

SFC CLERK RECORDED 03/10/2022

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

February 8, 2022

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

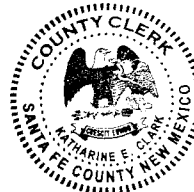
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 40

I Hereby Certify That This Instrument Was Filed for
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Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Dorothy Romero County Clerk, Santa Fe, NM



SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 8, 2022

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Anna Hamilton in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

The meeting was conducted in a hybrid format with both in-person and virtual participation.

B. Roll Call

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

Members Present:

Commissioner Anna Hamilton, Chair
Commissioner Rudy Garcia, Vice Chair [via Webex]
Commissioner Anna Hansen
Commissioner Hank Hughes
Commissioner Henry Roybal [via Webex]

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 Roybal and the Moment of Reflection by Julian Sena of the Growth Management Department.

Commissioner Hansen asked for prayers for Senator Ben Ray Lujan.

1. **F. Approval of Agenda**

CHAIR HAMILTON: Manager Miller, are there changes we need to note?
KATHERINE MILLER (County Manager): Yes, Madam Chair,
Commissioners. The original agenda was posted on Tuesday, February 1st at 5:18 pm and

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then the amended agenda was posted on Friday, February 4th at 5:03 pm with these amendments: Item 3. C on Consent, that item was added. It's a ratification of approval of a letter concerning WOTUS. Then Section 5, Miscellaneous Action Items, item D, which was a county improvement district application resolution, that was tabled.

Item 5. G, which is a ratification of my signature on a contract amendment, that item was added. Then item 7, which is Matters from the County Manager, item B, packet material was updated with the most recent legislative information. And then item 9. Matters from the County Attorney, B, Executive Session, items 9. B. 2 and 3 were added. And those were the amendments posted to the agenda last Friday.

CHAIR HAMILTON: Excellent. Thank you. So with those notations –

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve with the noted changes.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. If there's no further discussion –

COMMISSIONER GARCIA: Madam Chair, I have a discussion, a quick question if I may please?

CHAIR HAMILTON: Of course, Commissioner Garcia.

COMMISSIONER GARCIA: Item 5. D, that's tabled, correct?

CHAIR HAMILTON: Yes, that's correct. So it will come up on a future agenda.

COMMISSIONER GARCIA: Item 5. D is tabled?

CHAIR HAMILTON: Correct. If I'm not mistaken it's tabled for reasons of needing additional information.

COMMISSIONER GARCIA: Okay. Thank you.

CHAIR HAMILTON: Thank you, Commissioner Garcia. Any further discussion? There's a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Roybal was not present for this action.]

3. APPROVAL OF MEETING MINUTES: January 11, 2022

CHAIR HAMILTON: Anybody have any input on the minutes of what's the pleasure of the Board?

COMMISSIONER HANSEN: Madam Chair, I move to approve the minutes.

CHAIR HAMILTON: Thank you.

COMMISSIONER HUGHES: I'll second.

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

The motion passed by unanimous [4-0] voice vote. [Commissioner Roybal was not present for this action.]

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3. CONSENT AGENDA

- A. Resolution No. 2022-007, a Resolution Requesting a Net Increase in the Amount of \$17,982 to the Law Enforcement Operations Fund (246) for the BVP Grant and Adam Walsh Grant Awards (Finance Division/Yvonne S. Herrera and Sheriff's Office/Ken Johnson)**
- B. Resolution 2022-008, a Resolution Authorizing the County Manager to Complete and Submit a Local DWI Grant Program Application and Related Documents and Agreements (Community Services Department/Sebastian Adamczyk)**
- C. Request for Ratification and Approval of Letter/Comments from Santa Fe Board of County Commissioners to the U.S. Environment Protection Agency and the Department of the Army re: Definition of "Waters of the United States (WOTUS)" Docket ID No. EPA-HQ-OW-2021-0328 (Commissioner Anna Hansen) (Item Added)**

CHAIR HAMILTON: Are there any items that any Commissioners have questions on or would like to have pulled for discussion? If not, what's the pleasure of the Board?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve.

COMMISSIONER HUGHES: I'll second, and I have a comment.

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

COMMISSIONER HUGHES: I just wanted to thank Commissioner Hansen for writing the letter about Waters of the US, a very important topic.

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

COMMISSIONER HANSEN: I want to thank Commissioner Hughes and I want to thank staff and everyone who worked with me on getting this letter done. It is in line with the previous letters that we have written on WOTUS.

CHAIR HAMILTON: Thank you, Commissioner Hansen. Any further discussion? So for Consent we have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Roybal was not present for this action.]

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

[Commissioner Roybal joined the meeting.]

4. APPOINTMENTS/REAPPOINTMENTS

- A. Request Appointment of One (1) Member to Serve on the Santa Fe County Planning Commission, as an At-Large Member**

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CHAIR HAMILTON: Ms. Vicki Lucero.

VICKI LUCERO (Building and Development Services Manager) (via Webex): Thank you, Madam Chair. On December 14, 2021 the BCC appointed Marion Cox to serve as the at-large member on the Planning Commission. Ms. Cox has since declined the position explaining that it conflicted with work associated with her business, and so we did contact members of the public who were interested in serving on the Planning Commission that were on the list of potential candidates that was presented to the Board in December. So the people who would still like to be considered to serve on the Planning Commission are listed in the packet material and their letters of interest and résumés are included in Exhibit B in the packet.

Staff recommendation: Staff has reviewed the letters of interest and résumés of all the applicants and recommends that the BCC appoint Wendy Melgin-Pierard based on her experience in land use related matters to serve on the Planning Commission in the at-large position for a two-year term beginning February 2022 until January of 2024. Thank you, Madam Chair. I stand for any questions.

CHAIR HAMILTON: Thank you, Vicki. Appreciate it. Do any Commissioners have questions?

COMMISSIONER GARCIA: Madam Chair, I move for approval.

COMMISSIONER HUGHES: I'll second.

CHAIR HAMILTON: Thank you. So I have a motion and a second. Under discussion, Commissioner Hughes did you have something?

COMMISSIONER HUGHES: I was going to make the motion.

CHAIR HAMILTON: I understand. Any other further discussion?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: We are appointing Wendy –

CHAIR HAMILTON: I assume that was for approval of the recommended appointment. Commissioner Garcia, is that correct?

COMMISSIONER GARCIA: Yes, Madam Chair.

CHAIR HAMILTON: Thank you very much. So, yes, Commissioner Hansen.

COMMISSIONER ROYBAL: Madam Chair, this is Commissioner Roybal.

CHAIR HAMILTON: Yes, Commissioner Roybal.

COMMISSIONER ROYBAL: Is this an at-large position or is it the District 1?

MS. LUCERO: Madam Chair, Commissioner Roybal, this is the at-large position.

COMMISSIONER ROYBAL: Okay. Thank you.

CHAIR HAMILTON: Thank you, Commissioner Roybal. We note that Commissioner Roybal has joined the meeting. So if there's no further discussion I do have a motion and a second.

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

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5. MISCELLANEOUS ACTION ITEMS

A. Request Approval of Lease Agreement Between Santa Fe County and Reunity Resources to Lease County Property Along the Santa Fe River to Reunity Resources for Agricultural Use to Support Local Hunger Efforts

CHAIR HAMILTON: Scott Kaseman, would that be you?

SCOTT KASEMAN (Public Works) (via Webex): It would. Good afternoon, Chair Hamilton, Commissioners. My name is Scott Kaseman and I am the County's real property supervisor. Today, staff is requesting your approval of a lease agreement between Santa Fe County and Reunity Resources to lease County property along the Santa Fe River for agricultural use to support local hunger efforts.

In July of 2020, the BCC executed a lease with Reunity for one acre of the County's Santa Fe River property. This is located at the northeast corner of Agua Fria Road and San Ysidro Crossing. That lease expired on January 31st of this year. Reunity has been farming the property and in lieu of rent for the lease agreement, Reunity donates agricultural services and produce grown in the garden to help support local organizations that combat hunger in Santa Fe County. In a moment, Juliana Ciano from Reunity will be giving a presentation describing those donations and Reunity's activities.

At this time, Reunity and the County wish to execute a new lease for an additional acre of ground for a term of three years under similar lease conditions. We did obtain an appraisal from Hippauf Associates and they determined that the three-year free market rent for the two acres is \$14,400. This estimated value of the produce and the agricultural services over the same three years is over \$100,000.

[Connectivity and audio issues.]

COMMISSIONER GARCIA: I have a question for Scott that I can ask now.

CHAIR HAMILTON: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: So the \$14,000, is that per year or per month? And then the \$100,000 that they're actually going to produce, is that given to the County? To the homeless individuals that request that produce? Where's it going and how do we monitor that it is going to the community?

CHAIR HAMILTON: Good question. I'm assuming that Scott can answer part of that and the representative from Reunity Resources might be able to answer it. Before I go to lots of discussion, I'd like to find out whether we've lost Scott Kaseman because of technical issues.

GARY GIRON (Public Works Director) (via Webex): Madam Chair, this is Gary Giron and I can finish the presentation. We lost Scott, I think because of connectivity issues.

CHAIR HAMILTON: Yes. Okay. I appreciate it, Gary. Please take over.

MR. GIRON: So staff has conducted its due diligence and has determined that the estimated value of the produce be donated at \$112,140, which exceeds the fair market rental value of the land, which is approximately \$14,400. The proposed leases would run from February 1, 2022 to January 31, 2025. The 2020 lease which was #20-18-0270-PW will expire on January 31, 2022. Public Works is requesting a continuation of

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this agreement with a three-year lease term.

With regard to the Santa Fe River Greenway project, based on the current design and construction schedule, the lease would not interfere with the advancement of the project. The design engineers are incorporating the garden into the final design for this section of the greenway, and this meets the intent of the conceptual plan design for the infiltration area.

Reunity has expressed their intention to continue to apply regenerative agricultural methods so as to be good stewards of the land, building the soil and sequestering carbon from the air, conserving water and building biodiversity. The food produced on the land will be donated to existing county food insecurity programs including YouthWorks Culinary Program with County meal distributions, Feeding Santa Fe, Bienvenidos Outreach, Communities in Schools and Many Mothers. Reunity has existing food donation relationships with the above listed organizations and with the additional food supplies generated from the land in this lease, they are interested in broadening their distribution to include additional local partners.

I will allow Juliana to do her presentation but then I would ask that the Board approve this lease. And with that I'll turn it over to Juliana.

JULIANA CIANO (via Webex): Thank you, Gary. Good afternoon. I'm Juliana Ciano. I'm the program director for Reunity Resources. And first, I just want to thank you all for having me today. I'd like to thank the incredible staff of Santa Fe County – Harry, Joe, Mike, Sara, Scott, Bill, Roberta, Gary – everybody here today. You're really incredibly hard working, and thank you for being so forward-thinking. Also, to our County Commissioners, thank you for leading the County in excellence and special thanks to our district Commissioner, who has always championed environmental justice and food security through this initiative and many others. It's really our pleasure to be partnering with you in this way.

So Reunity Resources is a 501(c)(3) non-profit organization. We operate the community farm adjacent to the property that we're discussing now. We also divert approximately two million pounds of food waste from the landfill annually, operate a no-questions-asked free community fridge where anyone can access food any time, night or day. We hosted 270 children at farm camp last summer and host a number of community events. I'm here today to ask your approval of this three-year lease for the County property adjacent, which is identified in your packets, and I believe that you have a power point with some photos of the project. I'll bring those slides up.

So this project came directly out of the pandemic fear around local food security. Our farm presently donates lots of food but during that time when grocery store shelves were bare, we had so many agencies and individuals reaching out saying, can you donate? Can you donate? Can you donate more? We said, yes, of course. We're going to donate as much as we can but we're just one small farm. We need to find bigger, longer-term solutions. This isn't something that a single farm can solve.

And so, partnering with other local non-profits and with Santa Fe County, this is kind of a dream pilot project that I'd love to see replicated throughout this county and many others wherein community organizations can grow food on public lands, thereby improving the land, training young people, building community, and I titled this presentation "Cultivating Hope in Troublesome Times" because really, this was a way for

us to be together outside, safely masked, during the deep uncertainty that was spring 2020 and to a certain extent still is today.

This piece of land was a gravel quarry most recently and covered in trash. The first thing we did – this is a YouthWorks crew that we partner with – was clean up trash and then clean up rocks, then with digging poles and spades, start trying to crack our way through that desert caliche.

I wanted to start with numbers because that's an important metric for people. For me, the next things after this are the most important, but I just wanted to give a quick breakdown of what's been invested from community organizations just this past year in this land. We installed an off-grid water system – I'm also trying to be fast; I don't want to belabor the issue. You can see the numbers. Lots of compost, lots of labor, lots of youth training, and then the food that came out of it. So the real measurable value is immense, especially compared to the appraised rent that Hippauf and Associates found.

That's the total number, and it's not just Reunity Resources. It's YouthWorks, it's Bienvenidos Outreach, it's Three Sisters Collective, and it's Mother Nature Center. Those are the five main collaborating organizations that brought energy this land in the past year.

Here's what I think matters more, beyond those numbers, is the community, the education, the land, the water, and the food coming off this piece of land.

So since beginning its lease it's become a hub of activity. We've had agricultural trainings there, construction training with the YouthWorks crew. We built a shed and installed an off-grid water system, irrigation supplies. We talked about sustainable land management so that we could control the water coming off a steep slope. The land held poetry readings and art therapy workshops and public art workshops, indigenous knowledge sharing events. This became a hub of diverse, multi-generational activities.

This is the crew after installing that solar off-grid water tank.

And here's a few snapshots from different community events – planting together – all different groups in the community. I think that's something really special about Agua Fria Village is the thousands of years of history. They're really still visible today in so many ways, and celebrated. And this land just amplifies that.

This is an aerial shot. So that first shot of those guys who were smiling. They were only smiling for the photo. It was too hard digging to stay smiling for very long. But that's how many holes were dug. And then we got smart and we hired someone with a backhoe to make these long trenches. So we call it our quilt. We've got polka dots and stripes here. But what's important about seeing this is that all of that caliche was a) covered in stones and trash; and b) water could not soak into it. So now you see it's perforated and it's amended with compost. We're going to talk about how that improves the water and the land momentarily.

So it's a very steep slope from the road to this portion of the land. Compost is known for holding approximately triple of the water that native sand clay soils can hold. So by bringing 60 cubic yards of compost onto this land and amending the soil we're making all of that water that comes in and rushes down that slope, rather than tearing away existing topsoil and debris and pushing it into the river. That water is being captured, it's being held by the roots of the plants, and it is a) filtering into our watershed; and b) growing nutritious plants as well as pollinator habitat and biodiversity.

Here are some pictures. Food from the farm was donated to the culinary program, which was great because the same kids going through the YouthWorks training could come and they could see this barren caliche and – oh my gosh – what big holes, and then by the end of the summer see, oh, we're harvesting squash, and oh, we're cooking calabacitas. So really the connection there was powerful. Food also went to the community fridge as well as other partners providing food to homeless populations such as the Santa Fe Indigenous Center, Many Mothers, and SFPS Adelante.

So some of the food that was donated – the center photo, we would make like CSA type boxes and from our farm stand we could add things like eggs and beans and butter, as well as different vegetables, and every distribution looks a little different so sometimes it's in bulk or sometimes it's in family boxes. That's the last slide. Good. I didn't take too long.

So please approve this lease. Three years is an extremely short amount of time in agricultural time, but I think we've shown what we can do in just about 20 months. So thinking of that impact in that short amount of time I know that we can do more in three years and we appreciate all your support. Thank you.

CHAIR HAMILTON: Thank you very much.

MR. GIRON: Madam Chair, with that we would stand for any questions and ask you to approve this lease.

CHAIR HAMILTON: Thank you very much. Commissioner Garcia, did you feel like your question was answered in the remainder of the presentation?

MR. GIRON: So Madam Chair, we will stand for any questions and ask you to approve this lease.

CHAIR HAMILTON: Yes, I've got that. That's great. Really appreciate the presentation. In the middle, when we had that slight break, Commissioner Garcia had asked a question which was postponed because I figured the remainder of the presentation might answer it and I was just trying to confirm that but he hasn't responded so we'll get back to Commissioner Garcia. Are there other Commissioners with – Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Gary. Thank you all of the staff who have worked so hard on this lease. I am incredibly, incredibly grateful to represent Reunity Resources and this district and the historic village of Agua Fria. It is clear that Juliana and the team that she has created, not only have they provided all of this food but they've documented it through the organizations that they have worked with continually, and it is such a model to share with the community as a whole but also the nation. This is the kind of way that we can actually feed our community and people who have food insecurity. So with that I would like to move to approve a lease agreement between Santa Fe County and Reunity Resources to lease County property along the Santa Fe River to Reunity Resources for agricultural use to support local hunger efforts.

COMMISSIONER HUGHES: And I'll second.

CHAIR HAMILTON: Thank you very much. So I have a motion and a second. Is there any further discussion? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to say this sounds like a wonderful project and a great deal for the County and a great deal for the people who benefit in many ways from this project.

CHAIR HAMILTON: Thank you. Any other Commissioners?

COMMISSIONER GARCIA: This is Rudy.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: What an excellent program. I think it's all great that we're moving forward and I used to play on that field there when I was a kid, when I used to go to Agua Fria School. However, this is a great program for the community. I agree. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you, Commissioner Garcia. Any other comments. We have a motion and a second.

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

CHAIR HAMILTON: I also understand William Mee wanted to speak to this and I would welcome his comments during Matters from the Public.

5. B. Resolution No. 2022-009, a Resolution Amending the Santa Fe County Road Map and Certifying a Report of the Public Roads in Santa Fe County

CHAIR HAMILTON: Mr. Giron.

MR. GIRON: Madam Chair, members of the Commission. I believe that we circulated a new 2022 County road list in draft form and for the Commissioners that aren't present we passed them to your liaisons. So you can flip through this as a .pdf.

This is our annual approval of the County road list. The purpose of the resolution, it fulfills the County's requirements to receive its share of road maintenance funding from the New Mexico State Treasurer's Office generated from gas and motor vehicle taxes. Annually, the County is required to update the County road map and submit a certification to the New Mexico Department of Transportation by April 1st of each year. Adjustments to the County road map are listed below with the revised of the roads attached.

To be clear, this past year Traffic took the opportunity to remeasure every one of the County roads from beginning point to ending point with distance measuring equipment that was attached to County vehicles. So in that they made corrections to the lengths of roads and made sure that the beginning and ending points for those roads were accurate, which changed the calculation of the roads. I thought it was going to be greater than this but it's not. It went from 556.35 miles to 557.32, so just less than a mile.

In addition, from last year's conversation with Commissioner Hansen, we added columns designating Commission districts, so they're broken out by road districts but then also the Commission district. We also have in the document the PASER rating. Just to give you a little more information, we're in the middle of our process of completing a contract with Infrastructure Management Services, which is IMS. In ramping up they're doing road surface testing for all of our paved roads using laser LIDAR to evaluate any stresses and structural strength. So next year what you should have is the prioritization of County roads that need the most resources because they're getting close to failing, and in this future this will help us prioritize all of our maintenance projects.

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And with that I will stand for any questions on this report.

CHAIR HAMILTON: Excellent. Thank you so much. So are there questions from Commissioners? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Gary. I did try and look at this on line and I realized that I didn't get the whole report, so I really appreciate being able to see the whole report. It looked like that there's not many roads in my district. There may be – it's not broken up like you said by maintenance districts as opposed to Commission districts. But I know I do have County roads in the county. I appreciate the entire list and I will look it off. And I'm glad that you were only off my one mile. I think that's impressive. So congratulations.

MR. GIRON: Thank you, Madam Chair, Commissioner. And if you would like to sort by the roads in your district we could do that and get a report for you.

COMMISSIONER HANSEN: That would be great. I would appreciate it.

MR. GIRON: We can do that.

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

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: Thank you, Gary for bringing this forward. This is actually awesome that the County is moving forward on its new software so that way we can determine what the integrity of all the County are. Very good. Thank you. Thank you, Madam Chair.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make a motion to approve a resolution amending the Santa Fe County road map and certifying a report of the public roads in Santa Fe County.

COMMISSIONER HUGHES: And I'll second.

CHAIR HAMILTON: Excellent. Thank you. So I have a motion and a second. Is there any further discussion? Hearing none.

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

5. C. **Resolution No. 2022-010, a Resolution Requesting a Budget Increase in the Amount of \$2,375,000 to the Road Projects Fund (311) for a Grant Received from the New Mexico Department of Transportation**

CHAIR HAMILTON: I think I saw Yvonne.

YVONNE HERRERA (Finance Director) (via Webex): Madam Chair, Commissioners, the resolution before you is requesting a budget increase for a Department of Transportation Project Fund grant to the Public Works Department for the northeast-southeast connector road project for the construction of 3.96 miles of the new roadway. This grant does require a five percent match, which is already budgeted using general obligation bond 2015 fund. And with that, Chair, I and Director Giron stand for any questions the Board may have.

CHAIR HAMILTON: Excellent. Thank you so much.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: Thank you, Ms. Herrera. The [inaudible] involves – is this just for the northeast-southeast connector, or is it for all the roads on the list?

MR. GIRON: Madam Chair, Commissioner – Yvonne, if it's okay, I can answer that.

MS. HERRERA: Yes.

MR. GIRON: Madam Chair, Commissioner, it is only for the northeast-southeast connector. It contributes to the total cost of the project.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Giron, for applying for the grants. That way we can get that road done. Thank you, Madam Chair.

COMMISSIONER HANSEN: Thank you, Commissioner Garcia.
Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you, Madam Chair. I'd like to move for approval of this resolution.

COMMISSIONER HANSEN: I second, and discussion.

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

COMMISSIONER HANSEN: Yes. I would like to thank everyone for getting this grant and helping to move this project forward. The northeast-southeast connector will make a big difference in Districts 5 and 4 because they both seem to share that area. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I would just echo that. Thanks to everybody who got this going, and it's exciting that we're finally going to build this road.

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

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

MR. GIRON: Madam Chair.

CHAIR HAMILTON: Mr. Giron.

MR. GIRON: If the Board is interested, we'll be ready to give a status on the northeast-southeast at the next Board meeting, if that is in the interest of the Board.

COMMISSIONER HANSEN: That would be fantastic.

CHAIR HAMILTON: Sounds like that would be appreciated. Thank you, Mr. Giron.

5. D. Spur Ranch Road Association County Improvement District Application:
(ITEM TABLED)

5. E. Request Ratification of the County Manager's Authorization to

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Submit a FEMA Grant Application for the Opportunity of Receiving \$1,500,000 in Grant Funding for the Purpose of Staffing for Adequate Fire and Emergency Response

CHAIR HAMILTON: Mr. Taylor, are you taking this one?

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, Commissioners. The Fire Department received an application from FEMA that required immediate action to submit that application and the FEMA grant is for staffing for adequate fire and emergency response. The County Manager reviewed and delegated – it had to be submitted electronically, the application by the Fire Department, those that have access to the FEMA grant application system, and so the County Manager granted approval authorization for and achieved to submit that application. I'll stand for any questions. I'm sure Chief Lindsey will stand by and I apologize for the memo caption. Daniel Sanchez [inaudible]
I'll stand for any questions regarding this ratification of the County Manager's authority to submit the application.

CHAIR HAMILTON: Excellent. Manager Miller.

MANAGER MILLER: So Madam Chair, Commissioners, in this year's budget we had actually initially requested six cadets to assist with the relief factor for minimum staffing in our 24/7 career fire stations. And we ended up needing to use those funds in order to cover part of our union contract as well as some reorganization within the department to have better coverage at the battalion chief and captain and lieutenant level. So we were unable to fill those positions and we deleted those positions. This grant would actually allow us to apply for getting those six cadets back and be paid for over a three-year period. We would have to provide the uniforms and bunker gear and equipment. That will run about \$60,000 or \$70,000 for those six individuals. But the grant, if we were to receive it, would cover the cost for three years and then we would pick it up with our own funds and pick up that staffing.

This was one of the items too that we were planning in order to properly staff the Fire Department with a relief factor. Right now, when we have minimum staffing, if somebody calls in sick or somebody's on training, or somebody's on leave we have to bring in somebody on overtime. But if we had anywhere from six to twelve other EMTs available that would fill in on those shifts throughout the county then we could significantly reduce our overtime and have a good relief factor for the fire stations so that employees also don't have as much burnout from having mandatory hold-overs.

So this was really a good opportunity to see if we can find another way to fund those positions.

CHAIR HAMILTON: Excellent. So do Commissioners have any questions on this item? Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I move for approval.

COMMISSIONER HANSEN: Second.

COMMISSIONER GARCIA: I'll second it. I have a question.

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

COMMISSIONER GARCIA: Thank you, Madam Chair. So this grant is

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actually good for three years. So after the three years we will be picking up the costs for benefits and to pay the staff. Is that correct?

MANAGER MILLER: Madam Chair, Commissioner Garcia, yes. We would after three years pick up the salary and benefits of those six staff.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Manager Miller. And also where would they be housed at? Do we have enough places for them to be housed at?

MANAGER MILLER: So Madam Chair, Commissioner Garcia, that's what I was saying. They won't be assigned specifically. They may be assigned to a station but they would be assigned as what we call a relief factor. So some of our stations have six people minimum people staffing; some have eight. But when one of those people is either on training, annual leave, sick leave, we have to call somebody else in on overtime. This way these individuals could pick up that shift without being on overtime.

So it's a way of building in what we call a relief factor across the department.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Manager Miller. So we do have the ability to house these individuals?

MANAGER MILLER: Madam Chair, Commissioner Garcia, yes. We won't have people just sitting around in fire stations of excess capacity. As it stands right now, just in our base number of hours, the firefighters do shifts 29/12. Any time somebody's off, they're off for a shift of at least 24 hours but 48, 72. So we need people to take their place when they're off. These people would be scheduled to fill in for people who are on annual leave, on sick leave, doing training. All the firefighters need a significant amount of regular training and they would actually fill in on those shifts when people are out on training or out on leave. So, yes. We have the capacity to house these individuals as well.

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

CHAIR HAMILTON: Thank you, Commissioner Garcia. Are there other questions? So if I'm not mistaken I have a motion and a second on this. If there's no further discussion.

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

5. F. **Request (1) Approval to Enter into Seven Agreements with Various Community Health Care Organizations to Provide Navigation and Financial Assistance; and (2) Delegate Signature Authorization to the County Manager to Negotiate, Sign and Execute the Agreements and Purchasing Orders**

CHAIR HAMILTON: Mr. Taylor, are you doing this one as well or are we going to Jennifer Romero at Community Services?

MR. TAYLOR: At the pleasure of the committee, Madam Chair.

CHAIR HAMILTON: Mr. Taylor, go ahead. Please feel free to start.

MR. TAYLOR: Thank you. The Community Services Department requests approval of these agreements to enter into with Communities in Schools, Food

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Depot, Growing Up New Mexico, Las Cumbres, Interfaith Community Shelter, St. Elizabeth's Shelter, and YouthWorks. The compensation for these agreements total approximately \$2 million, and this is using the funding source of the American Rescue Plan Act, the ARPA funding grant funding. And because of the amounts of the contracts, Madam Chair, this is presented to the Board for your approval. I'd defer to Jennifer if she'd like to add anything. Otherwise I stand for questions.

CHAIR HAMILTON: Thank you so much, Mr. Taylor.

JENNIFER ROMERO (Community Services) (via Webex): Madam Chair, Commissioners, I would just like to add that these contracts or these specific organizations were approved by BCC back in September and we are now at the point of awarding those contractors. And I'll stand for questions.

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

COMMISSIONER HANSEN: Thank you, Madam Chair. I think this is fantastic use of ARPA money to get it out into the community, to help so many different organizations. And so I want to move to approve to enter into the seven agreements with the various community health organizations, and thank you, Jennifer and Bill and all of the County staff who is working with everyone to make this happen. I think it's really important. I'm grateful.

COMMISSIONER GARCIA: I'll second.

CHAIR HAMILTON: Thank you. I have a motion from Commissioner Hansen and a second from Commissioner Garcia. Is there any further discussion?

COMMISSIONER GARCIA: Madam Chair, just really quick. As Commissioner Hansen said, this is good for the community. This is what's really needed. Thank you, Bill. Thank you, Jennifer and Chanelle for the things that you guys do through the Community Services Department. This is something like I talked about at the last meeting or the one before that as into getting to the meat of what our community needs and this is for all the providers are helping with. Excellent job. Thank you, Madam Chair.

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

COMMISSIONER HUGHES: I'll just echo Commissioner Garcia in saying that this is an excellent program and I'm glad we're able to fund it with ARPA money.

CHAIR HAMILTON: Excellent. Thank you.

MR. TAYLOR: I was just going to point out is part of the action item is to delegate that signature authority to the County Manager. That's all.

COMMISSIONER HANSEN: Yes, Bill, and I include that in my motion, to delegate the authority to the County Manager. Thank you for reminding us.

CHAIR HAMILTON: Yes. Thank you. Commissioner Roybal.

COMMISSIONER ROYBAL: Actually, Madam Chair, I just wanted to add my regards in the hard work that Jennifer and all staff has worked on to get this done. I think it's going to be a great use of the funding as well and we have such a need out there that I hope that this will – we can get as much service as we can to our constituents. So I just appreciate that and I just wanted to add my voice to that. Thank you.

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

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

5. G. Request Ratification of the County Manager's Signature to All Amendments to Agreement No. 2019-0003-PW/KE Between Santa Fe County and Souder, Miller & Associates (SMA) for Engineering Design and Construction Phase Services Related to the NE/SE Connector Project

CHAIR HAMILTON: Mr. Taylor.

MR. TAYLOR: Thank you, Madam Chair, Commissioners. This is actually ratification of the agreement with Souder, Miller and Associates. They are the engineer of record for the northeast-southeast connector. There were additional engineering services required for the project, for ad-alts to the project, for alternate bidding, and we needed to get this in place as soon as possible and we requested the County Manager to go ahead and sign the agreement and we're before the Board to request ratification of the County Manager's signature on that amendment for a total contract sum of \$1,231,920.38. That amount is more than 10 percent of increase that requires BCC approval. With that, Madam Chair, I'll stand for questions.

CHAIR HAMILTON: Excellent, and I'll refrain from making jokes about the 38 cents. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you, Madam Chair. This relates obviously to the northeast-southeast connector again, so you can't build the road without engineering I assume. So I move for approval.

COMMISSIONER HANSEN: I second.

CHAIR HAMILTON: Excellent. So I have a motion and a second. Is there anything under discussion? Commissioner Hansen.

COMMISSIONER HANSEN: Yes, once again, I just want to say how wonderful this is and I hope that we could have a groundbreaking when they actually start construction, since many of us in this room and online have waited and waited for quite some time for this to happen. So I think it is worthy of not only a groundbreaking but of a ribbon-cutting at the end. So thank you.

CHAIR HAMILTON: Excellent. Anything further under discussion?

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: As Commissioner Hansen mentioned, this is a long awaited project and staff and the community, the Highway Department, everybody who worked together to put this project together is a real good collaboration of governmental entities. Just one question I have is what's the – just for the record so everybody knows what Santa Fe County and the Highway Department were all putting into this, is what's the total cost of this entire project that's going to help out families in the community in Commissioner Hughes's district?

MR. GIRON: Madam Chair, Commissioners, I don't know if Bill will

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disagree with me. We're getting terribly close to going into procurement on this project, so I would rather not have an open discussion about all the resources that we have put into the project. We will be entering into procurement with Bill. We've already started those discussions. We're passing on information. And so with all due respect I would ask that we not discuss the total cost of the project.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Giron. Understood. I get it. So is the 38 cents going to be taxed or not? As Commissioner Hamilton mentioned. Mr. Giron, I understand. I get it. But thank you.

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

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

6. MATTERS OF PUBLIC CONCERN

CHAIR HAMILTON: Tessa Jo, can you please let us know if there are people on who wish to speak to the Commission? I know Mr. Mee had wanted to speak earlier. If he's still on.

TESSA JO MASCARENAS (Operations Manager) (via Webex): Yes, Madam Chair. The only person who has signed up is Mr. Mee and he is still on line.

CHAIR HAMILTON: Thank you, Mr. Mee, please go ahead.

WILLIAM MEE (via Webex): William Mee, Agua Fria Village. Madam Chair and Commissioners, thank you for approving the lease to Reunity Resources for the County land. The Agua Fria Village Association is submitting an application to the state's MainStreet program, and the community farm and this land will be a hub of our activities. Representative Lujan and Commissioner Hansen and our MainStreet Committee toured the area with Secretary Alicia Keyes, not the singer but the state employee of the Economic Development Department and she was very impressed with the Reunity Resources activities. So thank you again for that.

On a different note, I would like the County to start doing some joint transportation planning with the City so we can alleviate some of our transportation woes. As a lot of you know, the Arterial Road Task Force hasn't met since 2006 and that was kind of our mechanism for doing that type of planning. I just see things going further downhill and I'm sure if you're stuck in traffic someday you'll agree with me. So thank you.

CHAIR HAMILTON: Thank you very much, Mr. Mee. I understand nobody else has signed up but is there anybody online who wishes to address the Commission under Matters from the Public? Once again, I'll just check with Tessa Jo, is there anybody else who has indicated a desire to speak to the Commission?

MS. MASCARENAS: No, Madam Chair. There is not.

CHAIR HAMILTON: Thank you so much. So I'm going to close Matters of Public Concern.

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7. MATTERS FROM THE COUNTY MANAGER

A. COVID-19 Updates

CHAIR HAMILTON: Manager Miller.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER GARCIA: I need to step aside for a bit for some family personal matters but I will listen and I will be back soon.

CHAIR HAMILTON: Excellent. Thank you very much, Commissioner Garcia. Manager Miller.

MANAGER MILLER: Yes, Madam Chair, Commissioners. So first I'm going to go through the COVID updates and then I'll do two miscellaneous updates before I turn it over to Hvtce on the legislative team and the Patricia for HPPC legislative recommendations.

First of all, on our COVID updates, just to give you an idea of what's happening around New Mexico and the County, new cases, it was announced on Monday, that includes Saturday, Sunday and Monday, our New Mexico new cases, 4,688, or an average of about 1,562 per day and 20 new deaths. In Santa Fe County, 230 new cases or an average of about 76 per day, with a 22.39 positivity test rate. And then Santa Fe County's had a total of 26,632 reported COVID cases with 18,578 recovered and 237 deaths.

Then the current vaccination rates for those 18 years and older in New Mexico that have received one dose is 91.4 percent and fully vaccinated is 77.5 percent. And then Santa Fe County one dose is 99 percent with 86.5 percent fully vaccinated. And then in New Mexico the number of individuals, adults with boosters is about 42.6 percent.

We continue to do COVID public awareness around vaccinations and testing and available test kits. Our Community Services staff is working on a new COVID public awareness campaign this year focusing on mental health and coping with the stress, including enhancing awareness of CONNECT, our CONNECT program, and other resources related to the stress and mental health issues around the pandemic and other stressors. The campaign will use traditional approaches including posters and bus wraps and some of our targeted social media posts. And then in the next edition of the *New Mexican's Health Living* magazine we will also have a poster and ad in there.

Then we continue to deliver meals to our seniors and during January our staff delivered 11,880 meals to our seniors, and also 110 bags of produce and 110 boxes of food from the Food Depot for distribution each week. And then we're averaging about five high risk medical transportation trips per day.

Then also we have been working with the Department of Health and CDC for a testing site. Our Santa Fe County Emergency Management Office has been working with both the New Mexico Department of Health and CDC for a COVID testing site at the Santa Fe County Fairgrounds. It will be open from 9:00 am to 6:00 pm, seven days a week until the 21st of February. The site also will be offering PCR tests, and to register for a test visit – you can go on line and it's doineedacovid19test.com, or ineedacovid19test.com, and register for a test at one of those sites.

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Also we have been doing home COVID test kit distribution. The Santa Fe County Office of Emergency Management Martin Viejo and his staff have been hosting drive through distributions of at-home COVID tests at Romero Park and they previously did one at the racetrack and they will have one tomorrow, Wednesday, February 9th from 4:00 to 7:00 pm they'll have another one at the Romero Park trailhead at 2145 Caja del Oro Grant Road and the efforts, we're working with the state at focusing on constituents in the 87507 zip code to make sure they have at-home COVID tests available. So all you have to do is show up and they will give you a box per adult in your vehicle. There's two tests in each kit. So those are free of charge to anybody who drives up to get those.

So those are the COVID updates and I'd stand for any questions on those and then I have two miscellaneous ones.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Okay. Great. Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Manager Miller. Are we doing vaccination clinics still or did I not hear that?

MANAGER MILLER: I don't have a list of any current vaccination clinics. We have been doing them but I do not know if we have any scheduled in the immediate future.

COMMISSIONER HANSEN: Thank you.

MANAGER MILLER: I will double check while we're here at the meeting but we've been sending information out when we do have them but I don't know that we have any scheduled in the next ten days or so, but I will see if I can get that information if we have it, but I'm not aware of any that we have right now. But we've been doing several a week, in coordination with FEMA as well as the Department of Health and our Emergency Management Office.

CHAIR HAMILTON: Thank you, and are there any other questions on the COVID update? So we can proceed, Manager Miller. Thank you.

7. D. Miscellaneous Updates

MANAGER MILLER: Okay. Then two other quick announcements before we go on to legislative matters and that is that we are seeking two board members to serve on our Santa Fe County Valuation Protest Board. One board member, one of those two needs to demonstrate experience in the field of property valuation, like appraisals or real estate background, that type of background. And then the second board member does not require the specific experience in property valuation but anyone interested in being appointed to the County Valuation Protest Board should submit a letter outlining their qualifications and résumé to the Santa Fe County Manager's Office, attention: Brittany Montoya, and that's our P.O. Box 276, Santa Fe, 87504. They can also call and get the information at 986-6328, and the application deadline for the Valuation Protest Board is February 25th at 5:00 pm.

And the last announcement is that Santa Fe County is closed on Presidents Day in celebration of Presidents Day on Monday, February 21st. Our County will resume regular business hours on Tuesday, February 22nd and our convenience centers are closed as part of the regular schedule on Mondays, so they will be closed that day. And then essential

services provided by Public Safety will continue as usual. And those are all of my updates, and if there are no questions then we're ready to move on to the legislative items.

CHAIR HAMILTON: Seeing no hands and hearing no voices I think we can move on.

7. B. First Session of the 56th Legislature: Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced

HVTCE MILLER (County Manager's Office) (via Webex): Good afternoon, Madam Chair, Commissioners. I had a question to Tessa or Daniel. Am I able to share my screen?

DANIEL FRESQUEZ (IT): Yes, sir.

MR. MILLER: The first item I'd like to go over was some of the New Mexico Counties' recent legislative endorsements. The first such endorsements are from the report which are on BoardDocs. It's on page 2, that report. So of these recently supported items, which was January 27th, of those, HB -101 and Senate Bill 11 will be New Mexico Reforestation Act that is currently covered in our resolutions and Senate Bill 108, tax exempt for Social Security income, that's also provided in actions under the Commission.

So the only ones up for consideration by the Board that they want to follow, New Mexico Counties is Senate Bill 3 and HB 141, which is death benefits for peace officers, law enforcement fund distributions, and what that does is changes death benefits from \$250,000 to \$1 million.

The next one here is election code changes, Senate Bill 6, and that is – it goes over technical issues in the current election code right now and that has passed through the Senate so far so that has strong support and it's moving along.

The next item that they had was Senate Bill 147 ambulance grants for local public ambulance services, and this is an appropriation of \$9 million to the ambulance service assistance fund. And this is ambulatory services not connected to government agencies or localities, so other ambulance services will be using this appropriation if it's made.

SB 27 ends phase-out of hold harmless distribution to municipalities and counties, and so what this is, it's a countermeasure because of proposed tax decreases currently there's a proposed one percent decrease to GRT statewide. And so some counties were looking to be pro-active and if there are any other downturns in the economy and these other tax decreases made, reduce funds to the general fund for the state. They didn't want to have any more actions taken on the current phase-out of the hold harmless. So what they're looking at is to freeze it at 50 percent for any of the counties and municipalities that may have enacted any of the 3/8 local option that was provided by the state. So any of the counties that may have enacted a tax to counteract the decrease or the phase-out of the hold harmless would be leveled out from here to whenever at 50 percent. And if any counties or municipalities didn't use any of the tax increments, the 3/8, then they can be stopped right now at 100 percent of their phase-out amount. So that one currently has passed through one committee but I think that will be a tough sell to the state who is

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looking at currently phasing out hold harmless. This would essentially make some level of hold harmless always there available to local governments.

So those were the items from the January 27th meeting. I don't know if the Commission would like to look at any of those currently right now and make decisions regarding those.

CHAIR HAMILTON: So just for clarity – thank you very much for presenting this. For clarity, these are items that we have not formally voted on supporting and the question is if we want to take some action to support these?

MR. MILLER: Madam Chair, yes, that's correct. These are items adopted by the New Mexico Counties Executive Committee.

CHAIR HAMILTON: Great. Thank you, Hvtce. So Commissioners, are there any questions for Hvtce or discussion on these items? We can certainly come back to these. There's another component that they're going to present on. Commissioners online, are there any questions about supporting these?

COMMISSIONER HANSEN: Madam Chair, I basically don't have any position on these bills, so I'm not interested in supporting them or denying them.

CHAIR HAMILTON: Anyone else? Commissioner Hughes.

COMMISSIONER HUGHES: Madam Chair, I don't feel strongly about these. Some of them sound like a good idea but I don't feel like I know enough about some of them either.

CHAIR HAMILTON: Okay. Great. That's fine. Hvtce, if we could move on to the rest of the briefing that would be good.

MR. MILLER: Okay. So the next list I have I'll show on the screen. This is from Saturday's New Mexico Counties school board meeting and they had five different items here.

COMMISSIONER HANSEN: Hvtce, it looks like we're looking at New Mexico Counties board action.

MR. MILLER: That's correct. That's the right document.

COMMISSIONER HANSEN: Okay. Thank you.

MR. MILLER: So these five items were the items that the full board supported and I can go through these and ask the same question, if there's any specific desire to support any of these items. So the first item is House Bill 173, Rural Infrastructure Crisis Response Act. This is an appropriation of \$1.6 million to the Department of Finance. And what this does is creates a Rural Infrastructure Crisis Response Act and establishes the Bureau of Rural Infrastructure Crisis Response of the Local Government Division of the DFA. And what that money is doing is helping rural communities be able to respond to crises within their communities that they don't readily have funds available for. And the specific items that are listed that they could use to funds for are: 1) to repair or replace infrastructure damaged due to a crisis event; 2) use severance tax funds to counteract damage that severely affects the public health, safety or welfare of the community; 3) they can use it if the local authority does not have resources to repair or replace infrastructure; and 4) no other financial assistance is available to use for the infrastructure.

And just a little clarification on the service. So the services that they can use the proposed funds are for broadband, electricity, natural gas, solid waste, water, wastewater

services. So that's the information behind HB 173.

House Bill 199 is an item related to Clerk's Offices. It's notice of recording of liens. So a lot of times when liens are recorded the persons or property that I believe are being enacted on aren't aware that the lien was there. So this statute would make it so that the person putting the lien on has to notify the person that they're putting the lien on. And this would require an additional \$25 cost to putting a lien on and it would be handled by all the different County Clerks' Offices.

The next one is House Bill 194 and Senate Bill 207. So this is looking to provide more of the liquor excise tax to counties so that they can provide services to deal with alcohol abuse and treatments and also substance abuse within their counties. So this change would make 27 percent of the liquor excise receipts going now to counties for the provision of alcohol and substance abuse prevention and treatment, and an additional 24 percent would be given to county alcohol and substance abuse and treatment funds. Two different items there. So in all it would be an increase of 48 percent for counties for substance abuse prevention.

The next item is Senate Bill 144, acts of intimidation against election clerks and agents. This is due to recent events during elections where I think a lot of the election offices who are conducting elections receive a lot of criticism and additionally it goes to threats and even sometimes acts of intimidation, acts of violence against election officials. So this just adds another fourth degree felony for people doing such an act and this is moving along. It's gotten a lot of support in the legislature currently and it's already passed the Senate unanimously, 38-0 vote.

And the last one is Senate Bill 147 was spoken about previously in the January 27th New Mexico Counties' actions. And with that I'll pause again and see if there's any questions or direction on any of these items.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Hvtce, thank you. Rural Infrastructure Crisis Response Act sounds like a good thing to support. As somebody believes in water and wastewater and sewers, I can't see any reason why not to support that. And along with House Bill 194, Senate Bill 207, that seems like a good thing for the County since we are the ones who do a lot of the substance abuse, prevention and treatment. And I'm sure the Clerk would like us to support Senate Bill 144, acts of intimidation against election clerks and agents. And Senate Bill – that's all I'm going to comment on.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: I agree with those. I think these are actually all good things. Maybe we should just support all of them. Notice of recording of liens seems like a good idea, and I'm sure the ambulance grants are needed. And I agree with Commissioner Hansen on the others.

CHAIR HAMILTON: Any Commissioners online?

COMMISSIONER ROYBAL: I would agree with that. I think all of these are worth supporting, including the elections bills. So I think all these are worth supporting.

CHAIR HAMILTON: Thank you.

MR. MILLER: I don't know if there needs to be a motion taken.

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CHAIR HAMILTON: Yes, apparently there should be, so Commissioner Hansen, do you care to make a motion?

COMMISSIONER HANSEN: Yes. I'll make a motion to support the ones that I suggested and Commissioner Hughes suggested. I think that's all of them. Right?

COMMISSIONER HUGHES: Correct. That's all of them. And I'll second that motion.

CHAIR HAMILTON: So there's a motion and a second. Is there any further discussion?

The motion passed by unanimous [4-0] voice vote. [Commissioner Garcia was not present for this action.]

MR. MILLER: Thank you for that. I appreciate the direction. So the next item will be taking a look at the specific legislation related to the action items the Board has taken already regarding introduced items. So if you can see my screen right now it's showing the 1.25.22 BCC. These were items that you directed me from the last Commission meeting to support or oppose. And just off the top, the hydrogen hub – just a brief discussion about that. The hydrogen hub is seeming to hold up matters at the legislature currently. This is a supported item by the Governor and there is currently a lot of money in the budget that was passed by the House for the implementation of this particular act, but as of now, the different proposals put forth that we enable the state to be the hydrogen hub have all currently failed.

House Bill 4 is the one on the House, by Representative Patty Lindstrom and she also introduced – it's not showing up here but it's House Bill 227. This shows as a dummy bill here. But that was introduced the other day in an effort to revive this piece of legislation. Currently it was scheduled originally to be taken up in House Appropriations but since then the Speaker has taken it out of committee and placed it on the table, which essentially means that it would his decision to take it off, redirect it back to committee or have it heard on the House floor as he sees fit.

I think part of the issue is that there is a lot of money within the budget itself currently tied to this initiative, so if that money is not going to be used for this then I guess maybe they're looking at other ways for those funds to be used by the state. So chances are they're looking at trying to come to a compromise and maybe limit the introduction of this piece of legislation but it's hard to say at this point right now.

The opposition for the hydrogen hub is actually coming from both sides of the aisle, so it would need a lot of support for it to be viable. It's not highly supported by the Democrats or highly supported by Republicans at this time.

In addition to that, Senate Bill 194 was heard in committee today and that was more or less the Senate version of the hydrogen hub legislation and that died in committee this morning. It didn't really receive that long of a hearing even in committee. They heard from opponents and proponents of the legislation and basically after that, tabled to committee and there wasn't any questions and they moved to table the item. So both on the House and the Senate side it looks like it will be a long ways to go for all the different legislators to get this piece of legislation through.

Just some other items to note within this tracking list are Senate Bill 8, that's the

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Governor's initiative and that establishes more voting rights, more pronounced was to early vote, vote absentee, giving rights to I want to say the most broad way that they could participate in elections. So that is moving forward.

The Clean Fuels Standard Act, Senate Bill 14, that is receiving opposition from Republicans but it has moved forward and it has passed the Senate now, and it's going on to the House.

The next tracking list is related to Resolution 2022-006, and these are the House memorials looking at studying public utilities for New Mexico, and these are currently not moving and are in a holding pattern. House Memorial 20 was scheduled on the 1st of February but was withdrawn at the request of the sponsors so it looks like they'll need to rework and make some amendments to those four members of that particular committee.

And Senate Memorial 10 currently has not moved either.

Resolution 2021-122, these are the items related to housing. There was good news on the House Bill 71, the ten percent property tax increase, and this is commonly referred to as tax lightening legislation. And so that received a good response with committee members. They felt it was a good fix and the right time to start making this change to reflect that there are multiple property owners in counties and currently they're not able to be taxed at the real rate which they are assessed at. So this House Bill 71 would go to fix that. Representative McQueen has been proposing this piece of legislation for a few years now. It's good to see that that is happening.

The energy storage system income tax credit, that did pass through its first committee and it's currently – it was favored, but it looks as though all of the tax credits are being held up currently in the House Tax and Revenue Committee because they are looking to get all the tax credit combined in one bill, and make sure that they understand what the fiscal impact would be as a whole, not piecemeal, one by one. So any of the solar credits, these storage credits, those things, are going to be held up and they'll come through in a larger one, a multi-item piece of legislation.

House Bill 36 is the Natural Conservation Heritage Act changes. And that is currently moving and it has passed the House and is also scheduled in Senate Conservation next.

The next, New Mexico Reforestation Center Act, that relates to the climate action and sustainability items within our current resolution, and that is favorable and that is moving. Through the committee discussion I witnessed it does have favorable remarks from both Democrats and Republicans.

House Bill 127 is moving and it looks like its receiving some kick-back from those in the area who use this to say that this would affect the jobs associated with New Mexico's waste storage overall even in the area of those oil and gas areas, it's getting opposition towards New Mexico being a waste storage state. So interesting bill, getting favorable remarks from both Democrats and Republicans.

House Bill 2, the Citizens Environmental Rights, this is interesting. At the first go of the committee, it didn't make it through and they asked the sponsor to take it back and make some amendments. It subsequently received a do-pass from House Energy, Environment and Natural Resources. It'll have a go next at House Judiciary, but this item is moving.

The Clean Fuels Standards Act, that was spoken about in the previous section and

that is moving.

Senate Bill 155, Economic Diversification and Climate Resilience Fund. This is a piece of legislation proposed by Senator Munoz and it's looking at just exploring what the next steps will be for the state to move forward out of the oil and gas business. It creates a fund so that that can be study. And that's moving.

The National Biodiversity Strategy, SJM-2, that witnessed in committee. That also did have favorable positions from both Democrats and Republicans and that's moving forward. It's passed through its first committee.

The next list here is those items related to Resolution 2021-120. The first item here is the Community Energy Efficiency Development Block Grant, and that is moving very well. It has passed through the House so far and is moving on to Senate Conservation next.

Sustainable building tax credits, once again this is one of the credits and it did pass through its first committee but so far it's going to be held up and bundled together with the larger, multi-issue tax credit bill.

Senate Bill 42, that has moved through committee and it's going next Senate Judiciary.

This is Resolution 2021-110 items. That House Bill 11 we've spoken about it's going to be bundled together with other tax credits. The same with House Bill 34, solar market development tax credits.

House Bill 65, that did get through the first House. This is tenants' rights and owner requirements for lease termination so it adds more protections to renters who are facing homelessness issues, being able to have more rights to stay in their place as they are awarded more rights within this bill. So it's next stop is the Senate.

Once again, another tax credit, House Bill 125.

House Bill 131, this appropriates money to take a look at water data in the state, and this goes to long-term water planning and long-term water sustainability.

House Memorial 15, this relates to food and nutrition for school children. That has passed through its first committee.

And these three items, I will need to double-check but I believe the funding is already allocated within House Bill 2 and there does need to be legislation that goes along with it to make sure that it's managed right and provided to the right program. So these items, Senate Bill 57, 59, and 62, all from Senator Stefanics, have been moving through without issue.

The same item here – we're on the Resolution 2021-108 list now. The same items here from Senator Stefanics.

And the next resolution is 107. These are related to the return to work. And so House Bill 73, that is actually going to committee this afternoon. I'll update you on that. House Bill 106 also in the same committee, I'll provide you the update of that. Senate Bill 172, this is related to teachers and this is an initiative of the Governor, so this is an item that she wants that teachers who are currently retired to can return back to work. And this has passed through its committees on the Senate side and will next go to the full Senate.

Lastly, these were the initial New Mexico Counties supported items and county courthouse building funds. So this item here ran into issues. This was originally

contained in the House Bill 2 for \$20 million and what I've learned from the New Mexico Counties' updates is that this particular allocation has been taken out. So the state budget is now on the Senate side and they're working with Senator Rodriguez to see if she can put back in this \$20 million for county courthouses. It's not really clear as to why it was taken out but like I said, I'll be getting updates from New Mexico Counties on these particular items so hopefully Senator Rodriguez will be able to put back in this \$20 million.

And with that, those are the updates for all the items that we have been following so far. If there's any questions I'll be happy to answer them.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. I read in the paper today Senator Rodriguez has a bill, Senate Bill 134, sponsored by Senator Nancy Rodriguez that allocates 2.5 percent of the state's severance tax bonding capacity to this fund. This is an affordable housing fund. So how is that bill doing? One of the quotes was, "The result is that you can't depend on non-recurring funds when you're going to build affordable housing and provide for programs for affordable housing and the homeless." So I'm hoping that this bill is getting some play.

MR. MILLER: Madam Chair, Commissioner Hansen, yes, I forgot to mention that particular bill, and it did receive a lot of support. I watched the debate on the Senate floor and one of the issues right now was they're wanting to see if that fund could actually be used to go towards actual homes, putting people in homes. What was stated from NMFA was that a lot of the funding that's currently available is being used for apartment rentals. The reason being is that currently there just isn't enough money to spread around to all the different needs. So with this \$27 million, hopefully that can not just go to the apartment rentals but now into actual placement in homes. And yes, that bill would allow for, they said, between \$22 and \$25 million in perpetuity every year to fund that. And so that would be monumental in the state to go ahead and address the housing needs.

COMMISSIONER HANSEN: Senator Steinborn said, "This is one of those bills that you dream that someday you could ultimately have a solution this big, this sweeping, that would rise to the level of the needs of the problem." And this is really a huge problem. So I'm hoping that bill will pass and that we continue to support that because I think that's in line with what Commissioner Hughes has been supporting.

MR. MILLER: Madam Chair, Commissioner Hansen, I just looked it up and it was a 37-3 vote, so very little opposition. Like I said, the main questions were about putting people into actual housing. So it's currently receiving very little resistance.

COMMISSIONER HANSEN: Thank you.

CHAIR HAMILTON: Thank you. Other Commissioners? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I'll just add that I've been wanting something like this bill to pass for about 30 years, so it's amazing to see it moving on. The fact that it passed the Senate I think is a good sign. It shouldn't have much trouble in the House, I wouldn't think.

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

Commissioner Hansen.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I just wanted to add my voice to that as well. I think it's going to be something I'm glad to see coming forward.

CHAIR HAMILTON: Excellent. Thank you, Commissioner Roybal. Is there other discussion? Thank you so much for the detailed report, Hvtce. It's really good to be kept up on this progress.

7. C. Request for Support of Health Policy and Planning Commission (HPPC) Legislative Bill Recommendations

CHAIR HAMILTON: Patricia, are you available?

PATRICIA BOIES (Community Services) (via Webex): Yes, I am, Madam Chair and Commissioners. Thank you so much. The Health Policy and Planning Commission wanted to consider a couple of legislative items in this legislative session. So we convened a special meeting of the HPPC last week. And the two – there are two pieces to the HPPC's meeting and to their vote. The first concerns the Senate Memorial and a House Memorial that have the same language. It's Senate Memorial 6 and House Memorial 11. These were briefly discussed at the last BCC meeting. These would both request that the New Mexico Association of Counties convene a task force to study the costs and feasibility of a unified jail system and look at the pros and cons of that, and the memorials point out that the current system doesn't have a way to effectively share medical and behavioral health information.

So the task force, which is of a very short duration, reporting in December, would study this issues. At the HPPC special meeting Grace Phillips, general counsel to the New Mexico Association of Counties, said that the Criminal Justice Institute, which is a non-profit entity, would provide assistance with this study. This kind of unified system is the case in six states and this is really a study of the pros and cons. It's just a first look at this issue without making any determination. The HPPC voted to recommend that the BCC support these two memorials, one in the House and one in the Senate. So that is the first.

And then the second item, actually a bill, House Bill 52 that the HPPC was interested in and did vote to recommend that the BCC support is House Bill 52 which amends the state's Harm Reduction Act and the idea here is to expand distribution of Naloxone and overdose prevention education and to permit distribution of drug testing devices. This is really designed to address the evolving substance use landscape.

Harm reduction strategies such as Naloxone to prevent overdose have been shown to be crucial, but there are drug testing devices, including fentanyl test strips, that can identify the presence of fentanyl and help prevent injury and overdose. Often fentanyl now we're seeing is being mixed with other drugs and manufactured to look like other medications and there have been many really unfortunate fentanyl deaths, including among youth, in New Mexico and actually in Santa Fe County. And under current law, fentanyl test strips could be considered drug paraphernalia and thus fall under the prohibition of possessing drug paraphernalia.

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So during the special meeting last week the HPPC heard from the Department of Health, from Arian Chavez, who is the director of the Office of Policy about the harm reduction benefits of this bill. This is on the Governor's call. It passed the House maybe two days ago. It's now in the Senate, and the HPPC recommended that the BCC support House Bill 52.

So those are the two items and I'm happy to answer any questions.

CHAIR HAMILTON: Thank you so much, Patricia. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Patricia. Thank you for that overview. I'd like to make a motion to support these two or three bills that they're talking about – the unified jail study and the House Bill 52, harm reduction. I think that it is important that we look into these things and study them. I appreciate that the HPPC took the time to seriously look at these and make recommendations to us. That is their job and we really appreciate them stepping up to the plate and having a special meeting to really understand these bills, and I really appreciate it also. So with that, I move to approve these two suggestions.

CHAIR HAMILTON: Thank you.

COMMISSIONER HUGHES: And I'll second that motion. These are very worthwhile things for us to support.

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

The motion passed by unanimous [4-0] voice vote. [Commissioner Garcia was not present for this action.]

8. 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: Maybe I'll go in a different order. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Just a couple things I wanted to mention. Last week I had a public meeting with my constituents and among the things we discussed, and actually the first thing we discussed was they wanted to know about the plastic bag ban that we were working on. There's a lot of support in my district for this, as some of you may remember. We did a poll and a poll of my constituents is not necessarily random, but there was a lot of support for the plastic bag ban. So I talked to Commissioner Hansen and she thought it might be a good idea to bring that back in conjunction with Earth Day this year. And so we're thinking about that.

The other thing I wanted to mention is I have been meeting with the residents who live along Spur Ranch Road. I want to thank Director Gary Giron and Attorney Shaffer for working on a resolution. It wasn't quite ready for us to vote on but I think with just a few changes it would be ready for us to look at, hopefully at the next meeting. The

residents along that road, a majority of them would like to pave the road if it's at all possible, but they also realize that the cost might just be prohibitive. So what I would hope to do is be able to get them enough information that they could think about it and tell us what they want us to do in that regard.

And that's all for me, Madam Chair.

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

COMMISSIONER HANSEN: Thank you. Thank you, everybody. I did have the honor of signing an MOA with EM Los Alamos that was approved by the Buckman Direct Diversion to provide early notification to the Buckman Direct Diversion. Thank you, Sara and all the staff at BDD for getting it to me to sign. I really appreciate it.

I also really appreciate Commissioner Hughes wanting to bring this plastic – it's not just a ban on plastic bags. It's more than that, because I think we really have to recognize that plastic is a strong contributor to climate change and that it comes directly from oil and that it is a fossil fuel. Plastic is directly the result of fossil fuel and the sooner that we start removing it out of our consumption stream the better. So I'm really grateful to Commissioner Hughes to work on this from him, and I thought the article by Gary Stoller in the *New Mexican* was excellent.

Also, over this last couple of weeks I attended a couple of quarterly meetings of my constituents at Las Campanas, the homeowners association has their quarterly meetings and I attend that on a regular basis and it's always very informative. And then I am at the moment – I have been elected president of the Northern Rio Grande National Heritage area and we had a quarterly meeting. One of the big results of that meeting was that we raised our grant allocation to \$10,000 from \$5,000. So I'm hoping that that will help us get more money out into the community and to these small non-profits.

And then also every first Monday of every month I am always at the Agua Fria Village Association meeting and your welcome to Zoom in. We are still under all these COVID protocols so our meetings have been on Zoom and this last night was the first Monday and our Utility Director, John Dupuis was there talking about the sewer installation in Agua Fria which is getting underway. So I think that that is all I have today.

Oh, I have been testifying also on a number of bills at the legislature. On Saturday morning I testified on the environmental rights bill, in support of that, and then also in support of cleaning up our uranium mines throughout the uranium cleanup bill on other places on the Navajo Nation. I think that is an incredibly important bill to support.

I thank everybody and I thank Hvtce for all the work that he's done. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you so much. Commissioner Roybal, are you there and have anything to address?

COMMISSIONER ROYBAL: Yes, Madam Chair. Appreciate that. I did have a call and I wanted to see – I wanted to talk to staff. It's in regard to the Fair Board. I did have a call from the president of the Fair Board that was concerned because I guess there's a lot of – for the volunteers, they have to be vaccinated, and they said that they're having issues getting a quorum because they only have three participants. I guess there's approximately 20 association members – some of them do have vaccine but they didn't

feel that they have to provide that to the County for a volunteer position. And also there were four board members – I guess what the question would be, and I don't know if there's any way we could work with that because right now they're afraid that without a quorum they can't make decisions. They can't move forward without a quorum, so basically they want to see if there's any way for us to look at looking – if they could attend meetings via Webex and if they aren't vaccinated or if they don't want to provide that information. I think what they said is they thought by March 3rd they would be receiving a letter that they would no longer be able to participate on the board.

So I'm not sure if there's some way to be able to work with their board. I know they're all volunteers rather than employees but I don't know if there's anybody from staff that might be able to answer that, or maybe if there are any ideas that we can try and work with them especially if they're not meeting with staff and how that would work. So I don't know. I just kind of want to get clarification because I did get a phone call in regards to that.

CHAIR HAMILTON: Thank you, Commissioner Roybal. Commissioner Garcia, have you come back on? So I actually also have an announcement. I'm not totally sure but I think maybe the County Manager might want to pay attention to this. There is no question that things are hard for people everywhere right now. COVID-19 and all it's made life complicated. The people of Santa Fe County and the professionals who work here have had to contend with more than their fair share of bad news and challenges. So the opportunity to share some good news is more appreciated than ever. And in this regard, we actually have some good news.

Katherine Miller has been awarded the Association of Government Accountants Distinguished Local Government Leadership Award. Of course it isn't surprising to those of us who work with her because we know how excellent she is. This award recognizes excellence in government management and sound financial management practices, leadership, advocacy, interest and initiative in improving government financial management matters, and real results.

As I said, this is good news but not a surprise because we see Ms. Miller's excellence, leadership, results, everywhere in Santa Fe County's operations. Manager Miller summed up her approach to government management: "One of the most important policy documents a public entity has is its budget, and it is where policy positions become reality. A well developed budget and good financial records are a strong foundation for good public policy." I hope that sounds familiar.

This philosophy can be seen throughout Santa Fe County under Manager Miller's leadership. Manager Miller has made a measurable impact on Santa Fe County during her tenure. Her efforts have ensured the County can deliver quality services in an efficient and fiscally responsible manner, providing full value to constituents for each dollar spent. The policies and systems instituted by Manager Miller ensure an excellent fiscal base to sustain the abundance of services provided to Santa Fe County constituents. Her sound financial management has resulted in fiscal stability that can withstand the current economic fluctuations caused by COVID, and adjust to the ever-changing service needs of the County.

Because of her leadership the County has continued to grow and become more diverse and complex in the services provided to constituents. Santa Fe County's quick

and effective response to COVID-19 is an excellent example of Ms. Miller's leadership. By immediately assembling a task force, weeks before state or federal responses, and creating a COVID-19 action plan, the County pivoted to allow staff to work remotely and continued to provide high quality services to the community. Staff who were required to work onsite were supported with new procedures to keep them safe and healthy. With respect to the challenges that COVID-19 posed, County staff's flexibility resulted in continued productivity in every department.

The creative solutions she offered resulted in no employees being furloughed and minimal disruptions in County services. Successful security CARES Act funds allowed the County to expand its services as the pandemic impacted the lives of Santa Feans. Business and organizations were awarded over \$3.6 million to support business continuity in the county. Community outreach including a public awareness campaign and home care kits were funded to make sure everyone knew how to stay safe and access the available help.

AGA will recognize their award winners at the National Leadership training event on February 24th and Ms. Miller will receive her award and recognition at a lunchtime awards ceremony in Washington, DC. This is a really big deal, and in particular, I want to thank the people who thought ahead and submitted this nomination without Manager Miller's knowledge. And those were Yvonne Herrera, Director of Finance, Sonya Quintana, Director of Human Resources, Rachel O'Connor, Director of Community Services, Bill Taylor, Procurement Manager, Cindy McGee, Director of Strategic and Operational Planning, and Amanda Lucio, County Manager's Office Administrative Assistant.

I can't think of anybody more deserving for this award. I'm a little bit sorry that we can do this with just everybody filling the chambers. I hope the people who are online who did this feel their well deserved thanks for thinking about something that was so well deserved and recognition that was so important.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes, I'm sure all of the Commissioners will want to say something. Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to say congratulations and absolutely well deserved. I couldn't agree with you more and I know with every great leader comes with a really strong foundation with the employees. So I think that her leadership is a reflection of how well the County does as a whole. So congratulations, Katherine.

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

COMMISSIONER HANSEN: Yes. Congratulations, Katherine. It's well deserved. Overdue. You probably should have gotten it a long time ago. You have been an excellent example of a manager and this is just one more recognition that states that you have shown your true value to Santa Fe County and how lucky we are to have you as the County Manager. So thank you very much for all your work.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you. Congratulations. This is certainly a well deserved honor and your reputation has been great for a long time, so I

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think Commissioner Hansen is right; you should have gotten this a little while ago, but better late than never. We're proud to have you.

CHAIR HAMILTON: Very proud, and I'm honored that by chance I got to be the one sitting in the central chair reading this but I know this could have been read by any one of us.

MANAGER MILLER: Thank you, Madam Chair. Thank you, Commissioners. I'm stunned. I'm totally stunned.

CHAIR HAMILTON: You were supposed to be.

MANAGER MILLER: You guys got me good. I was not expecting that at all. So thank you very much and to the people who put in the nomination, that's pretty amazing. I really appreciate it, and the truth is that they're the ones who do all the work. We've had definitely a challenging few years and it's all us, as Commissioner Roybal said, it's a team. It's not me. It's all of them. So I can't thank them enough for all the work that they do. They've really been outstanding over the last – they've been outstanding always but they've really been outstanding through this whole pandemic and the Legal Office, Finance, HR, IT – everybody has had to completely change the way we operate and make sure we provide the ability for employees to do their jobs remotely or differently and they've done just such a good job responding to this. All the department directors and their staff, and I just thank them and I thank you for this recognition today. I appreciate it.

CHAIR HAMILTON: We certainly wish we could do more right at the moment, but I think nobody in your position with your skills and commitment and what you do every day does it for the recognition like this but every once in a while it's a really good thing to see it happen. So congratulations, again.

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, I'll go to you first.

KATHARINE CLARK (County Clerk): Yes, thank you, Madam Chair. As our constituents might know, there is currently a City Council and City Mayor race in Española. Just three precincts up in Santa Fe County, but the election is going on and election day is March 1st. All the information you need to know about that election is on the City Clerk's website.

Filing day for the primary, the 2022 primary – that's gubernatorial, that's judges, that's statewide offices, and those will be filing in our office for Assessor, Sheriff, and other positions, is going to be March 8th. It's a Tuesday. We're suggesting folks make an appointment to make it easier to not bunch up during the time of COVID. Of course we will open from 9:00 to 5:00 that day. You can make an appointment by calling the Clerk's Office or emailing clerk@santafecountynm.gov.

CHAIR HAMILTON: Thank you so much.

CLERK CLARK: And I wanted to thank the Commission for supporting some of our election bills. We had a very hard time in 2020 and I'm glad to see the legislature responding to that, by money and some extra protections. Thank you.

CHAIR HAMILTON: Excellent. Thank you very much. Are there other elected officials on Webex who would like to speak? Madam Treasurer or Sheriff or Assessor? Tessa Jo, are there any other elected officials on?

MS. MASCARENAS: Yes, Madam Chair, the Treasurer, Treasurer Manzanares and Undersheriff Johnson are both signed on to Webex.

CHAIR HAMILTON: Thank you. If anybody would like to speak please just unmute yourself and take the floor. Okay, hearing none, and thank you for being here for the meeting.

9. MATTERS FROM THE COUNTY ATTORNEY

A. Statement for Inclusion in Meeting Minutes Concerning January 25, 2022, Executive Session

MR. SHAFFER: Thank you, Madam Chair. The first item under Matters from the County Attorney is item A, and given that the Board adjourned its last meeting and went into executive session, we respectfully request a motion to have the minutes of this meeting reflect that the matters discussed during the January 25, 2022 executive session were limited only to those specified in the motion for closure.

COMMISSIONER HANSEN: So moved.

COMMISSIONER HUGHES: Second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Garcia was not present for this action.]

B. 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. Solid Waste Convenience Center Locations and Disputes**
- 2. Breach of Settlement Agreement and Related Agreements Related to Annexation**
- 3. In Re: National Prescription Opiate Litigation, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-MD-2804**

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MR. SHAFFER: With regard to item number 9. B we would look for a motion to go into executive session to discuss 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: one, solid waste convenience center locations and disputes; breach of settlement agreement and related agreements related to annexation; and in re: national prescription opiate litigation, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-MD-2804.

CHAIR HAMILTON: Thank you. I would entertain a motion to go into executive session for those matters.

COMMISSIONER HANSEN: So moved.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. So we have a motion and a second to go into executive session. Can I get a roll call?

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

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

[The Commission met in executive session from 4:35 to 5:15.]

CHAIR HAMILTON: Welcome back. Commissioner Hansen.

COMMISSIONER HANSEN: I would like to make a motion to come out of executive session and the only thing that was discussed was the items that Attorney Shaffer introduced in his motion.

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

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. We have a motion and a second to come out of executive session.

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

10. PUBLIC HEARINGS ON PROPOSED ORDINANCE

- A. Ordinance No. 2022-01, an Ordinance Authorizing the Issuance and Sale of Santa Fe County, New Mexico Industrial Revenue Bonds (Santa Fe Studios Project) Series 2022 in the Maximum Principal Amount of \$16,000,000 to Provide Funds to Finance the Renovation,**

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Construction, Reconstruction, Installation and Equipping of Upgrades to Existing Facilities and the Acquisition, Construction and Equipping of an Expansion of a Film Studio in the Unincorporated Portion of the County; Authorizing the Execution and Delivery of an Indenture, Lease Agreement, Bond Purchase Agreement, the Bonds and Other Documents in Connection with the Issuance of the Bonds and the Project; Making Certain Determinations and Findings Relating to the Bonds and the Project; Ratifying Certain Actions Taken Previously; and Repealing All Actions Inconsistent with this Ordinance

CHAIR HAMILTON: I think I would like to go directly to Attorney Shaffer to fill us in on this, set the stage.

MR. SHAFFER: Thank you, Madam Chair and Commissioners. The item before you would authorize the issuance by the County of up to \$16 million in industrial revenue bonds to fund and upgrade an expansion of Santa Fe Studios, and would authorize the BCC Chair or County Manager to execute the other project documents necessary to effectuate the transactions contemplated both in the bond ordinance and the Board's earlier inducement resolution. Those consist of this agreement, an indenture, and a bond purchase agreement, and I'll discuss each of those briefly in turn.

But to set the stage, at the Board's December 14, 2021 meeting it adopted Resolution No. 2021-118, which declared its intent to consider for adoption the bond ordinance before you this evening. The Board's action to adopt the inducement resolution was based upon the project review team's recommendation to conditionally recommend the project. The conditions of the project review team were to confirm the feasibility of the project after the final terms of the Enterprise Bank and Trust loan are known the confirmation of the projects overall positive contribution to the Santa Fe County economy, justifies the property tax abatement based upon NMEDD's economic analysis and preparation of mutually agreeable Project documents. All of those conditions have been met in review of the project review team as well as myself and bond counsel for the County, Peter Franklin, of the Modrell Law Firm who worked with myself as well as counsel to the applicants to prepare the bond ordinance and associated project documents.

With regard to the other documents that would be authorized by the bond ordinance, it would be consistent with the bond purchase agreement, pursuant to which an affiliate of Santa Fe Studios agrees to purchase IRBs and the County agrees to sell them. The parties make various representations that are condition as precedent to the closing of the transaction, and the form of counsel opinions concerning the validity of the transactions are set forth in the purchase agreement.

Finally, Santa Fe Studios and the affiliate purchaser agree to indemnify the County from any claims arising from the sale or issuance of the IRBs. The indenture between Santa Fe County, SF Film Services, LLC, as purchaser, and BOKF, NA, as depositary provides security for the IRBs, in that the County assigns all of its rights under the lease to SF Film Services, LLC, as the purchaser of the IRBs except for certain exceptions which I'll touch upon briefly in a minute, and establishes how bond proceeds will be released by the depositary to Santa Fe Studios.

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Significantly, among other unassigned rights, the County does not assign its rights to payment in lieu of property taxes or claw-back payments, its rights under the mortgages which secure its guarantee of the commercial loan that helped fund Phase 1A of Santa Fe Studios, or its rights to indemnification for third party claims and costs associated with the project.

Finally, there is a lease pursuant to which the current owner of the project site will transfer title to the County. The County will lease the project site to Santa Fe Studios. Santa Fe Studios agrees to pay rent in an amount sufficient to cover debt service under the IRBS, and Santa Fe Studios agrees to make payment in lieu of taxes or PILOT payments during the 30 years of the lease, and Santa Fe Studios agrees to repay abated property taxes if it ceases operations within 30 years of the issuance of the IRBs, and again, Santa Fe Studios agrees to indemnify the County for claims associated with the project.

The most significant economic terms of the project documents, those from the County's perspective are the PILOT provisions and claw-back provisions of the lease relative to payment in lieu of taxes. Those are 100 percent payment in lieu of taxes of all property taxes that would otherwise be due on the \$12.8 million in value attributable to Phase 1A. This would include the property tax levies of the state, County, public schools and Santa Fe Community College District for the life of the project, for these 30 years. And separately, there would be a PILOT equal to the property taxes that would otherwise be due to the public schools and Santa Fe Community College District of the valuable attributable to the upgrade and expansion project as determined by periodic appraisals paid for by Santa Fe Studios.

Finally, there is a claw-back provision should Santa Fe Studios cease operations within 30 years of the issuance of the IRBs. They would be required to pay back a percentage of the taxes abated with declines in equal increments per five-year period. So if they ceased operations in years zero to five, they would have to pay 100 percent of abated property tax, and that declines down to 16.66 percent if they were to cease operations during the years 26 through 30.

I'd be pleased to stand for any questions, and this is a high level overview, but we do recommend approval of the bond ordinance, since the project meets the criteria of Ordinance No. 1998-01 concerning industrial revenue bonds and myself as County Attorney and our bond counsel have negotiated what we believe to be acceptable project documents with the applicants. And finally, I would note for the record that since the initial packet material was uploaded to BoardDocs last week we did make further revisions to the lease which were distributed to the Board earlier today and uploaded to BoardDocs, which further underscore that this transaction does not impact the County's rights as mortgagee under the mortgage and supplemental mortgage that secure repayment of the County's guarantee of the existing commercial loan that funded Phase 1A of the Studios. I'd stand for any questions. Thank you.

CHAIR HAMILTON: Thank you. So before I go to public hearing, do any Commissioners have questions? Okay. So this is a public hearing. Is there anybody in the public who wishes to speak to the BCC regarding this ordinance? Tessa Jo, can you tell me if there's anybody on from the public who has either indicated they want to speak, or should I repeat the announcement?

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MS. MASCARENAS: No, Madam Chair. Not that I'm aware of.

CHAIR HAMILTON: Thank you very much. So just for good measure, is there anybody on Webex who wants to speak to the Commissioners as part of this public hearing on this ordinance? Hearing none, I'm going to close the public hearing. Do the Commissioners have any questions or what's the pleasure of the Board?

COMMISSIONER HANSEN: I would like to move to approve this ordinance authorizing the issuance of the sale of Santa Fe, New Mexico industrial revenue bonds, Santa Fe Studios project, Series 2022, in a maximum principal of \$16 million to provide funds to finance the renovation, construction, reconstruction, installation and equipping of upgrades to existing facility, etc., etc. Thank you.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Is there any further discussion? If not, can I get a roll call vote?

Ordinance No. 2022-01 passed by unanimous roll call vote as follows:

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

MANAGER MILLER: I believe David Buchholtz, the bond counsel for the applicant would like to say something.

CHAIR HAMILTON: I'm sorry. . I can't see him. I apologize. Please, we'd love to hear from you, sir.

DAVID BUCHHOLTZ: All I wanted to do is say thank you to the Chair and Commission, and especially thank you to the County Manager, to the County Attorney and the County's special attorney for working with us on what I believe is an important project for Santa Fe. We're looking forward to getting shovels moving and shovels ready and getting things done here and we appreciate all the support from the government. So that's all that I have to say about this.

CHAIR HAMILTON: Excellent. Thank you so much. We really appreciate the input and look forward to working together. Commissioner Hansen.

COMMISSIONER HANSEN: Hi, David. This is Commissioner Hansen. So I hope you will invite us out to the groundbreaking because this is a big and important project that we all believe in. So thank you.

MR. BUCHHOLTZ: Thank you. And Mr. Marin from Santa Fe Studios is with us and I'm sure that he notes that and will do that.

OCTAVIO MARIN: We thank you for the support and thank you, Madam Chair and Commissioners, for supporting this important project. We thank you.

CHAIR HAMILTON: Thank you so much.

COMMISSIONER HANSEN: Madam Chair, thank you, Octavio. It's good to see you. We look forward to seeing you.

MR. MARIN: Thank you.

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CHAIR HAMILTON: Excellent. And best wishes moving forward to all of us.

MR. SHAFFER: Madam Chair, Commissioners, I do see that Commissioner Roybal does appear to be on the meeting, so I don't know if you want to try and see if you might be able to record a vote on the matter.

CHAIR HAMILTON: Thank you very much. Commissioner Roybal, are you in fact on, and would you like to cast a vote on this ordinance? Commissioner Roybal? I believe it's possible, Attorney Shaffer, that he is not signed out, that he had texted indicating he may not be able to be on the rest of the meeting after executive session, so I guess I'd leave it at that.

11. PUBLIC HEARINGS IN ADMINISTRATIVE ADJUDICATORY MATTERS

- A. Case # 20-5112 Vista De Sangres Request for 2nd Time Extension. El Llano Company Inc., Applicant, Requests a Second Time Extension on a Previously Imposed Condition by the BCC on the Final Plat Approval for the Vista de Sangres Subdivision, Which Required the Final Plat for Phase 1 to be Recorded Within 60 Days After the BCC's Approval. The Applicant was Already Granted a 90-Day Time Extension from the BCC But is Now Requesting an Additional 90 Days to Record the Final Plat for Phase 1. The Site is Located North of the NM 599 Frontage Road at the Intersection of Caja del Oro Grant Road within Section 31, Township 17 North, Range 9 East**

CHAIR HAMILTON: I think once again I will go directly to Vicki Lucero if you're with us.

MS. LUCERO: Thank you, Madam Chair. El Llano Company, Inc. is requesting a second time extension on a previously imposed condition by the BCC on the final plat approval for the Vista de Sangres Subdivision, which required the final plat for Phase 1 to be recorded within 60 days of the BCC's approval. The applicant was already granted a 90-day time extension from the BCC, but is now requesting an additional 90 days to record the final plat for Phase 1. The site is located north of the New Mexico 599 frontage road at the intersection of Caja del Oro Grant Road, within Section 31, Township 17 North, Range 9 Ease, Commission District 2.

On May 11, 2021 the BCC granted approval of a conceptual plan for a 23-lot subdivision. The approval also included preliminary and final plat approval for Phase 1 and Phase 2. Prior to the BCC's action on the subdivision application, Santa Fe County and El Llano Company, Inc. had entered into a settlement agreement and released some claims which required the applicant to submit a consolidated application for subdivision approval. One of the stipulations of the settlement agreement was that El Llano record the final plat for Phase 1 within 60 days after the Board enters an order conditionally approving the submission. The final order conditionally approving the application was recorded on July 28, 2021 and included a condition of approval consistent with the 60-day recording requirement. Therefore the final plat for Phase 1 should have been recorded by September 28, 2021.

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On December 14, 2021 a request from the applicant was presented to the BCC for a 90-day time extension to record the Final Plat for Phase 1 in order to allow them time of the Vista de Sangres Subdivision in order to allow them time to secure signatures from all of eight current lot owners. The BCC granted their request for a time extension and allowed them until December 28, 2021, to record the final plat.

The applicant was unable to record the plat by December 28, 2021, and is now requesting an additional 90 days. The applicant states, "While we have been successful in obtaining six of the eight required signatures, two lot owners have refused to sign the plat over issues personal to their house construction that have nothing to do with the plat. We plan to continue to work with these owners to obtain their signatures and require additional time to work with these two remaining lot owners.

Recommendation: The applicant has been working with the eight property owners to obtain the necessary signatures. Since the time of this application, Madam Chair and Commissioners, the agent has actually informed me that they have been able to secure the required signatures. The applicant has made a good faith effort to comply with all conditions of the BCC's approval, therefore, staff recommends approval of the request for an additional 90 days to record the final plat for Phase 1, subject to the condition listed below in the staff report. This would allow them until March 28th to record the final plat for Phase 1.

And, Madam Chair, the condition that we recommend is that the applicant shall comply with all other conditions imposed by the BCC on the conceptual plan, variance, and preliminary and final plat approval.

Thank you, Madam Chair. I stand for any questions.

CHAIR HAMILTON: Thank you so much, Ms. Lucero. So once again, before I go to the public hearing portion, are there any questions by the Commissioners?

COMMISSIONER HANSEN: I really, sincerely hope, Madam Chair, that the applicant can get these two signatures and we can move forward with this.

CHAIR HAMILTON: Thank you, Commissioner. Commissioner Hughes, anything? So I'm going to go ahead and open public hearing. Tessa Jo, I'm going to go right to you. Is there anybody that you recognize that is present on Webex that might wish to speak or has told you they wish to speak to this matter?

MS. MASCARENAS: No, Madam Chair, there is not.

CHAIR HAMILTON: So I will ask, is there anybody on this Webex who wishes to speak to the BCC about this proposed time extension?

MS. LUCERO: Madam Chair, I just wanted to mention that the agent for the project is on the line, so I don't know if he has anything to address.

CHAIR HAMILTON: Okay. I think I can probably close the public hearing portion part and go to him if he cares to speak, so I'm going to do that, close the public hearing. Vicki, if you want to invite him to speak – is he on the Webex?

MS. LUCERO: Madam Chair, he is. It's Scott Hoeft, and I can see that he's on the Webex call.

CHAIR HAMILTON: Mr. Hoeft, was there anything you wished to tell us at this point?

SCOTT HOEFT (via Webex): Yes, Madam Chair. We have secured the final two signatures, so we can go ahead and go to Mylar and get the process moving.

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CHAIR HAMILTON: Excellent. That's good to hear. Thank you for the continued effort. So I've closed the public hearing. Commissioner Hansen.

COMMISSIONER HANSEN: So thank you, Scott. I'm glad to hear that you have obtained the two additional signatures, so I will make a motion to approve this extension so that you can do that and we can move forward.

COMMISSIONER HUGHES: And I'll second the motion.

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

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

CHAIR HAMILTON: So the matter passes. Congratulations and thanks for your effort on that.

COMMISSIONER HANSEN: I think he wants to say something.

MR. HOEFT: Thank you very much.


12. CONCLUDING BUSINESS

A. Announcements

B. Adjournment

With no further business to come before this body, Chair Hamilton declared this meeting adjourned at 5:35 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

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