the financial managers that excel through dedication, hard work and determination and proclaim the month of March 2022 as Certified Government Financial Managers Month.

I know we're very proud of the financial managers that we have working for and contributing to the County. And with that I think I would open it up to any Commissioners who would like to make a comment. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Katherine, Manager Miller, you as an individual that I met in 1993, 1995, you have brought your leadership and your staff to take these courses and these classes and the taxpayers realize our bond rating is way up here because of your leadership. Our days are limited with you. I'm going to be upfront and tell you that because I'm going to miss you. Anyhow, I just want to give you recognition for this because you actually went out there and found these different courses and what we do on a national level to get your staff certified and to go to these conferences. Because the taxpayer doesn't sometimes realize about financial stuff and how the County runs. You've done an excellent job for Santa Fe County and I just want to thank you for that. So thank you, thank you. So I'm going to pick on you for next while. It's a good thing though. I really appreciate the things that you've done for this County, this whole community that people may or may not realize but thank you for what you've done. And this proclamation actually says a lot because like I said, people don't realize the courses that people take. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. I don't want to lose track of the fact that this is for all the financial managers in the County. Altogether. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I was just going to add to what Commissioner Garcia said, which I agree with wholeheartedly that I think accounting is a greatly underrated field and this is great that we're acknowledging how important it is with a proclamation. So thank you Madam Chair, for bringing this forward.

CHAIR HAMILTON: Thank you very much. Daniel, I'm just double-checking with you that we don't have a representative from the Auditor's Office on the line yet. Ms. Adhikari, we're on the item for the proclamation. I wonder if you'd care to say a few words to the Board and the public about the Association of Government Accountants and making this month honoring financial managers.

KUSUM ADHIKARI (via Webex): Thank you so much for your time today. Our president would have been present but she's out of town so it will be just me. I'm CGFM chair for the Association of Government Accountants. CGFM stands for Certified Government Financial Manager, and it is a professional certification awarded by AGA, the Association of Government Accountants. CGFM specialized focus on government financial management and it covers various aspects of financial management. CGFM has various benefits including a greater understanding of government, enhanced credibility in public accounting and employee value.

To receive a CGFM there are a few requirements. So number one would be ethics, so any person wanting to receive CGFM they have to agree to abide by AGA code of ethics. They have to have passed a degree from an accredited college or university, and they have to pass three comprehensive CGFM examinations and have experience of at

SFC CLERK RECORDED 04/07/2022

least two years of professional level experience in government financial management.

So in order to maintain the CGFM you have to have continued to abide by the AGA code of ethics and you have to continue with the CGFM certification annually and complete 80 hours of continuing professional education every two years.

So CGFM enhances you as a financial manager. It is a mark of professional excellence. CGFM is transferable across agencies and governments of all levels. So we ask to be proclaiming March as the CGFM Month because that's what AGA nationally does and the New Mexico Chapter we also wanted to do that so that we have the same values and same accreditation as nationwide. So that's all I have for CGFM. Does anybody have any questions?

CHAIR HAMILTON: Thank you so much. We really appreciate you joining the meeting. Does the Board have any questions or further comments, or what is the pleasure of the Board on this proclamation?

COMMISSIONER HANSEN: Madam Chair, I move to approve this proclamation recognizing all of the accountants and thank you for bringing it forward.

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

COMMISSIONER HUGHES: Second.

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

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

**4. CONSENT AGENDA**

- A. Final Order in the Matter of Case # 21-5160, Bruno Trambusti and Randy Grant Plat Amendment. Bruno Trambusti and Randy Grant, Applicants, Request a Partial Plat Vacation to Remove a Plat Note that Required Residential Fire Suppression Systems Within the Residences of El Prado Subdivision and Approval of an Acknowledged Statement Vacating the Plat Note. The Board of County Commissioners Imposed the Condition, and the Plat was Recorded on November 17, 1995. The Property is Located at 48 Los Suenos Trail Within the Vicinity of Las Campanas, Within the Residential Estate Zoning District, Within Section 13, Township 17 North, Range 8 East, (Commission District 2). (Growth Management Department/John Lovato, Case Manager) (Approved 4-0)**
- B. Request (1) Approval of Agreement 2022-0085-HA/KE Between Santa Fe County and Pluma Construction, LLC, for Construction Services at the Santa Cruz Public Housing Development, in the Amount of \$289,398.40, Exclusive of NM GRT; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Housing Division/Joseph Barela)**
- C. Request (1) Approval of Amendment No. 3 to Service Agreement No. 2018-0166-CSD with Unite Us, Increasing the Compensation an Additional \$115,000.00 for a Total Contract Sum of \$389,999.00, Inclusive of NM GRT; and (2) the Delegation of Signature Authority**

SFC CLERK RECORDED 04/07/2022

**to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)**

- D. Request Approval of County Utility Line Extension and Delivery Agreement Between Santa Fe County and Suerte del Sur, LLC (Public Works Department/John Dupuis) (Packet Material Updated)**
- E. Request Approval of Cooperative Project Agreement with the New Mexico Department of Transportation to Provide Federal Highway Administration (FHWA) Funds in the Amount of \$37,899.61 to the County for Final Design of the Arroyo Hondo Trail Segment 3 Project (Public Works/Carrie Olson)**

CHAIR HAMILTON: So do any Commissioners have any items they either have some brief questions on or they'd like to be pulled for further discussion, or what is the pleasure of the Board?

COMMISSIONER GARCIA: Madam Chair, move for approval.

COMMISSIONER HANSEN: Second.

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

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

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

**5. MISCELLANEOUS ACTION ITEMS**

- A. Resolution No. 2022-011, a Resolution Requesting a Budget Increase in Various Funds to Carry Forward the FY2021 Encumbrance Balances into FY2022 in the Amount of \$17,451,822**

CHAIR HAMILTON: Yvonne, are you on the line?

YVONNE HERRERA (Finance Director - via Webex): Yes.

CHAIR HAMILTON: Thank you very much. Welcome.

MS. HERRERA: Madam Chair. Commissioners. The resolution before you is requesting a budget increase and various funds to carry forward in fiscal year 2021 encumbrance balances into fiscal year 2022 in the amount of \$17,451,822. This is last piece that Finance does to reconcile, to verify and reconcile the specific project activity between the two fiscal years that are open between the months of July through about December. In this specific case all of the capital projects that the Board approved the budget on in previous years – because those projects potentially do extend past 12 months, any open POs are carried forward into the following year so that the departments can continue with those projects without any kind of delay due to procurement or due to the budget not being available.

However, because DFA only recognizes the budget that we submit to them each year effective for 12 months, they don't actually recognize a multi-year budget in the case of our capital projects. Therefore, when we carry over the POs into the following

SFC CLERK RECORDED 04/07/2022



year, DFA requires that we ask the Board to approve a BAR to rebudget those amounts on those purchase orders that were carried forward. This BAR will only be recorded within the DFA accounting system. The budget has already been recorded in the County's system, which is Central Square. And with that, Madam Chair, I stand for any questions the Board may have.

CHAIR HAMILTON: Thank you very much, Ms. Herrera. That was excellent. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, thank you, Yvonne for that. So this is the only question I have is in regards to the TLC, the \$5 million carryover. Why is that so high? TLC Plumbing utility item, number 11930.

MS. HERRERA: Madam Chair, Commissioner Garcia, 11930, I'd have to look at the detail and specifically potentially what project that is for. Unfortunately, the list I provided to the Board was just a list of the POs with the vendor, but we can look into that PO and provide that information to you.

CHAIR HAMILTON: I believe that Manager Miller may know.

MANAGER MILLER: I was going to say that that project is the Cañoncito waterline. So that's a big project in three phases and TLC is the contractor for that.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Manager Miller. And with that, if there's no other questions, motion for approval.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. So a motion and a second. Is there further discussion or questions from anybody? Seeing none, I have a motion and a second.

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

**5. B. Request (1) Approval of Price Agreement No. 2022-0052-FD/APS Between Santa Fe County and Waterway of New Mexico to Provide Fire Hose and Ladder Testing Services; and (2) the Delegation of Signature Authority to the County Manager to Sign All Purchase Orders**

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair. Purchasing went out for an invitation for bill for these services. We received only one bid from Waterway of New Mexico which was sort of anticipated. They provided an acceptable cost, reasonable cost. The department doesn't expend that much in the way for their hose testing and ladder testing. I believe Chief Black can elaborate more but I think their expenditures range around \$32,000 a year for these services. So with that, Madam Chair, I'll stand for any questions.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: No questions. I'll just make a motion for approval of this item.

COMMISSIONER GARCIA: Second.

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

SFC CLERK RECORDED 04/07/2022

any further discussion or questions from anybody? So there's a motion and a second.

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

**5. C. Request Approval of Memorandum of Agreement No. 2022-0092-CSD/AV Between Santa Fe County and the City of Santa Fe for the Administration of American Rescue Plan Act Funds in the Amount of \$1,000,000 to Provide Assistance for Residents Affected by the COVID-19 Pandemic**

CHAIR HAMILTON: Do we have Jennifer Romero available for this item?

JENNIFER ROMERO (Community Services - via Webex): Yes, thank you, Madam Chair. CSD is requesting the approval of an MOA between Santa Fe County and the City of Santa Fe for the provision of assistance for individuals affected by COVID-19. The funds are provided by the American Rescue Plan Act in the amount of one million dollars. The amount of financial assistance associated with the MOA between the County and the City of Santa Fe requires approval by the Board of County Commissioners. And I will stand for questions.

CHAIR HAMILTON: Thank you. Do Commissioners have any questions on this item? Commissioner Hansen.

COMMISSIONER HANSEN: I don't really have any questions. I mostly just want to voice my strong support for this program to help our underserved families throughout New Mexico, throughout Santa Fe County and we have all struggled so much through the pandemic and many people have been left out of being able to get ARPA funds or to get other funds and this is a way we can help to provide for those people, many of whom work in our service industry, and are service providers in many ways and take care of many of us in a million different ways but have been left out of the funds. And so I think this is a great program. Thank you, Jennifer. Thank you, Manager Miller. Thank you, my fellow Commissioners, because I think this is so important. I don't think there could be a better use but to help our underserved communities to receive this money. So thank you.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. This is a great project and I echo what Commissioner Hansen said. I think it's great that we can provide services to people without regard to anything about them in particular so that our immigrant families can benefit just as well as people who were born in the United States. I did have one question though, and I don't usually proofread things very carefully but I noticed under the term – I don't know if there's a typo or I just don't understand it but it doesn't seem to have the date of termination. It says this shall terminate unless terminated earlier. But in order to terminate earlier it would have to have a termination date, I would think.

CHAIR HAMILTON: That seems like a good catch. Ms. Romero, do you have any knowledge you could put on it?

MS. ROMERO: Yes. Thank you, Madam Chair, Commissioner Hughes. Great catch. All of our ARPA contracts will expire within two years of date of signature.

SFC CLERK RECORDED 04/07/2022

So we do budget these funds up front and we will have up to two years to expend them.

CHAIR HAMILTON: That's two years from today?

MS. ROMERO: That will be from the date of signature.

COMMISSIONER HUGHES: So should it say it will terminate two years from date of signature? Is that the wording you would want there?

MS. ROMERO: Madam Chair, I would defer to Mr. Bill Taylor.

MR. TAYLOR: Thank you, Jennifer. I was going to defer to our County Attorney. Typically though, and Mr. Shaffer can correct me, but on these memoranda of understanding between two government entities it is typically written that way, that it would be terminated upon – not necessarily perpetual MOUs but they could be considered that. So it doesn't need to specify when it will terminate, but they do have the termination clause within the agreement that either party could terminate. But I would stand and defer to our County Attorney on that.

CHAIR HAMILTON: So just to clarify, you're suggesting that the wording as it is should stand? Mr. Shaffer, can you chime in on this?

MR. TAYLOR: The wording in the contract was what was proposed, Madam Chair.

MANAGER MILLER: Madam Chair, it needs to be fixed anyway, because it says pursuant to Article 4, which is an amendment, which is not termination, which is Article 3. So there's an error in that paragraph anyway.

GREG SHAFFER (County Attorney): Madam Chair, Commissioner, I would suggest that we move on from this item and the attorney who worked on the agreement can consult with CSD to see when would be an appropriate termination date. I do think it's important that everyone has clarity on when the funds must be expended, and as the County Manager alluded to there appears to be a typographical error in terms of the reference to the article relative to termination. So if you would indulge us in that we will get that fixed ASAP and come back with our findings.

CHAIR HAMILTON: Absolutely. So presumably we'll come back to this later in the meeting and we'll just skip over it for the moment and move on to item 5. D.

[Continued on page 22.]

**5. D. Resolution No. 2022-012, a Resolution Adopting the Santa Fe County Open Space 2022 Work Plan**

CHAIR HAMILTON: I believe we have Maria Lohmann for this.

MARIA LOHMANN (Open Space and Trails): Today I will be presenting the Open Space, Trails and Parks 2022 work plan and annual report. Daniel, can I get the .pdf to come up on the screen? While we're waiting for that, this work plan and annual report is an outcome of the 2019 OSTP strategic management plan adopted unanimously by Commissioners through Resolution 2019-4. The Open Space Strategic Management Plan was intended as a guidance document for open space and trails programs and projects.

Chapter 3 of that plan, known as the work plan, was considered a living document that would be updated every year to transparently and clearly to outline the focus and

SFC CLERK RECORDED 04/07/2022

priorities for that year. We can't outline our goals and priorities without talking about some of the things that we've accomplished in the past year and what progress has been made on our prior goals. So the document that Daniel is bringing up includes the highlights of what the open space program has accomplished in 2021 along with what we are setting out to do in 2022.

The 2022 work plan is ambitious in its focus of resource management of open space properties, focusing on building relationships and collaborations across agencies and departments. The current work plan is just as impressive as it has been in past years and it is a renewed commitment to collaboration with the public and stakeholders. So on page 3 of the work plan is where we start the work plan. The work plan portion of this document is organized by functions within the County that carry out the open space business.

Resource management has the largest to-do list and it's where we're really focused and have been focused over the last couple of years. It includes conducting surveys on properties for bats and rare plants. These projects have already been started and we're partnering with some really incredible organizations. We also are going to finalize the Little Tesuque Creek Open Space Management Plan and the Talaya Hill Open Space Management Plan. These plans will help us focus what the needs are on these specific properties. All of our properties are unique and need special care and attention taken to them.

One of our priority projects that's highlighted is vitalizing and implementing the piñon jay management plan. This is an interagency, interstate effort taken on by our in-house staff and also other concerned scientists related to piñon jay populations related to climate change and decline and environmental habitat.

We're also going to finalize and implement a pollinator management plan. We have some really exciting pollinator work going on on some of our properties that I'll talk about a little bit later. We want to continue to enhance our pollinator habitat at multiple properties including Thornton Ranch open space and Los Potreros open space but also the rest of our open space properties.

We want to finalize and implement beaver management plans at some of our properties. We have beavers who have moved in and they're incredible engineers but they also require some attention. So we'll be doing that in 2022.

We want to install boundary and wildlife friendly fencing. We want to complete some forest enhancement projects at Ortiz Mountains open space, and we're very lucky to be able to work with the Rocky Mountain Youth Crew to accomplish a lot of this. We also want to begin erosion control projects at Thornton Ranch open space. We want to manage our invasive species at Los Potreros open space. We want to start to build the foundation for sustainable trail design within Santa Fe County staff and so getting some training for all staff to design and maintain sustainable trails is really important in 2022. And we also are going to be updating our Open Space, Trails and Parks Best Practice Manual with a lot of different species and habitat focused plans.

We also have a big focus in 2022 in educational programming and stewardship. The new Community Development Department has a volunteer coordinator position that will be coming on board, hopefully soon, and coordinating with that position in particular is incredibly important as we continue to foster stewardship and reasons for conservation

SFC CLERK RECORDED 04/07/2022

in Santa Fe County. So we're going to be working with the volunteer coordinator to really develop and enhance our volunteer program.

We also want to work with the volunteer coordinator to resurrect our trail maintenance program and to enhance our master naturalist partnership with Randall Davey Audubon and Santa Fe Botanical Garden.

We also are hoping to explore a Friends of Open Space program to leverage some fundraising opportunities that may exist outside of the County.

There are some really big and important capital projects on our list this year for development and implementation including Thornton Ranch open space. Everybody is really excited about that. Arroyo Hondo segment 2 is a grant funded project that will continue the work of the trail in the Community College District. We'll be focusing on the Santa Fe River design and acquisition beyond Siler. We're hoping to get Romero Park, Phase 2 bid and constructed so that people can enjoy that wonderful park. We also know that we need to start working on the Bennie J. Chavez Community Center Park. That's a wonderful senior center where people want to be able to engage with their kids and their grandkids while they're at that community space.

We are going to be focusing on Little Tesuque Creek Trail analysis. This trail suffered some pretty major erosion a few years ago from some big flooding and so if we can get people back out on this trail in a sustainable way that's for the better. We're also working with Imagine My Lands program to conduct some flood hazard mitigation and provide some trail opportunities in Madrid, and Rail Trail segments 6 and 7 are on our list of things to start construction for and start the planning of the next phase through an economic development grant.

And planning and program development, we have some goals that are related to the overall vision of our program including working with the existing project manager to get an open space database that allows staff and hopefully community members to know what's on our properties and have all the documents in one place. We also want to continue working on our tribal communication policies, especially as we work through the Thornton Ranch open space project implementation.

We want to develop and implement a conservation program for open space properties. COLTPAC in particular is very interested in this. They've created a subcommittee to help guide staff in what the best solution for long-term conservation of properties could be.

And lastly we want to update our open space resolutions and ordinances to reflect the current structure of our open space program.

So now I'm very quickly – because that took a long time – I'm going to go through what we focused on in 2021. And we had some really exciting opportunities in 2021 including working with some experts in the field.

One of the really exciting opportunities that we had in 2021 was that we got to work with the Forest Service to do a complete restoration of Rio en Medio open space. This property leads into the popular Medio Trail in the forest. This trail has been closed since the Medio fire, partly because of hazards related to fire-induced flooding. And so with the Forest Service we were able to be pro-active and stabilize the Rio en Medio on the County open space property to make sure that downstream flooding from any major rainstorms that we had in the last year were not going to completely blow out the river

and the trail and the neighboring properties just adjacent to the Santa Fe County open space property. We were very lucky that this was entirely federally funded and hopefully we will be seeing the benefits in the coming monsoon season.

The Los Potreros open space has been a big focus in the open space program for the last several years. This year in 2021 Santa Fe County partnered with Ecotone Landscape Planning to implement a grant-funded project through the New Mexico Environment Department to restore the Rio Quemado. There were several goals for wetland restoration including reducing contaminants and enhancing wetland plants because they filter water. We also wanted to reconnect the floodplain and raise the riverbed in order to keep the backdrop to the Santuario de Chimayo green and luscious and beautiful like it was intended when the property was purchased. And the ultimate goal for this was to keep more water in the Chimayo Valley by enhancing the riparian sponge qualities of the property.

We did that by installing what are called beaver dam analogues. We pretended to be the beavers. That was our goal, because beavers build very shallow dams that do that work for us. I think the beavers must have been spying on us because they moved in before we were able to start this project, and every time I would go out there with the consultants and NMED they would say, oh, well, your project is done. We do need to manage the beaver and human interaction here and I'll talk about that a little bit more but we're able to use our partnerships and our collaborations to do a lot of that and we're very excited to see what happens out on this property with the success of the project.

A lot of what we've been able to do this last year has been directly related to what we've been able to get help with from the Rocky Mountain Youth Corps. They're a group of youth. We have two different groups come out and help us with resource management projects including putting fencing up at Los Potreros to manage unmanaged grazing of neighbors' cows. They also started on invasive species work. We also had a group of chainsaw skilled youth who helped implement some of the forest restoration we were doing at the Ortiz Mountains. Without them we wouldn't have been able to do a lot of what we did. They also helped do some stuff at Thornton Ranch open space that's really incredible and could be groundbreaking, which I'll talk about in a little bit.

We are very lucky at Santa Fe County to have properties that are in the public eye and so we have been able to partner with Rio Grande Return and Defenders of Wildlife. Rio Grande Return is the state's premier beaver expert and they are helping us manage beaver populations at both Los Potreros open space and at La Cieneguilla open space. And you can see in this picture they're helping us install what are called flow levelers that maintain beaver dam habitat, because that's important for wetlands and groundwater recharge and a lot of environmental benefits, but it also allows, in this case in particular, the water to not stay dammed up against human infrastructure like at Calle Debra Bridge or in the case of Los Potreros, some acequia infrastructure.

So we are helping Rio Grande Return and Defenders of Wildlife prototype their beaver co-existence program, and we're excited to continue this partnership into 2022.

Thornton Ranch open space has been a big focus, not just for getting people out on the ground developing trails to that very special place but also working with related tribal agencies to figure out what the most important way to open the property is. So we've spent a lot of 2021 working with those tribal agencies to think about what co-

management of Thornton Ranch open space could be, and what's appropriate and how does it work. Those conversations will be ongoing, probably forever, and that's okay, because it's a partnership that we really want to build and sustain.

The other thing that we've been doing at Thornton Ranch open space is using it as a research opportunity to see how we can manage climate change adaptivity, through piñon jay research we are doing some very interesting habitat to maintain our tree population, to enhance our pollinator habitat, to do some dryland restoration techniques that haven't been done throughout the Southwest, and people are very, very excited about what we're doing out there and are taking our example and using it in other places, particularly right now in Arizona.

That is the end. COLTPAC has seen this. They're very excited about our goals for 2022 and have been critical in helping us guide the program in 2021. With that I will stand for questions.

CHAIR HAMILTON: Excellent. Thank you so much, Maria.  
Commissioner Hansen.

COMMISSIONER HANSEN: [microphone off] Thank you, Maria, for all that you have done. I think you know, in the past we have supported the Thirty by Thirty and Commissioner Hughes and I are working on a letter in support of America the Beautiful, which is due on the *Federal Register* on March 7<sup>th</sup>, the day before our BCC meeting, so we will bring it to the BCC meeting for ratification. But I did ask Commissioner Hughes to work with me on that because he was a sponsor of the Thirty by Thirty.

One of the big issues that came up among conservatives and one of the things I found really offensive personally was that New Mexico Counties had a presentation at the Commissioners Affiliate that was really disingenuous and full of lies. And then when I got to NACo there was a resolution that basically they couldn't even understand what America the Beautiful was or Thirty by Thirty.

But one of the big conversations on everybody's mind was a definition of conservation. And so what does the definition of conservation mean? And I think that that is a really important topic that we all need to grapple with. Conservation personally to me does not mean that you allow extraction industries on a place that is being conserved. But that might not mean the same thing to somebody else. And so I think that in writing these comments on America the Beautiful we really need to look at the definition.

So as our open space planning team, I would like to have your input on some of this as we write this letter for the *Federal Register*, because I think it is really important that we be a united culture and County especially and recognize these important determinations of conservation and preserving our land and that we are facing a climate crisis, and that those are serious issues and everything that we're doing in Santa Fe County is to protect our wildlife and our open space.

So I wanted to share that with you. I'm happy to see you working with Defenders of Wildlife. I think they are a great organization and coming up with good ideas for dealing with the beavers, which are always – they want to be our friends. They want to hang out with us. They want to make a little bit of mischief. They want to be right there

telling us how they see the things going. So I think coming up with new ideas on how they can do that is a really good idea. I appreciate that very much.

I think that's all that I have at the moment. I'll let my other Commissioners comment also. I don't know. Do we have to approve your work plan? So I'll just make a motion to approve your work plan for 2022 and I hope somebody will second it so that we can continue this discussion. But thank you very much.

COMMISSIONER GARCIA: Second, Madam Chair.

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

COMMISSIONER GARCIA: Just remember, this is a work plan. It's nothing in writing. This is just a plan that we can look at. Thirty-five Thirty, I won't be around in 3530, but this is just a plan. I'll second that motion.

CHAIR HAMILTON: Thank you, Commissioner Garcia. So under further discussion, Commissioner Roybal and then Commissioner Hughes.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I'm glad to see this item be a motion and a second. I'd be willing to actually put another second on top of that. I just want to take a little bit of time to just thank Maria for all her hard work here at Santa Fe County. I think you've probably been here longer than I have. I've been here seven years and I remember that you were here already. How long have you worked for Santa Fe County, Maria?

MS. LOHMANN: Madam Chair, Commissioner Roybal, I've been here for eight years. A little bit more than eight years.

COMMISSIONER ROYBAL: More than eight. Okay. Any time that I have questions on open space I call you or I call Robert and you guys are just awesome. You guys have done such a great job. You've been at community meetings with me. I can't express my gratitude enough. Just to be able to work with you at your next position. I always remember that we're open here at Santa Fe County to work with you. You've been an outstanding employee and we really appreciate you. You always have a home here if you decide that you'd like to come back, but it's been really great to work with you. I can't express that enough. I've had constituents calling that are interested in serving on the Open Space Board and nothing but positive feedback. You're a great employee and I can't say that enough.

So we're going to miss you. We're going to have some huge shoes to fill when you are gone and I just want to thank you for your service. You've done such an awesome job. I really appreciate that. I know this is probably – is this a week away before you're leaving? I just wanted to thank you for your hard work here at Santa Fe County. It's really appreciated so thank you so much.

MS. LOHMANN: Thank you very much, Commissioner. Madam Chair, Commissioners, I have made the heartbreaking decision to leave the County. I am honored to have been a part of this program for so long and I hope that the program can reach its potential in the near future.

CHAIR HAMILTON: Thank you very much. I had no idea. We will certainly miss you. Sometimes those decisions can obviously be very upsetting. Commissioner Hughes.



COMMISSIONER HUGHES: Yes. Thank you, Madam Chair, and Maria, we are going to miss you and I was going to say, I really appreciated the tour of Thornton Ranch that I got from you last summer. I hope in the years to come I can visit all the open spaces and get to know what's going on. And also I'm just really glad we have this program. I think it's a great program. That's all I have to say. Thank you.

MS. LOHMANN: Thank you.

CHAIR HAMILTON: So are there – I know I have a motion and second, but is there still further discussion?

COMMISSIONER HANSEN: I just have to say, Maria, I'm very sad to know that you are leaving the County. I've really enjoyed working with you. I feel that you have brought a tremendous amount to the open space program and to COLTPAC. And I know the people at COLTPAC are very fond of you and I'm sure they must be very sad to know that you are leaving also. But thank you for all your great work. I sincerely mean that from my heart.

MS. LOHMANN: Thank you very much.

CHAIR HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Maria, you're throwing curve balls at this guy that likes to play baseball. And I try to hit curve balls all the time. When I was playing Little League I used to hit curve balls. And this is a curve ball for me. When we first started here, seven, six, eight years ago, we actually picked up a program. We started in the year 1995, 2000 open space, and what we're going to do with open space. And Manager Miller, and Mr. Shaffer there, the decision with South Meadows is a whole different thing right now. But you actually picked up the open space program and you created plans for it as into where we're going to be at in the next five, ten years.

And for you, I wish you the best of luck, because we actually jumped in this spot and you did the plans, and you got in. I appreciate you.

MS. LOHMANN: Thank you.

COMMISSIONER GARCIA: I wish you the best of luck. You're one of the employees we need to figure out how we need to keep. However, you need to do what you need to do, but good luck and sorry to see you leave.

A couple things in your plan – appreciate your plan – is Los Potreritos open space. Some of the things that I know we're actually talking about a plan is I remember Los Potreritos open space, whoever bought that property behind El Santuario back in there as into I guess setting the plans. I want to know about that property. What did we do with the water rights? Are we still irrigating that? Not irrigating that? This is just questions I have.

In regards to the La Cieneguilla river project, I know we talked about beavers, but I want to know what our plan is going to be to actually mitigate the overgrowth that we have there, because that's going to be a fire hazard this summer. So those are just things that whoever takes your spot, I'm going to asking questions about those in the next two or three months.

The Rocky Mountain individuals, when they come and help us out. Great job that they do. But whenever they leave, are they still continuing to help us out? I hope they are. You talked about the student shift in the kids that actually are helping us out, the

YouthWorks. I think it's actually great what you guys have done to help students work out because they have ownership to the land. They have ownership to what they're doing out there. Great job.

So I'm just bringing up these questions because in the next month or two I'm going to be asking where are we at? Are we moving forward? Because I want to know what the timeframe is for these different types of projects that we're doing. Where are we at? When's it going to happen, right? It went to 3530, but I'm not going to be here in 3530. So, a curve ball.

I appreciate everything you did and you brought us to a point where we need to now pick up the ball and go. Wish you the best of luck out there. But on our leadership team, know I'm going to be asking these questions because spring will be here before you know it. This is the last week of February and we're actually going to be – we're dry out there in La Cienega. That river that I'm talking about is dry and it's, well the beavers are there and so how can we work with the beavers and everybody else out there, right? So, Robert, wherever you're out there, I know you're listening. You should be in here right now. Oh, there he is. So as the director, if you can please keep these in mind. You don't have to answer them today but I'll be asking these questions as we move forward. Thank you, Madam Chair. Good luck, Maria.

CHAIR HAMILTON: Thank you so much. So unless there's further discussion, we do have a motion and a second.

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

**5. E. Request Authorization to Publish Title and General Summary of Ordinance No. 2022-\_\_\_, an Ordinance Enacting a Santa Fe County Code of Conduct; Repealing Ordinance Nos. 2010-12 and 2011-9**

CHAIR HAMILTON: I think we'll go to apparently the Ethics Board Vice Chair, Michael Rosanbaum. Are you online?

MICHAEL ROSANBAUM (via Webex): Yes, Madam Chair. With your permission, I'd like to hand the floor to Ethics Board Chair Carol Thompson for some opening words real quick.

CAROL THOMPSON (via Webex): Thank you very much. Madam Chair and Commissioners, I'm Carol Thompson. I'm the current chair for the Santa Fe County Ethics Board. [bad audio quality] Mr. Rosanbaum and myself have been on the Ethics Board almost seven years, so it's been a long road. We wanted to thank the County Commissioners for working with us to get to this point today. I wanted to recognize our current board members, Jonelle Maison, Gregory Coplans, and of course Michael Rosanbaum and myself.

We've worked really, really hard to get to this point today, but we also have some very special thank yous for Lisa Katonak who was our board liaison from the very beginning. Lisa was a champion and worked with us diligently for years. And then this past July we were very fortunate to have Olivia Romo assigned to our Ethics Board. She was awesome and phenomenal to get us over the finish line. And there's just really no way that we would have been able to get our work accomplished through the board

without these two ladies who are just outstanding County employees and you should be very proud of them.

At this point I want to go ahead and turn it back over to our Vice Chair Michael Rosanbaum and he will do the summary page for presentation.

MR. ROSANBAUM. Great. Good afternoon, Madam Chair, Commissioners. The ordinance in front of you is the culmination of the ideas, discussion, and debates of at least 13 different appointed Santa Fe County volunteers, together with professional guidance and inputs from both the County Manager's and Attorney's offices as a dedicated effort over the last decade or so, and I would like to commend everyone who's been involved for their participation and commitment.

I'm supported here by Chair Thompson and Member Greg Coplans. The code of conduct clarifies values and principles and sets out ethical guidelines and best practices to follow for honesty, integrity and professionalism. This code is intended to show everyone that Santa Fe County is committed to doing business ethically and responsibly. Potter Stewart, a former US Supreme Court associate justice, once said, "Ethics is knowing the difference between what you have the right to do and what is right to do." Sometimes this poses a dilemma which this code will help resolve.

We were initially tasked by the Commission with clarifying the campaign finance regulations and expanding the definitions. With the past year related New Mexico laws, a statute since 2011, specifically the Government Conduct Act, which is in New Mexico Statutes Annotated 10-16, the Campaign Practices Act, NMSA 1-19, and the Campaign Finance Rule, New Mexico Administrative Code 1.10.13, our primary focus became one of improving clarity, eliminating ambiguity and subjectivity, and ensuring a complaint and resolution process is clear for both complainants and respondents.

Accordingly, the document now reflects a new version to replace Ordinance 2010-12 as amended by Ordinance 2011-9. We've made major additions, deletions and modifications to content, and we reordered sections to improve the flow of the document. We were somewhat limited on occasion by the fact that though the County can be more restrictive than the guidance provided by the state, we cannot prohibit something specifically allowed by the state.

The following is a high level synopsis of the major differences between the proposed and current documents. Section 4, Definitions, is updated with additions, deletions, and modifications as needed to reflect the new wording of the ordinance and to increase clarity. Terms such as "administrative adjudicatory matter," "affirmative duty," and "contract ethics official" are now included. Others have been modified as the document evolved.

For example, "anything of value" was simplified for a laundry list that was long but not exhaustive to a single encompassing sentence, "with the exception for food and refreshment as restricted in both monetary value and frequency." State guidance on this topic is ambiguous. In our opinion "generally excessive" was concerned about the appearance of impropriety or undue influence, however innocent the intent. We proposed a number and frequency we feel the average Santa Fe County resident would likely not find suspicious or offensive and in so doing, set our standard higher than the state, and there will be more discussion on this a little bit later.

Section 8, Conduct Avoiding Impropriety, is expanded to include discrimination

and harassment with specific examples, and the prohibition of any political quid pro quo of any kind.

Section 9, Limitations on Employment with and Appearance before the County Following Government Service, is updated to reflect guidance and limitations from the Governmental Conduct Act.

Section 11, *Ex Parte* Communications, is updated to clearly stated *ex parte* applies in any action involving administrative adjudicatory matters, not just as part of the County's Land Development Code.

Section 12, Conflicts of Interest and Disclosure, is expanded to include a paragraph that clearly states the fact that the Ethics Board will provide an advisory opinion of a potential conflict of interest upon request.

Section 13, Misuse of Confidential Information, is modified to be specific and to mirror the Governmental Conduct Act.

Section 17, Political Activity, we moved a paragraph that was more focused on coercion than political activity and eliminated another paragraph that is now covered by the Campaign Practices Act.

Section 19, Proper Uses of Campaign Funds, Section 20, Prohibited Use of Campaign Funds, and Section 21, Disbursement of Surplus Campaign Funds, are removed in deference to the Campaign Practices Act, a more detailed Campaign Finance Rule.

Section 20, Reporting and Resolving Alleged Ethics Violations, is significantly expanded to clearly define the steps involved in making claims of ethics violations, the role of the County's contract ethics official, and the role of the Ethics Board. A flow chart is added that graphically walks through this process.

Finally, Section 25, Penalties, is updated in coordination with the County Attorney's Office to better reflect penalties within the purview of the Ethics Board, the District Attorney, or the Attorney General, depending on the severity of the violation.

And throughout this ordinance there is a clear distinction between elected official, appointed official or volunteer versus employee, who is subject to the code but dealt with via the Human Resources Handbook and any applicable collective bargaining agreement.

The Ethics Board believes this new ordinance sets a high standard for ethical behavior for our elected officials, appointed officials, employees and volunteers, and if followed will place their decisions and actions above reproach. I respectfully request the Board of County Commissioners authorize publication of title and general summary of the new Santa Fe County Code of Conduct and hold a public hearing on its adoption. With that I will welcome any questions.

CHAIR HAMILTON: Thank you. So I'll open the floor to any questions. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So I have read this a couple times already and I'm not finished reading it. I do eventually want to make a motion but I want to say a few things first, because I have been working with the County Attorney's Office on redefinitions of some of these items, such as "anything of value." I do believe that that was shared with everybody from the County Attorney's Office. I think it is a much better statement and allows for interaction in civic activities without the fear of being penalized. And I believe the elected officials participating in civic activities is an

incredibly important part of our responsibilities.

Then I also asked for a strengthening of the Code of Conduct under 8. D, and I had Estevan write something up. I don't have it printed but I can find it. But these are all things that I think that we as Commissioners need to work together and with our County Attorney's Office over the next month to finalize this document. I want to thank the Ethics Board. You have done a really good job. There are many things that I appreciate and support in what you have done, but I also feel like this is one of the most important documents that this Board will approve and it oversees our responsibilities as elected officials.

I didn't see a lot of reference to candidates in this and I wonder – that might be another question that I could work on with the Attorneys. I just came back from NACo, so I read this a couple times already over the weekend. I've spoken with Commissioner Hughes who I want to also recognize for working so hard with Olivia on this and bringing this forward. I think it is an important document. I will find the comment that – I think you all received my comment on anything of value and if you have anything to say about that I would be interested in hearing that.

And then, Estevan and I worked – and Greg – worked on another – I wanted it strengthened, this item on Code of Conduct D. And so what it would be changed to is political endorsements, support in political campaigns or a promise of an endorsement, political activities, political support, or anything of value offered as an explicit quid pro quo, in exchange for specific contractual or administrative adjudication matters decision in favor of the person or entering offering the same are prohibited.

So I think that that is stronger. I think to me quid pro quo means a bribe. I just want it to be clear that that is what it means, not – I think during the Trump administration it seemed to be something that was okay and I don't consider that okay and I think using direct language indicates that that's not okay is important.

So eventually, what I would like to suggest is that we table this for a month and bring it back so the Commissioners have a chance to work with one another, work with the County Attorney's Office and bring back a document that we are 100 percent behind. But I don't want to cut off discussion today because I feel that I can see there are other Commissioners who might want to say something. But I want to let you know my intent.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: I'd like to second that motion for tabling for discussion.

CHAIR HAMILTON: Well, okay. We don't actually have a motion yet, because once we table it we can't talk about it. I actually thing tabling it immediately is just fine, because we will have a month to discuss and learn what's going on. I want to – Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I think it's important. We don't get to talk among each other except at these meetings, so I think it would be good to get all the issues out on the table before we actually table it, if that's what we're going to do. I would also be fine – and this is what I think we were being encouraged to do by the Ethics Board and the staff who worked on it, would be to move it forward toward title and general summary. Because I think the changes are fairly minimal unless there are

other changes I'm not aware of. But Commissioner Hansen's changes – I am fine with strengthening it a little bit and clarifying a couple pieces.

I just want to say I think this is a very important ordinance as well. As someone you know, the first time I learned we had a County Commission upon moving to Santa Fe was when three of the Commissioners were going to jail for giving themselves lucrative construction contracts and we don't want anything like that happening again. We've come a long way and I think since the original ordinance was passed things have improved a lot and I think we just want to tighten it up and bring it into the 21<sup>st</sup> century by including a better definition of harassment, for example, that includes digital, media.

I think that moving the section on campaign funds was actually something requested by a prior Board of County Commissioners, just to refer that to the state. Rules, I know Commissioner Hansen might want to look those up and make sure that they're strong enough. But when I ran for County Commission I followed the guidelines in the Secretary of State's little handbook and they seemed pretty well defined there. I don't think we could improve on that very much.

I do think that this makes some improvements. I think it really distinguishes the difference between that this applies to employees versus elected officials versus volunteers. But I don't have any particular changes to make myself. I think the ones that Commissioner Hansen has suggested are ones we could certainly consider. I'd like to hear what other Commissioners think about the ordinance overall. I think the Ethics Commission did a really good job and I know Olivia worked really hard on it so I want to thank her and I think Estevan in the Attorney's Office for this most recent version as well as the Ethics Board who have been working on this for approximately the last 11 years, I think. This version. So it's time to put it into an ordinance and get done with it.

CHAIR HAMILTON: I appreciate that, but frankly, I also think that an addition month to assure that the wording is appropriate is the most appropriate thing to do. Frankly, I respectfully disagree. How long has the Ethics Board been working on this? Those were technically public meetings. They're not sitting in front of microphones. I think the work they did is fabulous and it is important to have this – but taking the month does not put this behind closed doors. It does not. This is to work on some details and so I think I'll go back to Commissioner Hansen to make her motion.

COMMISSIONER HANSEN: Thank you. So what I would like to say on the table is that I would like to table this so that the Commissioners can work with the County Attorney's Office on the language to clarify, strengthen and refine some of the language and bring it back, let's say it's the 22<sup>nd</sup>, so the 22<sup>nd</sup> of March meeting, I would think is adequate time.

CHAIR HAMILTON: The meeting at that date might not be quite right, but yes, the last meeting in March.

COMMISSIONER HANSEN: Yes.

CHAIR HAMILTON: Absolutely. Okay, Commissioner Garcia.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Attorney Shaffer, can you clarify for me, do you need a vote on a motion to table?

MR. SHAFFER: Madam Chair, Commissioners, yes. You do require a vote.

CHAIR HAMILTON: Right. So I have a motion for tabling this for one month and a second.

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

MR. ROSANBAUM: Madam Chair, may I make a comment?

CHAIR HAMILTON: I think the item is tabled, so I think that ends discussion on it. I very much apologize. We really appreciate your work and knowing we'll all be involved in these refinements that are being requested.

MR. ROSANBAUM: My quick point is I haven't heard the Ethics Board being involved. It's been strictly the County Attorney's Office at this point, and that doesn't seem right. Okay.

CHAIR HAMILTON: Okay. Thank you. I think Commissioner Hansen is aware of that.

Attorney Shaffer, do we have the information to go back to 5. C or should we wait until later in the agenda?

MR. SHAFFER: Madam Chair, yes. I believe that changes were made to item 5. C, so if you go back to that item Mr. Taylor can share his screen and you'll be able to see the changes made to the term provision in the MOA.

CHAIR HAMILTON: Excellent. I really appreciate that.

**5. C. Request Approval of Memorandum of Agreement No. 2022-0092-CSD/AV Between Santa Fe County and the City of Santa Fe for the Administration of American Rescue Plan Act Funds in the Amount of \$1,000,000 to Provide Assistance for Residents Affected by the COVID-19 Pandemic (Continued from page 10)**

CHAIR HAMILTON: Mr. Taylor.

MR. TAYLOR: Thank you, Madam Chair. Can everyone see the screen?

CHAIR HAMILTON: Yes.

MR. TAYLOR: So the term – Roberta in Legal has made the modification, “shall terminate one year from such date as agreed up.” Jennifer Romero also concurred with that, as earlier terminated. We also corrected the Article, from Article 4 to Article 3. And with that, Madam Chair, I apologize for this oversight. I want to thank Commissioner Hughes and County Manager Miller for identifying those errors.

CHAIR HAMILTON: Thank you. Really appreciate you making the corrections in real time.

MR. TAYLOR: Madam Chair, if I may. Sorry to interrupt. We did have the previous agreement – was signed by the City but because we needed to modify this .pdf, this will now need to go back to the City for signatures.

CHAIR HAMILTON: Okay. Thank you. Thanks for that information. So do the Commissioners have any further discussion or is there desire to – yes, Commissioner Hughes.

COMMISSIONER HUGHES: I'll make a motion to approve the MOU as amended.

SFC CLERK RECORDED 04/07/2022

COMMISSIONER HANSEN: I'll second for discussion.

CHAIR HAMILTON: Thank you. Is there any further discussion?

COMMISSIONER HANSEN: Yes, Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you for your catch on this. I feel remiss that I missed it, but on the same side I think that this is good. There's no problem changing this with the City? It seems to be just a minor detail, so I'm hoping that this is just a typo basically that it will not be a problem or not delay the implementation of this important program. So that's all I wanted to say. Thank you, Madam Chair.

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

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

## **6. PRESENTATIONS**

### **A. Presentation and Report from Santa Fe Business Incubator**

CHAIR HAMILTON: We have Chris Hyer from the Economic Development Department and Marie Longserre. Are you both online?

CHRIS HYER (Economic Development -via Webex): Yes, ma'am.

CHAIR HAMILTON: I'll turn the floor over to you.

MR. HYER: Okay. Thank you, Madam Chair and Commissioners. The Santa Fe Business Incubator has a contract with Santa Fe County to provide business and work force development services for business located outside of the incorporated area of the county. This contract is updated yearly and now that 2021 has ended a report has been created for this past year. This report presents how many businesses were created or retained for 2021 due to the incubator's efforts, provides an updated economic analysis on the businesses, and provides details on outreach efforts with economic development groups.

This report is included in your packet on BoardDocs and a representative of the Business Incubator will make a presentation now presenting findings in the report and provide an overview of the scope of business that the incubator provides in its programs and services. So I would like to introduce president and CEO of the Santa Fe Business Incubator, Ms. Marie Longserre, and she'll provide the presentation for you.

MARIE LONGSERRE (via Webex): Thank you, Madam Chair and members of the Commission. I'm delighted to be here. There are the slides. Wonderful. So I'm going to roll through some of this really quickly. In your packet – of course anyone who has questions, you're welcome to contact me or any of our staff at any time. First of all, we're very, very grateful for the contract with the County. One of the things that's happened in the pandemic is a surge of people looking to start businesses or explore entrepreneurship. So the demands on time and working with people who want to explore starting a business has really increased over the last year.

In your packet of course you'll see the written report with a lot of data in it and then a copy of our newsletter, and if you want to see what the companies are doing, that newsletter was the highlights of everything that happened in 2021 and you can see what



kinds of companies are in there and what's been happening with them.

So we've been launching and growing businesses since late 1997. I'm going to give a shout-out to Joseph Montoya. Without him and his leadership at the time, there would be no Santa Fe Business Incubator. So thank you to Joseph because we've helped hundreds of companies launch 200 sustained business and create well over 1,000 jobs and really impact our community. I also want to thank Chris and Alex and Chris' team for just being wonderful partners to work with. The County has been a wonderful partner and supported and we just could not do this work without you.

The next slide is simply a footprint of our building. We have 30,000 square feet of offices, labs, manufacturing spaces, garages.

Next slide, the kind of industries that we serve, it's really what's bubbling up in our community that diversifies our community. So we do not serve retail businesses, hotels, restaurants – the tourist kind of businesses, because that's just not in our wheelhouse, although innovation in those areas we will work with, and of course our other big driver in this community is government jobs. So we're diversifying and what we've found was because we're diversifying, the companies that we work with made it through the pandemic first year, two years so far. We have not lost a single company. That said, we did have one last week that was sort of an experimental affiliate that closed down that was working on consulting in bio-tech. But that was a personal decision. But none of our companies were lost.

So we're working with IT, bio-tech, green energy, renewable building, digital, movies, agriculture, professional service, manufacturing. Some people ask me about outdoors/recreation. A lot of innovation technology and manufacturing will cross over with that so we have those too.

The next slide I think you'll be really interested in. It's the most boring one but it will tell you what you're getting for your investment. This was fiscal year 2021. The company attracted just under \$5 million in capital. I happen to know that number is a little low; it's closer to \$7 million. We're just putting in what we have reported officially. But \$11 million for 22 companies, that seems very low, but please remember half of our companies are pre-revenue. They're working on new product, they're working a new market, they working on validating or FDA approvals and they're not making revenue yet. So that \$11 million is a lot for start-ups and every year it grows.

Their payroll of \$5.5 million has been very consistent over the years. It's always \$5.5 to \$6.5 million in payroll, and all that money of course gets spent in our community and benefits our entrepreneurs. And then employees, between full-time, part-time, is around 104 full-time equivalents affecting 126 people that have jobs. In federal terms, each of these jobs is worth about \$20,000+. If you do the math it's a really big number, in the millions, so it's a lot of bang for the buck.

New hires, they created 52 brand new jobs last year, and the wage range goes from \$12 to \$92. A lot of high end jobs with high end benefits.

Next is a little bit about our programs, and we're going to run through a couple of these really fast. So what those are for your edification and you had time to read through are some of the programs that we offer, helping the clients, giving them advice in specific industries, training them, introducing them to sources of capital – all the things that they would need, and creating programs where they interact with each other.

SFC CLERK RECORDED 04/07/2022

We also have a pre-incubation program for people who want to explore an idea. We call that runway. One more slide please. That one was about capital and legal help and all kinds of great things that we do to help these companies get going, sustain themselves and be successful and move out into our community as a really solid business. Because as I'm sure you know, most small businesses fail in the first few years; that's when they're most vulnerable.

Outreach and public relations, we test on some newsletters. We do social media. I do presentations. We do programs and media coverage.

We partner with 72 different entities who work in economic development, business development, entrepreneurship, work force development and so forth, and technology, commercialization in this community, in the region, in the nation and even [inaudible]

So of course we work with the County and all of the City, the state, the federal government, our research universities, our research laboratories, our groups like SCORE and WESST and the Small Business Development Center, all the sources of capital, the angels groups, and it just goes on and on and on. So let's just go on to the next slide. I'm not going to name all 72.

I want to talk about bio-tech for just a minute. This is an area that is really, really growing and there's a lot of money coming into our community because of it, and there are a lot of really great, high paying jobs being created because of it. And so we have a number of bio-tech spin-outs from Los Alamos National Labs, from UNM, from Sandia Labs. There's growth capital in that industry right now, and we have a new alliance with a group called New Mexico Consortium, and that is made up of our national labs and our research universities and they're supporting and sponsoring new businesses in bio-tech. And then we have a beautiful shared bio-lab – that's a picture of it there – that the US government ADA helped us build. It's full right now. We are delighted. We have companies working on cancer and Alzheimer's and COVID and doing amazing work, and we're very, very excited about the science going on in there.

Of course we're also serving small businesses, like service businesses, janitorial businesses, construction – a little bit of everything. Whatever is in our community that's coming along. And the one thing I wanted to talk to you about besides the impact of what you're getting for the investment to help companies grow and to help create the jobs in the county is what's going on with these businesses. What are we seeing that is affecting them? And the pandemic has created a lot of hardship as you all know. And here are the top ones we're seeing: labor issues, being able to hire people and keep them and get the right people and afford them; supply chain disruptions. It's affecting their sales, it's affecting their ability to build their products, just the delays on top of not being able to get things and the costs going up.

Access to capital has changed; where capital is being deployed has shifted. There's primarily a lot of capital right now in green energy, building, renewables and bio-tech. A lot of other things, capital has slowed down a bit. It's out there and we can get it but it's been shifted.

The new requirements to do business in a new way, which means on line. Just think what we're doing right now and all of us are having to adjust to that and buy equipment for it and get trained in it and they're having to find new ways to do their

business and meet their peers and go to trade shows and all that.

The healthcare and the health and wellbeing of their employees, a lot of disruptions with people out sick, and then just constant crisis management and being in constant crisis management. An entrepreneur in a start up is in that mode all the time anyway, and it's really a lot on top of being a start-up to have this too. So more than ever they need help and technical assistance, and they need sounding boards and consulting and coaching and they need each other in peer support.

The next slide is what's been going on with us at the incubator. We're dealing with the same things just like all of you are, all the small businesses are, except we've got a real increase in requests for assistance and increased client needs. We've had to shift technology, deal with health and safety, remediation of the 30,000 square foot building, deal with labor, public engagements, supply disruptions, safety and so forth.

This is the last slide. And so here's a summary of what I've observed and we've seen. Increasing focus on entrepreneurship, the importance of diversifying our economic base and having broad industry sectors, changes in labor costs and availability, supply issues, inflation is beginning to be a concern. The business failure rate has been none for us and our clients, we're delighted to say. A permanent change in how business is conducted and that will continue to morph and change and some things are never going back. And the public support makes so much difference. The PPP loans that came from the federal government to small businesses. The other kinds of loans and grants have really kept some businesses going, kept their employees employed. It helped the incubator. It helped all of our companies and I think for small businesses that were able to get those funds, and many of them in this region were, it made a huge, huge difference, and then of course a new focus on public health and safety.

So I want to thank you all for your continued support and for allowing us to do this work throughout the county. Without it, actually without your support, I don't know that we could continue to do what we do because we leverage it and we get a lot of private monies that are balancing and matching the funding that you give us, so it's really important. We thank you and I want to thank Chris and Joseph and everybody on the team and all of the Commissioners. And if you have questions I'll be happy to answer them. Thank you very much.

CHAIR HAMILTON: Thank you so much, Marie. This kind of program is such a benefit to our community. Do any Commissioners have questions, thoughts on this?

COMMISSIONER GARCIA: Madam Chair, I do.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Marie, for the presentation. The Santa Fe Incubator has been around for – I can remember when they first started out there on Airport Road. It was one of the first things there in the subdivision of Tierra Contenta. But what additional help can the County to do to help small businesses?

MS. LONGSERRE: Madam Chair, Commissioner Garcia, that's a really broad question and I would have to sleep on it perhaps. I think the County does a good job of responding to needs. I think the County – a lot of the questions we would get from the County are practical things about what can we do with our road or building and so

SFC CLERK RECORDED 04/07/2022

forth, and we always, when we connect people they always get good responses. Top of my mind is always the money to keep going with what we do, so if you want to increase our contract there's that. But in a practical way, I would like to think about that a little bit, because I don't see a gap right now, I just see a lot of work to be done. But thank you for your comments and your question.

COMMISSIONER GARCIA: Thank you, Madam Chair. Also, Marie, so in regards to the facility that you're located at right now, do you feel that you're comfortable in your facility, or have you outgrown your facility?

MS. LONGSERRE: Madam Chair, Commissioner Garcia, we are kind of full, right at this moment, but it is a rotational business. Companies come and they go. They whole point is to have them and work with them in the first few years, maybe one, two or three years, and then on to the next, out into the community and somebody else comes along. I think if you over-build then you end up paying a lot of money just to have empty space. If you under-build you're not serving enough. I think we're right sized. I really do. It can be difficult at times, particularly like right now when we're really full, but if we just built a lot of space there's no guarantee that we would need the space and it's very expensive to run facilities like this. So I think we're about the right size.

COMMISSIONER GARCIA: Thank you, Madam Chair. Also, Marie, so how does the incubator work with the Santa Fe Community College or the local school district?

MS. LONGSERRE: Madam Chair, Commissioner Garcia, we've worked with the Community College for many, many years, particularly their tech and trade center, and we've had agreements with them over the years. It was a huge loss when Luke Spangenberg passed because we had such a great program running with him. But we've continued to work with the folks that followed. Some of our companies actually go out there and use the equipment and get interns from the college and their programs set up with the college to work with small businesses, and then some of the businesses and ideas that are spinning out of there come and locate with us.

We also share the shepherding and co-location of the fab lab hub and the fab lab, which is digital fabrication, the worker space. And then we've had interns from the college and programs. We have not worked as closely with the lower grades in schools simply because we just don't – either the timing or the need is not really a great match. Every once in a while we've been able to match high school interns with some of the small businesses and it's worked out. But sometimes it hasn't. So we're still exploring what we can do.

We have, however, gone into the schools with workshops or presentations on entrepreneurship as a potential career path and what it means to be an innovator. We think that's been important.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you. The career pathways, actually, as you know and we know, I sit on the school board as well, but in regards to an individual that went to Vo-Tech and career pathways is very important in the younger generation these days. And the incubator is actually a tool to help out the younger generation that may not want to go university. And so I will actually have our staff set a meeting up with you so we can see how we can collaborate, we can communicate and see what we can do to help out the community. But thank you for your

presentation. Appreciate that.

MS. LONGSERRE: Madam Chair, Commissioner Garcia, thank you very, very much. We'd love to talk with them.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Marie. Always nice to see you. I too remember when the incubator started and Positive Energy was one of your first clients out there. That was quite some time ago. The pandemic has definitely affected everyone. There's no doubt about that. What I'm wondering is how can – or what do you see in this labor shortage and the supply chain. My parents were from the generation where you had to be incredibly creative about how to provide things because they grew up, they came of age during the depression and during World War II when there was many different shortages. So I think reminding our younger people or people who come into business about different hardships and the creativity that people faced in different phases in history. We kind of have come from this generation of instant gratification and I think that that has to start changing and I think it's really important to encourage entrepreneurship but at the same time, entrepreneurship on the local level – I think you know that I am a strong advocate for local – buy local, support local. So I'm just – I think dialoguing is always important and just want to know what you think about that.

MS. LONGSERRE: Madam Chair, Commissioner Hansen, Commissioners, there are always challenges for a start-up. Always something that is getting in the way and stopping them. There are big boulders to get around and things do shift over time. What we can do is help them find ways to cope with it and new ways to deal with it. With the labor shortages we've had a lot of workshops and seminars on what are alternatives to hiring? What else can you do to build teams? How can you bring in – how can you attract and keep talent?

So there are always ways to respond to adversity or external issues. I've been reading a lot about World War II lately so I'm with you on that one. But things will happen and people have to figure out how to cope and how to deal with it. It just makes it that much harder for small business and small businesses are the backbone of our economy. But as we find out what these issues are we're addressing every one of them. So we're having online meetings and we're bringing in experts and we're having panel discussions and we're having them share things that worked or didn't work with each other, and out of that has come some successes, with people being able to hire or being able to get a new supplier or whatever it is.

So we just keep saying, what is it? What do you need? And then go out and find it for them or find a way to help them overcome it.

COMMISSIONER HANSEN: Thank you very much. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Are there any other comments from Commissioners? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, just a quick one. I just really appreciate the work of the incubator. I have a close friend who worked for a company that started in the incubator so I know how important it is. So thank you for the presentation.

CHAIR HAMILTON: Excellent. Thank you. Marie, thank you so much.

We so appreciate the work you do in our community and beyond.

MS. LONGSERRE: Madam Chair, Commissioners, we so appreciate all of you and all the work you're doing and I know being in any leadership role right now is a heavy burden so thank you for what you're doing and for this opportunity to talk to you.

CHAIR HAMILTON: Thank you so much.

## **7. MATTERS OF PUBLIC CONCERN**

CHAIR HAMILTON: Daniel, can you tell me if there are any members of the public online or who have contacted you to speak to the Commission?

MR. FRESQUEZ: Madam Chair, I do not see any new participants that would like to speak. I did receive a message from Constituent Services Liaison Olivia Romo saying one Linda Copland might participate, but I don't know if that's for public comment or if that's for the item on the Ethics Board.

CHAIR HAMILTON: I don't know. I will make the announcement nevertheless. I'm opening Matters of Public Concern. Is there anybody from the public online who wishes to address the Board? Once again, is there anybody on this meeting who would like to address the Board? If so, please unmute yourself. Hearing no one, I'm going to close Matters of Public Concern.

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

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

CHAIR HAMILTON: Manager Miller, you could start with COVID updates and proceed through as desired.

MANAGER MILLER: Thank you, Madam Chair, Commissioners. As you know, last Thursday the Governor announced that the indoor mask mandate is lifted. However, for the County we have a separate policy in place and that policy is still in place that does require that we wear our masks indoors. Also, the Governor did leave those mask requirements up to local governments and individual businesses as to whether or not they want to lift those. So at the moment we're continuing our policy. We believe that the CDC is likely to update their policies. We have tried to stay consistent with the Governor's orders and the CDC and so we are looking at it but at the moment the policy that we have in place still requires employees and the public to wear masks indoors.

Also, numbers from the weekend were published yesterday, including Saturday, Sunday and Monday. New Mexico had 1,563 cases over the weekend or 521 per day and 20 new deaths, with a 10.6 percent test positivity rate, which is coming down. Santa Fe County's numbers as a component of that 1,563 were 111, averaging about 36 per day, but our test positivity rate is a little higher at 13.5 percent.

Also, Santa Fe County has had a total of 27,420 reported COVID cases, 23,509 of those have recovered, and we've had 244 deaths reported. Our current vaccination rates for 18 years and older, for New Mexico, one dose is 91.7 percent, and fully vaccinated 77.9 percent. And for Santa Fe County, one dose 99 percent, and fully vaccinated is still at 86.7 percent. Then New Mexicans with boosters is at 43.7 percent.

We also, as I've mentioned in the past, a couple of meetings are working on

another COVID public awareness campaign. This one will focus on mental health and coping with stress, particularly related to the pandemic and the addition of the *New Mexican's Healthy Living* magazine that just came out includes a poster on this theme. We've also awarded a contract with the Santa Fe Mountain Center for helping youth in the Edgewood area with mental health and stress, and they'll be working out of the First Choice health facility in Edgewood.

Also, in our seniors' meal delivery, we last week delivered 2,724 meals to our seniors and we also continue to receive 110 bags of produce and 110 food boxes from the Food Depot for distribution, and so we've continued to do the food distribution each week for those perishables and non-perishables, and then we also continue to do high risk medical transportation trips of about an average of five per day.

So any questions on that? Those are the COVID updates.

CHAIR HAMILTON: Commissioners have any questions? Commissioner Hansen.

COMMISSIONER HANSEN: Yes. Thank you, Manager Miller. So we're waiting for CDC to follow their guidelines on what we're going to do on the mask mandate? Is that what I heard exactly?

MANAGER MILLER: Madam Chair, Commissioner Hansen, we have an indication that there may be some changes coming up from the CDC. One of the things that's been really difficult is this constant changing. No sooner do we get a policy – we literally just updated the policy on February 8<sup>th</sup>, I believe it was, to include and allow for staff to wear and receive from the County the KN-95 masks or the respirators. And then ten days later, nine days later, all of a sudden we don't need to wear a mask indoors. So it's been really difficult. Each one of these policies, we work with our bargaining units to make sure when we do a change to one of the COVID policies that we work with the unions, so at the moment we have in place, Legal is working on what it would look like if we go back to a policy similar to what we had prior to the latest – like I say, they change every month. It's been really difficult to keep up with it. We're trying not to do one and then do another one. So we thought we might stay with what we have and if there's an indication that the CDC's policy is going to change to take a look at that along with the state's public health order before we change our existing policy.

COMMISSIONER HANSEN: So one of the things that I found really hopeful, I felt, in Washington, DC, the order is that you cannot be in any building without a vaccination card and that you have to show your vaccination card before you go into a restaurant, any hotel, or any building anywhere in Washington, DC. And I think that that is – I support that policy. I felt very safe. I came back from Washington, DC. I tested myself. I was negative and I've tested myself again and both times I've been negative and I've been in a room with a lot of people, but everyone was vaccinated. And so vaccinations work and so I hope that people will continue to get vaccinated and be responsible to their fellow citizens. Thank you, Madam Chair.

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

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Manager Miller. As we know this stuff's all over the place. You walk into a restaurant, take your mask off for a glass of water. Take your mask off. It's a moving target. And so

us as policy makers for our employees, 800+ people work here. So whenever the CDC actually makes a recommendation, as to no more mask requirements, are the employees going to come back to work that next day? Have we thought about that yet or not yet? Or not yet? Madam Chair, I'm just trying to give a little bit of guidance to our employees as into when that great recommendation comes, no matter where it is, what are we going to do? How are we going to do that?

MANAGER MILLER: Madam Chair, Commissioner Garcia, I think if I understand your statement, you're saying, well, if something changes and it's immediate, what do the staff do? Staff follow the policies that the County has in place at the time. They've been signed off on by me and by the bargaining units, so that's what governs it, regardless of whether – while they're at their work place. Now, on their private time, they can go and do what the state or CD says. But one of the things that's problematic – for instance, the state changed their policy, the health order that included the mask mandate was supposed to be in effect till March 4<sup>th</sup> and the change was made immediately. We couldn't change our policy that quickly unless I had known. But we didn't know that change was coming. So what we do when there's a change made at the state level, or at the CDC level, we go back and we look at our policies, but they don't immediately disappear just because the state or CDC changes their policy. We do change them and we do update them, but it doesn't happen overnight.

So even if the CDC says we don't need masks that still doesn't mean that our policy immediately goes out the door. What we do then is go back, rework our policy to be as consistent with the state public health order and the CDC's guidelines, and then we go and work with each of the bargaining units to make sure we're in agreement as to how we'll handle that, and then we implement a policy update. So that's why I'm saying it takes us a little time. It's not a matter of I can just change the policy immediately because the Governor changes her policy or the CDC immediately changes their policy. We take all of that information and then try to make the best policy that works for the County and the situations for the County.

So for instance, we have people who work in the correctional facility and they were not exempted from the policy. We have firefighters that would likely still wear masks, because they're healthcare providers as well, or EMTs. So it's not so simple as, oh, it's just tossed out and come to work the next day based on whatever CDC said. It's going to be come to work based on whatever policy we have in place at that time. And any time we update the policy, and I've never written so many – not personally, but signed so many policies as we have done in the last two years about how to work at the County in these conditions, because it's an ever changing thing and we are in a constant working and updating and rewriting the policies based upon whatever information is coming out of the state and the CDC. So I hope that answers your question.

COMMISSIONER GARCIA: Madam Chair, Manager Miller, yes, it does. So just as you mentioned, the CDC, what the Governor does, what the State of New Mexico does, we actually do have contracts with our bargaining units, so we still have to get clarification with them and bargain with them. So that just goes to show that Santa Fe County actually does work with our bargaining units as to what are we going to do? But thank you, Madam Chair. Thank you, Manager Miller.

CHAIR HAMILTON: Thank you. Are there any other questions before



we go on? Thank you, Manager Miller.

**8. B. Miscellaneous Updates**

MANAGER MILLER: I'll do the Miscellaneous Updates and then I'll turn it over to Hvtce for the legislative update. So just a couple real quick miscellaneous updates and that is that on February 26<sup>th</sup> the Santa Fe County Fire Department Black Canyon hand crew, our volunteers, our Office of Emergency Management and our Fire Department wild land members will be conducting a wild land fire evacuation exercise with the citizens of the La Barbaria community. As you may or may not know, I'm sure you do, Commissioner Hamilton, but the rest of the Board may not know, that this area of Santa Fe County is designated as the 12<sup>th</sup> most at risk wild land urban interface areas in the United States, meaning it's a very dangerous area for potential wildfire, and its proximity to the housing areas. Over the last several years community members have expressed their concerns in the area in reference to ingress and egress on roads, defensible space, dead trees and the Fire Department's response. Last year the Fire Chief and Fire Marshall worked with Mr. Jesse Law and Commissioner Hamilton to get a better understanding of the issues and potential next steps in this very vulnerable area of the county.

So life safety is the Fire Department's number one priority of our risk management plan, hence deciding to exercise how to better get our community members off the mountain in an expeditious and effective manner while responding to fight a fire and mitigate the emergency is the overall goal of this exercise, and to test the processes and the warning system to get an understanding of where we can improve.

Then also, really good news, Fire Chief Lindsey was selected for the executive leadership program at the Naval Post Graduate School. The executive leaders program, or ELP as it's called, provides a unique educational opportunity for senior level homeland security public safety leaders who are at the forefront of the nation's homeland security mission. This non-degree graduate level educational program meets the immediate long-term needs of leaders responsible for homeland security public safety, by bringing together a variety of disciplines and jurisdictions into one room. Each class consists of a diverse group of federal, state, local, territorial and tribal and private sector leaders who become enhanced decision makers and innovative collaborators. Participants learn from each other by discussing relevant issues and complex problems while developing policies and strategies to enhance their organization's or agency's homeland security public safety mission.

All the costs associated with participation in the program – the tuition, course materials and travel are covered by the Center of Homeland Defense and Security through its sponsor, the US Department of Homeland Security's National Preparedness Director, FEMA. So very excited that Fire Chief Lindsey was selected for that program. Those are my updates and if there's no questions we could go to legislative matters.

CHAIR HAMILTON: I want to offer big congratulations to Chief Lindsey on that. That will be really good for us and our community. And also a big thank you to Chief Vigil and everybody who's working on this exercise for Santa Fe. That's going to be incredibly valuable for that area and district. I really appreciate that they put that as a

SFC CLERK RECORDED 04/07/2022

priority.

**8. C. First Session of the 56<sup>th</sup> Legislature: Potential Action to Express Support for or Opposition to Legislation that Passed Both Houses**

CHAIR HAMILTON: Hvtce, are you online to do this?

HVTCE MILLER (County Manager's Office - via Webex): Good afternoon, Madam Chair, Commissioners, yes, I am. So the caption that we have on the agenda today is looking at passed items that may be potentially supported by the Commission. So let me go ahead and pull up the overview I've prepared regarding passed items.

So this first section I have listed the potential items that the Commission might want to provide support for. These are the big key items which have made it through the session, past both the House and the Senate, received through [inaudible] Any of the other processes needed before going into law.

The first item here is the budget and the budget was the main task of the 30-day session and it was a very monumental task. The state and the legislature. A 14 percent increase, raises for all the state workers, increased the state workers' minimum wage to \$15 an hour. Also there are increases to different departments as well. If there's any particular departments that you need me to look for or projects within departments, I can surely do that and get back with you if you have any questions.

The next item is the tax package and this was contained – several of the items the Commission has provided support for, which was the elimination of the taxation on Social Security benefits, the new solar market development income tax credit, and the sustainable building tax credit. Those are some of the items which had been previously standalone bills but they were later incorporated within this larger tax package. Listed here are all the different items that were included in the tax package that made it to final passage, that final bill, which included all of these items, House Bill 163.

CHAIR HAMILTON: The extension of the solar market sunset date, it's really looking far into the future. That's really progressive of the legislature. I assume that's a typo. 3032?

MR. MILLER: I'll have to double-check that.

CHAIR HAMILTON: They really don't want that to sunset.

COMMISSIONER HANSEN: It's probably 2032.

CHAIR HAMILTON: I imagine it is. Anyway, go ahead, Hvtce. That's neither here nor there, as they say.

MR. MILLER: I'll make sure and double-check that, looking at the bill. Moving on, the next one is the Harm Reduction Act. This is supported by the Commission as well, House Bill 52 and we had already worked with the Community Services Department and they have contacted the Manager's Office. So we have provided a letter of support for that particular item already to the Governor's Office. This is very specific in that it was allowing possession of test strips used to determine fentanyl and other substances. Kind of a real big problem, and that received wide support from both parts of the legislature and both sides of the aisle.

The next ones, these ones deal with interacting with private sector and the next

SFC CLERK RECORDED 04/07/2022

item is the Anti-Donation Clause. It's similar in topic, but HB 7 relates to the economic development opportunities for the New Mexico Finance Authority working with private sectors. So this bill would allow that to occur. In the past there had been obstacles in state law prohibiting state authorities working and providing state funding to private sector entities. So this frees that up.

House Joint Resolution 1, this will eventually have to go to voters of the state, and this is posing a question to voters whether to amend the New Mexico constitution relating to the Anti-Donation Clause. If passed this will allow household services such as energy water or wastewater or other services provided by law. So localities would be able to assist individuals in those particular areas for that and not be held up with stipulations within the Anti-Donation Clause.

A really big one for the state and education is the opportunity scholarship, which provides full college tuition and fees for New Mexico students. A very monumental piece of legislation for the state and higher education.

And finally I have here at the New Mexico Housing Trust Fund, Senate Bill 134, which was sponsored by Senator Rodriguez, and we had heard a lot about this from our Community Development Department. This would go a long ways to help the housing needs throughout the entire state. This takes off a part of the severance tax bond capacity and earmarks it from here on. And it's expected to provide \$24 million annually to this housing trust fund, whereas it used to be a separate allocation would have to be made every single year and based upon the availability of the money in the general fund, this fund would have to fight to be funded every year, but this is a game-changer for that, affordable housing needs within the state.

Those are the items that passed and there's just a few here, notable items which are receiving a lot of attention and eventually ended up not passing. Senate Bill 14, the Clean Fuels Standard Act. The next would be the hydrogen hub. That was creating a framework of incentives for this new industry. That was backed so much in the original budget version there was \$125 million set aside for that, and seeing that passage of a hydrogen hub bill wasn't going to make it, the legislature re-allocated that money to reserves, \$75 million, and then the other \$50 million for transportation and broadband projects. Lastly, I have on the list is the election law changes/voting rights. So in the say, final day, final hours, Senate Bill 144 was trying to implement everything related to election code changes that included the technical changes that were proposed in Senate Bill 6, and also the Voting Rights Act changes which was proposed in Senate Bill 8. It really came down to the last final hours and this bill just didn't make it through. So the legislature just ran out of time for that particular piece of legislation.

With that I'd like to pause here and see if you have any questions on any of these items, passed or not passed.

CHAIR HAMILTON: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: First, thank you, Hvtce, for everything you did during the legislative session. It's definitely unfortunate that some of these bills did not pass but they can live for another day. I'm really grateful that the constitutional amendment on the Anti-Donation passed so that it can go to the voters. That is really important for us to be able to provide services to low income people, especially internet, energy, water, wastewater. Those are some of the things that we face in New Mexico,

SFC CLERK RECORDED 04/07/2022

being such a poor state, and the need for clean water. So I'm grateful for that and I will advocate and work for that hopefully, to get that passed when it's on the ballot.

So thank you very much for all your work and for showing up and following all these bills. I did as much as I could and hung in there until I left for DC, but I knew you were there so I felt confident that our voice would be represented. So thank you.

MR. MILLER: Thank you, Commissioner. I was in the committees and I hear you providing your support on the weekends. So thank you for your help as well.

CHAIR HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Miller, for what you did over there. You and I worked together, although these last two or three years have been very challenging but thank you for what you did to my colleague here for going and giving testimony. Some of this bills that actually, in regards to some tax credits, as into where you purchase different items in the stores, when does that take effect? Is that immediately as soon as the Governor signs it, or is that next year? How does that stuff –

MR. MILLER: It's this last bullet here, and the quarter percent GRT reduction takes effect July 1 of this year.

COMMISSIONER GARCIA: And then in regards, it was interesting from the Senator from the Farmington area that talked for about 2 ½, 3 hours in regards to the voting rights bill. Like the Commissioner said, it stayed where it was that. Maybe next year they can bring it around. But it's just interesting to see how the dynamics work in that place. I like it. It's actually very interesting. You see all that work. You know, Hvtce. You see it. You get it. All of us to a certain point see how that stuff works there, but very interesting. Thank you for what you did this year, you and Tessa and all the rest of your team. Thank you. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Are there other questions?  
Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to reiterate that the Senate Bill that gives the Housing Trust Fund \$24 million a year based on the 2.5 percent of the severance tax bonding capacity it really a big deal. It's something we envisioned way back when the Housing Trust Fund was created. That's when Manager Miller was at the MFA and I remember working with her on that and we had always hoped it would have annual funding and now finally it does. It's still not enough money, but it's going to make much more of a difference than it did before. So thank you, Hvtce for the reports, and keeping track of all this. Thank you.

CHAIR HAMILTON: Thank you so much. Any other comments or questions from Hvtce? Hvtce, are there any whispers of an additional special session?

MR. MILLER: It's always possible. I don't think that the Governor got all of the various crime measures that she wanted to see pass through and the hydrogen hub, I think that's still going to be out there for a while as an economic driver that the Governor would like to pursue.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: Hvtce, thank you for not standing out in the street like you were the last time when you gave a presentation. Kind of like we're here

SFC CLERK RECORDED 04/07/2022

live at 100 Catron Street, but this time you're in the office. You're safe this time. Thank you.

MR. MILLER: Madam Chair, Commissioner, it's a little breezy out today.

CHAIR HAMILTON: Thanks so much for the input, Hvtce. Is there any feedback further beyond that that you need from us?

MR. MILLER: Just simply if anything is listed here that you want me to follow up on I will be happy to do so. Also, if there's anything, any other bills that we have been tracking through the session, if you need to make sure the funding was in House Bill 2 or whether it go rolled into any other type of bill, or just to see where a particular bill stalled. Anything like that, just go ahead and let me know or let the liaisons know and I'll make sure to follow up with you.

CHAIR HAMILTON: Excellent. Thank you. I think we'll all do that. We'll all follow up with you as needed. Excellent. Did you have any more, Hvtce?

MR. MILLER: Madam Chair, no. That was it for the agenda item. I'd just answer any questions if there are any.

CHAIR HAMILTON: So does anybody have any further questions or input on things he wants to follow? I think everybody is shaking their heads no. So as things come up I know we'll be in touch with you. So keep in touch with us. We love the input.

MR. MILLER: Thank you. I will make sure and let you know as items are chaptered and reach final passage as well.

CHAIR HAMILTON: Excellent. That sounds perfect.

## **9. 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: Are there Commissioners who have things they want to say? Commissioner Hansen, and then I'll go to Commissioner Hughes.

COMMISSIONER HANSEN: You can count on me to have something to say. There's not a problem there. First of all, when I got home, I got a nice little newsletter that Pamela Mathis sent me from the Bureau of Land Management on the recreational target-shooting plan. EA preparation is underway. So I think this plan is going to go out for public comment. This involves basically all three of our districts, Commissioner Garcia, and some of Commissioner Roybal's district on the Caja del Rio. It was very opportune since the day before I spoke with Senator Heinrich and we spoke about where this was and what was happening and he said, oh, I'll make a call and get on it, and I got this the next day so I was happy to see that things are moving along.

I was happy to meet with Senator Heinrich in DC and with the office of Ben Ray Lujan, Levi Patterson at Theresa Leger Fernandez' office, her chief of staff, Nathan Schelbe, and they were all very responsive to our needs and concerns and sent some links as to where we could find money and how we could get access to some of the money in the infrastructure package. I also brought back a number of packets from NACo that talk

about – one is the Broadband Task Force that I'm hoping is a handbook for efficient, effective administration of state and local broadband programs. I plan to share this with Chris Hyer.

Then there is a breakdown of federal infrastructure available to counties, which I think is really important. This is quite a big document. And there's a Broadband Task Force at NACo so I try to get as much information and I have extra copies that I'm willing to share and we can get out. This is the bipartisan infrastructure plan and I brought a number of these copies back. Just because I feel like it's important for all of us to look monies we can find in this that can bring the federal money into our county but also I know we have a labor shortage like everywhere in the country. And so it's one thing to get the money but there is a plan and since we have REDI-Net one of the ways is to make sure that we work with them to get money here.

I want to thank Hvtce for the overview. I found one of the things interesting that Senator Heinrich was concerned about is he says there's a huge amount of tires out on Buckman near the Rio Grande and he wondered about the cleaning up of that. I didn't know exactly where it was but I think maybe – we did do a tire cleanup through NMED and I did mention it to Neil Denton who worked for this division at NMED.

My resolution on creative economies that I supported, that Theresa Leger Fernandez, our congresswoman wrote with Senator Ben Ray Lujan, was passed unanimously at NACo, which I have always taken to heart the advice that I received from one of the staffers at NACo is find something you can win on. Because you lose on a lot of things. It's unfortunate that NACo is a relatively conservative organization and doesn't always see things the same way that we do in the north of Santa Fe County, but I was very heartened by the fact that the letter that we approved for WOTUS, Senator Heinrich was very interested in and instead of just giving it off to one of his staffers he took it for himself to read, which I thought that was a good sign. He was also very interested in the Old Santa Fe Trail Association newsletter. I brought him an extra copy of a newsletter that featured our building and he was very happy to see that. I told him it was some bedtime reading for him. So he appreciated it and took both of those and didn't hand them off to staff.

So I felt like the trip to DC was worthwhile for the County and for all of us to be made aware of the things that are available and how we can use the resources of NACo to our advantage. So thank you, Madam Chair. I probably have forgotten something but it will go into my newsletter. So thank you very much for everything.

CHAIR HAMILTON: Excellent. Thank you, and thanks for the information on what went on in DC. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just have a couple of quick things because I don't like to repeat things I've said before. There's always issues in District 5 coming up. One is that people are anxious for the senior center to reopen. I know we have to be very careful and I think mainly people are happy that we're being very careful and not getting anybody sick, but on the other hand people like to get together. When that happens I think people will be very happy. As you probably know, there's a lot of senior citizens who live in District 5.

The other thing is unfortunately, in recent weeks, there's been at least three coyotes who were present and died. They were taken to the state lab for necroscopy –

whatever you do – autopsies on animals. And it was rodenticide poisons that they had. So I think maybe when we're looking at our strategic plan, I don't know if we can come up with a way to educate people not to do that or whether we have to ban rodenticides, which is what a lot of my constituents would like. But it is pretty horrible to think that poisons that are meant to kill rats and mice are making their way up the food chain and killing some of our large animals that we mostly love watching run around in our yards and outside. So I just wanted to mention that.

I have my next public meeting on March 3<sup>rd</sup>. Thank you.

CHAIR HAMILTON: Excellent. Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, my colleagues. Thank you, Commissioner for those of you that she actually went and represented Santa Fe County in Washington, DC for the National Association of Counties and I'm sure she did an excellent job there. Thank you.

To the individuals that actually did snow removal – we got a lot of snow this last week or two weeks and they did an excellent job. I was very proud to see those individuals that actually did snow removal. My little cousin commented at 4:30 in the morning and said your County trucks are out there. I said they're not my County trucks; they're your County trucks. But they were out there at 4:30, 5:00 in the morning. But to the staff, thank you for what you guys do out there when people are still sleeping. You realize what you do when you drive to work or here on the sidewalks at our building, it's done.

Hvtce, thank you for actually doing what you do out there at the session that's come to an end. Speaker Egolf, we know he's not running for re-election and he actually has stepped down. Thank you for what you've done for the community as into public service as we all do. Not everybody calls us and tells us thank you. But nonetheless, my colleagues, thank you for what we do as service to this community. Speaker Egolf, thank you.

Just a couple last things. My dad, we put my dad to rest yesterday. Thank you to my colleagues for hanging in with me, the last weeks or last month about that. Appreciate that. Mayor, president, Commissioner Javier, I hope you and your family have some peace with what's happening with your family. Thank you.

I'm also interested in our senior centers that are opening. As the Commissioner mentioned, where are we going with that? How is that going to happen? I know it's a moving target. So we'll decide as the different recommendations come down, as well as the Fair Board. As you know, the fair is going to be here in the next eight months. I've gotten several calls in regards to what's happening with the fair. But like I said, it is a moving target, so I know our Manager as well as our Attorney Shaffer will actually be looking in that stuff. But nonetheless, thank you to my colleagues for hanging in there with me. It's been a couple rough weeks, month, but thank you.

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

COMMISSIONER ROYBAL: Thank you, Madam Chair. I do want to also mention about the senior centers. I've been getting a lot of calls from constituents wondering when the senior centers will open back up. A lot of my constituents, and I'm sure as well as a lot of your constituents do, the senior centers provide activities for the

seniors and it's been a tough time during this pandemic and so we're looking forward to seeing those centers reopen. And so I know I've been getting a lot of calls in regards to that as well.

I just wanted to also just ask everybody to keep Senator Lujan and his family in our thoughts and prayers for his full recovery. I know he's doing a lot better and I just want us to continue to think about them and recognize the hard work that he's done for our state and local communities.

Also I did want to share a letter that I did receive and basically it says, Dear Commissioners, Commissioner Roybal and Commissioner Board; We'd like to thank you for the wonderful recognition for all of us who exhibited at the County Fair. I thought it was wonderful that after all the time and hard work you helped put into making our fair happen. You went above it all and gave us all extra special recognition. Thank you again for all you do. We're very fortunate to have your support for all the county. Roybals, Renee, Cipriana and Elena.

So I just want to sort of reiterate that it's our staff and also the Fair Board and the County staff and the members, because they do all the heavy lifting. I'm looking forward to our 2022 County Fair and I just want them to know for them to let us know how we can help. And really that's it for now, Madam Chair. Thank you for the time.

CHAIR HAMILTON: Thank you so much. And I just wanted to mention briefly, I appreciate that Manager Miller mentioned the evacuation exercise that's going to happen in my district on Saturday. I know there are a lot of notices going up for that.

But in addition, last Wednesday we did Coffee with the Commish and we actually included a special topic to get information on broadband. Joseph Montoya very graciously agreed to attend and he made a really nice, low key but very informative presentation and discussion with everybody. People appreciated it and in fact some people contacted me after the meeting to thank him for that, so I guess they should have really contacted him, but anyway, special thanks to Joseph Montoya for agreeing to do that. The community really appreciated that.

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

CHAIR HAMILTON: Madam Clerk, do you have stuff for us?

KATHARINE CLARK (County Clerk): Yes, Madam Chair. Thank you. So I did want to remind everyone that there has been some shuffling of who might be running for office, and so filing day is going to be Tuesday, March 8<sup>th</sup> from 9:00 am to 5:00 pm. We do recommend folks make an appointment in order to be able to file. If you're running for House or Senate you'll need to get signatures, and the Secretary of State has the exact amount of signatures that you'll need to get in order to file. If you're running for County Commission or Assessor or Sheriff, you will need to pay a \$50 filing fee or sign a pauper statement.

I did want to announce that we did get some money out of the legislature, so our sorting machine has been fully paid for and we also got about \$350,000 for our juvenile facility. So we should be able to make some improvements there for the new Clerk's

SFC CLERK RECORDED 04/07/2022



warehouse.

And I am disappointed that we did not get the voting rights bill passed in the legislature, but there is a little bit of history in that. In 2014 I got a Senator to carry a bill that was going to give a tax break for menstrual pads and also diapers. And I was told but that would be too expensive to take out of the general fund. Baldonado carried it one year. Christine Trujillo carried it another year and we finally got that passed, and it's six years from when that bill was first carried. I'm hoping voting rights won't take that long, but it is something you have to keep working on. So thank you.

CHAIR HAMILTON: Thank you so much. Are there other elected officials? Is our Treasurer, or our Sheriff, or our Assessor, who would like to make any comments? Daniel, do you know if any remaining elected officials are on the line?

MR. FRESQUEZ: Madam Chair, the only one I see is the Undersheriff.

CHAIR HAMILTON: Undersheriff, if you have anything you would like to provide, we'd welcome it and if not that's great too. Whichever. So hearing nothing I will close that matter. It is after 5:00. If nobody else objects, if we skip over 10 and go straight to the public hearing, item 11, then we can go back and do executive session after that. I think that would be good and not keeping people waiting. So if everybody's prepared to do that.

## 11. PUBLIC HEARINGS

- A. **CASE # 22-5010 BL Santa Fe, LLC Transfer of Ownership of Dispenser Liquor License No. 0469. BL Santa Fe, LLC, Applicant, Meg Meister, Agent, Request Approval of a Transfer of Ownership of a Dispenser Liquor License, License No. 0469 with on Premises Consumption Only (Upper Tier Transfer). The Site is Located at 1297 Bishops Lodge Road (the Bishops Lodge Resort). The Property is Zoned as a Planned Development District within Sections 4, 5, & 6, Township 17 North, Range 10 East (Commission District 1)**

CHAIR HAMILTON: I think we can go directly to Jose Larrañaga who is the case manager.

JOSE LARRAÑAGA (Case Manager - via Webex): Thank you, Madam Chair. BL Santa Fe, LLC, applicant, Meg Meister is the agent, but Robin James is going to be representing the applicant. The applicant is requesting approval of a transfer of ownership of dispenser liquor license No. 0469 with on-premise consumption only. The LLC owns License No. 0469. Due to a shift with the ownership, the State Alcoholic Beverage Control requires the license to go through this process. The dispenser liquor license allows the serving of alcohol throughout the entire resort. No change to the business location or name is being requested. The applicant has a current Santa Fe County business license and a current permit to operate from the New Mexico Environment Department.

The zoning for this property is regulated by Ordinance No. 2016-9, the Sustainable Land Development Code, Chapter 8, Section 8.10.10. The site is zoned as a Planned Development District. As such, it is to be developed in accordance with, and governed by and restricted to the densities, uses and conditions identified

SFC CLERK RECORDED 04/07/2022

on the approved master plan, plat or development plan.

The Master Plan for Bishop's Lodge was recorded on December 11, 2002. The Master Plan does not list liquor sales as an allowed use. As part of a resort activity, liquor sales could be considered an auxiliary use to the resort. Bishop's Lodge has historically served liquor on the premises.

Section 1.11.3 states, Development permits and final approvals granted by the Board, County Development Review Committee or the Administrator prior to enactment of the SLDC for which rights have vested shall remain valid, and development and use of the property shall be allowed so long as the development and use is in accordance with the development permit and final approval.

The State Alcoholic Beverage Control granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. The Liquor Control Act requires the Board of County Commissioners to conduct a public hearing on the request to grant a change of ownership to an existing liquor license. In accordance with the Liquor Control Act, the BCC may disapprove the issuance of the license if the issuance would be in violation of zoning or an ordinance or the issuance would be detrimental to public health, safety or morals of the residents of the local option district.

Growth Management staff has reviewed this project for compliance with pertinent code requirements and finds the following facts to support this submittal: Chapter 1, Section 1.11.3 validates existing uses which were previously approved by the County prior to enactment of the SLDC; the applicant has met the State of New Mexico requirements for noticing; and the site is 7,845.8 feet from the nearest church and 6,632.7 feet from the nearest school.

Staff recommends approval of a Transfer of Ownership of Liquor License No. 0469, to be located at 1297 Bishop's Lodge Road.

Madam Chair, I stand for any questions.

CHAIR HAMILTON: Thank you very much. Before I go to the Board for any questions. Jose, does the applicant care to make any statements?

ROBIN JAMES (via Webex): This is Robin James of Modrell Sperling. I think that Jose has summed up everything. We're here on behalf of the applicant so we're also happy to stand for any questions. Dave Parker of Operations is also here and will stand for any questions as well.

CCHAIR HAMILTON: Excellent. Thank you very much, Robin. So unless any Board members have a burning question I'll go to public comment first. Is that acceptable? Okay, so I'd like to open the public comment on this public hearing. Is there anybody here from the public who wishes to speak to this matter? Daniel, do you know if there's anybody on the meeting from the public who wishes to speak to this matter.

MR. FRESQUEZ: Madam Chair, I don't see anything indicating that someone would like to speak from the public.

CHAIR HAMILTON: Excellent. Thank you, Daniel. So I will ask one more time, is there anybody on the meeting from the public who would like to speak at this hearing? Hearing none, I'm going to close the public comment and go to the Board members. I know Commissioner Garcia had something.

SFC CLERK RECORDED 04/07/2022

COMMISSIONER GARCIA: Thank you, Madam Chair. Mr. Larrañaga, is this a full liquor license or just a beer and wine license that's being transferred?

MR. LARRAÑAGA: Madam Chair, Commissioner Garcia, it is a full dispenser license and as a resort they can serve at the rooms, at the restaurant, at the pool. It's for the entire site.

COMMISSIONER GARCIA: Thank you, Madam Chair. Mr. Larrañaga, can they actually serve package liquor to somebody that's not inside of the property limits?

MR. LARRAÑAGA: I don't believe this license will allow that. It's drinks. I don't know if the rooms can order package or not, Madam Chair.

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

CHAIR HAMILTON: Are there other Board members with questions? Commissioner Hansen.

COMMISSIONER HANSEN: Can I make a motion?

CHAIR HAMILTON: Certainly.

COMMISSIONER HANSEN: I would like to make a motion to approve Case 22-5011, BL Santa Fe, LLC, transfer or ownership of dispenser liquor license, applicant Meg Meister. I guess we have a new agent. Robin – request approval of transfer of ownership liquor license Number 0469, etc.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I think the case number – Commissioner Hansen said 22-5011, but it's actually 22-5010.

COMMISSIONER HANSEN: I thought I said ten.

CHAIR HAMILTON: Okay. As long as we have it on the record.

COMMISSIONER ROYBAL: Okay, so I'll second it. I just wanted to make sure that we had the right case number.

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

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

## **12. INFORMATIONAL ITEMS / REPORTS**

- A. Community Development Department January 2022 Monthly Report**
- B. Community Services Department January 2021 Monthly Report**
- C. Finance Division December 2021 Monthly Report**
- D. Growth Management Department January 2022 Monthly Report**
- E. Human Resources Division January 2022 Monthly Report**
- F. Public Safety Department January 2022 Monthly Report**
- G. Public Works Department January 2022 Monthly Report**

MANAGER MILLER: Madam Chair, before Attorney Shaffer reads the item is there anything on the reports that any of the Commissioners have questions for the

SFC CLERK RECORDED 04/07/2022

department directors?

CHAIR HAMILTON: Thank you so much for bringing that up. Does anybody have any questions for the department directors? If not, I really, really want to thank all the department directors for both providing these reports which are always very informative and also for sticking around for any questions. So thank you for staying and I guess we're done with you here so you can go have dinner, unlike us. Thank you very much, and thanks for mentioning that, Manager Miller.

**10. 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. In re: Broiler Chicken Antitrust Litigation**
  - 2. Breach of Settlement Agreement and Related Agreements Related to Annexation**
  - 3. In Re: National Prescription Opiate Litigation, U.S. District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-md-2804**
  - 4. Executive Management Personnel Matters**

CHAIR HAMILTON: So, Attorney Shaffer, what can we do for executive session?

MR. SHAFFER: Thank you, Madam Chair and Commissioners. The purpose and authority for executive session would be limited personnel matters as allowed by Section 10-15-1(H)(2)NMSA 1978; 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; including: one, in re: Broiler Chicken antitrust litigation; two, breach of settlement agreement and related agreements related to annexation; three, in re: national prescription opiate litigation, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-MD-2804; and four, executive management personnel matters.

CHAIR HAMILTON: Great. So I would entertain a motion to go into executive session. Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I'll make a motion that we go into

SFC CLERK RECORDED 04/07/2022

executive session to discuss just those items that Attorney Shaffer listed.

COMMISSIONER HANSEN: I second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Can we 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 5:30 to 6:35.]

CHAIR HAMILTON: We're out of executive session. I would entertain a motion to come out.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I would make a motion that we come out of executive session where the only things discussed were the items that were summarized by our County Attorney and there was no action.

CHAIR HAMILTON: Thank you.

COMMISSIONER HANSEN: Second.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: So I have a motion and two seconds.

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

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

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Yes. So this is item 10. B. Recognizing that County participation in the class action settlement will release the County's claims against individual defendant; I move to authorize the County Manager to submit a claim on behalf of the County in the Broiler Chicken anti-trust litigation.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. So I have a motion and a second. Is there anything under discussion? Seeing nothing.

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

SFC CLERK RECORDED 04/07/2022

**13. CONCLUDING BUSINESS**

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

Upon motion by Commissioner Garcia and second by Commissioner Roybal, and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 6:38 p.m.



Approved by:

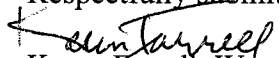
  
Anna Hamilton, Chair  
Board of County Commissioners

ATTEST TO:



KATHARINE E. CLARK  
SANTA FE COUNTY CLERK

Respectfully submitted:

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

SFC CLERK RECORDED 04/07/2022