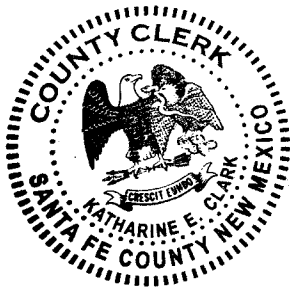


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Henry Roybal, Chair - District 1  
Anna T. Hamilton, Vice Chair - District 4  
Rudy Garcia - District 3  
Anna Hansen - District 2  
Hank Hughes - District 5



Deputy Katharine E. Clark County Clerk, Santa Fe, NM

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

**March 9, 2021**

1.     **A.**     This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:03 p.m. by Chair Henry Roybal.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, this meeting was conducted on a platform for video and audio meetings.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

**B.     Roll Call**

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

**Members Present:**

Commissioner Henry Roybal, Chair  
Commissioner Anna Hamilton, Vice Chair  
Commissioner Rudy Garcia  
Commissioner Anna Hansen  
Commissioner Hank Hughes [4:10 arrival]

**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 Captain Richard Roybal of the Public Safety Department.

**F.     Approval of Agenda**

CHAIR ROYBAL: Are there any changes or modifications to our agenda. I'll go to Manager Miller first.

KATHERINE MILLER (County Manager): Yes, Mr. Chair. Our original

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agenda was posted seven days prior to this meeting and then we amended the agenda on March 5<sup>th</sup> at 4:58 p.m. The amendments made to the agenda at that time were under item 2. A, the Request approval of the Santa Fe County proclamation for the month of March, Certified Government Financial Managers Month. That item was moved forward to the front of the agenda. Then under Miscellaneous Action Items, item 5. B, that item was added, but Mr. Chair, we are requesting to table that item today. It is not ready to move forward with the Commission's vote. So that will be tabled, even though it was just added on Friday, it is tabled today.

Then under item 7. Presentations, the San Juan County Juvenile Services Facility presentation, we updated that caption with the presenters' names, and under item 10. Matters from the County Attorney, under Executive Session, we added item 5. So it's 10. A. 5 was added to the agenda. And those are the amendments to the agenda, although I do want to note that under Public Hearings, item 11, we'll be doing the public hearings for the land use cases will be prior to the public hearing for the proposed energy changes for the energy efficiency additions to the code. And those are the amendments to the agenda, Mr. Chair.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Are there any other requests? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. No, I just wanted to approve the agenda with the changes from the Manager.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen and a second from Commissioner Hamilton. I'm going to go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Hughes was not present for this action.]

**G. Approval of Minutes: February 9, 2021**

CHAIR ROYBAL: Are there any changes? Commissioner Hansen.

COMMISSIONER HANSEN: I have no changes and I move to approve the February 9, 2021 Board of County Commissioners regular meeting minutes.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion and a second from Commissioner Hamilton. I'm going to go to a roll call vote once again.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Hughes was not present for this action.]

**2. CONSIDERATION OF PROCLAMATIONS AND RESOLUTIONS**

**A. Request Approval of Santa Fe County Proclamation Proclaiming the Month of March 2021, "Certified Government Financial Managers Month"**

CHAIR ROYBAL: We have Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. This is a

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proclamation we do in respect of this group that actually does a lot of training for many of the people who serve the County and obviously well beyond the County. The New Mexico Chapter of the Association of Government Accountants, AGA, is a professional organization that has a network of over 1,500 members and approximately 200 members in New Mexico. It represents state, federal, municipal and private sector accountants, auditors and financial managers. Through trainings and events, professional certifications, publications and ongoing education, AGA helps members build their skills and advance their careers.

This is a program that provides means of demonstrating profession competency by having candidates have appropriate educational employment history, who abide by AGA codes of ethics, pass three examinations, require an expertise in government environment and budgeting and CGFM holder to maintain certification by completing at least 80 hours of continuing professional education in government financial management topics or related technical subjects every two years.

So really this is an important and very active in our community professional organization and so it's just in recognition of that that we're asking for the month of March to be recognized as Certified Government Financial Managers Month. Thank you. I don't know if there's anybody who's actually on the call who represents this organization and would like to say something. I imagine you were probably going to ask that as well.

CHAIR ROYBAL: Yes, I sure was. We can probably leave comments for the rest of the Commissioners and if you'd like to call on the people who'd like to speak on this item.

MANAGER MILLER: Mr. Chair, I think Elena – I thought I saw her on there. Elena, are you there?

ELENA TERCERO: Yes, I am here.

MANAGER MILLER: Thank you. I wasn't sure I saw you.

MS. TERCERO: And Teresa Montoya is also here. She is our CGFM chair for the New Mexico AGA. So if I may, I'll invite for her to speak first and then I will speak after.

CHAIR ROYBAL: That sounds great. Please proceed and good to see you, Elena.

[Ms. Montoya experienced audio difficulties.]

MS. TERCERO: Mr. Chair, Commissioner Hamilton. She did all the work with the County employees so I really appreciate the work that she did. I want to thank her for that. So my name is Elena Tercero. I am the president of the AGA New Mexico Chapter and this year and next year I am also the National Professional Certification Board chair, so I oversee the board for our CGFM certification for the national organization. So we really do appreciate your willingness to help us declare March as CGFM Month and I do want to take some time to just acknowledge two of your County employees that are AGA members here in New Mexico: Annette Baca and Yvonne Herrera. I know I saw their names in the meeting, so I know that they're here in attendance and thank you for your membership as well.

We do do many hours of professional education for our members. We do over 40 hours of continuing education so that way our CGFMs have their continuing education here throughout the year. And then we also, if you are interested in becoming a CGFM you will do so by – you don't necessarily have to be a member but it's always beneficial to be a member, the national association right now is doing a \$21 registration fee for the certification

exam, so it's a really great time to get that application in. And then if you're a New Mexico AGA member we have two opportunities for you to also save a little bit of money. Number one, we will lend you out the study materials. There's three exams, as Commissioner Hamilton mentioned, and we have all three of the study materials. You just reach out to Teresa. She will set everything up for you and you can borrow that material one at a time.

And then we also have what we call a you-pass-we-pay program. So if you apply for the program, again, with our New Mexico chapter, when you pass the exam you show us proof that you passed the exam and then that you paid for the exam fee, and we will reimburse you as a chapter. So that way all three fees are then reimbursed to you. So it's very good to become a member, very beneficial, and not only does it help you in your education but it also helps you with your career.

COMMISSIONER HAMILTON: Thank you so much, Elena. And thank you Teresa. Really appreciate both of you being here and for all the work you do and for the profession that is often among the unsung professions and unsung heroes but very, very necessary work, certainly in our local government and what we strongly depend on.

So with that, Mr. Chair –

COMMISSIONER HANSEN: Mr. Chair and Commissioner, would you like to make a motion or would you like me to make a motion to approve?

COMMISSIONER HAMILTON: It would be lovely if somebody else made the motion. I'd very much appreciate it.

COMMISSIONER HANSEN: Okay, so I would be happy to make a motion to approve this proclamation of the Certified Government Financial Managers Month, and congratulations and thank you, Elena and Teresa for being here.

COMMISSIONER GARCIA: Second, Mr. Chair.

CHAIR ROYBAL: I also just reiterate what my fellow Commissioners said and just thank Elena Tercero and Teresa Montoya for being here today and I think this is a great resolution. As you all know, in our own Finance Department a lot of times we forget the work that happens behind the scenes and the dedication from these departments. Santa Fe County has definitely received quite a few awards in the past for our Finance Department and I think that they've done an awesome job. So I really appreciate this resolution coming forward today and I just want to congratulate you guys and thank you for everything that you do because without this backbone any institution wouldn't be able to survive without the type of service that you provide and support services. So thank you very much. Any other comments from Commissioners. Okay, hearing none, I'm going to go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Hughes was not present for this action.]

**2. B. Request Approval of a Proclamation Proclaiming March 10, 2021 as "Tibetan Freedom Day"**

CHAIR ROYBAL: This is presented by Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair and everyone present. Before I go into the proclamation I just want to state for this meeting is that I find it extremely interesting since we are in this lockdown is that actually March 10<sup>th</sup> is now

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actually in Lhasa it is March 10<sup>th</sup>. So we are celebrating this on March 9<sup>th</sup> but because of the time change it is now March 10<sup>th</sup> so we are actually able to recognize this proclamation that is happening in Lhasa at the same time.

With that I want to read this proclamation and then I know there's two members of the Tibetan Association here to say a few words. So proclaiming March 10, 2021 as Tibetan Freedom Day.

Whereas, Santa Fe County recognizes the rich cultural history and heritage of Tibet and the Tibetan people, and the depth and richness that the local Tibetan Community of Santa Fe adds to the County; and

Whereas, March 10, 2021, marks the 62<sup>nd</sup> anniversary of the Tibetan Uprising when the Country of Tibet was occupied by the People's Republic of China, resulting in more than a half-century of occupation and exile, and the exodus of about 80,000 Tibetans across the Himalayas; and

Whereas, Santa Fe County supports the conclusion of the United States Congress that under the established principle of international law, Tibet is an occupied country whose true representative is the exiled Tibetan government based in India, headed by Sikyong Lobsang Sangay; and

Whereas, the Tibetan people acknowledge and honor His Holiness the Dalai Lama, recipient of numerous awards from many governments and institutions, including the Nobel Peace Prize and the United States Congressional Gold Medal, as the Spiritual and Temporal Leader of Tibet, and Santa Fe County encourages the People's Republic of China to enter into discussions with His Holiness the Dalai Lama and the Tibetan Government to solve the questions of Tibet based on the will of the Tibetan people and to ensure respect for the fundamental rights of the Tibetan people.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the 10<sup>th</sup> of March 2021, as "Tibetan Freedom Day".

As many of you know on this Board, I have a particular strong place in my heart for the Tibetan Community and consider them a strong part of my spiritual life and dedication, and I am always grateful and honored to be able to recognize them and recognize all the benefits that they have brought to Santa Fe and to New Mexico. New Mexico has over five chortans or stupas, which are very special monuments recognizing the enlightened mind of the Buddha, and Santa Fe County and New Mexico are well represented that in the nineties we supported the Tibetan relocation of many Tibetan refugees to Santa Fe, and many employers including Whole Foods and Jackalope and others created a workforce for them to have jobs and positions here, which was also very heartwarming to me. And I just wanted to mention that as the kind of community that Santa Fe is and our dedication to immigrants and our dedication to inclusion.

And with that I want to recognize Pemsí, who is under the Tibetan Association and if you'd please say a few words.

PEMSI TSERING: First of all, thank you so much. My name is Pemsí Tsering, president of Tibetan Association of Santa Fe. Here's Lama Gyurme Rabgye. He's vice president. We both are honored and would like to, on behalf of all the Tibetan people living here in Santa Fe and also in the State of New Mexico, we would like to extend our gratitude to all the wonderful Commissioners for giving us such opportunity, and also for the proclamation proclaiming March 10<sup>th</sup> as Tibetan Freedom Day. So thank you so much.

So March 10<sup>th</sup>, back in 1959, China fully invaded and occupied Tibet. So it's been 62 years and tomorrow is going to be the 62<sup>nd</sup> anniversary of our Tibetan National Uprising Day. Like Commissioner Hansen mentioned, today is actually March 10<sup>th</sup> back in Tibet.

So in the past 62 years we've been thinking today is Tibetan Freedom Day but gradually nowadays it's more like considering about the whole globe as one, because of the climate change and nowadays many, sad to say, believe that Tibetan is -- right now we are doing virtual meeting because of COVID-19. If there were no Wuhan corona virus we wouldn't be like that; we could meet face to face in person, right?

So because of China a lot of things happening this year and last year. So we urge and request whole human being is not only about Tibet and freedom, it's one whole global climate, Wildlife and humanity, we all have to work hand in hand and we have to boycott China's Winter Olympics as well as we have to make them feel you have to respect all human beings. We're all the same, and you have to respect the humanity. And on top of that, we all need a peaceful life not like humanity and like no fight between the countries and no viruses on top of that.

So last but not least I would like to thank, on behalf of the Tibetan community of Santa Fe, thank you so much for the golden opportunity and for the proclamation and also proclaiming today or tomorrow as Tibetan Freedom Day. Thank you so much. *Tuchi che*.

COMMISSIONER HANSEN: *Tuchi che*. So thank you, Pemsí, and thank you, Lama for being here. I would like to make a motion to approve the proclamation of March 10<sup>th</sup> as Tibetan Freedom Day.

COMMISSIONER HAMILTON: I'd like to second.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hansen, a second from Commissioner Hamilton. Anything under discussion, comments? Okay, I would just like to thank everyone, especially Commissioner Hansen. I know you bring this resolution forward every year and it's a great resolution, so thank you for doing that. So we have a motion and a second. Commissioner Hamilton, go ahead. Sorry.

COMMISSIONER HAMILTON: No, I just wanted to also thank Commissioner Hansen for bringing this forward and to thank Pemsí and Lama for their words, which just reflect why it's so valuable to all of us for this kind of thing to be brought forward and define leadership for things that are important from places you may not expect them. So thank you very much.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Okay, so we have a motion and a second. I'm going to go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Hughes was not present for this action.]

CHAIR ROYBAL: Congratulations and thank you for being here and thank you for all your words. Have a good evening. Commissioner Hansen.

COMMISSIONER HANSEN: Yes, thank you. We will work to figure out how to get you the copy. Sara and I will work you, Pemsí, to get you a copy so you can have it at the center.

MR. TSERING: Thank you so much. We appreciate it.

COMMISSIONER HANSEN: Thank you very much for being here.

**2. C. Request Approval of a Proclamation Proclaiming March 22<sup>nd</sup> as “Daniel T. ‘Bud’ Kelly, Jr. Day”**

CHAIR ROYBAL: And we have Commissioner Hansen presenting.

COMMISSIONER HANSEN: Thank you. I feel really grateful to be able to recognize Bud Kelly. I am family friends with Thomas and Robert Kelly. Thomas lives here now with his wife and Robert comes and goes and lives here and also Susan, the sister, who I am very happy and honored to get to know through this proclamation. I brought this forward because Mr. Kelly has done so much for this community, and you will hear it when I read this proclamation that we have compiled from his obituary and from the family.

And it is really important to me that we recognize our elders and people who have really seriously contributed to make Santa Fe what it is today. And Bud Kelly is one of those people who have truly helped shape this city and this county and New Mexico. So with that I will read into the record the proclamation and then I will go to the family members to ask them to also make comments.

Whereas, Daniel T. “Bud” Kelly, Jr. was born in Santa Fe on March 22, 1921, to Margaret Gross and Daniel T. Kelly, Sr., a prominent and historically significant family that owned and operated Gross Kelly & Company, a pioneering wholesale and retail mercantile company synonymous with the development of the Southwest; and

Whereas, as a boy, Bud worked on the Gross Kelly ranches in eastern New Mexico and accompanied his father on business trips where he met merchants and traders along the trails, learned to rope and ride with cowboys who worked on the ranches; and fell in love with New Mexico; and

Whereas, Bud built upon his family’s legacy and commitment to civic responsibility by not only serving his country in World War II and Korea and graduating from Harvard, but by returning to Santa Fe to help establish and grow many of Santa Fe County’s most beloved institutions and organizations; and

Whereas, after serving as president of Gross Kelly until it was sold to Kimbell Company, in the mid-1950s; Bud partnered with Howell Ernest Insurance Company, acquired full ownership of the company in 1965 and remained at the helm of the Kelly Insurance Co. until his retirement in the early 1980s; and

Whereas, his work brought him into contact with local luminaries and icons with whom he formed lasting friendships, including: Ernie Blake of Taos Ski Valley, John Crosby of the Santa Fe Opera, the painter Georgia O’ Keefe, Compound restaurant owner Bill Hooton and designer Alexander Girard; and

Whereas, he was an active member of the Santa Fe business community, serving as a founding board member for St. John’s College, Santa Fe Preparatory School, and the Santa Fe Opera; director of the First National Bank and president of the School of American Research; and

Whereas, an early supporter of the Santa Fe Opera, Bud is still remembered for presenting an insurance check for \$130,000 within hours of the fire that destroyed the opera house in 1967, and the money enabled the opera to continue that year’s season in the gym of the old Santa Fe High School campus, which now serves as City Hall; and

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Whereas, Bud's longtime friend Nancy Wirth said, "Bud was certainly involved in the establishment of and support for a whole slew of local organizations. He was in there slugging for what were then new groups, and thus he played an important role in shaping Santa Fe"; and

Whereas, Bud's civic contributions earned him recognition as a Santa Fe Living Treasure in 2005; and

Whereas, his love of the outdoors led to his passionate participation in the Pajarito Walking Group, Santa Fe Winter Ski Club, the Kiva Squash Club, and the Santa Fe Chile and Marching Society; and

Whereas, Bud authored *The Buffalo Tail*, an autobiography that built upon his father's book, *The Buffalo Head*, and conveys his knowledge and memory of the great and formative events of the 20<sup>th</sup> century; and

Whereas, Bud could be found throughout the year tending to his 128-acre tract in the Santa Fe National Forest and people in Santa Fe would easily recognize him on the street with his Stetson Open Road, a Brooks Brothers tweed jacket, button-down shirt accented by an ascot, wool slacks, cowboy boots, and in later years, a cane; and

Whereas, Bud married Jeanne Wise, a native New Yorker, in the mid-1950s, and together they had four children: Susan, Thomas, Robert, and Pamela; and

Whereas, his family and loved ones describe him as the embodiment of the great sweep of New Mexico history and lore, a gentleman cowboy, and community builder; simply and profoundly human: he had a passionate curiosity mixed with a fiery temper; a devout man and incessant flirt; and "a fastidious man who lacked attachments to material things"; and

Whereas, Bud passed away on August 18, 2020, at age 99; and

Whereas, the Santa Fe County Board of County Commissioners wishes to honor Bud on the occasion of what would have been his 100<sup>th</sup> birthday for his service to our country and Santa Fe County by his example, and his lifetime impact on the County and its citizens.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the 22<sup>nd</sup> day of March as "Daniel T. 'Bud' Kelly, Jr. Day".

So I am really honored to be able to bring that forward and have him recognized for his contributions to our community. And I want to give the people on the call – I can see that Pamela and Susan are there. I can see that Robert's there, Thomas, and I think there's another gentleman also and maybe there's a few other people who would like to speak. So let me know who would like to go first. Raise your hand and let me know. Or should I just call on you? Okay, Thomas, you're first.

THOMAS KELLY: Thank you very much, Commissioner Anna Hansen and all the other Commissioners. My heart is full. My father did practice a very devoted love for New Mexico. As a historian, he brought many special things to the table. As I say I am extremely honored to have him recognized on March 22<sup>nd</sup> when he would have been 100. We all miss him and we hold him in our heart. Thank you, Anna.

COMMISSIONER HANSEN: Thank you, Thomas, so much, and I'll go to you, Robert, next.

ROBERT KELLY: Well, I join my brother in thanking you, Anna. Thank you,

so much for this grand gesture and all the other Commissioners involved. It's just very endearing and we're just so touched as a family and I'm sure Dad would be extraordinarily flattered and somewhat humbled by this because he would obviously say it takes a village and all of you certainly contributed to this. Just one note that sort of came to mind in looking at this is our great grandfather, Harry W. Kelly, was in fact hired by Miguel Otero, and this is Miguel Otero, Sr. whose son Miguel Otero II became the first territorial governor of New Mexico. So as a great sort of sweep of history it's extraordinarily that New Mexico is in fact the reason for the Kellys being here and so very, very sweet that this day is proclaimed in Dad's honor as sort of a gift to this notation. So thank you so much. Love you all.

COMMISSIONER HANSEN: Thank you. Next I'll go to Susan and Pamela.

SUSAN KELLY: Anna, through the last six months it's been an absolute pleasure working with you on the proclamation. I can't thank you enough, and the other Commissioners, it's a pleasure to meet you. Thank you very much for bestowing this wonderful day in recognition of my sweet father. I was thinking back after all of this has been going on, I'm the eldest of the four and I knew Bud as "Daddy" and I've always known him as "Daddy." And I found out even more during the last six months of what a unique human being he was and is and all of the incredible things that he did for us as a family, but also us as a city and a state. I just very much appreciate you proclaiming him on his 100<sup>th</sup> birthday, his special day. Thank you very much and I look forward to meeting you all in person one of these days soon. Thanks.

MR. R. KELLY: Hear hear.

COMMISSIONER HANSEN: And Pamela.

PAMELA KELLY: Well, being the youngest, all I can do is say ditto. But I think what I would like to add is that Dad instilled in all of us a love for New Mexico and a deep respect for the state and a sense of responsibility to give back, and I think all of us in our way, whether we live here or we don't, our love for our father and for the community that he allowed us to be part of, we've great respect for it and take our responsibility to give back very much. And thank you very much for this incredibly generous and thoughtful gesture. I think Robert's right; he would be flattered, but I think probably kind of a little embarrassed by all the attention. So thank you very much and we appreciate your taking this on and making it happen.

COMMISSIONER HANSEN: I remember Bud walking down the street many, many times and I don't know if all of the family knows this but when I first bought my house in 1983 Kelly Insurance was my insurer and I bought insurance from your father. It was right before he sold the business, but I remember him very well and I'm honored to be able to do this. I'm wondering if there's anyone else with you who would like to speak. If you are please unmute yourself or let me know. Go ahead.

BERTO GORHAM: I'm Robert "Berto" Gorham and I'm one of many nephews of Bud Kelly and I would just like to say thank you to all the Commissioners and say *Vaya con dios, amigo*. Thank you.

COMMISSIONER HANSEN: Thank you very much. It's nice to see all of you. I'm sorry that we can't see one another in person and do this together. And I will make sure that Sara and I will work to get Susan the proclamation so that you can have it forever and that we continue to recognize Bud on his 101<sup>st</sup> birthday in the future. So with that I would like to make a motion to approve proclaiming March 22<sup>nd</sup> as Daniel T. "Bud" Kelly,

Jr. Day.

COMMISSIONER GARCIA: I'll second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen and an enthusiastic second from the rest of the three Commissioners that are present, so that has to say something. Under comment, I just want to say what a wonderful testament to Bud's life, his full life, I should say, and god bless you all and I wish the very, very best. So thank you, Commissioner Hansen, for bringing this forward. We do have a motion and a second on the table. Under discussion, are there any other Commissioners that have a comment before we vote? Okay.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Hughes was not present for this action.]

CHAIR ROYBAL: I just want to say thank you to all of his children and nephew and great nephew that was here. It's wonderful to hear these stories and be able to be a part of his life. I never knew Mr. Kelly but I really wish after reading and seeing all of this I wish I had. So as your sister said earlier, till we can meet in person. I believe Pamela said that. Thank you all for being here. Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: I want to thank everybody from the family for taking the time to be here also. It's great to see all of you once again and I look forward to seeing you all in person again sometime soon. I hope.

CHAIR ROYBAL: Okay. Thank you very much. Thank you all for being here.

**2. D. Resolution No. 2021-023, a Resolution Recognizing Hispanics Enjoying Camping, Hunting, and the Outdoors and Supporting a New Mexico Public Lands Conservation Leadership Council to Help Elevate the Vital Importance of Hispanic Culture, Traditions and Perspectives in Strengthening the Advancement of the Conservation of Public Lands and Water for Future Generations**

CHAIR ROYBAL: I want to thank the members of HECHO for being here today. They really do some amazing work, so I'm going to go to Camilla Simon.

CAMILLA SIMON: Yes. Thank you so much, Commissioner Roybal, for sponsoring this resolution and as well, Commissioner Garcia, for co-sponsoring, and providing us the space today to share some information about HECHO and our work with you all.

I'm Camilla Simon, the executive director of HECHO, and HECHO is a group that elevates Hispanic leaders' voices and increases the visibility of Hispanics in public lands policymaking and advocacy. We had our beginnings in New Mexico back in 2013 with the vision of building a platform to bring culture, querencia, a love for the land, and conservation to our shared natural resources through local, state, national public land conservation policy and advocacy efforts.

Since then we've grown to be active in five states and our impact is also felt at the federal level. As you may know, Hispanics are among the racial ethnic groups of people who

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are disproportionately impact by pollution and also poll at rates greater than non-Hispanic whites to find environmental issues like pollution and climate change to be extremely important. Yet Hispanics are also among the racial ethnic groups who are underrepresented in the decision making processes that impact our air, water, land, health, and communities.

HECHO was created to help close the gap between underrepresentation when it comes to decision making and overrepresentation when it comes to impact from environmental harms. Many New Mexican Hispanics have generations-old connections to the land, water and wildlife and for generations have stewarded these lands and passed down important land-based traditions. We know that these experiences, traditions and the knowledge that comes from this will bring tremendous value, and does bring tremendous value to the decision making process.

And furthermore, we believe that everyone should have equal access to the benefits of nature and in order to do that, Hispanics need to be more robustly involved in decision making processes around these issues. So through HECHO, Hispanic voices are increasingly part of the conversation about conserving our lands and waters and we worked hard over the course of five years to help pass a federal bill that permanently authorized and fully funded the Land and Water Conservation fund, which provides \$900 million annually to protect parks, rivers, wildlife refuges and provides matching grants for state and local parks and recreation projects. And New Mexico has received more than \$300 million over the course of the first 50 years of the program. So we hope that there will be more benefit for years to come in New Mexico.

Today we're just so pleased to have this resolution on the table. We really hope you'll support this to acknowledge HECHO's efforts empowering Hispanic leaders to engage their communities in the conservation of public lands and waters, and also support us in the creation of a public lands conservation council, which would be a formalized network of Hispanic public lands leaders with the goal of further increasing participation and representation of Hispanics in conservation policy decision making. Thank you.

CHAIR ROYBAL: Thank you, Camilla. I appreciate those words, and I do want to read into the record the resolution that we're bring forward today. The background is: New Mexico, is rooted in a rich and multicultural history, with 47 percent of the state's population having some Hispanic ancestry. Hispanics have a strong connection to the nation's diverse landscapes and practice centuries-old traditions such as fishing, hunting, farming, ranching, wood-gathering, plant-gathering and piñon nut-gathering that require the protection of public lands and waters.

The Hispano customs of caring for and cultivating the land responsibly and in governing the water for communities through acequias are foundational to New Mexico and New Mexican heritage. Many New Mexico watersheds provide critical resources to communities including multiple domestic and agricultural users and provide clean water to numerous ancient and agriculturally and culturally significant acequia systems. *Querencia*, love for the land, is a deeply held value that connects Southwestern Hispanics to the past, present and future sense of belonging and purpose and is a principle that prioritizes conservation for future generations and is a pillar of what the group Hispanics Enjoying Camping, Hunting and the Outdoors, more commonly known as HECHO, is founded on.

HECHO was established in the Southwest and was founded to empower Hispanic leaders to engage their communities in the conservation of public lands and provides a platform for Hispanic voices to be heard with respect to the protection of public lands, healthy watersheds, clean air and robust wildlife habitats. In working toward building a robust public lands conservation leadership council in New Mexico, encourages everyone to join and support this effort and HECHO's mission.

There is a need for effective policies that safeguard public lands and waters for all. Hispanos endeavor to continue to enjoy, practice, and pass down, cultural traditions that depend on public lands, and Hispanic leaders endeavor to be widely recognized for contributions to public land conservation.

Are there any other comments or anybody else from HECHO that would like to address the Board? Okay, so can we go to the Now, therefore be it resolved again, Daniel?

Now therefore be it resolved that Santa Fe County expresses support for and urges the Senate and the House of Representatives of the State of New Mexico to enact a Senate Memorial and a House Memorial, respectively, recognizing HECHO and supporting a New Mexico public lands conservation leadership council to help elevate the importance of Hispanic culture, traditions, and perspectives in strengthening the advancement of the conservation of public lands and waters for future generations; and

Be it further resolved, that Santa Fe County expresses support for HECHO in the creation of a public lands conservation council of Hispanic leaders to build capacity and create a formalized network of Hispanic public lands leaders to increase participation and representation of Hispanics in such matters; and

Be it further resolved, that Santa Fe County recognizes the important role that HECHO fills in ensuring that Hispanic Americans and Hispano cultural and traditional uses of the land are included in decisions about public lands and waters; and

Be it further resolved, that Santa Fe County recognizes HECHO as a group that connects and unites Hispanic leaders to engage their communities in the conservation of public lands and waters and fostering strong, culturally rich communities; and

Be it further resolved, that a copy of this resolution be forwarded to Governor Lujan Grisham and members of the New Mexico legislature to show support for HECHO and the public participation of all New Mexicans, including Hispanic New Mexicans, in decisions and processes concerning public lands and waters connected to nature and each other; and

Be it further resolved, that a copy of this Resolution be transmitted to members of the New Mexico congressional delegation, the Commissioner of Public Lands, State of New Mexico Director of the federal Bureau of Land Management, Director of the Intermountain Regional Office of the United States National Park Service, Director of the State Department of Game and Fish, the Southwest Regional Director of the United States Fish and Wildlife Service and the Regional Forester of the Southwestern Regional Office of the United States Forest Service.

And I'm hoping it will be passed, approved and adopted this 9<sup>th</sup> day of March 2021, and with that I'd just like to ask for the support of my County Commissioners. I will make a motion to approve.

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COMMISSIONER GARCIA: Mr. Chair, I'll second.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Roybal and a second from Commissioner Garcia. Under discussion, do we have any comments or questions? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Commissioner Roybal and Commissioner Garcia, for bringing this forward. I think that this is very much in line with part of what the Northern Rio Grande National Heritage supports, is the traditional culture, and I want to thank HECHO for always including me when I have been in Washington, DC or in other meetings where they have been able to recognize that I, as a Commissioner in District 2 who has a very large Hispanic population and that I represent them, and that HECHO has always been welcoming to me and I am grateful for their openness and generosity with that. And so I want to thank you for that because I think it is really important, even though it is clear that I am not Hispanic. I also really value the culture and traditions of northern New Mexico and I am very proud to represent the traditional historic village of Agua Fria and its strong history in northern New Mexico. And I'm also grateful to sit on the board of the Northern Rio Grande National Heritage Area, which also represents the cultures and health and spiritual life of northern New Mexico and Hispanic culture. So thank you, Commissioner Roybal and Commissioner Garcia.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Any other comments from Commissioners? Questions?

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: I think HECHO is a new organization and I'd like to thank the individuals which include Mr. Archuleta. We have the State Land Commissioner on the board. We have Senator Campos from the San Miguel area, our congressional delegation, Senator Lujan, who sponsors this. And also this will allow the organization to get some momentum and move forward because it's moving, and I appreciate your bringing this forward and I'm proud to be a co-sponsor of this. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other comments? So we have a motion and a second. I'm going to go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Hughes was not present for this action.]

CHAIR ROYBAL: I'd like to thank all my fellow Commissioners and also thank Camilla Simon for being here today and thank you for your presentation and all the information that you were able to give to the Board. I really appreciate it. I appreciate you all being here today and I just want to thank you all for this resolution. So thank you very much.

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

**3. CONSENT AGENDA**

- A. Request (1) Approval of Amendment No. 5 to Agreement No. 2019-0053-CSD/CW Between Santa Fe County and FireStik Studio to Provide Services for the DWI Public Awareness Campaign; Increasing the**

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**Compensation Amount \$25,000, for a Total Contract Sum of \$502,530, Inclusive of NM GRT; and (2) Delegating Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor, Community Services/Peter Olson)**

- B. Resolution No. 2021-024, a Resolution Requesting an Increase/Decrease to the Law Enforcement Operations Fund (246) in the Amount of \$28,987.00/\$11,563 (Finance Division/Yvonne S. Herrera)**
- C. Resolution No. 2021-025, a Resolution Requesting an Increase to Fund 223-0497 in the Amount of \$292,751 to Budget Grant #2020-AR-BX-0119 from the New Mexico Human Services Department (Finance Division/Yvonne S. Herrera, Community Services Department/Rachel O'Connor & Patricia Boies)**
- D. Request Approval of a Letter from the Board of County Commissioners Expressing Support for the National Heritage Area Act of 2021 and the Northern Rio Grande National Heritage Area Reauthorization Act of 2021 (Commissioner Anna Hansen)**

CHAIR ROYBAL: This is the Consent Agenda. Are there any questions or are there any items on the Consent Agenda that we would like to take off for further discussion, or any comments on the Consent Agenda?

COMMISSIONER GARCIA: Mr. Chair, if there's no comments or questions, move for approval.

COMMISSIONER HANSEN: Mr. Chair, I would just like to make a comment.

COMMISSIONER HAMILTON: I'll second.

COMMISSIONER HANSEN: I'll second.

CHAIR ROYBAL: So we have a motion from Commissioner Garcia and multiple seconds from Commissioner Hamilton and Commissioner Hansen. Commissioner Hansen, go ahead.

COMMISSIONER HANSEN: I just want to let you all know that on D, the request for approval from the Board of County Commissioners in support of the National Heritage Act of 2021, today the Environment, Energy and Land Use Committee of NACo also supported this resolution. It has also been endorsed by the Arts and Culture Committee of NACo and I am very excited to share that information with everyone, because it's not always certain what happens at NACo but I got a large percentage of support from the Environment, Energy and Land Use, like more than two-thirds or three-fourths of the committee voted in support of this. So I just wanted to share that. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and I was going to comment on that item as well. I appreciate you working hard on that board. I know that sometimes some of the boards that we're on do take up a lot of time but I just wanted to thank you for being on that board and doing a great job. Any other comments from Commissioners?

COMMISSIONER HANSEN: I love that board. It's in really good shape. It's turned around. It's very successful these days.

CHAIR ROYBAL: Awesome. That's great to hear. Okay, any other

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comments from Commissioners? Okay, hearing none we're going to go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Hughes was not present for this action.]

**4. APPOINTMENTS/REAPPOINTMENTS**

**A. Approval of Appointments to the Health Policy and Planning Commission**

CHAIR ROYBAL: From the Community Services Department we have Ms. Patricia Boies.

PATRICIA BOIES (Community Services/Health): Good afternoon, Mr. Chair, Commissioners. Before you today is a request for approval of two countywide appointments to the Health Policy and Planning Commission. Back in December the Board passed a resolution establishing membership on the HPPC to consist of five district appointments, one from each district, and then four countywide appointments. And there are two vacant countywide positions, and we advertised for these HPPC vacancies via press release and on the County website, and also through email.

We received several applications and there were two, the ones that I'm bringing forward today who stood out as extremely well qualified, and they are Antoinette Villamil, who is the executive director of Many Mothers and works extensively with families in Santa Fe and has a strong understanding of early childhood needs, and has worked on health equity issues, including with the New Mexico Community Foundation. And the second is Steven Berkshire, who has been a healthcare executive and a CEO of hospitals, and his work with hospitals and healthcare administration and policy, and especially his interest in rural healthcare and appreciation of the social determinants of health will also add to the expertise of the Health Policy and Planning Commission.

So we are recommending the appointment of these two individuals, each of them one of the vacant countywide position. Thank you.

CHAIR ROYBAL: Thank you, Ms. Boies. I think these are wonderful candidates. Thank you for your presentation. Any other comments or questions from the Board or do we hear a motion?

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR ROYBAL: Yes.

COMMISSIONER HAMILTON: Thank you. I'd like to move to approve these two appointments.

CHAIR ROYBAL: So we have a motion from Commissioner Hamilton. I'll go ahead and second. Anything under discussion? Questions or comments? Okay, so I'm going to go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Hughes was not present for this action.]

**5. MISCELLANEOUS ACTION ITEMS**

**A. Resolution No. 2021-026, a Notice of Sale Resolution for General**

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**Obligation Improvement and Refunding Bonds, Series 2021 in a  
Principal Amount of Up to \$25,000,000, Including Approval of a Form of  
Preliminary Official Statement**

YVONNE HERRERA (Finance Director): Good afternoon, Chair Roybal, Commissioners. The resolution before you would authorize a competitive sale issuance of the general obligation improvement and refunding bond Series 2021 in the principal of up to \$25 million. The bonds represent new bonds pursuant to voter authorization in the November 3, 2020 general election in the amount of \$20 million, and refunding bonds in the amount of \$5 million to refund previously issued bonds to achieve interest cost savings.

At the November 3, 2020 general election county voters approved up to \$20 million in general obligation bonds for open space, road and water/wastewater projects, which the project list was included in the packet for your review. Of the \$20 million, \$4,829,000 is allocated to open space, trails and parks. \$11,421,000 is allocated to County roads, and finally, \$3,750,000 is allocated to water/wastewater projects.

In addition to the \$20 million of new money, the bonds included up to \$5 million in refunding bonds. The refunding bonds are issued for the purposes of refunding, refinancing, paying and redeeming. On July 21, 2021 the County's general obligation improvement and refunding bonds, Series 2011 maturing on and after July 1, 2022 in the outstanding amount of \$4,750,000.

The resolution authorizes various officers to take action to sell the bonds via competitive bids on March 30, 2021 and issue them to the best bidder on April 20, 2021. In particular the resolution would authorize the County Manager to select the winning bidder and finalize the details of the bonds pursuant to the following parameters and conditions: a) the bonds shall be issued in an aggregate principal amount not to exceed \$25 million for the purposes set forth above; b) the net effective interest rate on the bond shall not exceed ten percent per annum; c) the final maturity of the bonds shall not be later than July 1, 2040; d) the bond shall be sold at not less than par and not more than 115 percent of par; and finally, e) the underwriters discount of the bond shall not exceed three percent of the par amount of the bonds.

The resolution would approve the attached preliminary official statement and authorize it to be provided to the perspective bidders. The preliminary official statement is the most significant part of the resolution since federal securities law places responsibility for the contents of the statement on the Board of County Commissioners. And with that, I am lucky enough to have County Attorney Shaffer, our bond counsel, Peter Franklin, and our bond advisor, Eric Harrigan, to stand for any questions along with Director Giron from Public Works on the projects.

CHAIR ROYBAL: Okay, so do we have questions from the Commissioners?  
Okay, hearing none –

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: She didn't actually sound like Greg Shaffer but she did an excellent job nonetheless. I would like to thank the staff that actually brought the bond proposal forward as well as the electorate that actually voted for it and all the staff that actually works on these projects. Great job. And so once again, thank the community for

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having trust in Santa Fe County to actually approve the GOB, the general obligation bond in moving this forward. So thank you. And with that I'd like to make a motion for approval.

CHAIR ROYBAL: Okay. So we have a motion from Commissioner Garcia.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: And a second from Commissioner Hamilton.

Commissioner Hansen, did you have a comment?

COMMISSIONER HANSEN: Yes. Was there going to be more discussion from Greg and the counsel? I want to thank Yvonne, of course, but were we going to hear more about this?

MS. HERRERA: Commissioner Hansen, I was just saying that they are here available if you have any questions from them.

COMMISSIONER HANSEN: Okay.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. Are there any other comments or questions from the Board? Hearing none, I'm going to go to a roll call vote.

**The motion passed by unanimous [4-0] roll call vote.** [Commissioner Hughes was not present for this action.]

5. B. Request Approval of Agreements Concerning Buckman Direct Diversion Energy Conservation Measures: **TABLED**

6. **MATTERS OF PUBLIC CONCERN**

CHAIR ROYBAL: Has anybody signed up today to address the Commission, Tessa Jo?

TESSA JO MASCARENAS (Operations Manager): No, Mr. Chair. They've not.

CHAIR ROYBAL: Okay. So for everybody that's out there that's part of the public, if you would like to address the Commission, if you could unmute yourself and just state your name for the record? I'll ask once again. If there's anybody from the public that would like to address the Board, if you can unmute yourself and state your name for the record. Hearing none, I'm going to close Matters of Public Concern.

7. **PRESENTATIONS**

A. **San Juan County Juvenile Services Facility Presentation**

CHAIR ROYBAL: From our Public Safety we have Director Pablo Sedillo and Director Bowen Belt. Is that correct?

BOWEN BELT: That is correct, Mr. Chair. Thank you, Mr. Chair Roybal and the other Commissioners. I appreciate you making time to have me here today to talk about our facility here. I'm going to run through this slide show real quick. I do just want to first start off and say that I would invite each and all of you to come up here. If you're every just passing through on your way north or you want to make a special trip to come and tour through the facility we would welcome you any time, day or night. We're proud of the work

we do here. We're proud of the facility so we'd be happy to show it to you.

If you'll take a look at the first slide – and I don't know, Mr. Sedillo, if I'm cutting your off. If you wanted to say anything before I get going.

CHAIR ROYBAL: Director Sedillo.

PABLO SEDILLO (Public Safety Director): Thank you very much for giving me the opportunity to introduce Mr. Belt. I'm here today to introduce Director Bowen Belt who will provide the Board with an inside look at San Juan County Juvenile Facility. They provide many opportunities for the kids. They have living units, staff, morning curriculum learning. They also have meals and dining, programming, life skills, medical care and recreation. As you're well aware, this agreement was initiated on April 1<sup>st</sup> of 2020 after the Board of Santa Fe County Commissioners approved the closure of the Santa Fe Youth Development Program on March 31, 2020.

Again, this is an informational presentation and there's no action required at this time. If you give me a second I'll give you a little bit of history of Director Belt. He is a native New Mexican who is a graduate of New Mexico Military Institute and the University of New Mexico with a BA in psychology. Prior to working with San Juan County he has worked in adolescent residential treatment and independent living programs. He has currently been employed with San Juan County Juvenile Services for the past 15 years as a shelter supervisor, deputy administrator and currently is the director.

He has coached numerous youth soccer teams, both girls and boys. He's been a ski instructor and has taught countless youth how to swim through the American Red Cross. He's been married for 20 years with a son and daughter. So it's my pleasure to turn this presentation over to Director Belt.

MR. BELT: Thank you, Mr. Sedillo. I appreciate the introduction. I'll just reiterate, I do invite all the Commissioners to please come and see the facility. I'll start out – I want to give just a real quick summary of the campus up here because there are some other programs that the youth from Santa Fe have benefited from here at Farmington.

On the campus we have a crisis shelter. Unfortunately, I didn't provide a picture. The picture you're seeing right now is the front of the building with the detention center and the shelter is adjacent to it. That's a crisis shelter for kids from age nine to eighteen. Also in that building we contract with AMIKids for treatment services.

We also have a youth housing project for kids that are aging out of the system who are 18 to 24 years of age, and I know Commissioner Hughes could probably tell you a whole lot about that program. So that's just a real quick summary of what we've got going on here in Farmington on our juvenile services campus.

These are just a handful of pictures of our housing units. They're all carbon copies of one another so we've got four housing units. We can house 47 youth and the three pictures you're seeing here, they're the same in each of those units. Please stop me if you have any questions through these slides. Please don't hesitate to stop and ask.

These four pictures – every unit's got an inner rec yard so the kids here can go out into this inner rec yard any time they're in the unit. The two pictures – I guess it's to my right, they are an outer rec yard, and that area is – they've got to be supervised so they need to be out there with staff and so that's something that we're able to do at least a couple hours a week. We are trying to increase our time out there.

So our education – our educational platform is Edgenuity and I don't know if any of

you are aware of this curriculum. It is a virtual, online platform. It's good because kids are able to recover credits really quickly. They're also able to go back and review the lessons as many times as needed until they understand the concepts. They are also able to work at their own pace. And the good thing about a lot of students on the Edgenuity platform, it's just them and the computer and the curriculum. Here in Farmington what we've got is teaching assistants and a licensed teacher. We also have special education services and so we have the full gamut of education for the students here.

This is a picture of our dining area and a try. We do contract with Trinity Food Services. I believe your adult facility there in Santa Fe contracts with Trinity. We're also a part of the national school lunch program so we have to follow those dietary standards as required by that program. So I can send you, if any of you are interested I can send you a menu. It's a 30-day menu.

This is Hazel, and Hazel is our facility dog. We have a program called Kids for Canines and primarily – we used to contract for long-term committed youth with CYFD and that was one of the programs that was really effective that we implemented with those kids. Since having terminated that contract we're trying to re-evaluate and re-implement how we can continue with this program. We partner with the local animal shelter. We get the animals. We pair them up with the kids. They're responsible for their care and training, and then we adopt those animals out. It's a win-win for the kid and the animal. We'll always have Hazel. We'll always have a dog that lives here. It's just something that I've seen in a facility. It really just changes the experience for kids. Anyways, I really like this program that's why I'm probably talking more than I need to about it.

Programming – psycho-educational, experiential groups and life skills. All of the juveniles here, all the kids, they get a workbook. The program, the curriculum that we use is called Seeking Safety, and it's basically about educating the clients about substance abuse and their behaviors and how those relate and the consequence of those substance abuse and behaviors.

Our experiential groups, we contract with a counselor. He comes in; he runs these groups and we do this weekly. These groups are basically kids learning through reflection and doing. And so he'll come in with various activities and all those activities tie into a bigger idea and the kids are able to reflect on that experience and apply it to their lives or real life experience.

The life skills that we teach – every morning the kids engage in physical fitness. Some kids are really clean; some kids not so much, so staff are always working to maintain a certain level of personal hygiene and educate the young people here on the importance of that. Just the fact of being in this environment is a test and education in stress and anger management so that's something that we work on in real time and through real every day experience. These are all, obviously, coping skills. We also have a schedule and the kids know when we go to school. They know when we go to meals. They know when we go to programming. They know when they have psycho-educational courses and so we maintain this schedule and they have to learn to manage their time to be prepared to go to the next activity.

And then finally, setting goals, whether it's as simple as, hey, we're going to get to lunch without any incident. We're going to focus in school. We're going to complete an assignment or bigger goals outside of this place.

And finally – this is my last slide and then I'm open. I hope you have a lot of questions. This isn't all the team. This is just some of the main players. Just to cap it off, we contract medical services with Wellpath, so we have onsite nursing staff and we have psychiatric services. We do run a mental health clinic every two weeks or as needed. We have a full-time facility therapist. All of our staff are trained in direct supervision and handle with care.

That completes my slide show for you. Do you have any questions?

CHAIR ROYBAL: Do we have any questions from the Commission? First I'd like to say thank you for the presentation, Mr. Belt. We appreciate it. Do we have questions from the Commission? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair and Mr. Belt and Mr. Sedillo for presenting. So if the kids are still hungry can they ask for more food?

MR. BELT: So because of the way the national school lunch program works, it's all based on portions and caloric intake, so the simple answer is no. Now, they do have a snack in the evening and they are able to purchase, if their family is able to provide them with the resource, they are able to purchase commissary. If you know anything about kids, which I'm sure you do, they're always hungry.

COMMISSIONER HANSEN: That is why I asked that.

MR. SEDILLO: If I may interject, Mr. Chair, Commissioner Hansen, all their nutritional needs are met by a national dietician that provides that menu through Trinity. And I'm glad that you did say that, Director, they do get snacks, but he's absolutely right. They always are hungry. They kind of – and I don't know if you have a limitation of a commissary that they can purchase, the items they can purchase, but they also have that ability to have snacks as well.

MR. BELT: Yes, to what you said, Mr. Sedillo, yes, we do limit – we don't allow them to spend any more than \$35 a week. At the commissary what they can purchase is based on a behavioral level system that we have in place. We also try to – a lot of that food isn't the most healthy so we try to eliminate the worst items and make available the best of what's on the commissary list.

So just to add one more thing, Commissioner, so obviously, they get breakfast, lunch, dinner. They have an evening snack right now, and I'm trying to see if I can get for low or no cost – I'm trying to get a morning snack implemented.

COMMISSIONER HANSEN: Okay. I'm happy to hear they get breakfast, lunch and dinner and a couple snacks. Then you had that larger recreational yard that you take them out into.

MR. BELT: Yes, ma'am.

COMMISSIONER HANSEN: So how many kids do you take at a time? Or is it only one? And how many staff members go with them? And how long do they get to stay out there?

MR. BELT: We take no more than ten at a time. There has to be two staff with them, and we try to do – we do at least two hours a week. I know that doesn't sound like a lot but it's a staffing issue. It's hard to get them out there between school and programming and meals.

COMMISSIONER HANSEN: Okay. Otherwise, your facility looks good. Have you been doing this ECO, the educational thing, have you been doing that virtual even

before we went into COVID?

MR. BELT: Yes, ma'am. We always had the teachers on site but we had that curriculum in place before COVID.

COMMISSIONER HANSEN: And so then once we went into COVID the teachers became virtual also.

MR. BELT: Yes, ma'am. But our teachers have been back in the classroom now for approximately one month.

COMMISSIONER HANSEN: I hope they're vaccinated.

MR. BELT: They are. Yes, they are.

COMMISSIONER HANSEN: Okay. I appreciate the facility and the tour and being able to see where our youth are going and the care that they're receiving. So thank you.

MR. BELT: Yes, ma'am. I would like to add too that we've had a great partnership with Mr. Sedillo, Captain Roybal, the remote goal juvenile probation office. It's been really seamless. It's like we've worked together for years and we have a really good partnership and we're collaborating on all things to do with your kids. So I wanted to add that. I also wanted to – in talking about your local probation office, here in this building we have our local probation office and because of that they're able to partner and get things like GPS units so that the kids from Santa Fe can get released sooner. They're able to conduct UAs and things like that. So it's really working out well.

COMMISSIONER HANSEN: Thank you.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Mr. Belt.

COMMISSIONER GARCIA: I may have missed it, but what's the communication with the family like? How does it work? Can they call any time that they want? Obviously not any time they want, but how does that work for communication with the family?

MR. BELT: So the way we're handling communication is that the kids, they earn – they get so many phone calls a week and then through good behavior they can earn additional phone calls. And so they have the phone calls. And then the other thing that we're doing is we're setting up virtual visitation through Zoom so we do virtual visitation Mondays, Wednesdays and Fridays, or really we're accommodating any time that the family can do.

Then we have in-person visitation and we have had some parents travel from Santa Fe. We do in-person visitation on Tuesdays, Thursdays and Saturdays.

COMMISSIONER GARCIA: Thank you, Mr. Chair. So does the individual child have to actually get permission to actually talk with their family? Or they automatically can talk to their family? You said they have to gain rights to talk to their family.

MR. BELT: So initially when they first come in they're allotted a set amount of phone calls and through demonstrating positive behavior they earn additional phone calls to that, and no, they're allowed to call immediate family members – mom, dad, grandparents, brother, sister. They have that opportunity.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I just wanted to make sure that the children have the ability to talk to their immediate family members. Not 24 hours a day. I understand that. But as long as they can talk for certain hours. They know the hours. I understand.

MR. BELT: Absolutely.

COMMISSIONER GARCIA: Thank you, Mr. Chair.

MR. SEDILLO: Mr. Chair, if I could just interject a little bit on this, I think it's important to know, and Director Belt just did mention it, but we do have a very positive relationship with San Juan County, but what makes it even more positive is that the probation department from Santa Fe County, the first district, they coordinate pretty well with the probation officers from San Juan County. So that makes a real positive impact on the kid's family in Santa Fe and with San Juan County. I'll echo what the director said. This is a win-win situation and it's a very positive partnership and we want to continue this partnership with them. It's a very positive one.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Director Sedillo. Appreciate that. Just wanted to make sure that the kids have communication with their family. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other questions or comments from the Board? Okay, seeing none, I do want to thank Director Belt and Director Sedillo for being here today and giving us this update and this presentation. It's greatly appreciated. Thank you. Have a great evening.

MR. BELT: Likewise, Mr. Chair and Commissioners. I appreciate your time. Thank you.

MR. SEDILLO: Thank you, Director Belt. Thank you, Commissioners. Thank you, Mr. Chair.

**8. MATTERS FROM THE COUNTY MANAGER**

**C. First Session of the 55<sup>th</sup> Legislature: Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced**

MANAGER MILLER: Mr. Chair, if I could – if we could go to item C first, if Hvtce and Tessa Jo could do that. I need to find my other updates. I moved it to another file now I need to find them. I was trying to go paperless.

CHAIR ROYBAL: Okay. No worries. Tessa Jo, did you want to start or are we going to go to Hvtce Miller first.

MS.MASCARENAS: I think we're going to go to Hvtce Miller first.

CHAIR ROYBAL: Okay. Mr. Miller.

HVTCE MILLER (County Manager's Office): Mr. Chair, Commissioners. Earlier today I had sent you the two reports containing the information that I was going to cover today. The first report is what Daniel is pulling up right now. The second item is just a list basically of full items of legislation that we're tracking.

On the first report we have – after today we have eleven days to go in this session and there's still a lot of different items that need to be covered. The budget was last heard on the House floor and passed, and that was on 2/24 and there hasn't been movement yet on the budget. And so we're still waiting for that to move forward and be heard on the Senate side.

Capital outlay, House Bill 285 –

COMMISSIONER HANSEN: Hvtce, do you mind if I interrupt you and ask you a question about the budget?

MR. MILLER: Sure.

COMMISSIONER HANSEN: Could you tell me how much money the House has allocated to the environment? I know the Senate had voted on it but I'm not positive. I try my best to keep up. It's challenging.

MR. MILLER: It's very challenging this session. Mr. Chair, Commissioner Hansen, I don't have that information in front of me right now. I don't know if Tessa was able to look it up. If not I can make sure and look that up for you. Just preliminarily from what was reported on for the budget that was passed on the House side it didn't show that there was any cuts for any of the departments. So I don't believe that there would have been any changes in what was proposed, either by the LFC or the Governor's Office that they would have changed the requested amount for the Environment Department. But I will get you an exact number and let you know what was proposed and what was in the version passed by the House.

COMMISSIONER HANSEN: Okay, and if you could find out what the Senate is doing. I've been trying to lobby as much as I can at the Senate also to increase their budget but I don't know what's happened. I find it challenging to even find it.

MR. MILLER: Mr. Chair, Commissioner Hansen, yes. The budget is always a complex matter to try to follow and decipher but in this virtual world it makes it even that much more difficult. When budget itself was brought up in House Appropriations it was kind of just showing up at that instant. And even with the new rules committee substitutes are supposed to be available 24 hours in advance, that's not always happening, so that does make it challenging to look for the information when you want to find it and it's not always presented in the most easily researched way when it is online. But if there are any questions like that regarding budget items, specifically, just let me know and we'll let Tessa know and we can plow through and look through the 200+ page bill and look for these things. But it's possible. We more or less know how to look for things now through the years. It might take a little time but we can find it.

Was there anything else right now or should I go forward?

CHAIR ROYBAL: Any other questions from Commissioners?

COMMISSIONER HANSEN: Thank you, Hvtce. I will break down my questions and think about this, but thank you for your effort. I appreciate it very much.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Go ahead, Hvtce.

MR. MILLER: Okay. I was going on to say related to the budget itself if the capital outlay request, House Bill 285 that so far has just been introduced and hasn't been heard in committees yet. It is expected that that will be brought forth in the House Taxation and Revenue later this week and we'll make sure to provide you a report on that when it is introduced.

The committees set for House Bill 285 will show us exactly which projects are being identified by the legislature for funding for each of the counties, for each of the state agencies and I think it won't be until that committee's substitute bill comes forth, hopefully later this week that we can see which exactly which projects and for what amount I think we will be pursuing funding for.

Also a highlight is that the cannabis bills are going to be heard this afternoon. I don't have the exact name but it's the Senate Business Committee and what they're looking at is hearing House Bill 12 and also the Senate bills. I'll keep an eye on that too. That's going to happen later this afternoon. From what information I've gathered it does look like the



sticking point is the individual grow amounts for plants. And then the House Bill 12 version, it was at six plants and the issue there is trying to find a correct balance between allowing for a controlled, systematic way of regulating recreational cannabis without overdoing it with individual growth which is thought to foster an outside market which would still be considered an outside black market to compete with the controlled regulations put in place by the state.

Mr. Chair, I see Commissioner Hansen's hand up.

COMMISSIONER HANSEN: Mr. Chair, I knew this was an issue. I knew this was a sticking point. That's why I was so specific in our request that we passed about how many plants that you can grow. Both Arizona and Colorado allow 12 plants. So I would really like us to advocate for that, which is what we did in our resolution. I understand they're concerned that this is going to create a black market but I think it's actually the opposite, that if you don't allow people to grow their own you create a bigger black market. So actually their reasoning is counter to what is the truth, and that is why I think Arizona and Colorado both recognize that 12 plants were a better way to approach it than eliminating that. So I just wanted to say that for the record. Thank you. I think Commissioner Hamilton has her hand up also.

COMMISSIONER HAMILTON: Thank you. Mr. Chair.

CHAIR ROYBAL: Yes. Go ahead.

COMMISSIONER HAMILTON: Thank you. I just wanted to say I strongly agree with that. So I would also very much like us to petition in that direction.

CHAIR ROYBAL: Okay.

COMMISSIONER GARCIA: I have a question.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: My aunt has been questioning me for the last three days, four days. What's happening with the daylight savings bill?

MR. MILLER: Mr. Chair, Commissioner Garcia, last I saw it didn't pass committee. I don't believe it passed the full Senate. But it's Senator Pirtle's initiative to always keep that one moving forward in the many years that he's been in the Senate. I'm looking for it right now.

COMMISSIONER GARCIA: While you look for it, I just want to thank staff as into working the session this year because it's a whole different Roundhouse. Manager Miller knows this. It's probably challenging for you guys and it's a whole different ballgame out there. My aunt tells me every day: the bill, what's going on with the bill? I just wanted to ask what's happening with that bill? But thank you, and thank you, staff for working. Like I said, I've done that for a couple years, so thank you, Mr. Chair.

MR. MILLER: Mr. Chair, Commissioner Garcia, I do see that it did pass the Senate. It passed the full Senate 22-18 already. So it's got legs. It's moving.

COMMISSIONER GARCIA: So Mr. Chair, Hvtce, in your opinion, are we going to be on this time frame of the next time frame?

MR. MILLER: I believe that they will keep it here in the Mountain Time Zone.

COMMISSIONER GARCIA: Okay. Thank you. Thank you, Hvtce.

MR. MILLER: Mr. Chair, Commissioner Garcia, so currently we are not in daylight savings time. We are scheduled to switch to that this weekend, Saturday evening,

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Sunday morning. So non-daylight savings time would be our current time. And just to report more on what other things that are moving forward. How I have it sectioned off in this first report is I have the New Mexico Counties' endorsed or proposed legislation showing on pages 3 through 8 and those items which are moving are highlighted in green, and that's indicating that they had at least passed one house, and so they may have traction or they're moving forward. You can take a look at those and let me know if there are any issues or questions specifically related to the New Mexico Counties' endorsed or proposed legislation.

In the next section, pages 9 through 26 are those items which are related to our Santa Fe County resolutions. So those items I have also similarly outlined. I have the title highlighted in green to indicate if they do have movement and I also have in this section of the reporting a little bit of information as to what changes were made, which specific committees they have gone through, and if there were amendments or changes made through their process. So once again, those items are highlighted in green.

And for the second part of the report, which is the 40-page report and that is titled county-related and it says 230 items. In this one is the more simplified version of all county-related legislation that we're taking note of. Like I said, there's 230 items and looking at this report there's the different columns there and the dots within the columns indicating the progress of those pieces of legislation. So you can see by looking at the columns and the dots if they have passed through its first house right now and then how far along they've gone through committees in the second house. It's a good way that it's set up to look at it visually. You can see if there's no dots or a few dots then this piece of legislation isn't moving at all and if there's more dots then they are moving along. Also, you can look at the last action column and the more recent action taken place is also an indication that this particular piece of legislation is currently being viewed or the last action there is back in January then the indications are that that's not moving at all currently and probably doesn't look like it has a good chance of making the finish line.

So with that, that's a brief summary. A lot of the sustainability issues have been moving along and that has taken place within the last week or so, and I had sent out a mid-week report to the Commission – I believe it was on last Thursday – indicating the different bills related to sustainability that have been moving forward. Other than that, it looks like we're going to have to wait on the movement of the budget to see where the other pieces of legislation are headed toward and are in likelihood of passing. That's the main objective of the legislature is to get that budget in place for the state and they have a lot of their energy concentrated on that state budget. So a lot of the time is still going to be taken up in these next 11 days for including everything that they need to in the budget and there'll be a dash to the finish line for the other pieces of legislation as we move forward in the 11 days passing as they're able to get the budget put in place.

And with that, once you review any of these reports and you have questions you can always let me know, even after the meeting now, if there's any questions I can currently answer I'll be happy to answer them now. Thank you.

CHAIR ROYBAL: Thank you, Mr. Miller. Do we have any questions? I'll go to Commissioner Hansen first.

COMMISSIONER HANSEN: Thank you Mr. Chair. I'm wondering what's going on with Senate Bill 103, the pesticide control act on neonicotinoids. Did it make it to the floor?

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MR. MILLER: Mr. Chair, Commissioner Hansen, unfortunately I believe that that did not pass on the Senate floor. It was heard I believe, either Friday or Saturday. It didn't receive through to a passage.

MS.MASCARENAS: Mr. Chair, Commissioner Hansen, it failed 18 to 20 on the Senate floor.

COMMISSIONER HANSEN: So Democrats had to vote against that, right?

MR. MILLER: Mr. Chair, Commissioner Hansen, that is correct, and I can look up the voting list and provide that to you.

COMMISSIONER HANSEN: I would be grateful for that.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. Did you have any additional questions, ma'am?

COMMISSIONER HANSEN: On the community solar, there was a number of amendments recently added to that. Did it make it out of committee with those changed amendments on the House side? House Bill 84.

MR. MILLER: Mr. Chair, Commissioner Hansen, yes. Good thing that you brought that up. Yes. House Bill 84 did make it out of committee this morning. I was watching that and it did include the House amendments. I would need to take a look at exactly what the amendments put back in were, but from what I could tell from the testimony is that the changes – the proponents to the measure, they didn't like the amendments made on the Senate side and so it looks like they were trying to change – put back those changes that were taken out on the Senate side. So not everything that was taken out was put back in, but it did pass in committee this morning.

COMMISSIONER HANSEN: [inaudible]

MR. MILLER: Mr. Chair, Commissioner Hansen, it has passed through the House and it was in Senate committee this morning.

COMMISSIONER HANSEN: Okay. So I thought that these amendments that people didn't like was on the Senate floor.

MR. MILLER: Mr. Chair, Commissioner Hansen, the Senate amendments put on were not liked so they passed it back to the Senate. So their changes – put back in those changes. I will get a list of the specific amendments, and like I said they weren't exactly matching the changes that had already been made but they were correcting some of those.

COMMISSIONER HANSEN: So I want us to support that bill but with the amendments that are getting put back in so I hope that you will be letting me know.

MR. MILLER: Mr. Chair, Commissioner Hansen, yes, I'll make sure to do that. From what I understand in the testimony this morning the amendments made were limiting the inclusion of all who could participate in community solar and which was dampening the effect of the overall piece of legislation. So the amendments put on in committee this morning were trying to improve the inclusion of all who could participate in the Community Solar Act.

COMMISSIONER HANSEN: So more inclusion is better. Then Senator Wirth had a bill about stricter than the feds. Is that still moving forward? What number is that?

MR. MILLER: It's Senate Bill 8.

COMMISSIONER HANSEN: And is that moving forward?

MR. MILLER: Mr. Chair, Commissioner Hansen, there was an unusual

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circumstance that happened with that bill. The bill was being heard on the Senate floor and one of the Senators requested a call of the Senate, which was requiring every member of the Senate to be found and be present within the Senate chambers itself before discussion, hearing on the bill could be heard. And rather than wait for all the Senators to be located and be brought back to the Senate chambers, Senator Wirth asked that the bill be yielded over and they continued on with the discussion of the other pieces of legislation that were due upon the Senate floor. So being that Senator Wirth is the Senate Majority Leader it's up to him that he can have the discussions from those persons who had questions about Senate Bill 8 and he can go ahead and bring back Senate Bill 8 to be heard on the Senate floor. But as for right now, I don't know if those personal discussions have taken place and they would be able to bring back Senate Bill 8 any time soon.

COMMISSIONER HANSEN: I'm assuming it was a Republican that requested the call. But I don't want to make the wrong assumption.

MR. MILLER: Mr. Chair, Commissioner, I do not recall at this exact moment. I just recall what action had taken place. It's a very unusual measure to take to try to stop a piece of legislation. It was unexpected.

COMMISSIONER HANSEN: Okay. I appreciate your answers on that and the information. I do my best to try and keep up but it is a little more challenging this year for sure, so I totally appreciate what you and Tessa Jo are doing and I just want you to know that I'm grateful.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. Was that all your questions? Okay. Thank you. Any other questions from Commissioners? Thank you for that update, Mr. Miller. Appreciate it.

**8. A. COVID-19 Updates**

MANAGER MILLER: So Mr. Chair, if we could go back to the COVID updates and the miscellaneous update. I found what I was looking for.

CHAIR ROYBAL: Okay, so we're on item 8. A and 8. B. Manager Miller.

MANAGER MILLER: Thank you, Mr. Chair. So on our COVID updates, the percent of Santa Fe County residents that are partially vaccinated is 23 percent. The percent of residents fully vaccinated is 12.7 percent, and the percent of residents registered for the vaccination is 57.2 percent. In addition to those statistics on where we stand with vaccinations, Santa Fe County is also partnering with the City of Santa Fe on two events. The first will be a vaccination registration event held on March 13<sup>th</sup> at our fairgrounds. And this is in partnership with the Fiesta Council. The second is a large-scale vaccination event that will be held on March 26, 2021 for those 75 and above, or 60 and above with underlying conditions. The goal of that event is to vaccinate 1,000 people, including many of the seniors that are served by our Senior Services program.

Also, tomorrow we will find out again, with the gating criteria, the red, yellow, green, turquoise categories that the state has. We will find out tomorrow. We're hoping that we will move from yellow to green this week and if we do we also will expand our office hours at the 100 Catron. Instead of from 10:00 to 2:00 we will move from 9:00 to 3:00. We are also looking at our community facilities and making sure that we are making those available in accordance with the regulations as we move forward.

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For instance, our Stanley Cyclone Center. I see that Rachel is on the line. If she could actually give a quick update as to what the hours and services that we now have at Stanley Cyclone and what we will be doing, as well as the Edgewood, because we've had quite a few requests for using those facilities. Rachel, could you add some points on that?

RACHEL O'CONNOR (Community Services Director): Sure. Mr. Chair, Commissioners, as of April 1<sup>st</sup> we will be opening the Stanley Cyclone Center for open riding. We do have to adhere to the public safety rules of the governor's order in so far as we are maintaining social distancing, but Terri will be working again. As many of you know, Terri Werner is our contractor on the Stanley Center and will be available to take appointments for open riding. It should be noted that all other COVID-related guidelines will also be followed.

MANAGER MILLER: Thank you, Rachel. I appreciate that.

MS. O'CONNOR: Sure.

MANAGER MILLER: Then also our public awareness –

COMMISSIONER GARCIA: Mr. Chair, I'm sorry. If I may, Manager Miller.

MANAGER MILLER: Sure.

COMMISSIONER GARCIA: So the Stanley Cyclone Center will be open for open riding. That includes 4-H members, and so on and so forth. Correct?

MS. O'CONNOR: Mr. Chair, Commissioner, we had a request yesterday to include 4-H in the open riding and Anna and I were just discussing it this afternoon and it does appear as though we will be able to do that as long as they fit within the guidelines and follow the rules in accordance with the public health order.

COMMISSIONER GARCIA: Awesome. Thank you, Mr. Chair. And then also can you address the Edgewood riding facility, the equestrian facility out there? The same rules apply?

MS. O'CONNOR: Yes, sir. Commissioner, I believe they're having open riding at Edgewood and have been for some period of time. As you know, there's a little bit more freedom at the Edgewood facility because it's not an indoor arena, and has opened some time ago in terms of the trails in that area. But the same rules still apply at the Edgewood facility.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Manager Miller, and thank you, Rachel and your team for working that out. Appreciate that.

MANAGER MILLER: Thank you, Commissioner. So then also we have out public awareness campaign. We've distributed 2,500 vaccination registration flyers to testing sites, food delivery sites, restaurants, and seniors who are involved in either the City's or County's program. We're trying to get the word out on how to register so that you will get called and scheduled for a vaccination as soon as you're eligible. And as soon as the vaccines are available.

Our CONNECT program has served 3,212 self-initiated assistance requests and we also has 22,960, or almost 23,000 grocery boxes that have been distributed. 3,780 were delivered to homebound individuals and our healthcare assistance program navigators assisted 33 new individuals last week and followed up with 70 others. Our seniors program, the total number of meals that have been delivered to seniors during the month of February was 11,624, so as you know, we have not slowed down on meal delivery at all.

This week also, a total of 125 Food Depot bags were delivered to seniors and that has

canned food, perishables and non-perishables. And then we also have been doing high risk medical appointment transportations and we did an average of nine trips per day last week. And then we have taken on two more dialysis patients.

And then the last update relative to COVID and some of our facilities, the crisis center, La Sala, is moving towards completion. We're still awaiting final approval from the Fire Marshal and we expect the Santa Fe Recovery Center to move in starting April 1<sup>st</sup> and be able to serve twice as many residents as we were able to do under the old facility. And then also, you should see in front of you in the next meeting or two an agreement with New Mexico Solutions for the contract for the behavioral health side of the facility.

And then we'll be waiting for final approval from the New Mexico Department of Health to get them operating in the building, and also we're negotiating Medicaid reimbursement rates.

## **8. B. Miscellaneous Updates**

MANAGER MILLER: Then I had one other update. So that's the tentative budget timeline. And just so you know where we are, you can see that we've checked off December, January and February of the process. We start the budget process in December of the prior year. We open the capital database. All the departments have entered their information. They've also entered their operating budgets and now we are in this week, having budget meetings or what we call budget hearings with all the departments and elected official offices. The point of this is to understand the individual department requests, elected official requests. At this time we don't usually start going through and cutting a bunch of stuff other than things that we know we could definitely reduce. And how we're approaching this is to get through all of the budget meeting with each department and each elected official, make sure we understand their requests.

But we're somewhat we're waiting on a few things before we start putting the budget in front of you as far as revenue estimates, all the different requests that have come in and what we think we can afford as we're waiting for the legislative session, obviously, to find out anything that might come through the legislative process that could financially impact us, as well as at the federal level the recovery package, the \$1.9 trillion Biden recovery package is one that currently has funding in direct allocations to local governments over 50,000. So we would be eligible in that bill to receive an allocation. Additionally those allocations are to be spread out over 2021 and 2022 and it looks like they could be utilized for similar things as the CARES Act funding that we applied for to the state last year.

So that will make also a difference in how we present the budget to the Board when we get to the April timeframe. So we're waiting for those before we really start to put some shape to the budget. Additionally, we want to have with the Board a strategic planning study session. I'm in the process of trying to find a way that we can do this virtually. If you recall when we did the strategic plan in June of 2018 or spring of 2018, we have about 50 of us all in a room and we worked on white boards and post-it notes and we're trying to find a virtual way to do that. I had the good fortune of working with the Santa Fe Community College on their master planning process and they use a software that actually has a whiteboard and everybody who's participating in the planning process can put little sticky notes and so I want to figure out if that's a way that we could do this, and it can also be viewed by the

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public.

So I want to make sure that that's something that we can do before I set the dates for this. But my question to the Board is whether the mornings of April 1<sup>st</sup> and April 2<sup>nd</sup>, or the following Thursday and Friday, April 8<sup>th</sup> and 9<sup>th</sup> of any days in the first two weeks of April work best for doing maybe two four-hour sessions. We could even possibly do one in a morning and one in an evening. What I'm trying to do is the first session we will go over the strategic plan as it currently is, where we stand with everything, looking at those items that aren't working, whether or not to hear from the departments, maybe why we aren't meeting those goals, etc. And then maybe some brainstorming of things that you would like to see included in future years of the strategic plan. Maybe some adjustments to 2022 and 2023, and possibly adding a couple of years to the end of it, in the second half.

So that's what I am envisioning. I don't have an agenda worked out yet because we're still trying to figure out exactly what would work best for the Board and a good group of staff to work with everybody. I think doing it virtually probably makes for the better participation from everybody but it also creates a challenging way to do a planning session. So I just would like some feedback from the Board on that before I finish that.

Also, we did our citizens survey. Thank you very much, Commissioners who also pushed that survey out to your email lists. I had a lot of people comment to me that they were really excited to get email from the County that said, hey, what's your input? So we're getting those results back and we should be able to present those results at the end of April. We may have some preliminary results though mid-April that we can share with the Board.

And then we hope to have some budget study sessions. These dates obviously aren't set in stone. I also want to see if the Board would prefer to do the study sessions – what we've typically done is a study session in the morning, we've had a break for lunch, and then we've gone and done our Housing and regular BCC. But I think that that's – honestly, I think that's too much. I think sitting in a virtual environment for ten, maybe 12 hours in one day is too much. So I would actually like to know if there are other days besides April 27<sup>th</sup> or days of the week that might be better for the Board to do, that week, maybe Friday the 30<sup>th</sup> or something maybe a study session. Also the first week of May, with the thought that we would do approval of the interim budget May 11<sup>th</sup>. I know that's earlier than usual. We usually do it the last meeting of May, but the reason for that is I don't have a budget director at the moment, so what we have are several staff members from the Finance Department who are going to take pieces of the budget. But we have to load all of that into the state system. Their account numbers are not the same as ours. We need to reconcile all that. We want to make sure that we have time to do it properly.

If May 11<sup>th</sup> is too early for the Board the other request would be that we would have a special meeting the week of May 17<sup>th</sup>, like the 17<sup>th</sup> or 18<sup>th</sup>, so that staff does have plenty of time to get it entered by May 31<sup>st</sup>, keeping in mind that May 31<sup>st</sup> is a holiday.

So that's part of the challenge we're running into, but I just wanted to put this schedule out in front of you to get some feedback and then start sending out some tentative dates.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: A few things. The first and second, I can do those mornings, but the afternoon of the 1<sup>st</sup> is also a big BDD meeting and I have another big meeting the afternoon of the 2<sup>nd</sup>. So I know we don't want to push the strategic planning too

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late, but frankly, on my calendar the 8<sup>th</sup> and 9<sup>th</sup> are wide open. The 13<sup>th</sup> and the 27<sup>th</sup> are Tuesdays. Both of those Tuesday mornings I'm booked with an EPA conference call, a major project that I don't think I can change very easily. So frankly, every other day those weeks, other than Tuesday morning – afternoons are free, but those two Tuesday mornings I have booked. So if it's the only time everybody else can do it, I will do my best to change those, but that's just my input. Thank you.

MANAGER MILLER: I appreciate that.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. As Commissioner Hamilton stated, April 1<sup>st</sup> in the afternoon is a BDD meeting and that won't be short. The following week, the 8<sup>th</sup> and the 9<sup>th</sup> is fine for me and it's early enough that I think we can figure out our schedules. Fridays seem to be a good day for me unless there's some committee meeting but Friday is a good day. So let's just keep working at it.

MANAGER MILLER: Thank you. Any other thoughts. I saw that Commissioner Hughes joined us, Chair Roybal. I don't know, Commissioner Hughes, if you have any preferences on the 2<sup>nd</sup>, 8<sup>th</sup> or 9<sup>th</sup>, if those days might be dates we could work with to try to schedule some strategic planning time.

COMMISSIONER HUGHES: Yes. The 8<sup>th</sup> and 9<sup>th</sup> are better for me too, and the morning is better. I have an appointment in the afternoon of the 8<sup>th</sup>, but I could change it if that works better for everybody else. Otherwise, I'm free the 8<sup>th</sup> and the 9<sup>th</sup>.

COMMISSIONER GARCIA: Mr. Chair.

COMMISSIONER HAMILTON: Just to let everybody know, Chair Roybal had to step away for just a minute so he asked me to take over for just a few minutes. Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Vice Chair. So the 8<sup>th</sup> and 9<sup>th</sup>, what is the day?

MANAGER MILLER: It's Thursday and Friday.

COMMISSIONER GARCIA: I'm okay with those dates. Morning is good for me.

MANAGER MILLER: Okay. I think that it looks like we will target them the morning of the 8<sup>th</sup> and 9<sup>th</sup>. We'll send out some save the date calendar events and we will work on that for strategic planning, and then we will look for other times other than April 13<sup>th</sup> and April 27<sup>th</sup> in the morning for the budget session.

COMMISSIONER HUGHES: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Yes. Could we just start at like 9:00 in the morning?

MANAGER MILLER: I was going to start at 7:00.

COMMISSIONER HAMILTON: I would push for 6:00.

MANAGER MILLER: I was thinking 9:00 to 12:00 timeframe. Something like that. Or 8:30 to 12:30.

COMMISSIONER GARCIA: Madam Vice Chair, I would actually like to see Commissioner Hansen get up at 8:00 in the morning as well.

COMMISSIONER HANSEN: Everybody, I'm up at those hours. I just don't really want to participate.

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COMMISSIONER GARCIA: Commissioner Hansen, you're doing well these days. You're becoming a morning bird. That's good.

MANAGER MILLER: Okay. So thank you, Commissioners. That's what I'll work on with those dates and we'll send out some additional meeting requests. But that gives us a good target for the strategic planning. So thank you.

COMMISSIONER HAMILTON: Just for the record, before he stepped out for just a minute Chair Roybal texted that he was fine with any of those dates. So, just for the record.

MANAGER MILLER: Great. Thank you so much. All right –

COMMISSIONER GARCIA: Madam Chair, really quick, if I may.

COMMISSIONER HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: In regards to the COVID, I appreciate Manager Miller and her staff working with the Fiesta Council as into testing and what's happening with that stuff. But Manager Miller, is there any word as into what's happening with the governor and when they're going to open up the state? Because I deal with the schools and sometimes the next day says – schools are open all of a sudden by a certain date. Now we have to deal with it. Bernalillo County has turned green in the last day or two. I understand that. So if we do turn green and we do open up, so we actually have a plan as into being able to get staff back to work and opening up senior centers, community centers, and so on and so forth. We have that plan? Or are you working on that?

MANAGER MILLER: Madam Chair, Commissioner Garcia, that's what I was saying earlier, that as we move to green, which I believe we will – here's the problem too. If you move to green, and then you backslide the following week, you don't go back to yellow; you go to red. So it's best if rather than constantly changing operational hours we're not back and forth but what we are trying to do and I have asked Rachel to look at all of our facilities – our community centers – I don't think we will be, even if Santa Fe County moves to turquoise that we would be having senior centers open with meals immediately. I think we want to make sure that the majority of our population is vaccinated before we would open senior centers back up, but we are looking at every single one of our services that we have scaled back or hours that we have changed, or facilities that we have closed. I've asked Rachel to look at community centers that people would be able to rent a community center again but within the guidelines of the health order – all of those things.

So we're reviewing everything for opening back up, but I don't want to say that the day that Santa Fe County turns green everything will automatically be opened up. It just doesn't function that way. The state is still doing it county by county. I don't know if at a certain point if the whole state is green or turquoise, if the governor may change the way they're doing this but at the moment, what we have is we have to get to less than five percent positivity and less than eight cases per 100,000 residents over a two-week period to be green.

Rachel, you wanted to add to that?

MS. O'CONNOR: Madam Chair, Commissioner Garcia, I just wanted to add one thing, because I noticed that the CDC guidance and things are moving relatively quickly and we have guidance that's optimistic. But I think I want to support what the County Manager said in terms of opening the building more if we move to green. But many of the guidances that are given by CDC, or at least some of them, are done with the uncertainty that we don't know how long immunity from vaccination lasts. We do have a decent handle, or

the country does have a decent handle in terms of how long immunity lasts for people who have been infected with COVID. They do not for people who have been vaccinated. So for example, some of the guidance that has been released is marked with a caveat for three months, because I think the research is not clear yet on how long that lasts. So I just wanted to add that certainly, as the County Manager said, we're looking at community centers, how we could be as open as possible while understanding what we still don't know.

COMMISSIONER GARCIA: Madam Chair, I appreciate the answer being honest because it's a big, huge moving target, the whole entire state is dealing with. The schools, etc., etc. I just want to thank Rachel and her staff for following this target because it's a moving target. However, we'll soon come to a point where New Mexico will open up. So I just want to make sure – you guys are on. I just wanted to make sure that you guys are on it and I appreciate the hard work you guys are trying to follow this moving target or follow the elk or follow the bobcat that's been moving around, like Commissioner Hughes says. You've got to follow that bobcat.[laughter] But I appreciate the staff. Thank you.

MS. O'CONNOR: Thank you.

MANAGER MILLER: Thank you, Commissioner. So Madam Chair, that's all I had on COVID updates and miscellaneous updates, legislative updates and if there's no other questions we could go to item D on the agenda.

COMMISSIONER HAMILTON: Yes, please.

**8. D. Inspection of Santa Fe County Detention Center (Virtual)**

MANAGER MILLER: Thank you. So back in December, and this is related to COVID, we were unable to do a physical visit as the Board of County Commissioners group to the County jail. It was not advisable under COVID circumstances and restrictions at the facility. We don't have live visitors in the facility. It's very limited. Individuals who are allowed into the facility to reduce the potential spread of the COVID-19 virus.

So in December the Board directed me to go and do the annual inspection of the facility as required by state statute and to also if I could accompany that inspection with a video. So under item 8. D, on BoardDocs in the packet is a link to that video. It is about a 51-minute video. It was several videos that I took and then Daniel Fresquez, being the magic guy with the videos and all things IT for me, I handed him my phone and said could you make a video. So he spliced those together and that video portion of the tour is there, or of the inspection. I did request that you all take an opportunity to view it if you could before this meeting, just so you could see what went along with item E. So if we could move to item E, Daniel, I'd appreciate it, because item E, the jail inspection and report if you could.

**8. E. Request Approval of December 31, 2020 Inspection Report of the Santa Fe County Adult Detention Facility Pursuant to Section 33-3-4 NMSA 1978**

MANAGER MILLER: In your packet, and I will not take you through this entire report, but it just shows you that in accordance with Section 33-3-4 of the New Mexico State Statutes that I did conduct that annual site visit to our adult detention facility and inspected the overall conditions of the facility at the request of the Commission. All of those items that are listed below. I had a meeting with the detention administrators and talked about

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staffing levels, staffing vacancies, turnover, the inmate population. We went through the entire facility looking at the intake process, the release, inmate housing units and cells, medical department, food service, laundry service, security posts, the external part of the facility, and attached in your packet is a nine-page written report that goes along with the video. And with that I would just stand for any questions and respectfully request approval of that December 31<sup>st</sup> inspection and attached report.

COMMISSIONER HAMILTON: Thank you, Manager Miller. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Katherine for going to the facility. I watched the video. I was really happy to see that we have moved to the Visa card for the inmates. That was something that we had talked about in the audit committee and part of something that was recommended and I was very happy to see that. I have to say the facility looked pretty good on the video. It wasn't in person but I appreciated you making that effort to do that entire walk-through – the kitchens. There was a new room that had gotten converted. I don't remember exactly where that was but you seemed to think that was a good use of that room and I appreciated that, and it did look much better than just having a bunch of lockers in it.

So I did try and watch it. It was not the easiest thing to watch but I really appreciate your effort in doing that. I'm happy to make a motion but I probably think that I should let some of the other Commissioners make comments also.

COMMISSIONER HAMILTON: We can certainly have discussion after.

COMMISSIONER HANSEN: So I'll make a motion to approve the report. Thank you, Manager Miller, for going there and doing that.

COMMISSIONER HAMILTON: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I appreciated the video. I watched it one night. It was not riveting entertainment but it was very good to see. So I will second the motion and I also look forward to getting an in-person tour when it's safe for everybody to do so. But I do second the motion.

COMMISSIONER HAMILTON: Thank you. We have a motion and a second. Is there further discussion?

COMMISSIONER GARCIA: Madam Chair.

COMMISSIONER HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, I would just like to thank Katherine as well for going to the jail and I wish we had lunch this year again there but I guess that's not going to happen. And so anyhow, one of the things I appreciate is videophone that we have now. So I appreciate that the individuals that are incarcerated can talk to their family through a video phone. That's great. Appreciate that. And thank you, Katherine, for what you do and for all the staff that works here. Pablo and your staff, thank you for that. I think we're doing good there. Sometimes being a policymaker, you hear different sides of the story. This is happening; this is not happening, so it's good for us policymakers to hear it from both sides because sometimes there's always three sides to the story, right? His, hers and the truth. And so thank you, Katherine for doing that and thank you, Madam Chair.

COMMISSIONER HAMILTON: Thank you, Commissioner Garcia. I would just actually ask one question, partly for the record and partly to get a bit of a live answer,

because the report was good and pretty direct and the video was good. Do you have any comments, Manager Miller, about things that you thought, besides the room that Commissioner Hansen mentioned which was a good catch, that you thought were different in any kind of noteworthy way from recent previous years?

MANAGER MILLER: Thank you, Madam Chair and Commissioners for your comments. You now know why I'm County Manager, a public administrator and not a filmmaker, because it was not exactly riveting. However, I want to say I really didn't give them any warning I was coming either. I pretty much told the warden I'll be there tomorrow morning, first thing. And so I don't think they ran around and cleaned up their facility and changed everything to make it look as good as it looked. As you noticed it was very clean, very orderly, very organized, and I think the warden, deputy warden, the major, the medical staff, Mr. Bocelli, all of them are really doing a great job in such a difficult environment.

Yes, the facility is already a secured facility, but we're having to be extra-secured with keeping a virus out of the facility and they're really working so hard to do that. All of the employees there, and they've done a good job. I can say that in that report you'll see the number of staff that have been tested, number of inmates that have been tested and how few cases we had. We did have a little uptick in cases in January but we have for the last two weeks had zero employees, zero inmates testing positive. So that's been also a testament to how well the staff is going to try to make sure that we don't have COVID run through that facility.

The kiosk, that's new from the last time you inspected so it's something I made note of in the report that when someone is booked into the facility they no longer give cash to the booking area. They actually put it into I called it the reverse ATM. They put it into a kiosk and then they are given a receipt, and then when they leave the facility they're given a debit card in the amount of that receipt. So there isn't cash changing hands as Commissioner Hansen noted.

Also, inside the pods there is now video so inmates, because we don't have in-person visitation, which we don't have contact in-person visitation anyway, but we used to have in-person visitation. We have not been having that since the pandemic, but we have video screens and phones in each of the pods so inmates can make calls via video visit, much the way that the juveniles are able to visit with their family via video in San Juan.

Also, I just want to note, the room that was remodeled for training for the cadets is on the second floor. So when you go up to the second floor, which is where you enter all of the observation areas in the pods, it's when you first enter the second floor, there was a room there that had a lot of lockers and everything and they've taken those, moved them to the hallway and made kind of a training area for the new cadets. So it's a really useful place for training because we were using the juvenile facility. This way they're actually at the facility that they're getting their training to work in.

Also, if you'll note in Appendix E on that report, they have all of the things that the staff has completed in fiscal year 19 and 20 and 2021 to date. Quite a bit of fixed asset replacement and upgrading and then we're in progress on one of the things that I think we're really looking forward to getting completed and that's the remodeling of some of the recreation yards, and that's so that we can have more individualized recreation areas for those inmates who have behavioral health issues and can't be in a group setting. So that's one that I think we are getting close to completion of design. That is on a design-build contract

and we hope to – so we do have the purchase order for the design of that. As soon as we get the design completed we will hopefully move forward on construction of that.

And the other one that has been long awaited for is the remodel of the master control room. While they have all upgraded systems the room itself is pretty run down. So we're looking forward to getting that remodel done, hopefully within the next six to twelve months as well.

So those would just be the things that I would note. Our population still remains around 325 to 335 for county inmates. Our US Marshal population has increased. We're at about 115. And then we have pueblos, City of Santa Fe, Española, Rio Arriba County, anywhere from 10 to 20 of those inmates of all those entities combined is what our population is. It's pretty much stayed that for the last three months of so. But that's all I have unless you have any other questions.

COMMISSIONER HAMILTON: No, but since we do have Director Sedillo and our Warden Williams on this call, Director, do you have anything you would like to say?

MR. SEDILLO: Thank you very much, Madame Vice Chair. I think the staff has done a very good job. They take pride in what they do and they take pride in that facility, and any time you walk into a facility, the first thing you look at – the first thing I look at, being in corrections for more than I want to know, is the cleanliness of it. That is a very important aspect on who runs that institution. And I think it's important to know as the staff take pride in what they do. From their uniforms all the way to their day-to-day responsibilities and duties. That comes from the leadership over there at the facility as well. That leadership filters down, their pride in excellence in corrections.

So again, I personally thank the warden. We talk every single morning pretty early in the morning. By the way, Commissioner Hansen, about 6:00 in the morning we talk. So I think it is a real testament on what the staff is doing in the pride that they take in their job responsibilities. And they take things very personal if things are done correctly. And I know the warden does, because he and I talk about it all the time.

So I just want to thank County Manager Miller for going down there and shooting her video and walking through the facility with the administration and I hope she had an opportunity to talk to staff too because their vocalization of what they do at the facility, you could also tell that they take pride. So I would like to take this opportunity to thank the warden and deputy warden and all his staff for a job well done. I'm especially proud of the projects that we've pushed. We had four top projects that we wanted to do and we've completed two and are on the verge of completing the third one. So I think, again, that just is a testament to the pride that they take in that facility. So I'll take this opportunity to thank the warden and the staff, deputy warden. Thank you very much.

COMMISSIONER HAMILTON: Thank you very much, Director Sedillo.

COMMISSIONER GARCIA: Mr. Chair.

COMMISSIONER HAMILTON: Yes.

COMMISSIONER GARCIA: I would just like to thank staff as well as Director Sedillo just mentioned, as well as the warden and the entire staff, because us policymakers, my colleagues, that's our County jail. And when I say our County jail, every taxpayer that lives in Santa Fe County pays for that jail, and so Katherine Miller and well as her budget staff, Santa Fe County pays for that entire facility. So I just appreciate Katherine as well as all the employees there as well as the Financial Department as well as my

colleagues, as into we actually fund that entire jail. No City dollars – County dollars. And so Katherine, Pablo, thank you for what you all do and the Financial Department because Santa Fe County funds that entire jail. Not the City, the County does. So it's a big, huge hit to our budget but it's still operating so thank you for your entire staff, Pablo and Katherine, and thank you for that because it's our jail. Every taxpayer in this county pays for that jail. But thank you for the update as well as the film. You did very well, Katherine, on filming that stuff. But thank you, my colleagues and all the taxpayers at the city, county that pay for that jail. Thank you.

COMMISSIONER HAMILTON: Thank you, Commissioner Garcia. I did mention, Warden Williams, did you want a moment to say something or have anything – I don't want to put you on the spot.

DEREK WILLIAMS (Warden): Commissioner, I just want to say thank you. I can't really – there's nothing I can say without being redundant that the County Manager – she was pretty thorough in her summarization. But thank you to her and Director Sedillo and to the Commission for being supportive and complimentary as you have been. As has already been said, we're very lucky to have the staff that we have at the facility. I think when you look at the news in the paper, around the state, some of the different litigation and issues going on, it's disheartening sometimes and I think it's concerning when you're on the public side and insights to see what goes on every day. But we're very proud of the facility we have in Santa Fe County and we couldn't do it if we didn't have the support from the County Manager's Office and this Commission. So thank you.

COMMISSIONER HAMILTON: Thank you very much, Warden Williams. So we do have a motion and a second to approve the report. I'll go to a roll call vote.

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

MANAGER MILLER: Madam Chair, just real quickly.

COMMISSIONER HAMILTON: Yes.

MANAGER MILLER: Thank you, and I just wanted on the record, as soon as everyone is vaccinated and we can schedule the 2021 tour, we'll get that so you can get in there before December of this year as well. I think more than likely some time toward the end of the summer we would be able to schedule an in-person tour for that, unless something unusual happens. But I just wanted you to know that I will try to make sure that we figure out a way to get all of you in person this year.

And then one other thing, I know that because we tabled the BDD agreements, we would need to have a special meeting prior to our next meeting and I was wondering if the March 22<sup>nd</sup>, anything from 30, 45 minutes, if March 22<sup>nd</sup> works for the Board. And if so a time that might work. I would think likely in the afternoon of the 22<sup>nd</sup> if the Board's available. Commissioner Hansen gave the thumbs up.

COMMISSIONER HAMILTON: As long as it's anything after 10:00 or 10:30 am I'm available. Commissioner Hughes.

COMMISSIONER HUGHES: I'm still involved with what kept me late today. I would only be available after 6:00 in the evening on that day. It's a little uncertain.

COMMISSIONER HAMILTON: Right. Did you say the 22<sup>nd</sup>?

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MANAGER MILLER: March 22<sup>nd</sup>. It's a Monday.

COMMISSIONER GARCIA: What day is that? It's a Monday. I'm fine with that.

COMMISSIONER HAMILTON: Yes, I'm available any time that day. Thank you.

COMMISSIONER HANSEN: Maybe we could tentatively schedule it for 6:00 pm and if Commissioner Hughes knows anything sooner we could move it earlier.

COMMISSIONER HAMILTON: That's fine with me.

COMMISSIONER GARCIA: Madam Chair, could we do it like at 7:00 in the morning or something?

COMMISSIONER HANSEN: Commissioner Hughes can't make it then either.

COMMISSIONER GARCIA: Monday's fine for me.

MANAGER MILLER: Okay. We'll send out an invite for that. Thank you. And that's all I have, Madam Chair.

COMMISSIONER HAMILTON: Thank you very much.

**9. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS**

**A. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations**

COMMISSIONER HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I have good preliminary news. I had brought two resolutions at the NACo – I guess this is the legislative conference. One was on protection of pollinators and one was on supporting the reauthorization act of the national heritage areas, and both of them passed out of the main committee ELU, and yesterday I was asked to present my protect pollinators to the Ag and Rural Affairs Committee. They amended my resolution. It's very brief and I will be happy to share it with all of you. But it seems that habitat and pollinator corridors is a hot button item. So I had to remove those words but I got the initial meaning and the protection of pollinators through and into the next phase so I was very happy about that because it's always a crapshoot, so to speak, who is going to support your resolution.

Then earlier in the last week, Liz Archuleta, who is a supervisor from Coconino County has been appointed to the Biden administration and she is the intergovernmental affairs liaison with USDA and she invited me to a meeting with the new secretary and it was exactly that day that Secretary Tom Vilsack addressed the 300 people who attended this invitation and it's really nice to have someone who we know – Liz is somebody who many of us have worked with. I know Commissioner Roybal knows here and Commissioner Garcia may know here. But to have somebody who we can actually call directly at USDA and ask them for money, ask them for support, and get information. So I wanted to share that with everyone.

And then I was really happy to receive a call from Stephanie Stringer at NMED on

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the morning that they filed their lawsuit against the 2016 consent decree and this is something that I have been advocating for, and so I was really glad to see that the New Mexico Environment Department is no longer satisfied with the 2016 consent order and is going to start requiring more cleanup at LANL, and I really appreciate their effort and I want to give them a shout-out for the hard work that they are doing to protect the public. And I'm grateful for their leadership and to Secretary Kenney for filing this lawsuit and being so strategic about it. So I just wanted to share that with the Board.

And at the moment that's all I have, so thank you, Madam Chair for allowing me to share that information.

COMMISSIONER HAMILTON: Excellent. Thank you very much. Other Commissioners.

COMMISSIONER GARCIA: Mr. Chair.

COMMISSIONER HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: There's an individual that actually created Rudy Garcia many years ago and I lost here about six years ago. And yesterday was International Women's Day and so I just honor women out there. Thanks for what you do for society worldwide. Without women we probably wouldn't be where we are today. And once again, International Women's Day, so all the women out there, thank you. Appreciate you all.

COMMISSIONER HANSEN: Hey, thank you, Commissioner Garcia. That's really, really kind of you. I appreciate that.

COMMISSIONER GARCIA: I just wanted to say that because like I said yesterday was International Women's Day and so thank you to all the women out there. I appreciate you all. Thank you.

COMMISSIONER HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Other than noting that, yes, International Women's Day is very important and thank you to our women leaders, I have nothing else to support. I'll save it up for next time.

COMMISSIONER HUGHES: Great. Thank you very much.

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

COMMISSIONER HAMILTON: I know our Treasurer is on. Treasurer Manzanares, do you have anything? Maybe not.

MS.MASCARENAS: Madam Chair, it doesn't look like she is currently signed on.

COMMISSIONER HAMILTON: Okay. I'm sorry. I looked when we got to this item a few minutes ago. Clerk Clark, do you have anything?

KATHARINE CLARK (County Clerk): Thank you, Madam Chair. We are going to be concluding our Board of Registration, voter rolls cleanup this week. Our final meeting is this Thursday. We're going to be doing our new website launch meeting, so hopefully we'll have a new website in the next six weeks. We're hiring; I think the closing date is tomorrow so if you want to work in the Clerk's Office, to anyone out there, you can

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look at the job descriptions and apply. We'd very much like to hire three new workers in the Clerk's Office, so that's kind of exciting.

COMMISSIONER HAMILTON: That is. Excellent. Thank you very much. And I did look, but I may have missed, is our Sheriff on? Sheriff Mendoza? Do you have anything if you are on the line?

MS.MASCARENAS: He was previously but it looks like he's signed out as well.

COMMISSIONER HAMILTON: Okay. Thank you very much, Tessa Jo.

**10. MATTERS FROM THE COUNTY ATTORNEY**

**A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, 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. *The County of Santa Fe v. Ricardo G. Sanchez, et al.*, No. D-101-CV-2020-02289**
- 2. Disputes Arising Under Santa Fe County Agreement No. 2020-0189-PW/KE**
- 3. Breach of Settlement Agreement and Related Agreements Related to Annexation**
- 4. Disposition of Open Space Property Within the City Limits of the City of Santa Fe**
- 5. *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court, Case No. D-101-CV-2018-01610**

COMMISSIONER HAMILTON: I believe what has been scheduled is for us to go to executive session and then come back to do the public hearings. Manager Miller, is that still the appropriate order, sequence, to do things in?

MANAGER MILLER: Yes, Madam Chair. We don't have as much of the total items that are listed under executive session and Greg will let you know but we won't be doing all five of them anyway.

COMMISSIONER HAMILTON: Excellent. Thank you. So Attorney Shaffer, could you let us know what we would be doing in preparation for a motion to go to executive session?

GREG SHAFFER (County Attorney): Yes. Thank you, Madam Chair. Before we talk about this evening's executive session I would like to state for inclusion in the

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meeting minutes of this meeting that, at its February 23, 2021, meeting, the Board of County Commissioners went into executive session at the end of the meeting and did not reconvene in open session. I would, therefore, respectfully request the minutes of this meeting reflect that the matters discussed during the February 23, 2021, executive session were limited only to those specified in the motion for closure. When the Board approves the minutes for this meeting, it will be approving the substance of the statement that I just read into the record.

In terms of this evening's executive session, it is needed for purposes of discussing 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. That includes the following three matters. They are on your agenda listed as item 2) disputes arising under Santa Fe County Agreement No. 2020-0189-PW/KE; 4) disposition of open space property within the city limits of the City of Santa Fe; and 5) *Buckman Direct Diversion Board v. CDM Smith, et al.*, First Judicial District Court, Case No. D-101-CV-2018-01610.

COMMISSIONER HAMILTON: Thank you, Attorney Shaffer. So I would entertain a motion to go into an executive session.

COMMISSIONER GARCIA: Madam Chair, I'd like to go into executive session to discuss the items talked about by Attorney Shaffer.

COMMISSIONER HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: I will second.

COMMISSIONER HAMILTON: Thank you very much. Madam Clerk, can I have a roll call?

**The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:**

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

[The Commission met in executive session from 5:15 to 6:52.]

CHAIR ROYBAL: Can I get a motion to come out of executive session describing that the only things that we talked about are the things the Attorney summarized before we went into executive session and also the attendees?

MR. SHAFFER: Mr. Chair, it's not necessary to list the attendees in executive session, just that the only matters that were discussed were those that were listed in the motion for closure, Mr. Chair.

COMMISSIONER HANSEN: So moved.

COMMISSIONER HAMILTON: Second.

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CHAIR ROYBAL: We have a motion from Commissioner Hansen and a second from Commissioner Hamilton. I'm going to go to a roll call vote.

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

**11. PUBLIC HEARINGS IN ADMINISTRATIVE ADJUDICATORY PROCEEDINGS**

- A. BCC CASE # 14-5492 Saleh Conceptual Plan (Master Plan) Extension, Phase I Preliminary and Final Subdivision Plat Extension, and an Amendment to a Previously Imposed Condition by the BCC. Senemar, LLC, Applicant, Design Enginuity, Agent, Request a Two (2) Year Conceptual Plan Time Extension in Conformance with the Sustainable Land Development Code. The Conceptual Plan Allows for a Phased Mixed-Use Development on a 64+ acre site. The Applicant Also Requests a Three (3) Year Time Extension of the Preliminary and Final Subdivision Plat for Phase I (3 Lots) of the Saleh Development and to Amend Condition # 8 as Previously Imposed by the BCC on the Phase I Preliminary and Final Plat Time Extension which States, "The Preliminary and Final Plat for Saleh Phase 1 Shall not be Recorded until Such Time that the Northeast Connector is under Construction and no Structural Permits, not Including Infrastructure, Will be Issued until the Northeast Connector is Operational." The Applicant is Requesting to Remove the Language from this Condition that Restricts Plat Recordation until Such Time that the NE Connector is under Construction. The Property is Located on the South Side of I-25 and East of Richards Avenue, within Section 16, Township 16 North, Range 9 East (Commission District 5)**

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair, Commissioners. On April 14, 2015, the Board of County Commissioners approved a master plan for the Saleh development to allow a phased mixed-use development on a 64-acre site. The approval included a variance of Santa Fe County Ordinance No. 2000-12, the Community College District Ordinance, Section 6.E.3.c, which amended Ordinance No. 1996-10 in order to allow a no-outlet roadway to exceed 300 feet; and a variance of the CCDO Section 6.7, Road Design Standards, to allow deviation from design standards required of a living priority road.

The uses allowed by the approved master plan for Phase I, consisting of 24.16 acres, include the following: 13.55 acres of open space which includes passive space, parks, plaza, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies, and cemeteries; neighborhood center consisting of 7.39 acres which includes cemeteries/funeral homes and churches and religious institutions and an employment center consisting of 1.82 acres which includes air-conditioned storage facility with allowed caretaker unit and RV and boat storage facility.

The use list for Phase 2, consisting of 35.68 acres, includes the following: 16.13 acres

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of open space which includes passive space, parks, plaza, playgrounds, trails, roads, drainage facilities, wastewater treatment facilities, stables, riding academies and cemeteries; employment center consisting of 18.97 acres which includes apartments, condos or townhomes, shopping center, hotel, restaurants, and office/retail.

On January 12, 2016, the Board of County Commissioners approved a request for a master plan amendment to allow 12 commercial lots on a 64-acre site, to increase the amount of seating allowed in the church/religious institution use, and for preliminary and final plat and development plan to create three commercial lots on 24 acres, for Saleh Phase 1. The BCC final order was recorded on April 13, 2016. Therefore, the expiration date of the conceptual plan under Section 4.9.9.10 of the Sustainable Land Development Code is April 13, 2021, and the expiration of the preliminary and final plat and development plan, pursuant to Sections 5.7.11 and 5.8.7 of the SLDC was initially April 13, 2018.

On August 14, 2018, the Board of County Commissioners approved three-year time extensions of the approved preliminary plat and final plat for Saleh Phase I, in accordance with Sections 5.7.11 and 5.8.7 of the SLDC. The BCC final order was recorded on November 28, 2018. The expiration date of the preliminary and final development plan was thus extended to April 13, 2021.

The applicant is requesting a two-year extension of the BCC approvals granted for the Saleh conceptual plan. The applicant quotes the following SLDC section and states the following: Section 1.11.1 of the SLDC states "The zoning map adopted in conjunctions with the SLDC shall incorporate zoning or rezoning of property actions completed prior to the effective date of the SLDC." Saleh's zoning occurred with the approval of the master plan by the BCC in 2015 prior to the adoption of the SLDC and therefore should be incorporated into the zoning map and no extensions should be required to maintain the Saleh approved zoning. We therefore respectfully request that the BCC recognize that the Saleh Master Plan rezoned the property prior to the adoption of the SLDC and thus is not subject to expiration.

Staff Response: Transitional Provisions; SLDC Section 1.11.4. Approved Master Plans. Properties that have received final approval of a master plan within five years of the effective date of the SLDC shall file an application for approval of a development plan, preliminary development plan or subdivision plat pursuant to this SLDC no later than January 2017, or the approval of the master plan shall nevertheless expire. In the case of a phased master plan that has moved forward with a phase or phases in accordance with an approved phasing plan, the master plan shall be considered a conceptual plan and its expiration shall be governed by Section 4.9.9.10. Any zoning established by an expired master plan shall be included in the zoning map as described in Section 1.11.1 of the SLDC.

The following are sections of Ordinance No. 2016-9, the Sustainable Land Development Code that pertain to this request: Section 4.9.9.10 states, "The development order granting a conceptual plan shall expire after five years, but may be extended by the Board for up to two additional years at a time. If a phasing schedule is approved, the conceptual plan expiration shall be in accordance with that phasing schedule."

The zoning map identifies this property within the CCD and recognizes the zoning established by the Saleh master plan. However, Section 1.11.4 requires that the Saleh Master Plan shall be governed by the expiration provisions of Section 4.9.9.10. Therefore, an extension is required every two years to avoid expiration.

Staff supports the request for a two-year conceptual plan time extension. The request

is in conformance with the Sustainable Land Development Code Section 1.11.4 and Section 4.9.9.10. The uses and zoning are recognized in the zoning map. The conceptual plan allows for a phased mixed-use development on a 64-acre site.

Phase 1 preliminary and final subdivision plat extension: applicant's request: The applicant's request also includes a three-year extension of the preliminary and final plat for Saleh Phase 1, in accordance with Section 5.8.7 of Ordinance 2016-9, the Sustainable Land Development Code (SLDC). The applicant states, "Recordation of the Final Plat for Phase 1 has been delayed due to a condition recommended by Staff and adopted by the BCC that required we could not record the plat until the NE Connector construction contracts were released. As that condition has not been satisfied, all of our projects approvals granted by the BCC are subject to expire on April 13, 2021." Section 5.8.7 of the SLDC states that "Prior to expiration of the final plat, the subdivider may request, from the Board, an extension of the final plat for a period of time not exceeding 36 months." There is no provision in the code limiting the number of times the BCC may grant this extension.

The following are sections of Ordinance No. 2016-9, the Sustainable Land Development Code that pertain to this request: Section 5.7.1 states, "An approved or conditionally approved preliminary plat shall expire unless the applicant obtains a development order granting approval of the final plat within 24 months from the date of preliminary plat approval or conditional approval. Prior to the expiration of the approved or conditionally approved preliminary plat, the applicant may submit an application for extension, for approval by the Board, for a period of time not to exceed a total of 36 months from the original approval date. No further extension shall be granted under any circumstances and the preliminary approval shall become null and void upon expiration of the preliminary plat. No application for final plat approval shall be allowed to be submitted after the preliminary plat has expired. The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat."

Section 5.8.7 states, "Any approved or conditionally approved final plat, shall be recorded within 24 months after its approval or conditional approval or the plat shall expire. Prior to the expiration of the final plat, the subdivider may request, from the Board, an extension of the final plat for a period of time not exceeding 36 months."

In considering this application, staff also reviewed the relevant statutory language regarding the expiration of both preliminary plats and final plats. Those provisions – quoted below in their entirety – differ slightly from the corresponding provisions of the SLDC.

The following is the pertinent statutory provision for this request. It would be letter C. The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

NMSA 1978 §47-6-11.3 does not specifically identify an expiration date for a final plat simply because Section 47-6-11.1, in essence, already addresses that issue by stating that all proceedings terminate, and no final plat shall be recorded, once the preliminary plat expires.

The language related to phased development is not applicable in this case as no final plat for any phase is being recorded. The statutory provisions allow the County to decide upon the initial period of validity for a preliminary plat and then allow the BCC, in its

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discretion, to approve an additional extension of up to 36 months. Under the statutory framework, therefore, a preliminary plat can be valid, and a final plat recorded, as much as six years after initial approval.

Because the applicant has been hampered by an unsatisfied condition that is beyond the applicant's control, and because state law contemplates as much as six years for the recording of a preliminary and final plat, staff is comfortable recommending an additional 12 months. Staff cannot, however, support a three-year extension of the preliminary and final plat for Saleh Phase I as this request would extend the recording deadline beyond the time frame contemplated by statute.

Amendment to a previously imposed condition by the BCC: On July 31, 2018, the Board of County Commissioners approved an extension of the preliminary and final plat for Saleh Phase 1. The BCC approval included a condition which states: "The preliminary and final plat for Saleh Phase 1 shall not be recorded until such time that the northeast connector is under construction and no permits will be issued until the northeast connector is operational." The applicant is requesting a modification to the previously-imposed condition to allow for plat recordation prior to the Northeast Connector being under construction.

Staff Response: The condition of approval reads in full: "The preliminary and final plat for Saleh Phase 1 shall not be recorded until such time that the northeast connector is under construction and no structural permits, not including infrastructure, will be issued until the northeast connector is operational."

Staff supports the request by the applicant to amend the previously-imposed condition. The delays in construction of the northeast connector should not delay the recordation of the preliminary and final plat for Saleh Phase I. It is recommended that the first portion of Condition No. 8, dealing with plat recordation, be deleted and that the condition instead read as follows: "No structural permits, not including infrastructure, will be issued until the northeast connector is operational."

Staff recommendation: Staff recommends approval of the request for a two-year conceptual plan time extension in conformance with Section 4.9.9.10 of the Sustainable Land Development Code. The conceptual plan allows for a phased mixed-use development on a 64-acre site. The conceptual plan would therefore be valid until April 13, 2023.

Staff recommends that the preliminary, and therefore also the final plat, be extended for one year which would be the maximum extension allowed under state law. Staff recommends approval of the request for an amendment to the previously imposed condition so that the condition reads as follows: "No structural permits, not including infrastructure, will be issued until the northeast connector is operational."

Staff recommendation: Staff recommends approval of the request for a two-year conceptual plan time extension in conformance with Section 4.9.9.10 of the Sustainable Land Development Code. The conceptual plan allows for a phased mixed-use development on a 64-acre site. The conceptual plan would therefore be valid until April 13, 2023.

Staff recommends that the preliminary, and therefore also the final plat, be extended for one year which would be the maximum extension allowed under state law. Staff recommends approval of the request for an amendment to the previously imposed condition so that the condition reads as follows: "No structural permits, not including infrastructure, will be issued until the northeast connector is operational."

Staff recommends that the following previously imposed conditions and the amended

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condition # 8 be imposed on any approval of the applicant's request. Mr. Chair, may I enter these conditions into the record?

CHAIR ROYBAL: Yes, sir.

[The previously imposed conditions are as follows:]

1. The Applicants shall comply with all review agency comments and conditions, conditions shall be noted on the recorded Plat and Development Plan.
2. The Partial Assignment of the Water Contract must be conveyed to the Applicant prior to recordation of the Final Plat.
3. The County shall not execute the Water Delivery Agreement until the Applicant pays all outstanding Service Charges due under the Water Contract that are attributable to the 10% interest created by the Partial Assignment. The Applicant shall pay all such charges and enter into the Water Delivery Agreement before recordation of the Final Plat for Phase 1 in the records of the Santa Fe County Clerk.
4. Applicant must incorporate the 8 recommended technical review conditions (SFCU) onto the plat for Phase 1, as written in the November 3, 2015 letter from SFCU.
5. Preliminary and Final Plat and Development Plan for Saleh Phase 1 with appropriate signatures shall be recorded with the County Clerk.
6. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Plat recordation of Phase 1.
7. Saleh Phase 1 and 2 shall take access via the northeast connector utilizing two access points (Saleh Avenue and North Willow Back Road).
8. No structural permits, not including infrastructure, will be issued until the north east connector is operational. [Condition modified at staff report.]
9. Saleh shall connect to the County water utility. Saleh shall be responsible for all design and construction costs associated with water connection. An approved water delivery agreement shall be submitted and all conditions of that agreement shall be complied with prior to final plat recordation. (Amending Previously Imposed Condition # 4)
10. Saleh shall connect to the County's wastewater utility. Saleh shall be responsible for all design and construction costs associated with wastewater connection. A wastewater collection agreement shall be submitted and all conditions of that agreement shall be complied with prior to final plat recordation (Amending Previously Imposed Condition # 6)
11. The Applicant shall grant a 120-foot-wide road easement along the northern portion of the property for construction of the N.E. Connector.
12. The Applicant shall be responsible for the design and construction of any intersections tying into the N.E. Connector, subject to approval by the County Public Works Department. These intersections may require additional easement.

Thank you, Mr. Chair, and I stand for any questions.

CHAIR ROYBAL: Okay, I'm going to go to our Board. Are there any questions from the Board?

COMMISSIONER GARCIA: Mr. Chair, I have a question.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: So really quick. Thank you, Mr. Chair. So

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they're actually asking for a time extension, right? That's it? And they can get final plat approval, get it recorded, and it will not build anything into the northeast-southeast connector as built, correct?

MR. LARRAÑAGA: Mr. Chair, Commissioner Garcia, that's correct. According to the condition they can build the infrastructure but no structure until the northeast connector is built.

COMMISSIONER GARCIA: One other question, Jose, is the apartment complex that we approved there by the Community College, they have the same conditions, right?

MR. LARRAÑAGA: Mr. Chair, Commissioner Garcia, it's a similar condition. That condition on that particular project was they can build the apartments but they couldn't occupy until the southeast connector was operational.

COMMISSIONER GARCIA: So they're treated equally, correct?

MR. LARRAÑAGA: Mr. Chair, Commissioner Garcia, that's correct.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Jose.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other questions? Commissioner Hansen.

COMMISSIONER HANSEN: So if we take out no structural permits, not including infrastructure, will be issued until the northeast connector is operational, does that mean that they can then now start doing some infrastructure? And is that their intention is to start building? But then how are they going to get in and out of their development since if I remember right, their entrance and exit is off of the northeast connector.

MR. LARRAÑAGA: Mr. Chair, Commissioner Hansen, they have access to the property. I don't know if their intention is to do the infrastructure or to wait until the northeast connector and they get buyers for the property or users for the property to start any kind of construction.

COMMISSIONER HANSEN: Okay, well, I'd like to hear from the applicant, so I will wait.

CHAIR ROYBAL: Okay. Any other questions or comments from the Board? I'll go ahead and go to the applicant if the applicant is present.

ORALYNN GUERRERORTIZ: Yes. Do you want me sworn in?

CHAIR ROYBAL: I believe that we need you sworn in. Madam Clerk, can you swear in the applicant?

[Duly sworn, Oralynn Guerrerortiz testified as followed:]

MS. GUERRERORTIZ: I'm Oralynn Guerrerortiz. I'm an engineer with Design Enginuity. My address is 1421 Luisa Street, Suite 200 here in Santa Fe, and I have been sworn in. Commissioner Garcia, if I can, I'd like to take a different stance. The condition is different. I actually am working on the Elevations project, the apartment project, and we're allowed to proceed with building the infrastructure associated with that project, and also go vertical with construction. We're just not allowed to occupy the project until the southeast connector is open.

What staff has proposed on this project is different. They're saying that we can build the infrastructure; they're not saying we can move ahead with any structures. So to make them apples to apples, you'd have to say that we can't have Certificates of Occupancy until such time as the northeast connector is operational.



Commissioner Hansen, the reason we had gotten a variance request initially was so that we could come off of Richards Avenue as a temporary road, and you said initially, for Phase 1, that was the original plan until the northeast connector went in. But with the conditions that have been set we can't move forward at all until the northeast connector is currently operational. And recognize, when we agreed to those conditions we were told that that northeast connector was going to happen within a year, and this has dragged on for a ridiculous amount of time and it's been an incredible burden.

The County is looking to my owner, to my client, to donate a very large chunk of land on the order of eight acres to the County for the northeast connector, and yet staff and frankly the past BCC has made it incredibly difficult for development and painful financially. So we're looking for some relief. I don't want to argue code with staff but I think that they kindly brushed over the fact that their code is not consistent with state law. That's the guts of what their presentation is, because my request was consistent with the SLDC. And after I made that request I was told that their code is not consistent with state law.

But I do think – I'm not a lawyer, but I think the state law is written in a way that there are multiple interpretations. And I do think my original request for three years is possible under state law also. Penny won't agree with me but that's what I believe.

Anyway, I hope that you all will consider at least making our conditions similar to the one that applies to the Elevations project. Again, that apartment complex off of College Drive, and I'll stand for any questions.

CHAIR ROYBAL: Okay.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: I'm going to go to Commissioner Hansen.

COMMISSIONER HANSEN: So if we remove the no structural permit, not including infrastructure, will be issued until the northeast connector is operational, would that make it apples to apples?

MS. GUERRERORTIZ: To make it perfectly apples to apples you'd have to add a line saying that occupancy of any structure cannot occur until the northeast connector is operational.

COMMISSIONER HANSEN: And are you good with that?

MS. GUERRERORTIZ: Yes.

PENNY ELLIS-GREEN (Growth Management Director): Mr. Chair, Commissioners, the reason why we made the condition the way it is, is that is what the applicant asked for. We are okay with going to a condition that states that no building can be occupied prior to the northeast connector being open. We are in agreement that that can still work and that would be consistent with the Elevations project.

COMMISSIONER HANSEN: And then what about no structural permits, not including infrastructure? Are you good with removing that?

MS. ELLIS-GREEN: If we remove that, that would be consistent with Elevations, meaning that they could go vertical, they could construct, but they cannot occupy a building until the road is operational.

COMMISSIONER HANSEN: Okay. So I think being apples to apples on these two issues is the proper way to go. I think the way with the northeast connector and the southeast connector, which I know that everyone on this Commission knows that I consider that one of my babies. It's also incredibly frustrating to me that 13 years later it's still not

built. So I'll leave it there for right now because I see Commissioner Hughes has his hand up.

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

COMMISSIONER HUGHES: Yes, I just wonder what the effect would be on the neighboring people who already live there, particularly in Oshara Village, starting construction of homes without having the northeast-southeast connect. You mentioned access off of Richards Avenue. Does that go through any residential area or is it sufficiently separate from a residential area that people won't have heavy equipment driving through their neighborhood.

MS. GUERRERORTIZ: If I might, the connection to Richards Avenue is at the Dinosaur Trail signal. So it would not go through Oshara.

COMMISSIONER HUGHES: And there's no other houses to the east of that intersection?

MS. GUERRERORTIZ: No. Currently it's vacant land.

COMMISSIONER HUGHES: Okay. Just wanted to make sure.

CHAIR ROYBAL: Okay. Do we have any other questions from Commissioners? Commissioner Garcia, are you there?

COMMISSIONER GARCIA: Yes, Mr. Chair. I'm good. I have no questions.

CHAIR ROYBAL: Okay. Thank you, sir. So I guess if there's not any other questions – go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: So I would, if it's all right with Commissioner Hughes, I would like to make a motion.

MR. SHAFFER: Before you do that, Commissioner Hansen, this is a public hearing.

COMMISSIONER HANSEN: Oh, yes. Sorry.

CHAIR ROYBAL: Okay. No worries. I was just going to go to public comment. Tessa Jo, has anybody signed up to speak in opposition or in favor of this case?

MS. MASCARENAS: Mr. Chair, they've not.

CHAIR ROYBAL: Okay. So I'm going to ask if there's anybody from the public that would like to speak in support or opposition of this case, 14-5492, can you unmute yourself and state your name for the record? Okay, I'll ask one more time, is there anybody from the public that would like to speak in support or opposition of the case that we're looking at right now, please unmute yourself. Okay, hearing none, I'm going to close public comment and I'm going to go back to Commissioner Hansen.

COMMISSIONER HANSEN: Commissioner Hughes, are you okay with me making a motion?

COMMISSIONER HUGHES: Yes. I'm fine with you making the motion. I'll second it once you make it.

COMMISSIONER HANSEN: Okay. So I would like to follow staff recommendation and I would like to add in the information about no occupancy until the northeast connector is operational.

CHAIR ROYBAL: Okay, we have a motion from Commissioner Hansen. Do I hear a second?

COMMISSIONER HUGHES: And I'll second it.

MS. GUERRERORTIZ: Just a clarification, are we deleting allowing us to go

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vertical? Deleting that restriction that wouldn't allow us to go vertical?

COMMISSIONER HANSEN: We're deleting no structural permits, not including infrastructure, would be issued until the northeast connector is operational.

MS. GUERRERORTIZ: Thank you, Commissioner.

CHAIR ROYBAL: Okay. This is in Commission District 5. This is Commissioner Hughes' district. Is that correct?

COMMISSIONER HUGHES: Yes. That's correct.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hansen, a second from Commissioner Hughes. I'm going to go to a roll call vote.

COMMISSIONER GARCIA: Is the applicant okay with the conditions? Or the recommendation? Oralynn, are you good with that?

MS. GUERRERORTIZ: What I would prefer is three years extension in the plat, but given that staff doesn't agree that's legal, I'll be satisfied with one.

COMMISSIONER GARCIA: Okay. I'll agree with Oralynn Guerrerortiz because she actually taught me a lot of stuff. I vote yes, Mr. Chair.

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

11. B. Case No. 10-5366 - St. Francis South Preliminary Plat Approval for Phases 1-4 and Final Plat Approval for Phases 1 & 2. **TABLED**

12. **PUBLIC HEARING ON PROPOSED ORDINANCE**

- A. **Ordinance 2021-02, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, to Amend and Restate Section 7.2 to Include the Latest Adopted Codes and to Amend and Restate Section 7.14 Concerning Energy Efficiency to, Among Other Things, Require New Structures to Comply with Specified Pathways in the 2018 New Mexico Residential Energy Conservation Code and 2018 New Mexico Commercial Energy Conservation Code and Removes the Whole-House Mechanical Ventilation Requirement for Residential Structures**

CHAIR ROYBAL: From our Growth Management Department we have Ms. Penny Ellis-Green and Mr. Robert Griego. And then also we have Jacqueline Beam, Public Works.

MS. ELLIS-GREEN: Thank you, Mr. Chair, Commissioners. In August of last year, the State CID approved including the 2018 International Energy Conservation Code into the statewide building code. This change goes into effect on March 24<sup>th</sup>. The 2018 IECC provides different compliance pathways to both residential and commercial. The residential pathways are either prescriptive, an ERI of 61, or performance modeling. Currently the SLDC requires a HERS 70 rating or equivalent. The state's ERI 61 pathway is considered to achieve higher energy efficiency than the other two main pathways and HERS 70.

The 2018 commercial energy conservation code has three commercial pathways: an ASHRAE 90.1, a prescriptive, and a performance modeling.

The current SLDC requires no residential structures to be designed to Energy Star certification. The closest pathway to the current SLDC requirements is considered to be the

ASHRAE pathway.

The rationale for these changes being that the energy rating index approach for residential, and the ASHRAE pathway for commercial will on average achieve higher energy efficiency than if the structure met the minimum requirements of any other pathway. The state actually adopted an energy rating index of 61 which is very similar but different to a HERS 61. Enforcement of energy efficiency standards is important to ensure compliance but the County does not have building inspectors or even technical reviewers to enforce building standards, and current enforcement relies on a HERS rater coming back to the County to submit their reports after construction. The County has no way of really knowing when a house is completed or being inspected for building standards.

Us using the same building standards as the state would ensure that the state's building inspectors will enforce these standards and require compliance before a Certificate of Occupancy is issued for a residential structure. The State CID has provided staff with a basic checklist that will require applicants to follow when submitting for a residential permit. The ERI pathway will include a proposed rating which can be generated by a software similar to that of HERS rating but is not required to be produced by a HERS rater.

The existing code also includes a whole house ventilation required that is not consistent with state building codes now. The state bases ventilation requirements on a 2015 International Mechanical Code. And because this County requirement could create confusion and add cost to residential development, and again, because we don't have building inspectors and we couldn't enforce this, staff is recommending that section be deleted.

On February 9<sup>th</sup> the BCC directed staff to publish title and general summary of this ordinance, and in accordance with the code the ordinance was heard by the Planning Commission on February 18<sup>th</sup>. The Planning Commission recommended approval of the ordinance, and at the Planning Commission hearing four people spoke in favor of the ordinance including three builders who stated they can build efficiently to the ERI 61 standard.

The draft ordinance is in your packet. The changes to that show that Section 7.2 of the SLDC is being amended to update building and fire codes that have been updated since the 2016 version of the code. This would include the 2018 IECC, and Section 7.14 is amended and restated to require residential development meet the ERI 61 pathway, to require all commercial development to meet the ASHRAE 90.1 2016 pathway from the state code, and to remove reference to multi-family development, so this type of development simply follows the state requirements, and the whole house ventilation is deleted.

This revised section does not apply to manufactured homes or to modular homes, nor would it apply to a remodel of a home. Staff recommends approval of the ordinance. It would go into effect 30 days after recordation, and I will not turn it over to Planning and Sustainability staff who will provide some additional background and additional information. Thank you. I think Robert's going to take it.

LUCY FOMA (Senior Planner): I'm actually going to introduce it, Penny. Thank you. Mr. Chair, Commissioners, thank you for having us. So thank you, Penny, and again, thank you, Commissioners. We're here this evening – myself, Lucy Foma. I'm a senior planner with Planning, and Robert Griego and we'll give some extra information about this proposed ordinance that we're presenting this evening.

So what we're going to go over in this short presentation – we won't keep you too

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long – is how this ordinance fits in with our stated goals and policies that we've created through our SGMP, our strategic plan, our policies and resolutions, and then how this fits with aligning our County code with the state code and the benefits to our community.

So first off, with our Sustainable Growth Management Plan, the Sustainable Growth Management Plan was developed through extensive public outreach and adopted by the Board. This document says in our keys to sustainability that we want to be leaders in renewable energy regulation, in creating energy efficiency standards and reducing reliance on fossil fuel, and also supporting the state and developing infrastructure that will help us move away from fossil fuels.

Within the SGMP as well we have these goals, in particular goal 23 which says we support energy efficiency and renewable energy to reduce greenhouse gas emissions and dependence on non-renewable fossil fuel energy. Within Chapter 8 we talk about design standards that we want to attain as the County. We have goals 25 and 26, each respectively saying development should comply with the principles of sustainability and conservation established in the SGMP and that we will promote sustainable development through green building and development techniques, which is exactly what we're proposing through this ordinance.

Next is our strategic plan and our resolutions. As you know, we have our strategic plan, which the Board revisits periodically and goal 2 is to promote a sustainable community. Within that is objective 2.2., to address threats associated with climate change, and strategy: reduce greenhouse gas emissions from County operations including building. Action: establish health building and energy efficiency guidelines for all new County buildings. And finally, within this document we say that we want to support state sustainability legislation and actions to attain energy efficiency.

As the Board is aware as well, we have the following resolutions that lead us to this ordinance change. In a resolution 2013 we had the Lead by Example Resolution. In 2017, we passed a resolution in support of the Paris climate agreement. We also in 2018 had the resolution to support State of New Mexico Legislature initiatives and administrative actions that reduce greenhouse gas emissions through energy efficiency and other means. And then just this year we had Resolution 2021-005, a resolution in support of legislation in the 2021 New Mexico legislative session, related to advancement of environmental sustainability and climate action.

So as you can see throughout all of our policy documents we have been moving towards improving energy efficiency and this is all in support of this proposed ordinance as well as aligning with state standards to support them and also move together towards a more renewable future, more energy efficient. With that, I'm going to pass it on to Robert with the next slide.

ROBERT GRIEGO (Planning Manager): Good evening, Mr. Chair and Commissioners. The next portion of our presentation will focus on the proposed changes to the SLDC to increase our energy efficiency standards and also to provide consistency with the state energy code and provide clarity regarding the requirements for Santa Fe County.

The County needs to amend the SLDC to be consistent and in alignment with the adoption of the 2018 IECC which goes into effect on March 24, 2021. Section 7.2 of the SLDC does require the plan to align with the state building and energy codes. Section 7.14 of the SLDC, Energy Efficiency, includes the purpose and intent statements to ensure that

newly constructed residential and commercial structures incorporate cost-effective energy efficiency measures and technologies in order to conserve natural resources, minimize local, regional, and global impacts on the environment from energy extraction and use, protect public health, maintain indoor air quality, and keep monthly energy expenditures manageable over the use of a structure.

The County currently requires a HERS 70 energy efficiency rating for residential structures. As we stated, the changes to the state code will require us to be in compliance with the building and energy codes not to have two separate standards. So in order to maintain consistency to the state code and to advance the County sustainability goals, the County is proposing to adopt the ERI of 61. These updated standards will provide clear and uniform regulations for all the residential development in the county. The ERI rating of 61 would indicate an energy of the house to be about 61 percent of the energy use from a home built to the 20016 IECC standards.

In addition, we are trying to line this up with the New Mexico Commercial Energy Conservation Code, which has three compliance pathways: the ASHRAE 90.1, the prescriptive and the performance modeling. The current SLDC requires non-residential structures to be designed to Energy Star certification standards. The closest pathway to the current SLDC requirements is considered to be the ASHRAE path. The proposed ordinance will require all commercial development to meet the ASHRAE 90.1 pathway from the state code.

So the proposed amendments, to summarize, quickly: amend Section 7.2 to update our code to be consistent with the state's codes; require new residential development to meet the ERI 61 rating pathway; delete the whole house ventilation section for residential structures; require commercial development to meet the ASHRAE 90.1 2016 pathway, and remove the reference to the multi-family development. So this type of development will follow the state requirements under the 2018 IECC.

The next section, Jacqueline Beam from our Sustainability Division will provide the last portion of our presentation, discuss the benefits and increased energy standards.

JACQUELINE BEAM (Sustainability Division): Mr. Chair, Commissioners, I'm going to talk a little bit about all of the more relatable items that this ERI 61 will provide. It is something that definitely supports the Santa Fe County sustainability and energy efficiency goals, as stated prior, but it also fits the broader picture of meeting our reduction goals for greenhouse gas emissions. In 2015 our greenhouse gas emissions inventory, which was completed when the City and County found that buildings were almost half the emissions that we are putting out as pollution. So this is a great opportunity for us to reduce those emissions, and it also allows us to align ourselves with the Paris Agreement goals.

If we are looking at the goals in a triple bottom line – accountability, which is the tree pillars of economics and social benefit as well as environment – the ERI 61 pathway certainly aligns with that in a better way also. Santa Fe Are Homebuilders Association, they did a study of sample data and found that there was decreased energy use up to 16 percent on homes that were following the ERI 61 pathway and energy savings up to 16 percent as well, and decreased CO<sub>2</sub> emissions of up to 15 percent. And then I would like to add also that Freddie Mac reports that there are less defaults on loans or mortgages that have certification for energy efficiency.

So obviously, the reduced energy usage will help the homeowner to pay the mortgage

because their utilities will be less and they will receive a return on their investment without one to two years.

The combination of checklists and ways to trade off can get a little confusing, but it was explained to us by several HERS raters, builders and developers that you can look at it through a mechanical way by trading out a high efficiency furnace boiler for instance, or a water heater that's tankless; looking at your windows and making sure that the performance of the building itself is a higher performing building, and by doing these things, little things here and there you can create a 61 without a problem. Habitat for Humanity as well as Homewise regularly build homes in the 50s range of this rating.

And so recently, RESNET, which is the Residential Energy Services Network that houses the HERS rating put out a report that is fairly significant in showing the impact. ERI 61 and HERS last year were the equivalent and so in their 2020 report they show that the rated homes reduced carbon dioxide emissions by over 49 million tons, which is the equivalent of taking nearly 9.7 million passenger vehicles off the road for one year. And it has improved the health and comfort of more than 13 million residents and saved homeowners over \$8 billion in energy costs in 2020 alone. And that is a nationwide report.

They also state that the upper trajectory of homebuyers choosing more energy efficient, comfortable and healthier homes is certain to continue. One thing that we will want to do in our Sustainability Office in conjunction with the Planning Department is to provide education through information outreach for the public with this ordinance but also with other ways that homebuyers and builders can create more energy efficiency in their structures, and that is something that we have resolved to do and are continuing to plan on ways to do that. And with that I will stand aside for any questions.

CHAIR ROYBAL: Okay, do we have any questions from the Board?

COMMISSIONER GARCIA: Mr. Chair, I have a couple of questions.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Is this the last hearing, or do we have one more hearing?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Garcia, the ordinance has been noticed to be adopted tonight.

COMMISSIONER GARCIA: Okay. Thank you. Mr. Chair, so no modular, no mobile homes are going to be affected by this, correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Garcia, that is correct. This ordinance will not affect manufactured homes or modular homes.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Ms. Director. So the added costs for 61, can you give me some examples of what "added costs" means?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Garcia, Jacqueline may want to take some of this, but from our discussions with builders and HERS raters the difference between a 70 and a 61 can be obtained through either a high efficiency boiler or furnace or water heater. The number that we have been hearing is between \$1,200 and \$1,500 to do that upgrade.

COMMISSIONER GARCIA: Thank you, Mr. Chair, Ms. Director. So basically, we're talking about getting some water heaters and furnaces, HVAC upgrades for this. Correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Garcia, that is one aspect that you could do to upgrade to a 61. There's a lot of different ways to do this from the very, very start of how you lay out your house on the lot, size of windows. A lot of things will contribute. But the simple analysis that we did looked at the difference between a 70 and a 61 being one of those two things. You probably have to do one to get to a 70 and so the other would be done to get to a 61.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Director. So example. So basically, when they come to the County, the homeowner would need to produce their plans and show them the plans, and we wouldn't enforce that but CID needs to enforce that. Is that correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Garcia, we will be working with CID to see exactly what it is they are going to want to see. They have given us their checklist where the applicant certifies that they're going to meet a certain standard, and we have a few points in there that they have to complete. But what we're going to want to do is to get a little bit more information so we know exactly what we will be looking for in the plans that come in. We then approve the building permit set. We seal them up and the applicant picks up our permit and the permit that we've got ready to be issued and takes that over to CID, and then CID would do the enforcement.

COMMISSIONER GARCIA: So this would not require an individual person to hire an engineer or an architect to design their building plans?

MS. ELLIS-GREEN: Mr. Chair, Commissioner, there will not be a requirement with an ERI of 61 to hire a HERS rater. We occasionally get owner-builders. Most of our permits for homes, for single-family homes come in and they've been designed by an architect. So there is software that a builder or an architect can use. I think we have some builders that want to speak as part of the public hearing and they may be better able to address who they would usually use to do this kind of rating.

COMMISSIONER GARCIA: Thank you, Director. Thank you, Mr. Chair.

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

COMMISSIONER HUGHES: Yes, I just wondered if any of you have had a chance to look at how long it would take a homeowner to recoup the money that they would spend on the additional water heater or high efficiency furnace so that they would break even and then after that they would actually be saving money.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Hughes, I'm wondering if either Jacqueline or Robert have that information.

MR. GRIEGO: Mr. Chair, Commissioner Hughes, I think it does depend on the particular project, the particular house. In your packet there is some information regarding some examples of homes with some different scenarios and each of those scenarios has a different cost associated to get the home down to a lower rating. So again, it depends on the case-by-case basis, I guess is the best way. I don't know if Jacqueline has anything to add.

MS. BEAM: Mr. Chair, Commissioners, yes, there is no one set amount. You're really looking at the performance of a whole structure and so it will depend on all the other factors that are there. If you're looking at just the cost of a mechanical heater or boiler then you will have that amount, and then you can take off the savings. It's anywhere from a year and a half to two years. It could be two and a half years if the windows are much larger



or if the orientation of the building isn't quite right. There are other factors to consider. Again, it really forces the building to think in innovative ways with smart design methodology from the very beginning.

COMMISSIONER HUGHES: Okay. Yes. Thank you. I just wanted to make sure we were thinking about that because the idea is after some period of time it's going to vary for each house, obviously. People will actually be saving money rather than spending, provided they live in the house that long. And it's not that long. That's my only question, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hughes. I did have a question in regards to – right now, typically most of the exterior walls are 2 X 6. I'm not sure if you would have this information but did the rating go up for the R-value for walls. I think it went up to R-19 or something like that, didn't it? Or do you guys have that information by chance. I'm just wondering if the R-19 insulation will actually fit in a 2 X 6 wall. And maybe you don't know. I just was curious.

MS. ELLIS-GREEN: Mr. Chair, I don't have that information. I'm wondering if Jacqueline does. Otherwise, as I said, I think we do have several builders on that may be able to address that.

CHAIR ROYBAL: Okay. And then I think I read something in there that said we were going to be provided a checklist, and you have told me that as well, from the state. As far as a checklist that our staff could look at to make sure that a lot of the requirements are there. Have we received that checklist from the state already?

MS. ELLIS-GREEN: Mr. Chair, the state has given us a preliminary checklist which really just is one page where the applicant has to certify that they will meet the standard and fill in a couple of blanks. But what we're going to want to do is to coordinate with the state so we know what documentation we should be pulling in. So we're sending the correct information over to the state and it's not just that one page.

CHAIR ROYBAL: Okay. And when the state does their – I guess their inspections, will they be doing like a typical inspection to determine if the rating is at the ERI 61 rating? Or do you know how that works?

MS. ELLIS-GREEN: Mr. Chair, from discussions with CID they will be reviewing the permit set to ensure that the specifications that are shown on that will meet the ERI standard. And then when they do their inspections we'll be making sure that those things have taken place.

CHAIR ROYBAL: Okay. So then they'll have documents from the checklist and stuff to determine whether or not it meets that ERI 61? And then when they do their inspections they'll be using that to make sure that all the criteria have been met.

MS. ELLIS-GREEN: Yes. That's correct.

CHAIR ROYBAL: So it will be still the same type of inspection where they go to the construction site and inspect the site. Okay. Do we have any other questions or comments from Commissioners? Okay. Seeing none, we did have – were there other builders? Are we going to public comment and that's where the builders that will speak are. Is that correct?

MS. ELLIS-GREEN: Mr. Chair, yes. This is a public hearing.

CHAIR ROYBAL: Okay. I'm going to go ahead and go to a public comment then. I didn't know, because you were referring to builders, I didn't know if they were going

to actually talk in regards but they'll be talking during public comment. Okay, so if there's not any other questions from Commissioners, I'm going to go to public comment. And Tessa, do we have – how many people do we have on public comment to speak to this?

MS.MASCARENAS: Mr. Chair, at this point we have seven.

CHAIR ROYBAL: Seven. Okay. So I'm going to go ahead and ask that anybody else that hasn't checked in prior to us coming to this item now, can you unmute yourself and state your name for the record, please?

MILES CONWAY: Miles Conway, Santa Fe Area Homebuilders.

CHAIR ROYBAL: Okay.

KIM SHANAHAN: Kim Shanahan, Santa Fe County resident.

SARASWATI KHALSA: Saraswati Khalsa, with New Energy Economy.

BILL ROTH: Bill Roth, local builder.

CHRISTIAN CASILLAS, Christian Casillas, Coalition for Sustainable Communities New Mexico.

ARTEMISIO ROMERO Y CARVER: Artemisio Romero y Carver, Youth United for Climate Change Action and a Santa Fe County citizen.

CHAIR ROYBAL: Okay. Any others?

JOE EIGNER: Joe Eigner, 6 Verano Drive, Eldorado.

DAVID BEST: David Best, EverGreen Building Solutions, HERS rater and Santa Fe County resident.

CHAIR ROYBAL: Okay. Anybody else?

MARYANN MAESTAS: Maryann Maestas.

CHAIR ROYBAL: Okay. Anybody that's signed up already doesn't need to let us know again. Is there anybody that hasn't signed up yet? Okay, I'll ask one more time. Is there anybody else that would like to speak?

MR. BEST: David Best. I would like to speak.

BILL ROTH: Bill Roth, I would like to speak.

MR. SHANAHAN: Kim Shanahan. I would like to speak.

MR. EIGNER: Joe Eigner, I would like to speak.

CHAIR ROYBAL: Okay. Anybody else?

MR. CASILLAS: Christian Casillas. I would like to speak.

CHAIR ROYBAL: Daniel, are we getting –

DANIEL FRESQUEZ (Media Coordinator): I just want to say please mute yourself if you're not speaking at the moment. We're getting some background noise. I wanted to say that.

CHAIR ROYBAL: Okay, and Tessa, could you read the list really quick. If you could read the list and see and we'll give one more opportunity for anybody that would like to sign up to speak. If you could read what we have so far.

MS.MASCARENAS: Yes, Mr. Chair. So far I have Kim Shanahan, Joe Eigner, Christian Casillas, Miles Conway, Bianca Belknap, I believe it was Sara Khalsa, Bill Roth, Artemisio – I didn't get a last name; I have the email address though, and Maryann Maestas. Also I have David Best.

CHAIR ROYBAL: So is that ten speakers? Okay. Is there anybody else? Okay, hearing none, I'll go ahead and close it there. Being that we do have ten speakers I'm going to limit the time to three minutes and so what I'm going to ask is if we have – if we can

try not to be repetitive. I know a lot of times we're in support or opposition of something and sometimes we're repetitive as to something that somebody else said rather than repeating it all, if we can just say, I agree with these statements or one of the speaker's statements, or whatever. Just to try and keep it to where it doesn't take us too long and we don't hear the same repetitive comments. Okay. So Tessa, if you can call on the first speaker. First of all, I think we're going to have to swear in everybody right before they speak. So Madam Clerk, we'll go ahead and call on the first speaker and as soon as that first speaker is announced if you could swear them in please.

MS.MASCARENAS: Mr. Chair, the first speaker is Kim Shanahan.

[Duly sworn, Kim Shanahan testified as followed:]

KIM. SHANAHAN: My name is Kim Shanahan. I live at 51 Herrada Road, 87508 in Santa Fe County. And I swear that I'm going to tell you the truth. So start the clock. Chair Roybal, thank you. Commissioners, thank you for taking this on tonight. When we decide to amend our codes it becomes a really big deal but frankly, this change that we are asking is something that we knew was coming, specifically the Sustainable Land Development Code says that we are going to get better over time. A change from a 70 to 61 is 13 percent. Frankly, we should have been doing this a couple of years ago, and honestly, we need to be doing this every few years as we imagine getting ourselves to a carbon-neutral building community by the year 2050.

We have to get to net zero energy and this is just basically a step along the way. The real breaking news of what we've got going on right now is that the state has finally caught up to what Santa Fe County instituted some time ago when we said you had to have a HERS 70. For the first time ever we now actually have a state that will enforce these rules that we incorporated in our Sustainable Land Development Code. Now that the state has actually acknowledged that you can achieve their standard by getting an ERI of 61 they will enforce something that we were never able to enforce before when we had our HERS of 70. So this is really something that is kind of overdue and it really is not that big of a deal. We make a big deal about it because it's a change to our codes but honestly, we should be back in front of you every two or three years ratcheting down that number from a 61 to a 50 to a 40 until it will ultimately get to a zero. Because what this is going to do to the consumer is mean eventually someday they won't have utility bills because we are actually building to a net zero standard.

So again, I commend you for taking this up. I commend the state for catching up to the progressive nature of what Santa Fe County has been doing and trying to do for some years. I also just honestly want to say that Santa Fe builders have been building to a 61 in the City of Santa Fe for a long time. This is not a big deal for Santa Fe builders and for those builders that are just coming to speed on how to do that, the Santa Fe Area Homebuilders Association stands ready to help any builder who struggles with how to get to a 61 to figure out how to do that in the most cost-effective manner as possible. And because of the great HERS rater that we have in our community, we know how to do this.

So Commissioners, again, I want to commend you for doing this and I hope that we get a confirmation on the approval of this this evening. So thank you very much.

CHAIR ROYBAL: Thank you, Mr. Shanahan. Okay, if we can have our next speaker.

MS.MASCARENAS: Mr. Chair, our next speaker is Mr. Joe Eigner.

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[Duly sworn, Joe Eigner testified as followed:]

JOE EIGNER: I live at 6 Verano Drive in Eldorado, unincorporated Santa Fe County. I am under oath.

CHAIR ROYBAL: Thank you, Mr. Eigner. Go ahead.

MR. EIGNER: Okay. Thank you, Chairman Roybal, members of the Board. I strongly support these proposed changes. It will bring the County into agreement with the best New Mexico and Santa Fe City construction standards. We all know we are faced with a climate crisis, one that threatens our planet. Existing future building operations are the fourth largest source of greenhouse gases in the United States, accounting for 11 percent. It is the one area that local governments, through building codes, can have real impact.

We must do better in new construction. New Mexico and the United States are committed to reaching zero emissions by 2050, in 29 years. Most new buildings will last that long; hopefully, much longer. Even if in each coming year we add only one percent to the number of the county's buildings, in 29 years that will be almost a third of all structures, so we really should make new buildings very, very energy efficient if we are to reach that 2050 goal. I have heard it expressed it this way: If you are in the bottom of the pit and want to get out, first thing – stop digging. Second thing – throw away the shovel. So let's stop building energy wasting structures and let's throw away building codes that allow it.

A final thought: many progressive communities throughout the country are doing much more. They have banned the use of natural gas in new buildings. Thousands of dollars are saved when gas piping is not installed. That money can then be spent on a new generation of energy efficient electric appliances, those with heat pumps. As an added bonus, structures without gas will have a healthier quality of indoor air. Thank you for your attention.

MS.MASCARENAS: Mr. Chair, our next speaker will be Christian Casillas.

[Duly sworn, Christian Casillas testified as followed:]

CHRISTIAN CASILLAS: My name is Christian Casillas. I live at 416 Catherine Place in Santa Fe, New Mexico. And I am under oath to tell the truth.

CHAIR ROYBAL: Thank you, Mr. Casillas. I did want to thank Mr. Eigner for his testimony as well. Mr. Casillas, go ahead.

MR. CASILLAS: Great. Thank you, Mr. Chair, Commissioners. I really appreciate the opportunity to talk tonight. I'm the director of policy and research and development for the Coalition of Sustainable Communities New Mexico, which Santa Fe County is a member as well as the cities of Santa Fe, Albuquerque, and Las Cruces. I really appreciate the thorough presentations and research given by the staff earlier tonight and for putting this ordinance before the Commissioners. Energy efficiency continues to be least-cost option for reducing utility bills and greenhouse gas emissions. Right now there's a critical bill moving through the legislature, House Bill 206, which seeks to help low-income families who haven't been able to pay their utility bills, while also setting up a Community Block Grant fund to scale up energy efficiency retrofits.

Many of these suffering families are likely living in poorly insulated homes with inefficient appliances. This ordinance is an opportunity to get this right on new buildings up front. It does low-income households no benefit to reduce upfront costs and build a less efficient home that will saddle their families with expensive utilities for the lifetime of the house, which may be 40 years, and the average person spends over 90 percent of their time in buildings. Unlike wealthier families who can commission the construction of a green

building, lower income families are left to choose from housing stock that may be built to minimum code requirements. Without stricter codes a lower cost builder might avoid technologies that will provide the future occupants significant long-term benefits.

Builders in Santa Fe like Homewise and others who've been doing a fine job constructing affordable homes for HERS 60 for years as Kim Shanahan mentioned, the Santa Fe County Housing Authority has been a leader in constructing highly energy efficient homes for the poorest community members. There is little evidence that increasing energy efficiency has anything but positive long-term benefits for the most vulnerable community members. I urge Commissioners to adopt this ordinance and continue to investigate ways to increase energy efficiency beyond state codes, as well as including water efficiency, and find ways to step out in front and be leaders in the community and cities for providing clear economic benefits to not only wealthy but low-income households through energy efficiency. Thank you very much to the Commission for your leadership on this ordinance.

CHAIR ROYBAL: Thank you, Mr. Casillas. Okay, can we get our next speaker?

MS.MASCARENAS: Mr. Chair, our next speaker is Miles Conway.

[Duly sworn, Miles Conway testified as followed:]

MILES CONWAY: My name is Miles Conway. I live 495 New Mexico 592 up in Rio en Medio, 87506 in the county, and I am under oath. Chairman Roybal, members of the Commission and to all the staff. Thank you for the many, many, many hours of hard work you've put into translating for all of us this ordinance and for the work you're doing here. We are the Santa Fe Homebuilders Association. I'm their executive officer. We now have around 400 members. And as folks before me have mentioned, we are well suited and prepared to build to this new code.

I live in Rio en Medio. My house was built in 1968. If I could have socked away the money I've spent on propane I could have paid for a year of university for my son. N question about it. I would have loved to have inherited one of these really efficient homes. Just to address some of the points the Commissioners have brought up, and if you look at the comments that our builders and the HERS raters, David Best who will speak in a few minutes here, have provided you will see that the amount of changes to go from a HERS 70 or higher home down to this new rating, this performance path that this ordinance contemplates, the changes are fairly minimal. And especially when you consider this is new construction. My house is going to take a lot of work to get to be really efficient.

But these new constructed homes, when you look at the kind of decisions you're making, the kind of mechanical equipment you're putting into them, and you spread those costs over 30 years, it's really going to be negligible and I don't use that word lightly. I think that as a working person people will be able to afford these homes if they're built correctly. So that's that return on investment.

The envelope of our homes has gotten so incredibly tight. The builders are doing a great job, and you're going to hear from a few more of them here after I've finished. And I commend the County for doing not only this but for the hard work you're doing on fixing our energy sector, because a lot of what we've done in the homes has been responsive to the fact that we're burning fossil fuels and we're pumping climate harming gases into the air. When the energy system starts to deliver 100 percent renewable energy, the whole operation is just going to get easier and easier. So thank you again, Chairman Roybal, members of the

Commission. I appreciate the time to testify and we certainly are in full support of passage of this ordinance. Thank you.

CHAIR ROYBAL: Thank you, Mr. Conway. Okay, can we get our next speaker?

MS.MASCARENAS: Mr. Chair, our next speaker was Bianca Belknap, but I understand that she has withdrawn from the list so our next speaker will be Saraswati Khalsa.

[Duly sworn, Saraswati Khalsa testified as followed:]

SARASWATI KHALSA: Mr. Chair and Commissioners, I am speaking on behalf of New Energy Economy, which is an environmental advocacy group in Santa Fe and we have several thousand subscribers across the state but mostly in Santa Fe. We stand in support of this ordinance, which we understand resulted from collaboration among many stakeholders, and we appreciate especially the Home Builders Association, this body and Commissioner Hansen, because we believe that strong building codes that promote energy efficiency are good for the climate, good for homeowners pocketbooks, and will serve as a model nationwide.

And I also want to echo the comments of Mr. Joseph Eigner about natural gas and encourage the Commission to go even further and ban natural gas in new buildings. I'm reminded of a metaphor that I heard earlier today in a legislative hearing that mirror on one of those old-timey wooden ships, and our ship is on fire. And when that type of ship is on fire, every person on board has to become a firefighter or else we won't survive. To me this is an example of that. In everything we do, in all of the decisions that we make, policy decisions, we all have to behave as if our house is on fire, because it is. Thank you.

CHAIR ROYBAL: Thank you. Okay, can we get our next speaker?

MS.MASCARENAS: Yes, Mr. Chair. Our next speaker is Bill Roth.

[Duly sworn, Bill Roth testified as followed:]

BILL ROTH: My name is Bill Roth. I live at 1713-A Montano Street, right next to the Acequia Madre, and I swear to tell the whole and complete truth.

CHAIR ROYBAL: Thank you, Mr. Roth. Please proceed.

MR. ROTH: I'm a licensed general contractor in Santa Fe, previous president of the Santa Fe Area Homebuilders Association and started building green homes the first time we were doing this in the early eighties, so I've been around doing this for quite a while. It's not hard to be a cost-effective green home. There are certain design decisions you can make as far as window placement, quality of the windows, the heating systems, your wall systems that all can be done in a rather economical fashion and still pretty much build to the market standard.

In regards to affordable housing, I'm on the – I'm the president of the Board of New Mexico Interfaith Housing. We're the ones building the Siler Yards project, and that is a net zero energy project. You were mentioning not using natural gas, that project is heated and cooled with heat pumps and has – I really wish I could remember what the size, the way is, but it really is a net zero project, and there's going to be about 60 very lucky tenants in those buildings that pretty much aren't going to have utility bills.

So, yes, you can build market rate homes affordably that are green and you can build affordable priced homes that are green. So I don't see any reason not to go this route and I'm on board with Kim. This needs to keep getting ratcheted down. The technology is getting cheaper to build this way and there's no reason not to just keep moving down the path to net

zero energy. Thanks for your time. Appreciate all your hard work.

CHAIR ROYBAL: Thank you, Mr. Roth. Just a quick question, Mr. Roth, and I could have probably asked one of the other builders as well. Can you achieve the ERI rating of 61 with 2 X 6 exterior walls?

MR. ROTH: You know, hypothetically, honestly, it depends on your mechanical system and your choice of windows and the amount of windows in it. I would redirect that question to David Best because he and Steve are the ones that point us in the HERS rating direction. I can say my current project with natural gas heating and their fairly robust walls is at a 49. So building to a low HERS rating is not difficult at all.

CHAIR ROYBAL: What are those exterior walls?

MR. ROTH: That's a 2 X 10 with just regular blown insulation. I've done 2 X 8 with blown insulation or you can do a 2 X 6 with a couple inches of Styrofoam insulation. So there's a whole lot of paths. I know that Habitat is using a 2 X 4 wall with two inches of foam insulation and they are building net zero homes. So there's an affordable builder that is literally building net zero homes and they are using [inaudible]

MR. SHANAHAN: Mr. Chair, this is Kim Shanahan. I can say unequivocally that yes. In 2007 and 2008 I was building 2 X 6 walls, blown in insulation, R-22 blown in insulation and we were getting our HERS ratings in the mid-50s. And that was in 2007. So no problem at all getting to 61 with 2 X 6 walls.

CHAIR ROYBAL: Great. Thank you for answering that, Mr. Shanahan, and Mr. Roth, thank you as well. Okay. Can we get our next speaker, Tessa?

MS.MASCARENAS: Artemisio Romero y Carver.

[Duly sworn, Artemisio Romero y Carver testified as followed:]

ARTEMISIO ROMERO Y CARVER: My name is Artemisio Romero y Carver. I live at 20-H Chabacanos Canyon, Lamy, New Mexico. And I consent to being under oath in my testimony.

CHAIR ROYBAL: Go ahead, Mr. Romero y Carver.

MR. ROMERO Y CARVER: So my name is Artemisio. I'm a spokesperson for YUCCA, Youth United for Climate Crisis Action. We're a youth-led climate justice organization with membership throughout Santa Fe County. First, I want to thank the Commission and the Chair for this opportunity to speak in favor of the proposed ordinance. I ask the Commission let science be your guide on this decision. As you are probably very well aware, we have just nine years before 2030, the deadline scientists have set by which time we need to have dramatically cut our carbon emissions in order to prevent catastrophic climate change.

Already we've seen a year of devastating storms, heartbreaking wildfires and temperature drops that have literally had birds falling from the sky and Texas residents freezing to death. In this context we need any and all action to reduce our emissions. The building code addresses the energy envelopes of our built environment and are a critical piece. We appreciate that the County is aligning itself with state standards, some of the best in the country in pushing our building community to do the absolute best that we can. We know that the work to address climate change requires work, sacrifice and ingenuity and we appreciate everyone's leadership to make these important changes. Thank you. I yield my time.

CHAIR ROYBAL: Thank you, sir. Can we get our next speaker, please?

MS.MASCARENAS: David Best.

[Duly sworn, David Best testified as followed:]

DAVID BEST: My name is David Best. I live at 2829 State Highway 14 in Madrid, and I understand that I'm under oath.

CHAIR ROYBAL: Thank you, Mr. Best. Please proceed.

MR. BEST: Most of what needed to be said has already been said so I'll keep it brief. I just want to emphasize that as has previously been stated, there are different ways to achieve a good ERI score and not all of them cost money. One example is reducing excessive window areas or eliminating skylights from a home will greatly improve the energy efficiency of that home and improve the ERI score. In my experience as a HERS rater working with builders in the City of Santa Fe and in Santa Fe County for the past several years I've seen that modest homes have a much easier time achieving a good HERS rating or ERI score than luxury homes do.

So I think the builders who will be most challenged by this new code are those building more expensive homes which tend to have large windows and generally be large energy consumers due to their design and luxury features. I also want to point out that there are a lot of mandatory requirements in the new 2018 IECC that builders can't opt out of and those are going to be challenging sometimes and they're also going to help improve energy ratings in Santa Fe County. So once builders are complying with those new mandatory requirements having to do with energy efficiency of domestic hot water systems for example they're going to be in a much better position to meet that ERI of 61. Also air leakage – there's an air leakage requirement.

And yes, finally, it is possible to still build with a 2 X 6 wall. It's a complicated equation. It all depends on window areas, equipment efficiency and so many factors that there's no strict requirement that you improve one particular building component. There are always a lot of paths. Thank you very much.

CHAIR ROYBAL: Thank you. Thank you for the information, Mr. Best. Can we get our next speaker, please?

MS.MASCARENAS: Mr. Chair, that was our final speaker that has signed up.

CHAIR ROYBAL: I heard a voice. Go ahead.

MS. MAESTAS: I had signed up. My name is Mary Ann Maestas.

[Duly sworn, Mary Ann Maestas testified as followed:]

MARY ANN MAESTAS: My name is Mary Ann Maestas. I live at 7129 Calle Jenah, Santa Fe, New Mexico 87507, and I swear that I am under oath and ready to testify. Thank you, Mr. Chair and members of the Commission, my name is Maryann Maestas and I am here on behalf of Earth Care. Our organization has been here in Santa Fe County for 20 years now and we wanted to thank you for the move to amend the land development code to reflect the more stringent building codes, and we were actually involved in the development of the new building codes back in the day of the Sustainable Santa Fe Commission and we really understand how important it is to reduce the carbon footprint of our built environment. And we know that there will be thousands of housing units being built in the next couple of years so this is an important opportunity to pass a measure that more positively impacts the climate.

In addition, I want to point out that reducing people's energy use also reduces their energy bills. Earth Care coordinates the Santa Fe Mutual Aid network and we have hundreds

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of members who are struggling to pay their utility bills right now and they really are energy burdened, meaning that they spend more than 30 percent of their monthly income on energy costs, and we need to expand the benefits of energy efficiency to everyone in Santa Fe and getting it addressed in the construction phase is a great way to do that. We would like to encourage the County Commission to continue bringing forward sustainable and equitable measures for all Santa Fe County residents. So we appreciate this work and want to encourage you all to vote in favor of this ordinance. Thank you.

CHAIR ROYBAL: Thank you, Mary Ann. We appreciate it. So that is our last speaker, correct?

MS.MASCARENAS: I believe so, Mr. Chair.

CHAIR ROYBAL: All right. So are there any questions or comments from the Commission? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair, and thank you to all the speakers who came to speak in support. It is heartwarming to hear what a well educated building community that we have in New Mexico. And with that I would like to make a motion to approve an ordinance amending the Sustainable Land Development Code, Ordinance No. 2016-9, to amend the reinstated Section 7.2 to include the latest adopted codes, and to amend and reinstate Section 7.14 concerning energy efficiency to, among other things, require new structures to comply with specified pathways in the 2018 New Mexico Residential Conservation Code, and the New Mexico Commercial Energy Conservation Code, and remove the whole house mechanical ventilation requirement for residential structures.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen and a second from Commissioner Hamilton. Under discussion, is there any other comments or questions under discussion from Commissioners?

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: I would like to thank staff for bringing this forward and the Commission as well. I appreciate all the work that staff did. And to all the speakers, thank you for hanging in there with us tonight. And on a personal note, Kim Shanahan, thank you for hanging in there. He actually does good for the community, and I appreciate Kim speaking on this behalf.

One of the things that people don't realize, PNM has a \$171 million bill closing out the Farmington plant. So all the utility ratepayers, we're going to absorb that rate. So we'll start seeing that. So this actually helps out with that and I think this is good. It will take a little bit of time for people to realize. Change is hard but change is good for the environment. Thank you, Mr. Chair.

CHAIR ROYBAL: Yes, sir. Thank you, Commissioner Garcia. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just wanted to say I think this is a very important step. It's one step along the way of a very long journey and I know the County has taken a lot of steps prior to my joining the Commission and I hope we can take a lot more towards reducing our impact on the climate. I really want to thank the speakers who came tonight, and also the staff for working on getting this ordinance together.

Thank you, everyone.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Okay, so we have a motion and a second. Roll call, Clerk Clark.

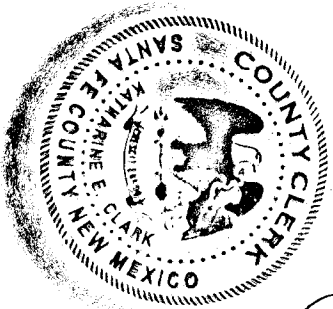
Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

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

**13. CONCLUDING BUSINESS**

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

Upon motion and second, and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 8:37 p.m.



ATTEST TO:

KATHARINE E. CLARK  
SANTA FE COUNTY CLERK

Approved by:

Board of County Commissioners  
Henry Roybal, Chair

Respectfully submitted:

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

SFC CLERK RECORDED 05/13/2021