

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
June 29, 2021

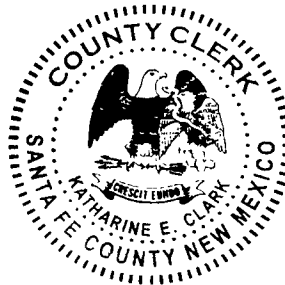
Henry Roybal, Chair - District 1
Anna T. Hamilton, Vice Chair - District 4
Rudy Garcia - District 3
Anna Hansen - District 2
Hank Hughes - District 5

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for
Record On The 3RD Day Of August, 2021 at 08:31:28 AM
And Was Duly Recorded as Instrument # **1961349**
Of The Records Of Santa Fe County

BCC MINUTES
PAGES: 64

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



SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

June 29, 2021

1. **A.** This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:40 p.m. by Chair Henry Roybal in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

Commissioner Henry Roybal, Chair
Commissioner Anna Hamilton, Vice Chair
Commissioner Rudy Garcia
Commissioner Anna Hansen
Commissioner Hank Hughes

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 Jennifer Romero of the Community Services Department

Commissioner Garcia requested a moment of silence for Benito Martinez, son of former County Assessor Benito Martinez, and for Chanelle Chavez, Irene Trujillo, and Priscilla Lovato.

Commissioner Hansen requested a moment of silence for long-time Agua Fria Village resident Melinda Romero Pike.

F. Approval of Agenda

CHAIR ROYBAL: Are there any changes to the agenda, Manager Miller?

KATHERINE MILLER (County Manager): Mr. Chair, we posted the agenda a week ago, seven days prior, on June 22nd at 5:10 pm, and then we amended the agenda on Friday, June 25th at 5:03 pm. The amendments on last Friday were item 5. D, on the Consent Agenda, the letter was updated, there's an updated document in BoardDocs with a signed letter.

Then under Miscellaneous Action Items, item 6. D, that item we uploaded an additional document that's a supplemental medical and malpractice memorandum. On Miscellaneous Action Items 6. F, this item for the final budget resolution, that item was added as is the presentation in BoardDocs, and then under Presentations, item 7. A, the presentation was also uploaded into BoardDocs.

And then under Matters from the County Manager, item 9. B, that item for the Fire Marshal burn ban was also added and the documents were added in BoardDocs. And those are all of the amendments I have to the agenda.

CHAIR ROYBAL: Okay, so those items were additional, correct?

MANAGER MILLER: Mr. Chair, they were either – just the documents that were added to the BoardDocs. A lot of them, the agenda item was on there but we added materials to the Board packet on Friday. The only actual items that were added, agenda items that were added in Friday were item 6. F, that item was added and the documents were added, and item 9. B. That item was added including additional documents. The others were just additional documents were loaded into BoardDocs for the public and for the Board.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Okay, so, Commissioner Hamilton.

COMMISSIONER HAMILTON: Move to approve the agenda, recognizing those changes or updates.

COMMISSIONER HANSEN: I'll second that.

CHAIR ROYBAL: And a second from Commissioner Hansen. That was including the amendments as well. Correct, Commissioner Hamilton?

COMMISSIONER HAMILTON: Yes.

CHAIR ROYBAL: Okay, so we have a motion and a second.

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

[Chair Roybal read the item captions throughout the meeting.]

2. RECOGNITIONS

A. Santa Fe County Employee Years of Service and New Hire Recognitions for June

CHAIR ROYBAL: Okay, so we have our County Manager, Ms. Katherine Miller, and these are recognitions.

MANAGER MILLER: Thank you, Mr. Chair. Under recognitions for employees, the first item is new County employees and although it may not feel like we have many more, these are new hires in the month of May. We usually report them at the end of the following month. Everybody that was a new hire in the previous month, so for

from May 1st to May 31st, we had approximately 12 new employees. In our County Manager's Office/Legal Department we have Kevin Lockhart. He is a new Assistant County Attorney. In our Growth Management/Land Use Department, we have a new Senior Planner, Patricia Hendren. In the Fire Department we have two new Forestry Techs, Brandon Chaverria and Devon Rogers. Also in the Public Safety, in our Dispatch, we have some new communication specialist trainees, and that's Katherine Otero, Amanda Romero, and Jenna Rivera. And then in Public Works, Project Manager 3, Jeremy Martinez. And also Curt Temple, also a Project Manager 3.

In our Sheriff's Office we have two new Sheriff Deputy level 3 – Viola Fernandez and Tanner Tixier. And then in the Treasurer's Office, a new customer Service Program Specialist, Victor Vigil.

So I'd just like to welcome those individuals to Santa Fe County and hope they enjoy being part of the team.

CHAIR ROYBAL: Thank you, Manager Miller, and I just want to say congratulations to our new hires and welcome aboard. We look forward to working with you. Any other comments from the Board? Seeing none, we can go on to our next item.

MANAGER MILLER: Mr. Chair, we also recognize individuals who've had continuous years of service in five-year increments when they hit their anniversary. So in the month of June we had in the Bureau of Elections in the County Clerk's Office, Joseph Sanchez, on June 27th, hit five years of service. In our Corrections/Adult Facility, we had both Christopher Bradley and Armando Trujillo hit their ten years of service on June 1st and June 7th respectively.

Then in our Health and Human Services, Community Services, we had Gerald Jimenez who hit ten years, and he's in our Senior Services as well as in our home-delivered meals, Senior Services, Jonathon Pacheco, also hit his ten-year anniversary this past weekend. And then in the Fire Department, Samuel Patty, on June 16th celebrated 15 years of service. So I'd just like to congratulate them and thank them again and thank them for their continuous service to Santa Fe County and its residents.

CHAIR ROYBAL: Thank you, Manager Miller. I couldn't agree more. I just want to say congratulations and thank you for your dedicated service to the constituents of Santa Fe County. We really appreciate you guys every day. Any other comments?

COMMISSIONER GARCIA: Mr. Chair, just a segue to what you just said. Just thank you for working for Santa Fe County, for the government, for the people, because we are here to serve our constituents throughout Santa Fe County. So thank you for your years of service, Mr. Samuel Patty. I don't know if there's any relation to Buster Patty.

COMMISSIONER HAMILTON: Uncle. He's Dennis Patty's son.

COMMISSIONER GARCIA: Oh, good. Buster Patty is actually an individual who worked for the Fire Department here for Santa Fe County for many, many years. He was at Santa Fe County so I'm sure Mr. Samuel Patty has some good expertise that comes from Mr. Buster Patty. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia, for recognizing that.

2. B. Presentation by Jane Freeman and Linda Flatt, the Food Depot, on the Annual Neighbor to Neighbor Food Drive and Celebrating 10 Years Together

COMMISSIONER HAMILTON: Did you actually have a presentation?

LINDA FLATT: I just wanted to say a few words.

COMMISSIONER HAMILTON: Oh, good. Please come up to the microphone. Several of us have worked with you for years – myself, Commissioner Hansen, we've worked interactively to help this incredible community service go forward, and this is a big anniversary which is why we're jointly wanting to just recognize this and sponsor it again. We're very grateful that you guys came to give us this presentation at the beginning so that our community can get informed for this year about what you all are doing. What you do for the community is a really big service. I know all of us up here are all so supportive of that and grateful for all your efforts.

MS. FLATT: Thank you, Mr. Chair and Commissioners. Once again, I want to thank all of you for inviting us here to be able to know that the resolution for this year for the tenth annual Neighbor to Neighbor Food Drive is moving forward. We're very proud this year because it is a special year. We've done this for ten years. This is the tenth year. It's amazing. Last year we had to do things a little bit differently because of the COVID, as all of us have, and we ended up doing a fundraising effort rather than food and fund, and we were very proud to have raised – let me back up a minute. Normally, it is the third Saturday in September because September is National Hunger Month recognizing the seriousness of hunger nationally. And nationally, they encourage small communities and cities to participate and to be a part of this.

That's kind of how we started ten years ago. I started it by myself, started contacting neighborhoods and the first year we had 14 neighborhoods and I thought it was awesome. Last year, thank you to everyone who participated in all the neighborhoods we had 128 neighborhoods. The year before we had 170, but that was because of COVID a lot of communities were unable to participate. We raised \$171,000 which is an equivalent, if you were to put it in pounds for the Food Depot to be able to distribute would be over 850,000 pounds of food. So we have grown.

Fortunately I have six other people, volunteers, women who have stepped up and it has been a tremendous relief for me over the years to gather more help, which I needed. We work directly with the Food Depot. We are not a part of the Food Depot but we are the largest food drive and fund drive for northern New Mexico. I wanted to introduce one of my teammates this year, Mary Ferguson. She joined us this year so I'm so happy to have her as well as five others. Jane Freeman has been worth me; this is her fourth year, and Therese Prada has been here with me two years. Susan Quintana has joined us this year. Gail Raker is back for a second year, and Melinda Price is also joining us. So it really makes a difference.

This year our goal is – I hope – to get to 150 communities and neighborhoods again, and of course to up the ante from \$171,000. I would at least like to get to \$190,000. I'm pushing for \$200,000 if we can do it. So it is very important, I think, to the community because we really do benefit and support totally the Food Depot and what they do. They actually have nine northern counties that they help with agencies, 145

agencies throughout those nine counties, and with that they have done amazing things.

During the COVID last year they, in April – I’m going to just use that as a sample – they serviced and gave over 800,000 pounds of food out because there was that much of a demand. This year it has backed off a bit but it still is a tremendous important thing to be able to support the Food Depot and I feel that the Neighbor to Neighbor Food Drive and fund drive really is able to make a big dent in what they need.

And I thank you again for bringing the resolution forward. Thank you for always being supportive. It makes a big difference to us and it feels really good to know both the County and the City do support us and help us with that effort. I thank you.

CHAIR ROYBAL: Thank you. Are there any questions from the Commission?

COMMISSIONER HAMILTON: Those numbers are just amazing and you guys should just be so proud. It’s so amazing how much you’ve built up over the years and how much effort it takes, but that is such a significant contribution to the area where people need to eat and need to eat every day. That’s just an amazing gift. I know Commissioner Hansen is equally committed to supporting this throughout the years.

COMMISSIONER HANSEN: Thank you, Commissioner Hamilton, Mr. Chair. Thank you, Commissioner Hamilton. I’m happy to sponsor this resolution with her and it’s so important. Hunger is one of the major issues that New Mexico faces and we are a poor state. So during the pandemic it made me just so happy to see the amount of food that could be distributed to people who were in need. This is a very, very important food drive, so we’ll do everything we can to help you reach that \$200,000 goal. Yes. Because that’s what we need and I look forward to working with you again.

MS. FLATT: Thank you so much, both Annas you have been - and Henry. All of you have been just wonderful. I get to know the two new gentlemen hopefully and I appreciate all the help that you guys give us. Thank you so much.

CHAIR ROYBAL: Absolutely. Thank you and thank you, Commissioner Hamilton and Commissioner Hansen for the great words. I just want to congratulate and just say the Neighbor to Neighbor Food Drive and also the Food Depot, I can’t express my gratitude and appreciation for what you do for Santa Fe County and the decade of service is a great thing. But it comes from your hard work to make sure it keeps going. You’re the heroes here, so thank you so much for keeping that going. If we could just have a round of applause please. Thank you, Commissioners.

3. APPROVAL OF MEETING MINUTES

A. Request Approval of the May 18, 2021, Board of County Commissioners Special Meeting Minutes

CHAIR ROYBAL: I’m going to go to Commissioner Hansen. I know she has changes. She checks these very closely.

COMMISSIONER HANSEN: Thank you. I don’t have any changes on this set but on the next. So I will make a motion to approve the May 18th Special Board meeting minutes.

COMMISSIONER HUGHES: I’ll second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen, a second from Commissioner Hughes.

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

4. B. Request Approval of the May 25, 2021, Board of County Commissioners Regular Meeting Minutes

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So I have given my changes to Karen, the stenographer, and with that I move to approve with changes.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hansen with changes.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: And the second is with the changes as well, right, Commissioner Hughes?

COMMISSIONER HUGHES: That's correct. Second with changes.

CHAIR ROYBAL: So we have a motion and a second. Under discussion, is there anything else?

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

4. APPOINTMENTS/REAPPOINTMENTS

A. Appointment and Re-Appointment of Members to the Santa Fe County Ethics Board

CHAIR ROYBAL: From the County Manager's Office we have Ms. Lisa Katonak.

LISA KATONAK (County Manager's Office): The primary role of the Ethics Board is to enforce the County Code of Conduct. If after a hearing before the Ethics Board it finds an elected/appointed official or a County volunteer to have violated any provision of the Code of Conduct the Board may impose any of the following penalties after the entry of written findings of fact and conclusions of law, civil fine, not to exceed \$300 or a written finding of censure, or a referral to the district attorney, or appropriate governmental office for commencement of criminal or other proceedings.

The Santa Fe County Ethics Board is comprised of five board members who are appointed by the Board of County Commissioners. Members shall not be affiliated with County government in any capacity, including but not limited to employment, appointment, election or serving as a volunteer. Members of the County Ethics Board may not hold elected public office or office with any political party within the county. Each member shall serve a two-year term subject to reappointment thereafter. The Ethics Board meets and the call of the Ethics Board chair, which is not more frequently than monthly, and not necessarily every month.

Staff received applications from board member Carol Thompson and board member Michael Rosanbalm seeking reappointment to the Ethics Board to continue to

serve. Staff also received one resignation from board member Peter Dodds who was unable to serve his second term. Staff also received one resignation from board member Linda Ramos who completed two terms and was retiring from her position in state government and relocating out of state. Board member James Hayes served one term and has not shown interest in being reappointed at this time or continuing to serve on the Ethics Board.

County staff advertised for the recruitment of volunteers to serve the Santa Fe County Ethics Board on May 19th and we received an overwhelming response with a total of 16 applications. One applicant has since withdrawn their application, and each applicant submitted the application requirements which is a letter of interest, a résumé, and a 2021 conflict of interest financial disclosure form. Staff conducted interviews with the applicants and so staff now recommends the appointments of Mr. Gregory Coplans, Ms. Judith Kaye, and Ms. Janelle Maison, and the reappointment of Ms. Carol Thompson and Mr. Michael Rosanbalm, each to an at-large position on the Santa Fe County Ethics Board. All five board member positions would have a term beginning June 29, 2021 terminating June 29, 2023. I stand for questions.

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

COMMISSIONER HANSEN: Thank you, Lisa, for all your work on this. People who serve on the Ethics Board are incredibly important. I read these people's résumés and they all looked really highly qualified. So thank you for making that selection and doing the work of interviewing these people and with that, can I move to approve all of them at one time, Mr. Chair?

CHAIR ROYBAL: Yes, I think that would be fine.

COMMISSIONER HANSEN: Okay, so I make a motion to approve Carol Thompson, Michael Rosanbalm, Gregory Coplans, Judith Kaye and Janelle Maison.

CHAIR ROYBAL: Okay, so I have a motion from Commissioner Hansen.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: And a second from Commissioner Hamilton. Under discussion, anything under discussion? Questions?

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Ms. Maison actually before she retired worked for the Legislative Council Services for the State Capitol. Very good choice. Good institutional knowledge of what the Ethics Board should actually handle. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I couldn't agree with you more. I think staff did a great job with the recommendations. They all had very impressive résumés. So thank you for that, Commissioner Garcia. Any other questions? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair, and Lisa, thank you for the hard work. So now that we will in a few minutes have a full Ethics Committee – I think we're going to have them meet in the next little while and work on the review of the Code of Conduct and get that finished up.

MS. KATONAK: Yes, that is correct, Commissioner Hughes. Thank you.

COMMISSIONER HUGHES: Thank you very much.
CHAIR ROYBAL: Any other questions? We're good?

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

5. CONSENT AGENDA

- A. Final Order in the Matter of BCC CASE #16-5280, Oshara Conceptual Plan Amendment G.E. Richards Property, LLC, Applicant, Santa Fe Global Partners/Arroyo Hondo de Santa Fe, Jenkins Gavin, Inc., Agent, Requested Conceptual Plan Approval to Amend the Previously Approved Oshara Subdivision (735 Dwelling Units on 470.62 Acres) in Order to Reduce the Estimated Commercial Square-Footage in Future Phases from 1,321,000 Square-Feet to 303,330 Square-Feet, Eliminate the Employment Center Zone in Phase 2, Eliminate the Institutional Campus Zone, Increase the Number of Dwelling Units to 855 from 735, Reorganize the Phasing Plan from Six Phases to Five, to Have Five Sub-Phases in Phase 2 (to Create a Nine (9) Phase Development), and to Amend the Proposed Source of Sewer Service. The Property is Located in the Community College District, Within a Planned Development District, East of Richards Avenue and South of Rabbit Road, Within Section 16, Township 16 North, Range 9 East (Commission Districts 4 and 5) (Nathan C. Manzanares, Case Manager) (Approved Unanimously 5-0)**
- B. Request Approval of County Health Care Assistance Claims in the Amount of \$5,400 (Community Services Department/Jennifer Romero)**
- C. Request Approval of Amendment No. 1 to Agreement No. 2016-0102-CM/BT between Santa Fe County and Frank Mancuso, Jr. (Public Works/Scott Kaseman)**
- D. Resolution No. 2021-058, a Resolution Confirming and Ratifying the County Manager's Acceptance of the Enhanced 911 Act Grant Program Award No. 22-E-11 (Finance Division/Yvonne S. Herrera and RECC/Vanessa Marquez)**
- E. Request (1) Approval of a Four-Year Term Agreement No. 2021-0158-CSD/BT Between Santa Fe County and Behavioral Healthcare Services, Inc. dba New Mexico Solutions in the Amount of \$1,600,000, Inclusive of NMGRT, to Provide Full Operational Services of the Behavioral Health Crisis Center, and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Alex Dominguez)**
- F. Request (1) Approval of Amendment No. 2 to Agreement No. 2019-0216-FIN-KE Between Santa Fe County and REDW, LLC for Financial and Compliance Audit Services, Extending the Term for an Additional Year and Increasing the Compensation by \$106,796.25, for**

SEC CLERK RECORDED 08/03/2021

a Total Contract Sum of \$320,946.50, Inclusive of Gross Receipts Tax, and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Finance Division/Yvonne S. Herrera)

G. Resolution No. 2021-059, a Resolution Imposing an Annual Liquor License Tax Upon Persons Holding State Liquor Licenses.(County Treasurer's Office/Jennifer Manzanares and County Treasurer's Office/Patrick Varela)

CHAIR ROYBAL: Is there anything on the Consent Agenda that any Commissioners need additional explanation?

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Item number C.

CHAIR ROYBAL: Item number 5. C. Okay. And did you want that pulled or did you want to ask a question in regards to that, Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, if Manager Miller could actually help me out with it.

MANAGER MILLER: Mr. Chair, Commissioner Garcia, the County bought half of Canyon Ranch. The utility line that goes to the other half goes through our portion. So when Frank Mancuso purchased the other parcel, the other half of the ranch, we issued a temporary utility easement to their property and that's how they receive their power. They have an option in that temporary easement agreement to renew it and this is a renewal of it through March 2025. So it's just a renewal of an easement they currently have and it's for their electric utility. It goes – when it was one property, when it got divided and the County purchased half it just happens to cross. The utility line originates through our portion and into their property to their wells and their houses.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Manager Miller. So this is just extending the temporary easement, correct?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, yes.

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

CHAIR ROYBAL: Okay. Thank you, Commissioner Garcia.
Commissioner Hamilton.

COMMISSIONER HAMILTON: I just wondered – I have no desire to pull it off; it belongs there, the resolution regarding the drought and the ban for fireworks. I just wonder if it might be possible to have either Chief Lindsey or Fire Marshal Blay say a few words after we do the vote on it, just so that it can be on the record. Is that an appropriate thing, Manager Miller?

MANAGER MILLER: Mr. Chair, Commissioner Hamilton, that is actually on the –

COMMISSIONER HAMILTON: Oh, Miscellaneous Action Items. I'm so sorry. I was scanning down.

MANAGER MILLER: Yes. It's further down on the agenda.

COMMISSIONER HAMILTON: I wondered why it was on Consent.

MANAGER MILLER: We'll let you have plenty of conversation about

that.

COMMISSIONER HAMILTON: It's really bad to start confusing yourself.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hamilton. Commissioner Garcia, did you have anything else or was that it?

COMMISSIONER GARCIA: No, Mr. Chair, Manager Miller. So once again, if they want a permitted easement they'll need to come back to the County Commission?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, yes. And there's also provisions in their agreement that say that I think the permanent easement they would then bury the line as well.

COMMISSIONER GARCIA: Thank you. That's where I was going. Thank you, Mr. Chair.

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

COMMISSIONER HUGHES: Thank you, Mr. Chair. Just on item E, which is the New Mexico Solutions contract for the behavioral health crisis center. I think this is just such an important issue. I was hope that maybe after the center has been up and running for a few months we could get a report on how it's going. I just think that it's just that important.

CHAIR ROYBAL: Great suggestion, Commissioner Hughes. Any other questions or comments from the Board? Okay. What's the pleasure of the Board?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to move to approve the Consent Agenda.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen to approve the Consent Agenda. Do I hear a second?

COMMISSIONER HUGHES: I'll second.

CHAIR ROYBAL: A second from Commissioner Hughes. Any else under discussion? Seeing none.

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

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

6. MISCELLANEOUS ACTION ITEMS

A. Resolution No. 2021-060, a Resolution Establishing Procedures for the Orderly and Uniform Administration of the Santa Fe County Process for Road Improvements

RYAN WARD (Public Works Department): Good afternoon, Chair. Good afternoon, Commissioners. This is one that I've been excited about bringing back to the BCC. We did do a presentation on this months back. In the actual – this road policy

improvement plan is – if Daniel could bring up the presentation if you would. I'll read over the issue real quick just to give a little bit of background.

Santa Fe County currently has no formal procedure that quantitatively establishes road improvement needs for County-maintained roads. The need to administer funding consistently across the county when selecting road candidates for surface improvements is critical to providing community connectivity through infrastructure. The background of this is the purpose of the Santa Fe County Road Improvement Policy is to provide a formal procedure that removes individual or community bias from the process of improving transportation infrastructure or specifically the driving surface of the roadway. This policy will use a series of analytics to target roadways that would benefit the most from surface improvements.

The intent of the roadway improvement policy will be to consistently assess and rate Santa Fe County roadways to maximize the use of available funding and resources, ultimately improving the roadways with asphalt pavement or chip seal.

I do have a presentation to share. So I'll touch a little bit on the purpose of the road improvement policy to basically set up a formal procedure basically taking dirt roads to paved roads and to improve that infrastructure and that's the overall intent of this. A few things that I would like to touch on before we move through the presentation, I feel like it's important for the Commission to know. Typically it costs between \$400,000 and \$1,000,000 per mile. That includes right-of-way easement acquisition. That includes materials. That's if we put it out for bid to contractors. Obviously if we do some of these projects in-house which our roads team has been pretty amazing doing those in-house. We do save quite a bit of the funding. But the paving is an expensive alternative in comparison to unpaved roads, which can be maintained for around \$3,000 per mile.

Paved roads allow for higher vehicle flows. They reduce weather-related delays. They promote activities that improve local economic development and reduce the amount of maintenance required by County staff. The average daily traffic typically used to justify paving an existing roadway generally ranges from 50 to 500 vehicles a day. Traffic volumes alone only account for one critical element of the equation. So I wanted to kind of just go over that just briefly because I think it's always important to know, when costs are involved, what those costs are and how we can improve those things and plan for those.

The intent, as I mentioned, of the roadway policy will be to consistently assess and will rate roads. We'll have an actual priority list for all dirt roads so that we can visibly see where those are at. We'll have a spreadsheet where we can look through those roads and their priority. And one note that I had at the bottom is the Transportation Advisory Committee actually approved this on November 18, 2020.

So the critical things in establishing the priorities to actually score and analyze each dirt road will be these minimum requirements: traffic volume, as I mentioned, which is the average daily traffic volumes. We actually do most of those counts in-house. So out of our Traffic Operations Division we have a group that actually goes out, sets up counters and takes 24-hour counts of the vehicle traffic out there where we can classify different types of vehicles as well, so any kind of truck traffic, standard traffic – we look at those things.

The next thing is route classification, so the functional classification system that's defined by the SLDC, that's one thing that's taken into account. Also one of the critical pieces is how often do we go back and do we need to maintain a road? So when we go out there we have a lot of roads and I know all the Commissioners are well aware of roads in your district that actually have some repetitive maintenance that we do and a lot of that stems from the material that's available and the material that's actually on the roadway, where we get some wash-boarding and we get some muddy instances that's tough to transverse that road.

And then the other factor is safety. So safety is one of the critical things that we look at when we're going to make these determinations and that could be things as simple as looking at this route – is it a school bus route? Is there some drainage issues that at times when we have severe rains or inclement weather that it's difficult for citizens to get out of the road, and so that's one of the other things too that we look at.

And then the scores will be between one and a hundred. That's the way the priority index is set up so zero to a hundred, obviously the higher the score the more the road would be evaluated and looked at for funding. And so that's how it's kind of structured.

The priority index example is one that we use to basically look at those four different areas of analytics. You can see how this one is scored is an 84, and various things were taken into account. One of the critical things you'll see which I've mentioned was the average maintenance cost yearly, and so we look at that and that includes staff time. That includes vehicle use. That includes fuel. So all those things are calculated into that to come up with a cost. The other aspects that you'll notice up there with the traffic volume factor. Obviously as the traffic goes up – you're looking at the 400 to 1,000 cars a day range – you see kind of where the breakpoint is as you start losing volume of traffic those points go down. So it's consistent throughout this, but this is the actual index that we'll use to rate those roads and to score those roads.

I'll go over one more thing before I answer any questions. I just wanted to make sure that the Commission was well aware of next steps and the planned implementation. So once approved, the Public Works Department will begin data collection, which is those traffic volumes, looking at some of those analytics and start to collect that data. A lot of the roads already have ADT volumes collected so we're head of the game on some of this. But we will start collecting the data for the ADTs, as I mentioned. We'll assess early maintenance cost averages and safety risk. We'll generate an all-inclusive roadway list that's prioritized using the new scoring format that I'd mentioned. But the one key critical thing and I need to just say thank you to our GIS group. They've been amazing working with us and building this and ultimately the picture that you see there is a GIS-driven shapefile that we will have all of the dirt roads color-coded based on the scoring. So it's an easy way and an easy tool that everyone can use to kind of see where those roads rate in each district. So I just wanted to say thank you to our GIS group for working with us on this. And I'll stand for any questions.

CHAIR ROYBAL: Okay. Thank you, Mr. Ward. I do want to say I appreciate you recognizing the GIS Department for their hard work. A lot of times they put these maps together and they don't get the recognition sometimes they should. So I appreciate that. Any other comments? Commissioner Hamilton.

COMMISSIONER HAMILTON: Just a quick comment. It's just a great idea to have the maps with the overlays with the roads marked out by color-coding by the score ranges. That's really easy to relate to and utilize.

CHAIR ROYBAL: Again, the nice thing with GIS is they can populate the attributes. It's a very cool tool. Any other questions or comments? Commissioner Hughes, and then I'll go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I think this is a great idea to use the scientific methods to decide which roads need the work. The notion I was just curious – and it's okay if you don't know the answer to this, but I was just wondering if there was an idea of how many miles of road Santa Fe County would be planning to pave in the next year.

MR. WARD: Mr. Chair, Commissioner Hughes, in the next year, our usual target is about – I think we targeted 24 miles of roadway last year. Last year we did 26.5, somewhere right in there. So we try to target at least that yearly. So we have – I think there's 555.21 miles across the county; 290 approximate miles are paved now. So we have that difference in unpaved, dirt roads. So there's a significant – it's not quite half – but there's a significant volume of roads that would be candidates for paving, depending on the priority index.

COMMISSIONER HUGHES: Okay. Thank you very much. That's all for me, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Any others? Commissioner Hansen, I'll go to you next.

COMMISSIONER HANSEN: [microphone is off]

MR. WARD: Mr. Chair, Commissioner Hansen, we did work with that group in the sense of how we structured this. This was mainly a conversation with the TAC committee and looking at the engineering principles and so we are using what's in the SLDC as far as the functional classifications, so that is tied back to that. So when we're looking at a road, that's if it's an arterial, a collector, a local road. So those factors are factored in. So we are using the SLDC in regards to that.

COMMISSIONER HANSEN: [microphone is off]

MR. WARD: Yes. We made sure it did relate in the various analytics that ties to that, so we did vet that.

COMMISSIONER HANSEN: I did not have my microphone on. I'm sorry. I hope that you heard me. That's all I had for right now.

MR. WARD: Thank you.

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

COMMISSIONER GARCIA: Thank you, Mr. Chair. The reason why Chairman Roybal said GIS, he and I started working here for the County back in – when there was GIS, 30 years ago. We actually literally had tax maps and we actually used to with EPNs create parcel and try to do the roadways based off of aerial photography. But since then it's come a long way. Sometimes scientific actually may not work all the time though, because when you look at something from the satellite and you actually go out there on the ground, it's a lot different. We're getting to that technology which is great.

One of the things is the existing data. I know there's a lot of existing data out there on some of the existing roads so we just hope that we don't reinvent the wheel because I know Johnny Baca and his crew – you see those car counters all the time on the County roads. If we could please look at that, that'd be great.

So your presentation number 2 is arterial roads, collector and local roads, and as Commissioner Hansen mentioned talking in regards to the SLDC. So my question is if you have a local road that actually handles – I think it's less than 400 –

MR. WARD: Yes, less than 400.

COMMISSIONER GARCIA: What if that local road is actually a major arterial? It needs to be upgraded. So if you follow the SLDC rules that means that road now needs to be a wider driving surface as well as the width. So if there is County roads in all of our districts that don't meet the SLDC standards, how are we going to work that into the equation that we're talking about?

MR. WARD: Mr. Chair, Commissioner Garcia, that's a great point. One of the things that we will do – and we actually looked at that and that was something that we talked with Erle, who's our GIS director over there, manager, and we did stress that because while there's some roads that would fall under a certain classification the County on the whole is more rural and so a lot of these roads, while it would look like it would fall in a certain category under SLDC as you mentioned, sometimes just because it's designated based on traffic volumes as a local road, it could truly function like a collector or some sort of arterial, minor, major arterial road. But we would look at it from the standpoint and still try to go back to the SLDC and you're right, the cross-section of that roadway, depending on what it's classified as will be different. So we'll look at that when we pave it. We do our best to make sure we meet those minimums, and that's something that as we do those projects we'll make sure that we catch those typical sections and that's incorporated in the road design.

COMMISSIONER GARCIA: So Mr. Chair, once again, Ryan, so there may be County roads out there that don't have any right-of-way width and we're still going to accommodate those County roads if they're dirt or sand or with some possibly chip seal. Correct? So we're not going to bring them all up to SLDC standards. If a road in any one of our districts wants to see a green light for them to get paved, provided that you have 75 percent of the individuals out there. So can that 20-foot road, existing County road be upgraded?

MR. WARD: Mr. Chair, Commissioner Garcia, yes, that's correct. We will focus our efforts on making sure it matches, but as you know, we've done a lot of instances where we prescriptive right-of-way, a prescriptive easement, and there's not enough width. The policy includes that in those instances it will be similar to the Road Acceptance Policy in the sense that we will ask for that right-of-way from those residents if we need to make that typical section wider, add ditches and do other things, but our goal is to not let that – because I know that's one of the concerns is to not let that impede progress on paving the road. I believe most of the roads fall under that local category and so the widths that we have now are sufficient unless it's less than 20 foot, then we would have to look at that.

COMMISSIONER GARCIA: So in regards to the section of the – in your memo, the engineering standards, which is in the AASTO, I apologize for not meeting

with you guys on this and you've tried several times to meet with me and our scheduled didn't work, but in regards to the engineer standards, AASHTO, which is the American Association of State Highway and Transportation Officials. So is it mandatory that actually are going to design our roads to State Highway Department specs?

MR. WARD: Mr. Chair, Commissioner Garcia, that's a good question as well. So the AASHTO design standard gives you the criteria and that's something we'll definitely use because in that criteria it's more of the design not necessarily meeting NMDOT specs, so it's focused on the profile of the road, where you have super-elevated areas. So if we rebuild a road the goal is to make sure we're matching those because you've got sight distance, visibility issues. There's some safety factors if we don't build a new road tied to AASHTO standards, which is the design criteria, not necessarily NMDOT specs. That's more of how we'll focus our vertical and horizontal profiles of the road.

COMMISSIONER GARCIA: Mr. Chair, thank you. Just because I know we've actually dealt with some contractors in my district. In the southern district sometimes there's notes on the construction or design documents that say comply with New Mexico DOT standards and it's kind of, do we need to comply with them? Do we not? Is it a school bus route? I have roads in my district that are County roads and they serve four houses. There's many County road that's 20 feet wide in Commissioner Roybal's district. There's many roads up there 20 feet wide and there's more than 400 cars a day on those.

I just want to make sure that we still meet certain design standards and we can still work with our existing right-of-way prescriptive easements for our County road.

MR. WARD: Mr. Chair, Commissioner Garcia, that is the intent. The intent will be for us to try to make it fit as best we can in those areas, because I know there's several in your district. Camino San Jose is one of those, where we're limited between walls, between cemeteries, between houses and there's some roads that will require some sort of variance for us to do it where we can't build it to that standard.

COMMISSIONER GARCIA: [inaudible] What about the existing capital dollars that we now have, where we've received some funding, whether it's grant funding or whether it's legislative funding, how does that equation – how does that play into the equation as into asking, requiring more additional funds for different roads as well as the existing funds? How does that play into your equation?

MR. WARD: Mr. Chair, Commissioner Garcia, that's a good question. The funding that's already allocated is dedicated to certain projects. But at least my belief would be that these would be added in to the five-year capital – as these come up, once we have it prioritized, obviously, the Commission would make the decision on which one of those. Because as you noted, the priority index is just a guide. It's a good way to look at the analytics and to get kind of an overview but it may or may not always be the correct road, and so we'll use guidance from the Commission to make sure that we're selecting those roads accordingly. But budgetary-wise, it will be as the budget is allocated for those roads and we would fit that in. Some of the roads can be done with maintenance monies. Some of it would be capital.

COMMISSIONER GARCIA: Thank you. Thank you, Mr. Chair. Then a couple more questions in regards to the legislative funding. Sometimes our state

legislators actually fund County roads within their districts. So are we still amendable as into maybe if we have a five-mile County road and we get a certain amount, can we do the first quarter, second quarter as we go on. Are we amenable to that or do we receive the entire funding for the five-mile length of the County road and we're not going to upgrade it until we get the entire funding?

MR. WARD: Mr. Chair, Commissioner Garcia, there's actually some projects that we're doing that. We're breaking them out in phasing because we don't have the funding to cover the full project. So I don't know any reason why we wouldn't continue to do that. I think that's definitely a viable way to get some of these projects done.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Also, actually it's the next slide. But thank you for the answers to the questions. They were very good. Thank you. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other questions, comments? No? Okay, what's the pleasure of the Board?

COMMISSIONER GARCIA: Move for approval.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: A motion from Commissioner Garcia, a second from Commissioner Hamilton. Under discussion, is there anything else under discussion? Seeing none.

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

6. **B. Resolution No. 2021-061, a Resolution Establishing Procedures for the Orderly and Uniform Administration of the Santa Fe County Process for Road Acceptance, Designation or Re-Designation, and For the Vacation of County Maintained Roads, Therefore Repealing and Replacing Resolution No. 2012-151**

MR. WARD: Thank you, Mr. Chair. Thank you, Commissioners. This one is very minimal but we've changed our Road Acceptance Policy. As noted on here it was Resolution 2012-151. Currently, Santa Fe County has, as I've mentioned, 55.21 miles of County-maintained public roads. As requests are submitted to the Public Works Department to accept new road miles for maintenance there are current designations that need to be clarified and removed.

The purpose of the policy is to establish procedures for the orderly and uniform administration of the Santa Fe County process for road acceptance, designation or redesignation and/or vacation of County-maintained roads. So the purpose is to repeal and replace Resolution 2012-151. The intent of the Road Acceptance Policy is to ensure that there's no ambiguity amongst the designated authority for specific roadways to be maintained. More specifically, the resolution dissolves the prior maintenance designations of lesser County-maintained roads and shared maintenance roads. This update will add clarity to the remaining designations of the County-maintained road and non-County-maintained road. If I could ask Daniel to pull up the presentation. Thank you.

As I mentioned, the purpose is to establish the procedures for orderly and uniform administration, and I talked a little bit about that. I think some of the key factors that I wanted to discuss with the Commission and put out there since this is an action item is that one of the main goals and one of the things that we were looking at in removing those two items was direct tort liability. So in those instances where there's some sort of shared maintenance and the entity or the organization that has that shared maintenance with the County goes out there to do some sort of work and there's some sort of accident in the work zone, and so there's some liability there on the County even though those individuals are doing work because they're in County right-of-way.

And we wanted to – that was one piece that we were looking to hopefully reduce that tort liability. I think another thing that's really critical is we do get calls at times from residents or developers, different individuals that are concerned with can I share in some of the maintenance? Can I do some of the grading? I know that was the intent when this was originally set up but again, it goes back to if they're just grading a piece of it, does it match the other road? If they're using a private contractor to do it, do they have the right bonding and certifications that we would look for for them to work in the right-of-way? So there's those factors that are involved.

And then it allows for the consideration and adoption of new County roads, which is the real intent of the Road Acceptance Policy. That piece has not changed. It's really to remove those two and I'll go over those.

So the specific items, which is the lesser County-maintained road, which is a road that has been accepted for limited County maintenance services on an unpaved, lesser County maintained road shall be limited to the maximum of twice annual motor grading, signage, limited snow removal, contingent on the availability of labor and equipment and limited repairs. So that one in and of itself is hard to quantify, and that was one of the reasons that we wanted to try to get rid of the ambiguity and take these two out because that one is really difficult to know if it's been maintained twice a year. The residents don't know when it's maintained.

So at this state we haven't adopted any. We've adopted one shared maintenance road that I'm aware of, which is Dinosaur Trail. But there has not been any lesser County-maintained roads adopted. There's been some looked at and considered but to my knowledge none adopted. The other one that would be removed would be the shared maintenance, which is the maintenance of a lesser maintained County road or County-maintained road may be shared between the County and a private individual or individuals, homeowners association, a public improvement district or a corporation, partnership, LLC, or other entity.

So the remaining road designations, and I think these are pretty straightforward, is the County-maintained road which is a road that the County has adopted. It's made it into the County road list that we adopt yearly that gets forwarded then onto the DOT. So these are clearly defined roads that the County does have maintenance and has rights to improve and place infrastructure on. I won't read the full designation but that one's fairly straightforward.

And then the non-County-maintained road, which is any road that has not been accepted. We do see from time to time individuals that will call that are living on a private road or there's an HOA that always try to relay onto those individuals that the

critical thing is that if you feel like a road is needing to be taken over by the County we do have the process. The process falls within the Road Acceptance Policy. There's a petition, there's a meeting with Public Works, and there's a piece where you bring up the road to the SLDC standard before the County would consider taking on maintenance of that. So that's defined within the Road Acceptance Policy, kind of that process and how that works.

But there are quite a few non-County-maintained roads and we do see many citizens' requests and those get adopted and that's really what this Road Acceptance Policy kind of helps us put in place. Any questions? I would stand for questions.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Ryan. So how many lesser County-maintained roads do we have?

MR. WARD: To my knowledge we don't have any.

COMMISSIONER HANSEN: So we have none. So changing this policy won't affect anyone.

MR. WARD: Correct.

COMMISSIONER HANSEN: How many shared maintenance roads do we have?

MR. WARD: To my knowledge we have Dinosaur Trail.

GARY GIRON (Public Works Director): Mr. Chair, Commissioner, we have two sections of Dinosaur Trail that are part of the shared maintenance roads, and what will happen with those is they will continue. I talked with the County Attorney and those will continue as shared maintenance roads; it will not change their designation.

COMMISSIONER HANSEN: So only Dinosaur Trail? What designation does Buckman Road have?

MR. WARD: It's just a County-maintained road.

MR. GIRON: Mr. Chair, Commissioner, that's a County-maintained road.

COMMISSIONER HANSEN: Okay. So it won't lose any grading that it already rarely gets.

MR. WARD: Mr. Chair, Commissioner Hansen, that's correct. There is in the actual policy, the way it was written was that anything that's currently out there is a lesser County-maintained road or a shared County-maintained road will remain as such. It's just from this point forward we won't look to adopt any of those. So if there happens to be one that we did not catch it will still remain one of those two categories. So we won't be alleviating anybody that already had that.

COMMISSIONER HANSEN: Okay. On the policy when I was reading that the other night I realized there was a few typos, so I'm on page 9, and on page 9 there's an extra number 7 of the ii. I just wanted to point that out. It concerns me that we're eliminating this policy. I know we're doing it to protect ourselves and I think that that is also important, but also sometimes – I bring up the Buckman Road because that is a road that really needs maintenance and it doesn't get it, especially since it goes to a BLM site and there's a lot of BLM. So this policy, will that eliminate us taking money from BLM to improve the road?

MR. WARD: Mr. Chair, Commissioner Hansen, if there's other entities or organizations it would not alleviate us or make us not eligible to take funds from those

other organizations, either with a grant or some of those things. I might defer that question to Greg if there's any kind of legal, or Manager Miller.

MANAGER MILLER: Mr. Chair, Commissioner Hansen, that road is our road, so we're not sharing maintenance with anybody or maintaining it lesser than a maintenance standard. However – and it wouldn't preclude us from receiving funds, having a grant or an entity provide funding to us to maintain or improve a road that's a County road, nor would it preclude the County from adopting a road that's to County standards. That's still in there.

The issue with the policy the way it's written, and we've never had a lesser maintained County road. That was put into the policy for one road specifically and that's a road that crosses in and out of both Commissioner Roybal's and your district and it never came to fruition because we could not get BLM easements, private easements, all kinds of easements, and we could never get County easements the length of the road. Additionally, an attorney, after this policy was written, this was that segment of the policy I think was taken from a county that has a lot of roads that are used for oil fields by the oil and gas companies, and so they had written something like that in to try to assist the contactors that deal with the oil fields in having access to roads that were not passable.

The problem with that is, and then a subsequent attorney said that's really a bad policy. One, it's unconstitutional to maintain a private road. So that would be a violation of the anti-donation clause. So that's the first problem. So then you're adopting the road and saying it's a County responsibility but we're really not going to do very much to maintain that road so if something bad happens on that road it's not our fault because we said we weren't really going to maintain it. So adopting the road under that provision would be inadvisable to the County Commission and for the County.

If the County feels they want to adopt a road and maintain it then this does not preclude the Board of County Commissioners from doing so. It just says we're not going to sort of adopt and sort of maintain a road by taking that lesser maintained provision out of there.

And then Dinosaur Trail, I think even portions of it we have done away with that shared maintenance and that had to do with an emerging development. Typically developers will build the roads and build them up to County standards and then petition the County to take that road over as a County road and we would take it over and maintain it. I can't speak to the specific reasons why that one, other than it's also considered partially a frontage road, so it had some unique conditions around the shared maintenance concept. But I don't think we have any others like that.

Also this policy does not preclude the Board from, in the event of an emergency of going in and clearing a road in order to get people – if it's a private road or a non-County road, to go in in the case of an emergency, to go in and clear a road and make it passable so that somebody who's in an emergency situation we need to get out or our first responders may need to get in. We have done that during major snowstorms where the Board has declared an emergency in particular areas. We have done that when our first responders need assistance. They contact Public Works and will plow a road if they need to get in to take somebody to the hospital. Or if we have had serious flooding on roads and we need access or people need to get out we have declared an emergency and gone in

and assisted on those roads. But it does not allow for us to do continuous maintenance of a private road or a non-County road.

So I think the point of removing that from the policy is that it really has not been utilized in a way that I think was initially intended and it also I think by not taking that out of the policy leaves the Board of County Commissioners and the County in a bad situation of potentially adopting a road that we don't have the resources to maintain or bring up to an acceptable level.

COMMISSIONER HANSEN: Thank you.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. Was that it? You're good? Anybody else? Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Mr. Chair. I just think that maybe there's some institutional knowledge that may need to be brought over to. Commissioner Hansen's district, Mayflower Drive, Mayflower Way up there off the Camino La Tierra, you take a right there. There's a subdivision. We did receive some legislative funding for that and Robert Martinez was the Assistant Public Works Director and we were allowed to give money – or they actually maintain those roads. And I don't know if they're County roads but that's an example as into these non-maintained, maintained County roads. That's something we may want to look in.

I was just reviewing this policy and there's a lot in NMSA New Mexico Statutes Annotated, which is actually straight out of the statutes. Is this the existing policy? Are we just changing a portion of it or is this a brand new policy?

MR. WARD: Mr. Chair, Commissioner Garcia, the policy has just been modified under Section 5 to basically from this point forward not adopt or accept shared or lesser maintained roads. The rest of the policy is still intact. So the rest of the policy is consistent with what the policy was prior to this.

COMMISSIONER GARCIA: So Mr. Chair, once again, Ryan, just Section 5 of this, initial designation is the only thing that's changed from the existing policy?

MR. WARD: That's correct.

COMMISSIONER GARCIA: Just reading through here, if somebody wanted to get their road adopted it's kind of – you have to have a survey, an assessment of that road – it's pretty – I sometimes think we actually – the local government, let's just hope we're not going to interstate standards or Highway Department standards for our local roads in some of our areas that serve a little community that's been there for many, many years. However we impose these SLDC standards, which according to you gentlemen we're not, certain areas where there's an existing road and they don't meet the SLDC standards, with the thickness, sidewalks, shoulders, bar ditches, and so on and so forth, we can still help out these individuals on some of these smaller county roads that need County assistance or local government assistance. So we'll still be able to do that, correct? Just one more time.

MR. WARD: Mr. Chair, Commissioner Garcia, our intent will be to help any of the different areas of the community that need road improvements. That's still our main goal. The only – well, let me take a step back. So the main intent of the NMDOT specs is to give us a quantifiable way to test materials. We've implemented that and so we're using that now. As a County we have never adopted any kind of construction

standards or spec books that relate to road construction and so to get a quantifiable number on whether that's base or doing any kind of test on the subgrade or asphalt mix, we're using the knowledge that basically the NMDOT has already put together within the specs and so the way we've currently been designing roads and a couple of the projects that are out there now are using NMDOT specs for the design criteria of the materials, and then we use the SLDC as far as the typical cross sections for what the road is actually going to look like width-wise and what amenities need to be placed on that road, whether that's sidewalks – but it still goes back to if there's a specific area and it meets some of the criteria and the Commission feels like this road really should be a candidate, and we feel strongly that it should be, just like we've brought Camino San Jose forward for a variance because we knew we didn't have the width, it would be the same instance. We would still bring it before the Board and say, is this something you want to move forward with and can we ask for a variance just to do the project. So I think we would stay consistent with that.

COMMISSIONER GARCIA: Mr. Chair, thank you for that explanation. It makes a lot of sense. I appreciate that. No more questions, Mr. Chair. Thank you and your staff for putting this together and my last question is that when does the rating begin?

MR. WARD: The rating, as you mentioned, Mr. Chair, Commissioner Garcia, the rating will begin as soon as this is adopted. Most of the ADTs that we have, as you mentioned, Johnny Baca, our traffic manager, has done a great job. Julian goes and does the counts. But they have several counts already there, so we're going to use that data to start building the different priority indexes for each road so we can start as soon as this is approved.

COMMISSIONER GARCIA: Sorry, Mr. Chair. Also, what is the timeframe for the data?

MR. WARD: Mr. Chair, Commissioner Garcia, I think that's a good question. To put a timeframe on it, I can tell you that we measured – so we used a distance measuring device mounted to our vehicle now that's accurate I think within a mile it's accurate up to 50 to 100 foot. So we've already gathered all the roadways. We've driven all the roadways to accommodate what GIS says those links are, what the links in the County road list book are, and so that's taken us approximately – I think it's been about eight or nine months we've been working on that and we've completed that. With the ADT counts we're having to set those traffic counters out there a day in advance. They count for 24 hours. You come back the next day and pick it up. And we have multiple counters so we can put several out on different roads. It would just be kind of dependent on how quick we can get the counts.

Most of the other information we can pull from our prior year's budgets to find out the maintenance costs and some of those things, but really it's just the ADT volumes, average daily traffic that we're going to have to do. So in reality, probably six to eight months to try to capture all the dirt roads and the traffic volumes on those.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Also, forgot about this, but shared agreements between two government entities. The City of Santa Fe. When you go down Richards Avenue, I-25, it's a City road and the next road and then going south towards the Community College it's a County road. Those little signs that

say stop maintaining County road. With this policy we're still able to work with the City of Santa Fe? It just means that that blade picks up when it gets to the County road, puts it down when it gets to the City road. So this still allows us to move forward with moving on their road, or vice versa.

MR. WARD: Mr. Chair, Commissioner Garcia, that's correct. We're actually working with you when we reached out to the Town of Edgewood. I know that was a big concern. We've sent them over actually an MOU to review and so we're just waiting to hear back. I've reached out to them a couple times, but we're hopeful that that gets in place. So yes. That would not impact – this policy does not impact those type of MOUs.

COMMISSIONER GARCIA: Thank you. And I know you gentlemen have reached out to the Town of Edgewood so I appreciate that. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia, and thank you to Commissioner Garcia and Commissioner Hansen for bringing up these great points and the clarifying answers that we got from Mr. Ward. As Commissioner Garcia brought up, that stuff with the SLDC, I'm glad to hear that you guys have already looked into that and are ready to work with our constituents and get those projects done. So I'm really glad for that, but I'm glad that we brought those issues forward. It sounds like you guys have already thought of a lot of those things so thank you for doing that and thinking outside of the box to take care of some of those issues right away. So thank you for that. Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve.

CHAIR ROYBAL: Thank you, Commissioner Hansen, for the motion. Do I hear a second?

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So I have a motion from Commissioner Hansen, a second from Commissioner Hamilton. Under discussion, is there anything else? So we have a motion and a second.

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

6. C. Resolution No. 2021-062, a Resolution Delegating to the County Manager the Authority to Negotiate for Workers' Compensation Coverage for Fiscal Year 2022 and to Execute Purchase Orders, Agreements, and Other Documents Necessary or Advisable to Effectuate Such Coverage

ERICA MONCAYO (Human Resources): This is the Worker's Compensation through our insurance broker, HUB International Insurance Services, Santa Fe County solicited competitive proposals for Workers' Compensation coverage for fiscal year 2022. That's July 1, 2021 through June 30, 2022. The County received proposals. The County received proposals from New Mexico Mutual, our current carrier, and the New Mexico County Insurance Authority. Therefore we're asking the Board of County Commissioners to choose the most advantageous proposal to the County and

through the subject resolution authorizing the County Manager to do what is necessary to bind our coverage.

SCOTT GATES: Chairman Roybal, Commissioners, my name is Scott Gates. I'm the broker for Santa Fe County. I represent HUB International. We were tasked with evaluating the two options between the New Mexico Association of Counties and New Mexico Mutual, your current insurance broker for Workers' Compensation for the fiscal year 2022. After our examination and evaluating not only the premiums that they charge we were also tasked with evaluating the various deductible options that are available to the County to come up with the best practice for determining what your best option is for your cost.

In doing that our report indicated that New Mexico Mutual would be the most advantageous to Santa Fe County in evaluating your total cost for risk of Workers' Compensation, and we do this by evaluating previous years' premiums plus deductibles and included in that we also evaluate the various other lines of coverage that you have that also have deductibles or high SIRs or self-insurance retentions in making our recommendation. To note that, that the recommendations that we've made in the past, that the County has adopted over the past three years have been advantageous to the County and substantially lowered the County's Workers' Compensation cost and we foresee that happening with continued risk management efforts and further coordination between Risk Management and the various departments that need the improvement.

It is our recommendation – it was our recommendation after our analysis that Santa Fe County remain with New Mexico Mutual at the \$25,000 deductible level. Although this wasn't the total cost to risk, in looking at the totality of all the other lines of coverage and the success that we've had with this program that is our recommendation to the Commission. Thank you, Mr. Chair, County Commissioners.

CHAIR ROYBAL: Okay. Questions from the Board? Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, thank you. I'd just like to thank County Manager Miller and her team because what is it? Three, five years when we actually decided to go for our own insurance which has really helped us out, and also the previous employees that actually worked on this, our Risk Management Division, and thank you, Sonya and your team for brining this forward. We're still doing good at carrying our own insurance, so thank you all. And Mr. Chair, with that I'd like to make a motion for approval.

CHAIR ROYBAL: Okay. Thank you, Commissioner Garcia. We have a motion from Commissioner Garcia. Commissioner Hansen.

COMMISSIONER HANSEN: I'll second that and I also want to [inaudible] on sorry, I don't have my mike on. We're still getting used to this new system. I hope people heard that I was recognizing you, Erica, as a new employee and thanking you for being here, and Scott, for your recommendation of New Mexico Mutual. Hopefully, I'll learn to turn on my mike.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I think as the last year and a half, as Commissioner Hamilton mentioned, it was one of those things that we wanted to make a T-shirt that says, "You're muted" and now it's the opposite. Turn your mike on. But it's something that we're all getting used to but we'll get there. I'm going to

go ahead – we’ve got a motion and a second. Anything else under discussion? I just want to thank Erica and Scott for your presentation and your hard work, so thank you. And as Commissioner Hansen mentioned, welcome to Santa Fe County. So we appreciate you guys both being here today. Thank you. So we have a motion and a second.

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

6. **D. Request (1) Approval of Resolution No. 2021-____, a Resolution Delegating to the County Manager the Authority to Negotiate for Medical Malpractice Coverage for Fiscal Year 2022 and to Execute Purchase Orders, Agreements, and Other Documents Necessary or Advisable to Effectuate Such Coverage or (2) a Decision to Fully Self-Insure Medical Malpractice in Fiscal Year 2022**

MR. GATES: Chairman Roybal, Commissioners, so this particular item is for the medical malpractice insurance that HUB International is tasked with soliciting competitive quotes, and this is for medical services provided at the detention center. This has been a very difficult market for the County for the last two years. Just a little context. Last year we had very few carriers that were willing to take on this medical malpractice exposure and as such, the County was moved to a high SIR or self-insurance retention of \$200,000, a significant increase.

This year is really no different. This year we received two quotes. One from the current market, Ironshore, and one other from Liberty – from Aspen Insurance. Each quote is essentially the same. We have a \$1 million/\$3 million coverage which is we can have one claim for a million dollars and the aggregate is \$3 million. So it’s just so we can have three one million dollar claims.

Our current carrier Ironshore increased its quote premium from \$575,000 last year to a little over \$602,500 for this year. It’s still \$80,000 less than the next closest competitive quote, which was with Aspen. There was approximately 12 other markets that were approached that declined, either because of the class of business or due to losses.

The County is paying a substantial amount in premiums while self-insuring for \$200,000. Just to give you a context, the County in the last five years has only paid three claims that exceeded – there’s only been three claims that exceeded \$200,000. Not that the County paid but just in total. We did further analysis on this and in doing that, we were able to comprise – so essentially, the County for the 2022 policy year, 21-22 policy year is going to pay approximately \$600,000 in insurance costs for medical malpractice. In addition to \$200,000 in a self-insurance premium, meaning that in the first claim the County of Santa Fe is basically self-insured for the first \$800,000 and the carrier’s obligation would only be roughly \$200,000. Essentially you’re self-insured on that first claim.

In addition to that, the capacity is that for the next two claims you’re still self-insuring them up to \$200,000. You only trigger that if it goes over that. So unfortunately, this market continues to harden. We don’t see any changes in the marketplace in the coming years. We’ve researched this with numerous other parties with HUB International

and I think the County is at the point in time where they really have to consider whether or not they need to just self-insure this. This isn't a statutory obligation, meaning that you're not required by law to have the coverage, so that you can make this decision, and it's a difficult one. It's not an easy decision, we understand.

Our recommendation is that you're free to evaluate both options: Whether or not to retain coverage through Ironshore or whether to self-insure and use your current third party administrator through Sedgwick. That's our recommendation.

CHAIR ROYBAL: Thank you very much. Any questions from the Board?
Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, malpractice, a lot of this has to do with our medical staff at the facility on State Road 14. So there's individuals that we hire, do they not carry their own malpractice insurance?

MR. GATES: No, sir. They're employees of the County.

COMMISSIONER GARCIA: Thank you, Mr. Chair.

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

COMMISSIONER HAMILTON: So I don't know who to pose this question to but I'm a little concerned. The memo suggests that the staff doesn't have enough information so they're withholding a recommendation. We need to either decide to not self-insure so that we can move ahead and get insurance. Can somebody address what information, what additional information would help inform the decision?

GREG SHAFFER (County Attorney): I can go ahead and take a crack at that if it would be all right with Erica and Sonya. At the time when we put the memo together there were a couple of outstanding issues and since that time I think we've looked into that and from the staff perspective wouldn't have any reservations in terms of recommending the self-insurance option. So one was to actually assess – we think that this pencils out over the long run and Erica provided supplemented a memo for the Board's consideration early today that was uploaded to BoardDocs. And by way of summary in terms of what it showed is that in an average loss year the County's exposure over the past seven claim years, including the current one, if the County had been fully self-insured would be \$518,000 per year. So you're paying more in premiums at the current levels than you would expect to pay in claims if you absorb that cost entirely from County resources.

In addition, you would add to that the \$200,000 self-insured retention. So the cost/benefit analysis is that over time, you're actually going to save money by being fully self-insured because you're not spending those monies on premiums and the self-insured retention. So I think that was data point number one that staff had suggested in the initial memo that we were going to look into.

There's a caveat that comes along with that which is you're going to have claim fluctuation over the course of being self-insured so it's not going to be a flat \$518,000 every year but you can just pencil it in and assume that's what you're going to pay. There will be years when that could be in excess of a million dollars. In some years it could be much less, but that's the long game and you're looking at what my average cost would be, versus what you think your premium cost and self-insured retention cost would be.

So in making the decision to go fully self-insured the Board has to be prepared to accept that variability. You could have a bad year before you build up fund balance to pay those claims. So I think that was probably number one.

The second thing that we undertook to look into is with regard to what impact if any you think that this move would have in terms of our law enforcement liability coverage with New Mexico County Insurance Authority and I did talk to the risk manager for NMCIA and I think we were both of the opinion that nothing of material consequence would change. Instead of a conversation with an insurance carrier and TPA, under the existing structure, they would be having conversations about who covers what with the TPA and the County on there. We felt that that would be again feasible and would not be material to the decision to move to a fully self-insured program.

The other component was how are we going to administer claims. We're not really set up to have claims adjusters; we don't have that at the County. But as was pointed out I think by Mr. Gates in the memo, we've already hired the third party administrator. We've already contracted with professionals who provide those services because that was a term and condition of the existing coverage from our insurer. We've consulted with the chief procurement officer from the County who does not believe that we would need to do it through procurement just because now we're fully self-insured and they're administering those claims directly on our behalf totally as opposed to have a third party carrier in the mix.

And then I think finally in looking at sort of the accounting responsibilities that come with this fully self-insured program, as Mr. Gates alluded to, we're practically there already so this isn't different in kind, but you do have to track and report in your financial reports what you think that liability is that you're carrying on your books. But I believe based on previous conversations with our Finance Director and the fact that with our current deductible programs we're doing so much of that already that that is something that we could discharge.

So I think that those cover all of the issues that were addressed. The one other, I guess question mark as I look through the initial memo was in essence, instead of taking \$602,500 and giving it to the insurance company, you're going to take that money and put it aside to cover medical malpractice claims. And the question was what do you do in the event that that initial year is a bad year and you end up having to potential pay more than \$602,500? I think at least from my vantage point, and I would ask the County Manager to chime in if she feels differently about this, probably a prudent option would be not to allocate additional funds to cover the potentiality of the bad year but instead rely upon the fact that the Board has already committed in excess of \$8 million in order to cover uninsured losses and the Board does that as part of its normal, prudent budgeting process. And so the Board has already committed \$8.4 million to cover uninsured losses, so I think, at least from my vantage point my recommendation would be don't put additional monies aside for medical malpractice claims specifically. Rely upon the \$602,500 knowing that that's there specifically for medical malpractice claims and to the extent our claims exceed that, know that you have \$8.4 million set aside for uninsured losses generally, and then you can fine-tune that as time goes on but initially I think that would just be my recommendation.

COMMISSIONER HAMILTON: Thank you. So we had seven years from which we calculated a mean. I totally understand if this is not an answerable question but you can quantify that variance and that's what gives us that uncertainty about how often you're going to be at the mean and how close you're going to be to the mean, and it would inform us a little bit about that liability. Did anybody calculate a standard deviation? Because we could look at how much is one standard deviation still below that premium level? Is two standard deviations above the mean still below, or just barely above that? That would show a fairly limited liability. You can quantify variation.

MR. SHAFFER: I would defer to Mr. Gates who has a stronger statistic background than I do but I believe I recall from our conversation that there were limitations of the data that precluded him from providing that sort of level of confidence in the numbers. We just don't have that many claims and we don't have a long enough time horizon, and with some of our other programs like Workers' Comp and multi-line and law enforcement you just have much more robust data, both in terms of how long it goes back and just in terms of the number of claims. Did I get that right, Mr. Gates?

MR. GATES: Correct. Correct.

COMMISSIONER HAMILTON: Thank you.

MR. GATES: So the numbers that we look at when we use standard deviation models to predict the variances. The problem with medical malpractice, you don't have enough claims and you have a lot of claims that close for zero. So it significantly skews the data to make it very hard to predict. We use other numbers like regression analysis to give confidence in the number, and it's a very low r-squared score for that, so there's other analysis that we can do, there's other comparisons that we can do. Unfortunately, because of the timing of the quote where we got to we weren't able to do a dive as deep as that. However, that being said, if you just look at the claims that you had in the last five years and look at your worst year, you wouldn't exceed a million dollars. You wouldn't have exceeded a million dollars even if you just self-insured.

So that being said, it gives you some perspective of what you're taking on here and really just where your choice of spending your dollars is at.

COMMISSIONER HAMILTON: Thank you. And that was actually quite information, so I appreciate it.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I'm going to go to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just wondered if the recently passed civil rights statute at the state would potentially give us more exposure than we've had in the last few years.

MR. SHAFFER: Mr. Chair and Commissioner Hughes, the short answer is yes, but I don't believe that that's the driver on the medical malpractice premiums, because it excludes civil rights claims. So as I understand it, the policy that we received is solely for medical malpractice claims that don't arise to the level of a civil rights claim. Civil rights claims are going to be handled by the New Mexico County Insurance Authority. So that's my understanding is that the markets are not pricing House Bill 4 and the Civil Rights Act into the medical malpractice component because they don't cover it. Did I get that right?

MR. GATES: That's correct.

COMMISSIONER HUGHES: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Any other questions or comments?

COMMISSIONER GARCIA: Mr. Chair, I'm just ready to make a motion on this. I actually appreciate the presentation and the hard work that staff has done, the entire staff, anywhere from Director Sedillo all the way down because that's where it starts as the teamwork and all the individuals here. Mr. Sedillo, thank you for talking to your correctional officers and your medical staff because this is why we're here, doing an excellent job as into keeping those claims down. Greg, thank you for doing the detailed research work on this. I feel the advice that you and Manager Miller are giving us is actually good and I feel that we should still maintain what the recommendation is of the County Manager and her staff, so I'd like to make a motion for approval.

COMMISSIONER HAMILTON: Is that to approve for self-insurance?

COMMISSIONER GARCIA: Yes.

COMMISSIONER HAMILTON: I'll second that.

CHAIR ROYBAL: So we have a motion from Commissioner Garcia and a second from Commissioner Hamilton. Under discussion, is there anything else? Okay, seeing none.

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

MR. SHAFFER: If I could, just for the record, actually, the resolution did not pass. The motion was to go fully self-insured. The resolution would have been had you directed us to go secure the medical malpractice coverage that was offered by Ironshore. So to be clear, there's no resolution associated with the decision to go fully self-insured. By not obtaining insurance you made the decision to go fully self-insured. Is that clear, Madam Clerk?

KATHARINE CLARK (County Clerk): Yes. Thank you.

CHAIR ROYBAL: Thank you for that clarification.

6. E. Resolution No. 2021-063, a Resolution to Proclaim Extreme or Severe Drought Conditions within Santa Fe County and to Ban the Sale and Use of Certain Fireworks in the Unincorporated Portions of the County and within Wildlands in the County

JACKIE LINDSEY (Fire Chief): Thank you, Mr. Chair, Commissioners. Thank you for having us today. I'd like to talk a little bit about wildfire prevention and put in front of the Commission a resolution. As you all know we've been under drought conditions in New Mexico for some time. Currently – and we do have a slide that if someone can put that up for us, indicates where Santa Fe County is currently, and you may have it in front of you as well. This map as well.

Basically, Santa Fe County, with one little sliver as the exception is in exceptional drought conditions. The only sliver that we have is under extreme drought conditions. The last time we passed a fireworks ban was in 2018 and was similar conditions at that time and we wanted to talk a little bit about how wildfire prevention – the way in which

we go about that. So we do a three-pronged approach. So we educate, we do extra patrols that are out in the community and have a bigger presence, and we also have the opportunity for restrictions and bans, and that's what we're here today to talk a little bit about.

I'll talk about what our fire prevention and Fire Marshal Blay and his team are working towards better education for our community. There is a concerted effort for outreach. We've been out to many of our communities, most recently down in Edgewood. Had an opportunity to work with the community down there on our Ready, Set, Go program, which is building defensible space around people's communities and their own homes so that we can help protect that if wildfire does come in that area. We've been putting out bulletins on campfire safety, as we've seen some of the fires that have started in our forests have been campfire driven, and we want to do everything we can to help prevent that. The old adage that an ounce of prevention is worth a pound of cure.

The US Forest Service also talks about one dollar spend on prevention saves us approximately \$35 in damages and in fire suppression. So in the month of May we saw 684 calls for service for the Fire Department. Twenty-eight percent of those were fires and about 171 of those were non-structural firefighting type of incidents, which is a significant number, and we want to try to decrease that number as best we can by bringing those human-caused fires down. The US Forest Service talks about fires being 80 to 90 percent caused by humans, and so if we can help decrease that risk we want to try to do that.

And so this proclamation talks about the sale of certain types of fireworks and the use of certain types of fireworks. It doesn't remove all of it. It still gives us an opportunity for our communities in the way we usually do for Fourth of July but doing that in a safer manner. And I will let Fire Marshal Blay talk more about that if you have anything else you want to add.

JAOME BLAY (Fire Marshal): Correct. Mr. Chair, members of the Commission, in addition to what the Fire Chief mentioned, I'd also like to say that we are thinking about moving forward with this because of the Governor's executive order urging us to implement some fireworks ban – certain fireworks, not all of them. The fact that the City of Santa Fe also has passed a resolution declaring extreme drought conditions, wildfires in surrounding counties like to the east of us. The Rincon Fire currently has burned more than 500 acres. Current drought indices still indicate that we're in exceptional and extreme drought.

Obviously, the rain that we've been having is a blessing from god but it seems that the drought is here to say and that is pushing us to be extra cautious in addressing this issue.

CHIEF LINDSEY: And with that we stand for questions.

CHAIR ROYBAL: Okay, questions from the Commission, comments?
Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I would love to see the map but I believe that we are continuing to be in extreme drought and this is an important resolution. Even though we are graced by the rain at this particular moment everything is impermanent. Northern New Mexico continues to suffer from severe drought. So I support this resolution. I think it's very important that we move forward with it.

CHAIR ROYBAL: Commissioner Hughes.

COMMISSIONER HUGHES: I support this as well. I'd like to go ahead and make the motion to approve the resolution.

COMMISSIONER HANSEN: I'll second.

CHAIR ROYBAL: Okay, so we have a motion and a second. Under discussion. Commissioner Hamilton.

COMMISSIONER HAMILTON: I think it's a very important, valuable resolution, and I just want to point out that yes, it's ironic that we're doing this on a rainy day. But rain is weather and the drought is climate, and those two things are different. We'll either be in this forever or we won't, but it could be a very long time. This is needed now. We're in the condition with or without the rain that will come occasionally. And actually, I've had – when you're concerned about what constituents are concerned about and how they react to things like this, I know there will be a diversity of reaction but I think maybe entirely, I've had many, many people contact me and ask are we going to do this?

And so that is the side that people are concerned on. So I think this actually addresses that concern and I think that it's important and valuable for that reason as well. So thank you for doing this. And I think this is the first time our new Chief actually gets to talk with us in person, so this is great, a great moment.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hamilton. Any other comments? Okay, so we do have a motion and a second.

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

MANAGER MILLER: Mr. Chair, before they leave, could I ask that we just move up one item that was under Matters from the County Manager? It was an updated on the Fire Marshal order prohibiting open burning within the unincorporated areas. Since they're here, could they just do that now?

CHAIR ROYBAL: We can move that up.

9. B. Fire Marshal Order 7.2.21.01, Fire Marshal Order Prohibiting Open Burning within the Unincorporated Areas of Santa Fe County, Beginning Friday, July 2, 2021, and Continuing Until Further Order of the Fire Marshal

MARSHAL BLAY: Mr. Chair, Commission members, again, the time that we were collecting the data to implement the ban on fireworks I was also thinking pro-actively about implementing an open burning permit ban based on the current drought conditions. The only thing that I would like to add is that based on the current conditions, the weather conditions that we're having, it seems like the monsoon season may be around the corner. If there is a need to rescind that Fire Marshal order that can be done promptly and I will announce it at the next BCC. I would let the County Manager know if conditions completely improve moving forward.

CHAIR ROYBAL: Okay. Thank you, Fire Marshal. Any questions from the Board?

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: This is actually prohibiting the burning of weeds, brush, and so on and so forth?

MARSHAL BLAY: Correct. It's only relegated to open burning permits.

COMMISSIONER GARCIA: So, Mr. Chair, how does the individual out there know when there's going to be a burn this week? When there's not going to be a burn this week? How does the individual out there know?

MARSHAL BLAY: The order would take effect Friday, on the 2nd, and what we would do is use our social media platforms to advertise it. In years past there were road signs. We have a couple of them – one in the north, one in the south, letting people know that until further notice open burning should be banned. Current holders of open burning permit will not be able to use them and new open burning permits will not be available.

COMMISSIONER GARCIA: So, Mr. Chair, if somebody has a current burning permit today?

MARSHAL BLAY: It will be suspended.

COMMISSIONER GARCIA: Depending on what the Fire Marshal decides two weeks from now, that permit may not be able to be used to burn their brush and to clear out their areas?

MARSHAL BLAY: Mr. Chair, Commissioner Garcia, the intention of this Fire Marshal order is to be implemented on Friday so starting on Friday people will not be able to use their current, existing, or apply for a new open burning permit. The best way to disseminate this information again is through social media platforms and until this meeting I was expecting to get some feedback from the Commission, but it looks like we may need to move forward and then, depending on the weather conditions to rescind that order. So maybe for the next couple of weeks people won't be able to burn, but then immediately after that, I could rescind that order and let people start using their open burning permits again.

COMMISSIONER GARCIA: Mr. Chair, I just find it a bit challenging to the individual out there – I bring this up all the time, this social media stuff. I know we can't live without it. But just keep in mind there's individuals like elderly people that don't have a cell phone. My grandma doesn't have a cell phone. She barely has a land line still. And there's a lot of elders that live in the northern part of this county. Take the Cerrillos-Madrid area where there's no social media so just keep in mind how we can help these people and let them know. Is it week by week you're going to change it? Is it every two weeks? Is it day by day? How does that work? Because the individuals are piling their brush and trying to clean up their areas so we don't have this wildfire in the east side mountains of La Cienega. So do I anticipate weekly or every two weeks? Or from the weatherman?

MARSHAL BLAY: Mr. Chair, Commissioner Garcia, the one and most important thing that I'm going to be looking for is whether the monsoon has arrived or not. As a matter of fact, starting tomorrow, the Santa Fe National Forest will be rescinding their state 1 restrictions based on potential monsoon season being here to stay. So this is just happening all at once and I'm finding about all of this right now, about an

hour ago. So I don't think it's going to take two weeks. I think within a week I should know more or less whether the monsoon season is here to stay and then waiting to rescind this Fire Marshal order, and people will be able to resume their open burning permits. Because if you currently have an open burning permit you don't have to apply again. It's just a matter of being suspended temporarily until I rescind this order.

But as far as letting people know about this order that don't have access to social media platforms, the best way to do it would be to maybe use the newspapers. Also maybe putting it in a press release. Also we have a few thousand people who have subscribed to some of these County newsletters.

COMMISSIONER GARCIA: Very good. Thank you for that and all that stuff is just coming from the Forestry, coming from different angles and whether it rains or pours, right? So I appreciate you working with what's happening out there. The monsoons are coming and I'll contact my neighborhood associations and just let them know whatever they send out on their social media, that this is what's happening and to contact you.

MARSHAL BLAY: Absolutely.

COMMISSIONER GARCIA: Can I have your cell number? Just kidding. So thank you. Thank you for your presentation. And with that I'd like to make a motion for approval if there's no more questions from the County Commission.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: So we have a motion and a second. Anything else under discussion?

COMMISSIONER HAMILTON: For clarity, people have always needed a permit to open burn, and even if they have a long term permit, they call the Fire Department when they're going to burn. That's a requirement of the permit. And so when there is a ban, they can – they're told, well, no. You can't actually burn; there's a ban. So that communication – I know nothing ever covers everything perfectly but that is a mechanism for people who are burning. I assume, just for clarity though, for the public listening, this does not prevent people from doing barbecues in their Weber grill. So Fourth of July is safe. It's just – right? I said it funny, but the idea is that this is just for open burning; it's not for grilling. As long as it's in a grill.

MARSHAL BLAY: Mr. Chair, Commissioner Hamilton, you are correct. It does not preclude you from using your grill or your outdoor fireplace. This only applies to open burning permits – vegetation, agricultural, etc.

COMMISSIONER HAMILTON: Right. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hamilton, for bringing up those points of clarity. Manager Miller.

MANAGER MILLER: Mr. Chair, Commissioners, this isn't an item to vote on. This is actually an authority of the Fire Marshal. We were just informing the Board that he was going to impose that prohibition on Friday, July 2nd.

COMMISSIONER HAMILTON: I thought we were just being asked to show the support for it in the resolution. I know the authority is there.

CHAIR ROYBAL: Okay. Thank you. So there's not a need for a vote on that. I appreciate the enthusiasm and support.

MANAGER MILLER: And Mr. Chair, I didn't notice it as an action item, so that was the other reason. Thank you.

6. F. Resolution No. 2021-064, a Resolution Adopting the Final Budget for Ff 2021-2022 (FY 2022)

MANAGER MILLER: Mr. Chair, Ms. Herrera can't be with us today so I will be presenting this item. Hopefully there's not anything surprising in here, but Sam Montoya said he is available if we have questions that I don't know the answers to.

So in your materials we put a power point to kind of update the Board exactly where we are from our interim budget to our final budget. As you know we do base our budget upon our strategic plan and our population goals that were adopted by resolution by the Board of County Commissioners in 2011 and 2015 and that is how departments and elected offices submit their budget requests and how we go through the process of developing our budget.

Then the first step in the budget process is from the Board of County Commissioners is doing budget study sessions of the budget requests by departments as well as revenue estimates by the Finance Department and ultimately, through those budget study sessions and budget hearings, develop an interim budget, which the Board did develop and pass on I believe May 18th. That interim budget for fiscal year 2022 was \$352,609,167. What we do from the point that the Board approves the interim budget is we submit that to DFA by June 1st and that's what DFA allows us to start operating on if we don't have our final budget in place by June 30th or July 1st, and then we are required to submit a final budget to DFA. The final budget, what we try to do is get everything in it that we can possibly think of that we did not include in our interim budget and get that approved by the BCC so that we can send the resolution and that final budget to DFA.

They spend pretty much the month of July – one of the things we have to do as well is provide our final quarterly report for fiscal year 2021, along with the final budget submission as approved by the Board. We submit that to DFA to get approval for final budget. That process takes about two months from July 1, usually to around the end of August. In July we usually receive back from DFA a letter letting us know what things they still want us to do, including that final report for them to approve our final budget. During that time we operate off of what was submitted to them. We cannot do any budget adjustments during those first couple of months. Once we receive final budge approval from DFA then we can do budget adjustments.

So that's part of the reason we try to get everything into the final budget before June 30th and get that approved by the Board so that we're able to continue with projects, make sure we roll over project budgets, make sure any grants that we are aware that we'll be getting. As soon as we know the amounts or approximate amounts we include those. So this final budget proposal includes the grant, the ARPA funds, because as I said before we didn't know when we did the interim budget exactly what the ARPA funds could be used for and what those amounts would be.

So we have changes from the interim budget to the final budget. It will go from \$352 million to \$375,807,353.

So what are those changes? What takes the budget from \$352 million to \$375

million? The primary item is \$14.6 million worth of grants. That's the ARPA grants. It's actually \$15.6 million total. There's a couple of other grants that we did receive. The estimates that we would have for the next fiscal year, so those are included in there as well, some smaller capital grants, come operating grants that we've received, and then \$1.46 to \$14.7 million, roughly, in the ARPA funds. We did receive those early June and we're going to include them. So we've receipted those funds and we do want to include them in the final budget so that the Board, if something comes up that you would like to see us do, or that we'd like to propose to the Board, that those things – the money is already within our budget to do them and we don't have to wait till September.

Also, another item, utility enterprise charges for services of \$110,000. That's a transfer of \$100,000 to the general fund for administrative support that's given by Legal, Finance, HR, Purchasing, to the utility enterprise fund as well as a little bit of an increase in the tipping fees in case SWMA increases tipping fees for the legacy sludge.

Number three is capital outlay gross receipts tax. That was the grant or the funding that we had in capital outlay for Aurora Vista. We had reallocated that instead to the Agua Fria sewer project in order to buy the vector truck. So that was done after the interim budget and this is rolling that into FY22 final budget so that we can proceed with the procurement of the vector, the smaller vector truck or trailer.

Also general fund revenues. This is primarily cash but we had some adjustments in individual departments. They're small. Based upon going back through and finding any errors that we had in the interim or things that we might have left out. That's across the total County at \$270,000. Fire excise I had mentioned, and most of these we brought forward in our June 8th meeting. There's not much that's different from what was presented at the June 8th meeting, but fire excise tax – as I said, we had some capital items that we would be using fire excise tax cash for the individual fire districts' equipment. That was \$295,000. The joint powers agreement was rolling that agreement with Glorieta for the CDBG grant into FY22. We had just executed it at the end of May. So it was not originally included in the interim budget.

Also transfers for revenue replacement funds. This is – I'm going to go into those details but these were things that we talked about relative to cost of living allowance for our employees, the FTEs as well as any additional FTEs that we didn't fund with grant funding or enterprise funds, and also budgeted total cash across all the funds as \$3.6 million. This includes over \$2 million for the Yearout energy services contract, which is the majority of that. The rest is also rolling capital funds that will drop to cash on June 30 and then to bring them forward.

We continue to pay bills. So we're always estimating – this is just a reminder because you will see several budget adjustments for capital projects because they're multi-year, but we don't have such a thing as multi-year budget process for budget approval by DFA, so we're always taking an estimate of what we're going to spend through June 30 on project invoices and then adjusting that up or down, depending on whether we actually pay as much in invoices by June 30th or we pay less. So the rest of that budgeted cash is just adjusting for those projects.

So then this is the expenditure side of it. I basically told you those were the revenue sources, grants and budgeted cash, and on this side you can see where those – and I indicated what we would be spending. Then on this it just shows it broken down by

department, where those increases are. You can down in capital outlay, \$106.8 million to \$115.8 million. That's where the majority of that is and also the contingency, where you see the \$6.5 million go to \$11.6 million. That has to do with revenue replacement, holding the grant in revenue replacement and as we had indicated – and I'll show you that breakdown as well but we talked about putting things with the ARPA grant in buckets. That is holding that for revenue replacement and contingency.

So that was the breakdown by department; here's the breakdown by expenditure. So the first one was a breakdown on where the revenue is coming from and how we're increasing the revenue side of the budget. This slide shows you how we're increasing the expenditure side of the budget. \$15.6 million will be in grant expenditures. The \$152,000 is in department adjustments. The capital projects which is asset adjustments of \$5.5 million. Community Development Department, additional costs – that has to do with the proposal to split Growth Management and have a Community Development Department that would include the Public Housing Authority, Affordable Housing, Economic Development, and Sustainability. And so that's the additional cost to do that.

And then the new positions, we have a breakdown on that on the next slide. And then the equivalent of the two percent COLA Countywide of 2021 of \$760,884. All of that, a total budget increase of \$23,198,186, for a total final budget of \$375,807,353.

As you recall, in our discussions of the interim budget as well as on June 8th, what kind of changes we would have from the interim budget to the final budget predominant revolved around the American Rescue Plan Act or ARPA as we've referred to it. It was signed into law. We did receive 50 percent of our allocation, which is that \$14.6 million. We did receive it on June 1st and those funds need to be obligated through December 31, 2024 and expended by December 31, 2026. Our total allocation is the \$29.2 million and we'll receive those two distributions on June 1 of 2021 and then we anticipate we would receive the other one in 2023 or 2024, but it can be no less than 12 months since the first distribution. So we will not receive it any earlier than next June 1, 2022, but that's based upon also showing that you have drawn down or accounted for either revenue replacement, the distribution you received already.

And then also we talked about at the last meeting allocating 50 percent of that into buckets for the final budget and then looking next spring or even earlier – it's just put into the budget so we have it in buckets, and then looking at reallocating it next spring if those buckets aren't appropriate.

And then these were the buckets that were proposed at the last BCC meeting. That's \$1.5 million for economic development initiatives, \$8 million for infrastructure, affordable housing and shelter assistance at \$2 million, CONNECT at \$3 million to include the families assistance initiative for immigrant residents. Also behavioral health and mobile crisis funding of \$1.5 million, public awareness campaigns and other public health related supplies for needs as a result of COVID-19 of \$1.2 million, and then the remainder of it as \$12 million being held for revenue replacement.

That first portion of that would be to allocate in revenue replacement above what we anticipate we are going to receive in revenues in predominantly property tax, gross receipts tax and interest income. Those are our three biggest areas that we anticipate not having revenue recover to pre-pandemic levels for a couple of years, so we were looking at approximately \$6 million a year holding aside. If it turns out that our revenue recovers

sooner then we would recommend allocating this money elsewhere to one of those other buckets or something else that qualifies for an expenditure under the ARPA guidelines.

Then also in that \$12 million we're looking at \$6 million this fiscal year, \$6 million in 2023, and what would that revenue replacement cover? What is proposed in the final budget is the additional FTE requests that were allocated in Public Works, Growth Management, and the Sheriff's Department. That was in Growth Management, the position and the reclassification of a position in GIS. In Sheriff's it was one deputy. In Public Works it was Solid Waste workers. Then in the Fire Department it was the reclassification for a career ladder in fleet. Also an allocation for non-union staff, because they do not get included in increases when we do union negotiations and they have not had any increases outside of COLAs for several years due to not having funding and all funding that's been provided has been strictly for union negotiations for the Fire Department. And then also seven staff that would be one battalion chief and six firefighter trainees for relief factor for the career staff at all of the 24/7 regional stations.

And then \$308,000 for the establishment of the Community Development Department. Most of that is – there will be one new position for Growth Management. In that there's also increases for staff and then there's another position for administrative staff support in this proposal, and funding for an upgrade of the volunteer coordinator position to work within the Sustainability, to work with all of the volunteer programs of beautification of the open space, trails, beautification of our properties, Earth Day, community cleanup days, and Keep America Beautiful days.

Also cost of living adjustments in there for \$760,000 for fiscal year FY2022, and then that's a full year of \$1.5 million once we hit 2023. There would also be in that revenue replacement, that \$12 million there's also funding available for COLA in 2023 if we see that revenues are trending in the right way and it's advisable for the Board to give another COLA next year. Obviously we wouldn't built that into this year's budget and we're not committing the Board to that, we're just saying that's a part of why we're recommending holding \$12 million out of the ARPA funds at this time for revenue replacement. That annual cost would be \$1.388 million.

And then a potential one dollar increase in 2023. We did build in the interim budget for everybody who is below \$15 an hour effective July 1, or the first full pay period after July 1, and then also holding revenue aside in the ARPA funds for that same action next July 1 in the 2023 budget and that runs about \$238,000 a year.

And then also holding aside \$1.5 million in reserve for the interim budget cuts. You'll recall we did cut budgets in order to get to recurring, equaling recurring closer to that, so we did cut budgets and we said that we would hold funding aside in case some of those cuts were too severe. Finance got pretty red pen happy when they started cutting and we want to make sure, for instance, that we didn't cut too much, even looking at the cost of fuel right now. It's up higher than – I think it's gone to \$3.14 average across the country, or \$3.12, and where I was looking yesterday it's \$3.15 in Santa Fe per gallon, and that's the highest in seven years. So I don't know if it's going to stay there or if that's just the effect of so many people traveling now that the county is opening up, but we did decide to hold aside some in case those budget cuts are too extreme and we need to put funding into some of those operational areas.

And here's the FTE summary request. In the interim budget we did the four

positions for a construction crew in Public Works/Road Division. Those staff will charge their time to grants and capital projects, and then Utilities, we put three individuals to when we bring the Quill plant back up operational after the renovations. So those are already built into the interim budget, but then there were other requests that we discussed during the interim budget requests and I just wanted to make sure that now you can see what is recommended in the final budget. I had indicated when we were doing the budget study sessions as well as the interim budget that I didn't want to bring back or add any additional positions until we knew what did they mean by revenue replacement and would we qualify for revenue replacement under the ARPA funds. Since we do believe almost the entire \$29.2 million will qualify for revenue replacement. We feel confident that we could recommend these additional positions. And that's the 1.4 positions in Solid Waste caretakers at the Solid Waste transfer stations, one Sheriff's deputy to replace the one that was converted to an IPRA individual over the last year, 1 ¼ in Growth Management for GIS, and then one in Community Services for a youth services director. We actually don't need that. We figured out a way to do that and reclassify a position and we do have a person who has taken that position. So that's going to be done without needing to request an additional FTE. Also there was an IT position that we're not recommending at this time. And then fire positions, as I said, out of the 14 requested we're recommending the seven that I mentioned, that's the six firefighters as well as the one battalion chief for the relief factor, totaling 19.65 FTE.

Then you can see the sources in the interim budget were grants and utility charges for the seven that were recommended, and then the \$871,000 for the 19.65 that's recommended, and we would be using the revenue replacement ARPA funds to cover that until general fund and the other funds come back to full pre-pandemic levels.

Then this is the compensation package in the interim budget. The Board did approve incentive pay that would be spread out. It's one-time, non-recurring, but it would be spread out over several pay periods. That was approved, as well as the one dollar for those under \$15 an hour. What's in the final budget we are requesting the two percent cost of living to be effective January 1 except under the International Association of Firefighters.

This is an equivalent of the two percent COLA but Senate Bill 90 passed. The firefighters union lobbied the state legislature and executive to pass a Senate Bill 90 which allows for any PERA contributions by employee and employer, for overtime. Because the firefighters have a different type of schedule than others. They do, for instance, for Santa Fe County they do 48 on and 96 off. It means they have a certain amount of overtime built into their base schedule and they also do a 28-day pay period versus everybody else with a 14-day pay period. And so inherent in that schedule is mandatory overtime or overtime that goes beyond the regular hours that aren't considered overtime hours. They had previously not received or been able to get retirement contributions on that overtime. Senate Bill 90, which the governor will be announcing Friday at our fire station. What it does is it actually allows firefighters to receive, if they have that type of schedule then they can receive PERA contributions or make PERA contributions, employer and employee side. That is effective July 1st, and that will cost us \$149,292 but that is exactly equivalent to a two percent COLA on January 1, 2022.

So that would be what the two percent COLA appropriation would go towards for

the firefighters as opposed to COLA. They still also will receive what's budgeted for their pay scale, which they get a step for every year, and we also budgeted in the interim budget their one-time funding. So theirs is the only one that would not be available as a COLA because it's going to be absorbed in the Senate Bill 90 implementation.

The rest of the unions, you can see the breakdown in the two slides of what an equivalent of a two percent COLA is for them for a half a year, and we would also budget that for the following fiscal year.

And then that's all that I had to present. Lastly is our request to approve the final budget as presented so that we can then send that to the Local Government Division in DFA. And I stand for questions.

CHAIR ROYBAL: Okay. Do we have any questions? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, just a couple of questions. So the \$375,807,353, that now includes the ARPA funds?

MANAGER MILLER: Yes. It includes, Mr. Chair, Commissioner Hughes, it includes the first half, so the \$14.6 million, and then it's placed in the budget – it's budgeted as a revenue as a grant, so it's in the grant side on the revenue side, and on the expenditure side, half of those buckets that I mentioned, so for instance – and we do it in a separate cost center, so until the Board tells us, yes, that's what we want you to do with it, on the expenditure side, we had \$6 million in contingency for revenue replacement instead of \$12 million. So we do half. And then of economic development initiatives, we have \$750,000 in economic development initiatives, and right now it's just in a lump amount for the Board to say – we'd come back to the Board and say, okay, we could do this program, this program and this program, and we'd come to you for authorization and direction for the specific programs. Infrastructure \$8 million, but it's \$4 million right now. It's not budgeted for a particular project. We'll come back to you to ask where you would like that to go. For the infrastructure we might even say, hey, where do you want to allocate all \$8 million, because we might need, for instance, we might need a million for something in order to get building on design or something but we know we won't get the other half a million until next year as an actual revenue.

Then affordable housing and shelter assistance. We said two million, so in the budget there's a million set aside in the housing cost center under the grant. CONNECT, same thing. \$1.5 million in 2022, behavioral health, \$750,000, and public awareness and public health related supplies, \$600,000. But we will come back to the Board for the specific projects. I just wanted to build it into the budget in the buckets so we don't have to wait all the way until September for DFA approval to spend any of that money. So that's how we handled putting it somewhere and budgeting it so that we could get direction from the Board for specific programs and specific initiatives.

COMMISSIONER HUGHES: Thank you, and a couple of really quick questions. I think one is what is the housing enterprise? Because that's not the whole Housing Authority budget, is it? On slide 5. There's something called housing enterprise. It's about a million dollars every year.

MANAGER MILLER: That is not the entire Housing budget. I'm not sure which ones are in the enterprise versus what comes up under Growth Management. That might be the affordable housing fund which has mortgages that run through that. So I

think that that's the affordable housing fund.

COMMISSIONER HUGHES: Okay. So then in the FY22 budget most of the housing money would be in the Community Development Department budget?

MANAGER MILLER: Correct. Which is why you see that shift in the Community Development Department, where you see \$12.6 million and you look at Growth Management and it goes from the interim budget at \$9.7 million. I'm looking by the way at slide 5. It goes from \$9.7 million down to \$4.3 million. That shows the split and also the reason that the Community Development Department is higher, because as I told you we also put the housing assistance is in there and the economic development. So that distorts it because you've got the grant on the expenditure side built in there in a bucket.

COMMISSIONER HUGHES: And then are we going to have to do a separate resolution at some point to create the Community Development Department?

MANAGER MILLER: No, this will create it and we can – because your approval of the final budget approves those positions and that budget, and then on July 1, we flip the switch. We still have to do the actual EPAs – electronic personnel actions with job descriptions. We have drafts of it. We have the org chart and I anticipate that it will take us a few weeks to get everything administratively done.

COMMISSIONER HUGHES: Okay. Thank you. That's all my questions, Mr. Chair.

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

COMMISSIONER GARCIA: Thank you, Mr. Chair. Can we go to slide number 8? Is that additional money for those projects?

MANAGER MILLER: So Mr. Chair, Commissioner Garcia, yes. Now, we don't have all of that money; we have half of that money right now. So we've received, what's on here, we've received half of that. We will not receive the other half of that until at least a year from now.

COMMISSIONER GARCIA: Manager Miller, I'm sorry, can we go to slide 7? The one before that, please.

MANAGER MILLER: Oh, I know where you're talking about. Are you talking on slide 4 where I had items one through eight?

COMMISSIONER GARCIA: Yes. Yes. So are those, Mr. Chair, Manager Miller, are those all brand new dollars allocated to GRT, fire excise tax?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, most of it. So \$15.6 million – \$14.6 million of that \$15.6 million is federal grant money that we have never received before. That came out of the American Rescue Plan. The other million are some other small grants that we either received and have not had before or we finally got numbers on those that weren't included in the interim budget. So we've been applying for grants kind of continuously, especially since the federal government has had these programs. The state's had some grants. But those are – I don't have the list of the other ones besides the \$14.6 million. But they're primarily – the majority of that, \$14.6 is one-time money from the federal government. The other million are state grants that we've received by applying for grants. There are tourism grants. We usually get an advertising grant around \$20,000, \$30,000 – we got \$100,000 and some. So some of them are bigger

than usual and as we got amounts since April we added those to the final budget.

Utilities, that's not new money. That's part of their revenue that they will get next year from fee for services.

COMMISSIONER GARCIA: Mr. Chair. Thank you, Manager Miller. Can we go to slide #9? Establishment of a Community Development Department. Can you explain that to me, what that, into we're actually going to consolidate some, let's assume some positions to create this Community Development Department. So that \$308,000, is that new money for the new development, for that new department? And also can you just give me a little update as to what the new department is and the rationale behind that please?

MANAGER MILLER: So Mr. Chair, Commissioner Garcia, during the interim budget process and during the strategic planning process, the meetings that we had, which by the way I do want to remind the Board, I know we are not finished with updating the strategic plan, but we will do that to provide you a new written strategic plan. But we did have a lot of dialogue around it and a lot of new requests as far as the areas in the strategic plan that had the most focus were predominantly in the more sustainable community. And that was in economic development, affordable housing development, and responsiveness to climate change including drought resiliency.

So all of the focus – I shouldn't say all, but a good percentage of the focus of our strategic planning discussions were that these were areas we needed to invest more money, more time, and more resources. And so out of that conversation came the concept of taking Growth Management and taking the Planning and what I'll say regulatory side of Growth Management and keeping that as Growth Management and then pulling the community development part out and bringing it up to its own department level. In that department we will take Joseph Montoya, Public Housing, a position that would be a deputy type position or project manager position, affordable housing, public housing. So we've got currently two housing specialists in affordable housing. You have full Public Housing Authority staff. You have also Sustainability, which is in Public Works right now. There's three staff in Sustainability. Then there's a volunteer coordinator position that hasn't been filled over in Community Services, pulling that into Sustainability and focusing on community cleanup, trail beautification, open space beautification, Earth Day, community events, litter pickup events with volunteers through that.

And then also economic development, to include the current economic development director, and then there's also an economic development specialist and also film and advertising for County marketing. So all of that is what would be in the Community Development program. And then everything else that is in Growth Management currently remains in Growth Management.

COMMISSIONER GARCIA: Thank you, Mr. Chair, Manager Miller. Thank you. So the Growth Management Department is just the planners and that will still stay as planners within the Growth Management Department.

MANAGER MILLER: Correct.

COMMISSIONER GARCIA: This other Community Development Department will focus on those different departments that you brought up that will be consolidated and go out to the community and start interacting?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, much of what

this department will be focusing on is affordable housing development, so we have our own development. The land that we purchased off of Jacobo, we need to move that development forward. We also have the old Public Works site. We've been looking at additional sites as well and part of that initiative is to try to create – not just to create additional affordable housing for low income to moderate income but also to create a revenue stream that helps sustain the Public Housing Authority. It barely can survive off what we receive in federal money from that, and we can't actually survive without the assistance of the rest of the County.

So we've been – Joseph and Jordan will be looking at what else could we do to generate revenue while doing affordable housing development like the one at Camino Jacobo could create a revenue stream for that. And rental housing for the Housing Authority, along with a non-profit arm that would help develop that and get us tax credits for that. So that's one main focus of that department.

The other area is in economic development. We're really talked about getting what's come out of the whole COVID-19 is a real need for broadband expansion and better connectivity. We'll be bringing forward to the County Commission, hopefully at the next BCC meeting a resolution to help support applying for a multi-million grant in conjunction with REDI Net to expand internet. So there's another area of focus that we really need to put energy towards and staffing towards.

And then the other area is Sustainability. Much of what the Board requested the County to do is in the area of sustainability and dealing with sustainable community initiatives, initiatives at the federal level, the state level and the local level in a race to zero, making sure that Santa Fe County is ahead of the game in getting basically to using all renewables for electricity. And then also our water supply, working with our Utilities Department in how do we best manage the County for drought resiliency and water conservation efforts through our Sustainability group.

So those were the things that kind of came out of the strategic planning process that kept coming up as a major area of focus, as well as all areas of economic development. Our tourism area, our arts and culture, and having a bigger focus on those things as well.

So that's what will be in this department and it would be bringing that up to a similar level as other departments for moving initiatives forward.

COMMISSIONER GARCIA: Thank you, Mr. Chair and Manager Miller. So kind of in a nutshell, what will happen to the group of individuals that will be in another department and somebody will actually need to determine how their roles are going to kind of change, right? They're all going to work together as a baseball team and figure out where we need to put who where, and so on so forth. That's a good analogy to look at.

MANAGER MILLER: Mr. Chair, Commissioner Garcia, I think what this will bring forward is that you'll be looking at – right now, housing development, economic development, those type of initiatives also – you want to have the debate at the policy level. Right now they're under Growth Management, which essentially the function of Growth Management is to implement our code on the development review side. And frequently, in economic development initiative or a housing development initiative could bump up against the way our code is drafted and written. And policy

discussion, and we really need it to occur at the same level. Does the Board want to change our code to make it easier for economic development or housing development and how do you have that discussion at a similar level? That's one thing.

It brings that development side, our community development side and our sustainability initiatives at the same level as bringing those forward when you're looking at the code. Because the Board has adopted a plan and then you've also adopted a code, and a code regulates all of those things. I think there's merit in having those conversations at the department level rather than at a section or division level. But at a department level – department to department – in moving those initiatives forward that the Board would want.

COMMISSIONER GARCIA: Thank you, Manager Miller. Appreciate that. Also the last slide of the presentation, it says that the capital projects as Exhibit A, but I don't see the Exhibit A, what the projects are budgeted at.

MANAGER MILLER: I don't see that on the last slide. Next steps, June 29, 2021, approval of final budget including capital projects. So, Mr. Chair, Commissioner Garcia, we didn't add any new capital projects and I could get you the list. What we did in the interim budget we did approve rolling all – we brought every project that we already have on the list, plus the bonds that we just sold. We got the money for those. So we created the budgets for all of the new – the projects that were in that bond. And then there were a few projects that were completed and the Board voted to move money from those projects to other projects and we did that in the interim budget.

There's no new projects in the final budget that weren't approved in the interim. The amounts moved around based upon what we've spent or not spent. So we took what they were on, say, April 30th. We took that amount. But invoices have been coming in since then. So we estimate for the final budget what it's going to be. And we may underestimate or overestimate. So all this did in the final budget – we didn't move anything that wasn't budgeted for and approved by the Board in the interim budget. All we did was reconcile it to where it actually is today versus where it was two months ago. But not – we didn't up the amount allocated to a project or lower the amount allocated to a project. We just adjusted because I can't – we don't have multi-year budgeting capability. DFA makes us do – capital projects are multi-year. You could set a budget two years ago of five million dollars for a project that's going to take three years. But every single year at the end of the year I've got to guess: are we at \$2,200,000 spent? Or are we at \$2,300,000 spent? And then for the following year put the remainder of that \$5 million. and we're just guessing in April where we're going to be on June 30th.

As we get closer to June 30th, what we did in the final budget is adjust that number to where we are as close as we could today. But we're not adding money. I didn't say, oh, now we're \$6 million for that project. We're still at \$5 million. It's just the difference between what we thought we would spend versus what we spent so that we don't over-budget. Because if we spend down more, then I've got to once again adjust it. And you will see in September and October you'll see more budget adjustments for those capital projects because we still don't have it exact as we pay invoices.

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

COMMISSIONER HAMILTON: Thank you. The Chair has actually stepped away momentarily for an important call. Is there other discussion or are there

other questions for the County Manager on the final budget?

MANAGER MILLER: Mr. Chair, if there aren't any other questions there is in the packet a resolution requesting approval of the final budget as presented.

COMMISSIONER HAMILTON: Yes. Does anybody object? We still have a quorum if we vote on this now.

COMMISSIONER HUGHES: I'll make a motion to approve the final budget.

COMMISSIONER HAMILTON: Do I have a second?

COMMISSIONER GARCIA: I'll second.

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

The motion passed by unanimous [5-0] voice vote, with Chair Roybal and Commissioner Hansen voicing their affirmative votes after the fact.

COMMISSIONER HAMILTON: My apologies to our temporary absent Commissioners. And here is the Chair so I will let him take over again.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Just for the record I'd like to show that I voted in the affirmative as well.

COMMISSIONER HAMILTON: Thank you, Mr. Chair.

7. PRESENTATIONS

A. Presentation Concerning CIDs, PIDs, TIDDs, and IRBs

MR. SHAFFER: Thank you, Mr. Chair, Commissioners, and Daniel, if you can bring up the power point presentation for the presentation concerning CIDs, PIDs, TIDDs and IRBs – that's a mouthful. With us remotely here today, or virtually as well will be Peter Franklin, with the Modrall Sperling law firm. Peter has been the bond counsel for Santa Fe County for a number of years and has played an important role with regard to many of these tools, if and when the Board were to implement them.

So I'm going to start on slide 2 which is an overview of what it is that we'll be discussing this evening. First, I'm going to talk about some similarities between County Improvement Districts, Public Improvement Districts and Tax Increment Development Districts, and Industrial revenue bonds. Generally speaking they're different tools that the Board in its discretion can utilize to finance infrastructure, enhanced services, and/or economic development. These are tools that involve the exercise of legislative discretion by the Board of County Commissioners in terms of whether or not to implement any of them. There are some key differences between the four tools that we're going to discuss this evening. First, CIDs and PIDs, County Improvement Districts and Public Improvement Districts, generally are going to involve new taxes or new special levies that will be put on private property in order to fund infrastructure and enhanced services. Even if the Board of County Commissioners determines that it wants to create a PID or TIDD, ultimately those particular districts require both owner and qualified elector, if any, approval. In contrast, CIDs and Industrial Revenue Bonds aren't subject to such approval.

PIDs and TIDDs, in creating them the Board is technically creating separate political subdivisions that are separate from the County, even though the Board can decide to govern them; they are separate governmental entities. TIDDs result in taxes attributable to growth being diverted from their normal recipients to the TIDD although the TIDD can impose property taxes as previously indicated. So that's taking and growing the pie and diverting the revenue to a different governmental entity versus the governmental entity that normally would receive it.

Industrial Revenue Bonds result in property taxes and some gross receipts taxes being foregone altogether since the County owns the underlying property and the project being constructed.

So this is some caveats about tonight's presentation. My goal was to provide, and the County Manager and Peter's goals were to provide a high level overview of these tools and the process that is involved. We'd be pleased to give you copies of any of the laws or policies that are referenced in the presentation. And obviously, if we mischaracterize something in our efforts to provide that high level summary that conflicts with the law or applicable policies, that's what's going to control, not this high level overview.

So as we go through the various slides on these tools, again, I'm not going to go through each specific bullet point. The tech is there for you to review at your leisure. You can ask follow-up questions. Again, I'm going to try and hit some highlights in terms of how these tools function.

So the County Improvement Districts are addressed in both state statute and the Sustainable Land Development Code as well as a County resolution establishing CID policies and procedures. In the variety of purposes that are set forth in those documents as to why one deal with CID. They include financing the construction, acquisition, repair, maintenance of authorized improvements that benefit the property included in the improvement district, as well as funding public infrastructure to bring the level of service in the existing communities to current County standards. And in addition, a stated purpose of the CID is to reduce the cost to developers of meeting the SLDC's sustainable design and improvement requirements by placing a proportionate share of the cost of onsite improvements on future occupants or residents of the development project.

CIDs can be formed in two different ways. One is Board initiated and the other is a process that's initiated by a property owner by petition.

I'm going to focus on the petition method since that's the most likely scenario in which a CID would be considered by the Board. It's required that there be a petition and an application submitted. The petition has to come from owners of 66 2/3 percent or 2/3 or more of the total assessed valuation of the property which is proposed for inclusion in the CID. In other words, by the petition method you have to have two-thirds of the property owners come forward and say this is something that we want you to consider. There's an initial review done by the Public Works Department Director to the Board of County Commissioners based upon a preliminary application and at that point the Board decides no, we're going to reject this; it's not something we want to entertain, or the Board can decide to form a review committee to study the proposal in greater depth.

So the review committee as set forth in the CID policy and procedures consists of the County Manager, the Finance Director, the County Public Works Director and the

County Attorney, or their designees. If the Board decides to again, form a review committee it does so by resolution and the review committee then works with the applicant to sketch out a process for moving forward and work with them for a timeline for consideration of the application. Ultimately, a final application is required that will set forth a description of the improvements, an estimate of what they'll cost, and give an estimate of what that additional tax burden will be on the property that's included in the CID, and the estimated benefit to each parcel.

Ultimately, the Board of County Commissioners can decide to fund the improvements itself and not create the CID and impose that additional tax burden, it can alternatively impose a special assessment against the benefiting tracts or parcels, or with voter approval, it can impose an improvement district property tax and issue improvement district general obligation bonds to pay for the improvements. Ultimately, at the next stage in the process, the BCC can reject the request to create the CID. It can create the CID and again decide to pay the cost of the improvement without an assessment of property tax, or it can move forward with a preliminary hearing on the creation of the CID.

So the preliminary hearing, if the Board determines that it wants to further pursue the CID and to fund the cost of the improvement through an assessment against the benefiting tracts or parcels, this preliminary hearing is required and property owners have the right to contest certain issues at that preliminary hearing, including the amount of the proposed assessment or tax and any regularity related to the proceedings, the benefits of the improvement, or any other matter relating to the improvement district.

The Board, by statute, is precluded from assessing property in an amount greater than the actual benefit to the property by reason of the enhanced value of the tract or parcel of land resulting from the improvement. In other words the statute imposes a cap on how much you can assess and the idea is to keep relative parity, if you will, between the benefit that goes to the tract and how much they're going to pay for it. I guess that's the simplest way to put it.

Ultimately, the Board's decision to create a CID after a preliminary hearing is subject to challenge in district court.

So as you continue down the path of the CID, ultimately the Board will determine what is the total cost or final total cost of the improvement to the County after you solicit bids and have a firm number, and it's at that point that the Board actually has an assessment hearing to decide what's the final bill, if you will, that's going to go to the property owners to pay for these improvements. That involves another round of potential protests from property owners and ultimately the BCC's assessment decision is subject to challenge in district court. If you get to the end of the road and all those processes are followed and no challenges are brought or the challenges are not successful, then you finally have an assessment that is made against the property that works not dissimilar to a property tax bill. Those assessments are liens on the property and have to be paid or the property risks foreclosure if they're not.

Moving forward to the next slide, please Daniel. I'm going to spend a little bit of time talking about PIDs or Public Improvement Districts. Again, there are purposes that are set forth in state law as well as the County's own ordinances and policies as you'll see again in the SLDC, the County has established as a purpose for a PID to reduce the cost

of development and put some of that, a proportionate share of that cost on the future occupants or residents of the development or project.

Here is the process you'll see, and I think one of the reasons why PIDs have – and this with regard to new development, be found to be recently more in favor. The process is a little bit more streamlined than when you're dealing with CIDs. There is a pre-application meeting with the County PID review committee. That's followed by a petition and application for the creation of the PID. The burden to get the process started in terms of PID request is less. You need 25 percent of the real property by assessed value. The application is not dissimilar to what you would get for the CID and it includes also a feasibility study and description of the improvements, as well as a description of the applicant's experience in terms of pulling together developments of the sort proposed.

The Board – there is a PID review committee I have previously described. That committee makes a report to the BCC. Again, at the initial look at the petition or application the Board can decide to go no further. It can also adopt a resolution declaring its intent to form a PID and hold a public hearing. Interestingly, the PID statute requires the Board to act within 90 days. If the Board doesn't do so then it will be deemed to have accepted the petition and move forward with the adoption of an intent resolution and a public hearing. Ultimately, a general plan for the PID is required before the Board adopts any resolution of its intent to form the PID.

There is a hearing before the Board at which a person claiming an interest in real property may object on the following grounds: it may include that there's no substantial benefit from the infrastructure or services to be financed, or the district should not be formed, or that the general plan for the district should be modified. After that hearing, the Board can decide not to form a PID, or it can determine that a PID should be formed, in which case it adopts the resolution to that effect.

As indicated at the outset, if the Board thinks that it's a good idea there's then a check on that determination. You need the owners of the real property to agree for the creation of a PID, and that's based upon three-fourths majority vote, and if folks actually live in the area to be included within the PID then you have the formation election by the qualifying electors if any. So the process is streamlined if you have nobody living within the PID and if all of the owners consent. In that case there's no election and the Board has the discretion to waive the hearing and notice by publication, what have you.

With regard to the governance and financing with PIDs, as I indicated at the beginning, PIDs are political subdivisions of the state and technically separate government entities. PIDs would be governed by the BCC acting as a district board, so you get to wear another hat if you were to create a PID, that would be the PID district board. In terms of financing sources for the PIDs, the County can contribute towards the cost of the infrastructure, since it is another governmental entity. There could be general obligation bonds approved by the owners' determination and election of qualified electors. You can also have special levies and special revenue bonds, as well as other fees and charges.

This is an important component of some PID reform legislation that was passed relatively recently and under state law there are certain disclosures that need to be made to somebody wanting to buy property within a PID. The notice is required prior to accepting an offer to purchase property that's located within a PID, and that notice

includes the fact that it is within a Public Improvement District, an explanation that the purchaser has to pay any property tax or special levy that might be imposed by the district board; an explanation that it's separate and apart in addition to any other levy that would be imposed on a property, and if a levy has already been authorized, what the maximum amount of that levy is and then also information about general obligation bonds.

And finally, it's that if you fail to pay that foreclosure could result. And so the point of those disclosures is that everyone buys in eyes wide open, that no one's going to buy a property and then learn after the fact that here's your additional tax bill, here's your additional levy. People are going to make that decision on the front end before they make a decision to buy property.

Ultimately all good things come to an end and there's a process in state law for PIDs to be dissolved. That would be done by resolution by the district board after certain conditions have been met. Those include that the improvements will be conveyed to the County. Here in our case the County because the Board would have committed the district and that there are no outstanding bond obligations to be met, and finally that any development agreement between the district and the County have been satisfied.

Now I'll stop for a second before we go on to TIDDs and PIDs. Again, they can be created with regard to land that has already been developed. The process is much more streamlined if you are dealing with a new development. So in other words, somebody has come in and says, for example, I want to create a subdivision. And so before the land is divided, the developer owns all the land; nobody lives there, and they come in and say here is our proposal to create a PID. You could do the same thing with a CID but the PID process is more streamlined as we just discussed. And then that's part of their entitlement to develop a process. In that event everybody has expectations set when they come in and the development occurs because folks who decide to buy a home in that development, they'll know on the front end that this is your tax burden. It's in addition to everything else that you could be taxed for.

And so again, the process is more streamlined and you don't run the risk of upset expectations if those districts, a CID or a PID is created before development occurs. If they're created after you have existing residents and you already have development, you do have the risk. Not that it's a reason not to do it but folks are going to disagree. I don't believe that that infrastructure should come in. I don't want to pay for it. I don't want to pay an additional \$5,000 for this or for that or whatever the assessment might be. But again, if it's done on the front end before the development occurs then folks have a choice. They can decide to live in that community or not and make an informed decision.

The next slide concerns Tax Increment Development Districts. The formation here, it's property owner initiated. It requires both a petition as well as a plan for the Tax Increment Development District. The plan explains what public improvements are proposed, the general proposed land uses, how many jobs they expect to be created through the TIDD, what workforce housing is expected to be created, a description of the innovative planning techniques that will be used or are going to be used in the TIDD, and the amount and type of private investment.

I'm going to go through this fairly quickly because there's a lot of parallels between what we already discussed with the PID. Again, the Board can make an initial decision to deny the petition and do nothing further. If it decides to move forward,

ultimately it declares its intent to do so and has a public hearing. As you'll see, the legislature has tried to, in my view, limit the availability of TIDDs to certain types of development. I think that's supported by the fact that in order to form a TIDD the Board has to make specific findings concerning native planting techniques, that the plan incorporates sustainable development considerations, and the reason it protects the interests of the governing body, meeting goals to support job creation, workforce housing, etc.

Again, you have to have an owner formation determination and election if not all owners sign the petition and if there are qualified electors in the TIDD. The TIDD is a political subdivision of the state. TIDDs are governed by a district board. That could be the BCC or it could be an appointed board that would include the Secretary of Finance and Administration. The financing, leaving aside the property tax levies that are approved by the qualified electors or if there are none, property owners – and this is the interesting aspect of TIDDs, the idea is to take the additional tax that comes from the development and use that to fund the infrastructure. So in other words you take a baseline. You would say, well, what's the property value without the TIDD, without the development? What's the gross receipts tax without the TIDD or without the development in the area? And then the delta, what comes after the TIDD comes online is used to fund the infrastructure.

Similar conditions precedent and to terminate TIDDs by the district board.

That takes us on to Industrial Revenue Bonds on slide 24, please Daniel. Industrial Revenue Bonds, the purposes are to promote industry and trade by inducing manufacturing, industrial and commercial enterprise to locate or expand in the state. And then there's also the purpose of promoting the local health and general welfare by inducing non-profit corporations to engage in healthcare services.

So for IRBs there is an application and a project plan that is required to be submitted to the Board. Once such an application is submitted the County Manager appoints a project review team. That project review team reviews the application against the criteria that's specified in Ordinance No. 1998-01. The primary criterion being what is the benefit to the County provided by the project. Other things that are looked at are projected use and design, the economic benefits from the project, including analysis of whether the IRBs would provide an inequitable advantage over competitors within the county, and the project feasibility.

That project review team makes a recommendation to the Board of County Commissioners. It's required that they provide notice of the potential IRBs to the County Assessor and other property taxing authorities, and they have authority to comment but their approval is not required. If the Board decides to move forward it adopts an inducement resolution as a step in the process and ultimately will approve the issuance of the Industrial Revenue Bonds.

Now, IRBs are what are sometimes referred to as conduit financing, and that's because the debt is issued in order to provide funding and a benefit to a private entity. In addition, while the County is nominally issuing the debt it's not an obligation of the County. The County doesn't actually pledge any of its own revenue or taxing authority to repay the debt. Instead the County pledges to use revenue that it receives from the private entity as part of the project in order to repay the debt.

The primary benefit or structure of Industrial Revenue Bonds would work as

follows: For the life of the IRBs the project property is transferred to and owned by the County, and then the County leases the property to the private entity. County-owned property is exempt from property taxes and by state law, the lease to the private entity is also exempt from property taxes. So what that means is that the project doesn't have to pay property taxes during the life of the IRBs. That will reduce their cost of operation and all other things being equal, make the county a more attractive place for them to make their investment or make the potential investment more feasible. In addition, because the County owns the project, equipment purchases for the project would not be subject to gross receipts tax.

Payment in lieu of taxes is something that is often looked at as part of IRB transactions. They're required in certain types of deals, but otherwise they can be negotiated as part of the transaction, and what a PILT or payment in lieu of taxes represents is a payment that goes to the designated taxing authority, such as school district in lieu of the property taxes they would receive but for the IRBs, so that's a matter of negotiation as you evaluate the project.

So that concludes the slides that I wanted to provide relative to the high level overview. Peter Franklin, the County's bond counsel is with us virtually and he is going to provide some real world examples and a discussion of how these various tools are being used for different projects around the state. Thank you. I turn it over to you, Peter.

[Audio/visual difficulties were experienced.]

PETER FRANKLIN (Participating virtually): Okay. Again, good evening, everyone. Mr. Chair, County Commissioners, Peter Franklin with Modrall Sperling. I thought what I would do is give a few, a couple real world examples of these different financing tools and if you have questions along the way please find a way to interrupt me and I will try to address those.

So Santa Fe County actually has a County Improvement District that was formed at the request of Hyde Park Estates. The County formed an improvement district for street paving and that improvement district was done, I believe, fairly well into the development of the residential housing there, and I think it's fair to say that County Improvement Districts which are sometimes known as special assessment districts, are typically done not at the frontend of a development but after a portion of the development has already occurred, a number of residences are in place and there's a desire on the part of the property owners to either pave the roads or add water and sewer improvements or things like that.

Since the Public Improvement District Statute got enacted very few improvement districts, either County or Municipal, have been formed. One of the purposes of the PID statute, as Greg pointed out was to try to streamline the application and approval process, as well as to expand the types of public infrastructure that are eligible for financing. And I think it's fair to say that the PID Statute successfully broadened the categories of public improvements that can be financed, both offsite and onsite. And it's probably more debatable as to whether the process is actually simplified for Public Improvement Districts as compared with County Improvement Districts. I think on paper it appears to be simpler but I think it's pretty fair to say that both types of district application and approval processes are time consuming and involve a lot of expense and a lot of effort on both the public entity side and certainly on the developer side, the side requesting the

formation of the district.

Public Improvement Districts are used relatively widely in Albuquerque and Rio Rancho. And it's also fair to say that as these districts have come into wider use homebuilders and to some extent residential property purchasers have decided to pre-pay the assessments rather than to pay them over a 20- to 30-year period. So that's a common feature that we now see with Public Improvement Districts.

As far as Tax Increment Development Districts, I think the first district that was ever approved was for Mesa del Sol in the City of Albuquerque and that was in the 2005 and 2006 timeframe. When 2008 came along that district sort of ground to a halt and has not really done much in terms of financing additional development since then. There is another Tax Increment District that was formed in the Village of Taos Ski Valley by the purchaser of the ski resort there and that has financed I think to date about \$30 million in public improvements which were felt to be necessary to support the private development of the Blake Hotel, which was completed a couple years ago. So that district is roughly a third of the way through its anticipated life.

There are other Tax Increment Districts that have been formed in the City of Albuquerque and Rio Rancho for mixed commercial and residential projects and the City of Las Cruces actually formed its own TIDD for downtown street revitalization and I think that is unique in New Mexico. There is a feature of the statute that allows a local government to sort of form a Tax Increment District on its own motion. In the City of Las Cruces' case it is entirely public property that is in the district and really what that district was trying to do was leverage the non-recurring construction related gross receipts tax to pay for a portion of the street reconfiguration and improvement project.

As far as Industrial Revenue Bonds are concerned, they've been around in New Mexico for a long time, I think since the 1930s, and recently, probably in the last two decades have come into pretty wide use, especially by renewable energy developers, developers of wind farms and solar farms and so on. And other than that they've been used pretty widely for various different kinds of commercial and industrial projects. I think – I know the City of Santa Fe has approved a couple recently. I'm not sure – I think Santa Fe County approved one for BTI, which is a bicycle parts concern and even though the IRB got approved I'm not aware that it was ever actually issued. So I need to look further into that.

What else to say here? One thing about – I think it's fair to say that although PIDs and TIDDs do have a separate existence as political subdivisions apart from, in this case, it would be the County, they do involve a fair amount of ongoing County staff involvement and here's the thing once they're set up they don't function – it's not like you open the box and put them on the shelf and they just do exactly what everyone thinks they need to do without any further look. But these things have now been around long enough in New Mexico that the people who work with them have encountered most of the challenges I think that surround them and we're better at it now than we were 15, 20 years ago.

I think that's my only – all I'm prepared to say. I'm happy to try to answer questions if Commissioners have them.

MR. SHAFFER: Thank you, Peter. I think that's all of the prepared presentation. I'd be pleased to answer any questions that the Board has.

CHAIR ROYBAL: Okay, any questions of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Mr. Chair, Greg, was the Studios, did they use an IRB or anything?

MR. SHAFFER: Mr. Chair, Commissioner Hansen, no. Santa Fe Studios, in terms of what exists today, IRBs were not used to finance that. It was a mix of state appropriations that flowed through Santa Fe County for the benefit of the project as well as some County funds to guarantee a loan that was made by a private entity. They have recently submitted an Industrial Revenue Bond application recently, meaning within the last ten days and so that will be coming forward to the Board at a future date, but to date, no IRBs have been issued for Santa Fe Studios.

COMMISSIONER HANSEN: So they are thinking about it. Have we issued any IRBs in the last 20 years?

MANAGER MILLER: Mr. Chair, Commissioner Hansen, I don't think that we've IRBs but we have done some conduit financing, which is somewhat similar, using our name, our tax exempt status, but not through our IRB process. But we had previously done some conduit financing with a housing project and also I believe the law enforcement academy were two that I know of. In the late nineties, I think. But otherwise we have not issued any IRBs.

COMMISSIONER HANSEN: What about CIDs or the TIDDs, or anything in the county?

MANAGER MILLER: Mr. Chair, Commissioner Hansen, we did a special assessment district in Rancho Viejo, and we worked on County Improvement Districts in Las Lagunitas for sewer but it didn't qualify based on the cost of the project. But we went through a pretty extensive process with them. They wanted to do a sewer system but the cost of the sewer system would exceed what would qualify for a County Improvement District because it was going to be more than a certain percentage of their property tax. So we went through a process of it, working with the Board, working with the community and our Public Works and Utilities staff, but that one didn't qualify so we didn't actually fully executive a CID there. But they did the petition and we did the preliminary engineering estimates and came to the conclusion it was going to be too costly to qualify for a CID.

I do not know of any TIDDs but the closest to that was we did the special assessment district in Rancho Viejo when that was being developed. They did Rancho Viejo Boulevard and some of the other road and sewer construction, I believe. That was quite a while ago. The property owners there have a ten mill assessment on their properties and it ended up being about a third of their property tax bill because in the county at the time it was about 20 mills; they had an additional ten mills. But they collected so much revenue on that mill that they paid those bonds off early. That was the last initiative similar to a Public Improvement District or a County Improvement District, was the special assessment district.

COMMISSIONER HANSEN: Okay. Thank you very much. I appreciate it.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, Greg, thank you for a very well

detailed presentation on that. I just think this is similar to something that the County, when we start thinking of what we're going to do with possibly all these IRBs, all these things that we were presented because in the larger picture these are things that are financed over a period of time, 20 years, 25 years, depending on how the debt is paid, whether there's a private road that the individuals want to actually create an assessment district. But I think it's something that we do need to look into because the growth in this community, Santa Fe, the laboratory has roughly about \$6 billion that they're going to put infrastructure into the labs. We see the complexes going up. We see the new subdivisions coming up and just feel like we're kind of busting at the seams here in the city and county as into development.

One of the things I like about this is areas that don't have water – excuse me for going to your district there, Commissioner, but the costs are going to be – we have all these brand new water lines, sewer lines to certain areas of the county and there's rural areas that are almost a rock throw away from a utility. It will just be interesting to see how these can actually work with the communities that don't have water. This is actually – and probably the County's being restored once again. Thank you, Greg.

Maybe this is something good that the new department can actually work on, because this has to deal with economic development, it has to do with communicating with the communities out there. This may be a good segue for the new department to actually get moving on and tracking on in that. Because I just don't want to lose the momentum like the TDRs. This is something that we've been talking about, the transfer of development rights. I know where that's at, where it's going with that but I just hope that we continue to talk about these IRBs, etc.

With that said, I don't know the answer for that today but under Governor Richardson and Katherine, Governor Richardson, on the west side they wanted to do a huge development on the west side of Albuquerque there and there was a bill in regards to the staging and the regulations for TDRs. I know that died at the last minute. But if you could just let me know, some time passing by, what happened with that, Katherine, really quick, if you would like to. And that's all I have, Mr. Chair. Thank you.

MANAGER MILLER: Mr. Chair, Commissioner Garcia, I think you might be referring to the land grant in the west side of Albuquerque, a really large land grant that was turned into a TIDD. I believe that that still has state legislative authorization and State Board of Finance authorization as a Tax Increment Development District. It was very controversial. Some of the TIDDs are. Mesa del Sol was south of Albuquerque, it was also a TIDD. There's some in Las Cruces. Some smaller ones in Las Cruces were very successful, kind of a redevelopment perspective. And there have been several in Albuquerque also. I think redevelopment of Windrock was done as a TIDD.

So they only captured increased revenues between I think the city, the county and the state in order to pay that debt. So not existing revenues but future growth revenues.

But we haven't had any developers proposed those in Santa Fe County.

CHAIR ROYBAL: Mr. Chair, Commissioner Garcia, Manager Miller. Are there any other questions or comments? No? Okay.

8. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: I believe we have Mary Anne Sticker that asked to address the Commission.

MARY ANNE STICKLER: Mr. Chair, Commissioners, my name is Mary Anne Stickler, and I did ask to be able to speak very briefly following this particular presentation. In 2018 I contacted several offices in the County to try to initiate an application for a CID. And the purpose of the CID is to pave Spur Ranch Road, which is in Commissioner Hughes' district. It's a road that is dirt. I can't even call it basecourse; it's just plain old dirt, that is maintained by volunteers who live and own property along Spur Ranch Road.

Spur Ranch Road serves about 150 properties. Most of them do have homes on them and we have put a lot of effort into establishing that we can meet the two-thirds threshold that's required by the CID application to bring an application to the County Commission to be able to investigate the feasibility of this project. So I just wanted to sort of be here by way of introducing that we've got a real world project that we're very anxious for you to take a look at and apply exactly these standards and mechanisms that Greg just explained.

We're a little frustrated because we first started making these inquiries in 2018, But I think that there were some major staffing vacancies at that time and so we were just not getting any traction and now with Commissioner Hughes and Olivia Romo and some of the new department heads it looks like we're going to be able to get in front of some of the departments and do a real feasibility study towards moving this project forward. So just by way of introduction I just wanted to speak after Greg's presentation and hopefully you'll be receiving a preliminary application from us after we've been able to move through some of these procedural requirements. Thank you.

CHAIR ROYBAL: Thank you, Ms. Stickler. Is there anybody else from the public that would like to address the Commission? You can unmute yourself and state your name for the record.

MARCELA DIAZ: Hi. I'm Marcela Diaz and I have a comment.

CHAIR ROYBAL: Go ahead, Ms. Diaz.

MS. DIAZ: Very good I'm going to start my video, okay? Mr. Chair, Commissioners, good evening. My name is Marcela Diaz. I work for Somos un Pueblo Unido. We're a statewide immigrant and economic justice organization, obviously here in Santa Fe for about 25 years, a little over 25 years. And I just wanted to make a quick comment in relation to the budget that you voted on this evening and we just wanted to say that we are in full support of the use of ARPA funding to bolster Santa Fe CONNECT. It was and continues to be such an important lifeline for struggling families during the pandemic. It is our understanding that a portion of this funding will go to a cash assistance, an economic relief program similar to the one that the City of Santa Fe as well as the State of New Mexico used and did with CARES Act funding last year and so we just really wanted to support that.

While the worst of the health crisis is over – fingers crossed – and it continues to stay that way, we know that we will continue to see the reverberations of the economic

crisis for years to come. Despite mixed status families, and there are about 19,000 immigrant residents in Santa Fe County, many taxpayers who do not have Social Security numbers but use their individual tax identification numbers and their children do not receive any of the traditional economic relief which includes three economic stimulus payments at the federal level. Most did not receive the \$600 tax rebate provided by the State of New Mexico to low income families eligible for the working families tax credit. And these families also did not receive weekly unemployment benefits.

So we know the cash assistance, such as stimulus rebates and unemployment benefits have proven to be one of the most effective strategies in supporting struggling families and promoting an inclusive economic recovery. And by investing as you are choosing to do, funding in these crucial programs including cash assistance programs, you're putting money back into the pockets of residents who will spend it in our local communities supporting small businesses and creating vital jobs.

So thank you for being forward thinking on that and we continue to look forward to working with the County and the Santa Fe CONNECT program on fleshing out this important program.

CHAIR ROYBAL: Thank you, Ms. Diaz. Thank you for the comments and the support to the Commission today. We really appreciate that. Thank you. Have a good evening. Anybody else from the public that would like to address the Commission? Hearing none, we're going to go ahead and close Matters of Public Concern.

9. MATTERS FROM THE COUNTY MANAGER

A. COVID-19 Updates

CHAIR ROYBAL: I believe we already did item B. Manager Miller.

MANAGER MILLER: Thank you, Mr. Chair, Commissioners. Yes, so just for our COVID updates. The most recent numbers that we have for COVID-19 vaccinations for the County, Santa Fe County has the fourth highest vaccination rate in the state of New Mexico with 77.4 percent of our residents partially vaccinated and 68.2 percent fully vaccinated. At the state level, if you look at just straight New Mexico State data, which I don't think includes tribal or other states, 59.1 percent of New Mexicans have at least one dose and 52.9 percent have completed the full series. So when we look at the overall state data totals, the percentage of New Mexicans 16 and older with at least one dose is 70.7 percent, or the percentage of New Mexicans 16 and over with vaccinations series completed, 62 percent.

So as you know that means that the governor has indicated that the state will fully open up July 1. So that's good news. But we are still working on our public awareness campaigns through Community Services and FireStik. We've finalized a series of posters and employee handouts for staff and we're putting up a new billboard regarding vaccinations, and our videos continue on social media. We are still trying to address vaccination hesitancy. Around the rest of the country, in most cases, from the meetings I've been in with health officials in the State of New Mexico, people who are being hospitalized or who are dying from COVID are not vaccinated. So the hospital last week had a couple of deaths and all the people who were hospitalized as well had not been vaccinated.

So the hospitals and providers are still struggling with individuals who are hesitant to get vaccinations and we'll continue our public awareness campaign to try encourage people and educate them of why getting a vaccine is critical.

Also, last week at our detention center, we partnered with Christus St. Vincent Hospital to hold a vaccination event at the jail. They did 16 vaccinations. We've done probably close to 200 vaccinations at the jail with inmates and staff with the three events that we've done so far.

We also did a drive-through with FEMA at the Community College using both Johnson & Johnson and Pfizer vaccines, and we did a walk-up with FEMA in both Stanley and Galisteo. They yielded small numbers but we still had individuals come and get vaccinated.

On Father's Day, there was a vaccination day held at the car show in Edgewood, and our vaccination unit, which was our previous mobile health van, so it has become our mobile vaccination unit and it was used and we have some upcoming events planned in La Cienega, Madrid and at the Santa Fe County Fair.

We also are planning on reopening our senior centers and community facilities. We finally have received some guidance from the state relative to our senior centers and we are working with our Legal Department to plan the reopening of the senior centers, and then community centers, and our satellite offices are open but they do have some restrictions and Stanley Cyclone Center and the Edgewood Equestrian Facility are also open but they do have some restrictions.

We are continually looking at any of those restrictions that we have and as things are – as public health orders change and as vaccination rates change we have been changing our policies. We have also gone to full operational hours at the 100 Catron but it is still by appointment and staff have prepared return to work, physical work plans for next month, and then they have another stage in August and that all staff will be in office three days a week in August but we're also working on a policy for those positions that are most appropriately deemed as potential remote working positions, based upon what we've learned from responding to the pandemic. We will be working on a policy that allows for remote work, a little more than what we had in the past. What we had in our HR Manual and in our union agreements we've had alternative work schedules but we want to make a permanent way of employing people that can utilize remote work. And we think that will be a good retention tool as well as a good recruitment tool and good for the environment and employee morale.

Also, the crisis center, as you know, we opened the La Sala side of the location, I think opens tomorrow. They've moved in. I think they'll be starting to take clients for the La Sala side and then we've also tentatively chosen the date of July 29th to complete the opening of the crisis center side of the La Sala with a kickoff of the crisis services that were approved earlier today on the Consent Agenda with New Mexico Solutions. And we also are inviting all of the Commissioners, obviously, to participate in that but we hope that the State Human Services Department Secretary Scrase will be able to attend and speak at that event. So that is all I have on COVID updates. Did you have any questions on those?

9. C. Miscellaneous Updates

MANAGER MILLER: So then I'll go onto just some other Miscellaneous Updates. I mentioned earlier that the governor, when I was talking about the budget and Senate Bill 90, the governor will be doing kind of a mock bill signing of several bills that affect the fire service on Friday, July 2nd at 9:00 am at our Station 61, which is our Agua Fria Fire Station. You might ask why the Agua Fria station, considering it was a temporary station and is a modular unit that was put there with the idea it would be temporary, but what we need is funding in order to replace it. And one of the bills that she'll be mock-signing is one that affects fire funding and will allow us to apply to the Grant Council for funding for things such as new fire station at that site, as well as other fire service equipment and facilities. So that's one bill. It's not just for us, obviously; it's for the whole state.

But also Senate Bill 90 that affects fire service career staff's retirement contributions and some other bills. So we'll be supporting that press conference or that bill signing at our station. Our staff will be there and if you're able to attend I'm sure the governor will be happy to see all of you. So that is Friday at 9:00 am in Agua Fria.

Also, another update. We have started our Commit to be Fit Manager's Challenge. That's our fitness challenge and I'm happy to say that this year, we have 29 teams. That's the most we've ever had. So everybody is very eager to get rid of their COVID 10 or 15 or whatever it might be. I don't think we've ever had this many teams sign up or this many staff and everybody's pretty excited to do our fitness challenge, and it's a challenge where we have 29 teams compete against each other for exercise and eating healthy as well as some mini-challenges.

One of my favorite parts about this besides it gets me motivated to work out myself because everybody wants to beat the Manager's team, is seeing the names that people come up with for their teams. So just to give you a few of them, Ambra Baca is our team captain but came up with Kat's Gym Rats, and I said, you know, that's going to end up being shortened to Kat's Brats. And then our Deputy Manager has his Deputy Dogs and we also have the Silver Line and then ATF, which stands for After the Fat, Cirque de Sore Legs, and let's see, Skinny Dippers, Coordinators of Chaos, 9-Run-Run. Obviously that team has to be at the 911 Center, 911-Run-Run. No Guts/No Glory, SO50. So they're pretty creative when they come up with their names and it's not too late. If any of the Commissioners want to hop on a team and participate, we have all kinds of them: the Pound Policy, Too Legit to Quit, so I'm sure that any of the teams that have room if the Commissioners are interested we can get you included on a team. But you cannot – you have to commit to at least 100 minutes a week of exercise of the team does not get any points, and that would not be good. Or you guys could form your own team. We'll still let you in on the competition if you so desire.

We've been doing this for about six years. We didn't do it last year but we have been doing it for about six years and this is by far the year with most teams. So I think it's going to be very competitive.

Also, just an update on recreational cannabis, Land Use Code update, we are going to at the next BCC meeting on July 13th request to publish title and general

summary for the proposed ordinances related to – or code changes related to the legalization of recreational cannabis. Then the first Planning Commission that it can go to, the first public hearing would be at the Planning Commission on July 15th and then the second public hearing for the BCC, I think we were looking at August 2nd but it looks like it might end up being July 30th instead, from what I understand that was the date between those two dates that was – it would be a special meeting. We can't do the public hearing at the last BCC meeting in July because there's not enough time in between the meetings of July 13th and July 27th to public title and general summary for the required noticing timeframe.

But I just want to assure the Board, because we've received some – I'll call it somewhat negative press coverage, and I think it was unfair, saying that we hadn't done anything because staff has been working on what parts of our code need to be addressed and what is in our realm of responsibility, what's in the state's, and making sure that we have as thorough of a proposal to the Board relative to recreational cannabis zoning and where it can be utilized, where it can be produced, how to deal with water related to that, and if the Board does approve the proposed ordinance on the 30th then it would be effect by the time that – September 1st, when the state's law goes into effect relative to manufacturers and growers, producers and sellers.

But it is a tight schedule. If there's anything that the Board has concerns with and we have to go rewrite, obviously that would push it off but it does give time from July 13th when we request authorization to publish title and general summary you would see the draft ordinance and be able to give us any direction or ask any questions or concerns about what we have drafted for the Board's consideration.

Also, I did want to let the Board know that the actual portion of the Cannabis Regulation Act that allows for recreational consumption goes into effect June 29th, so midnight last night or 12:01 last night, and although the act generally legalizes recreational use of marijuana it authorizes employers to have a written zero tolerance policy pursuant to which employees may be disciplined on the basis of a positive drug test that indicates any amount of Delta-9-THC or a Δ^9 -THC metabolite. And I bring this up because our current policies are that we have a zero tolerance policy, and that is in our collective bargaining agreements and in our Human Resources Handbook. So the act doesn't have any immediate effect on those policies but obviously, as we go through our bargaining unit negotiations and each bargaining unit agreement we'll address this issue with those bargaining units and the HR Handbook. And so it could change in the future but there is no immediate change. So the County Countywide currently has a zero tolerance policy. We'll work with the Board on changing any of those policies as appropriate.

And that is it for my updates. Thank you.

CHAIR ROYBAL: Thank you, Manager Miller. Does anybody have any questions on the Board? Thank you for that update. Who's going to be the team captain?

COMMISSIONER GARCIA: Commissioner Hansen.

CHAIR ROYBAL: We'll talk about it later.

COMMISSIONER HANSEN: I'm happy to do it but you'll have a phone call from me every morning asking how long you've walked. Texts every morning: What have you done?

MANAGER MILLER: I will make sure you have the rules emailed to you ASAP and we'll even assist you in the administrative reporting. All you have to do is actually the exercising and eating healthy. Fundamentally you have to exercise – every member has to exercise a minimum of 100 minutes a week. So three 30 minutes plus another ten. Three 30-minute workouts or two 30-minute and a 40-minute. So that's the minimum. But if you don't do that then you get – any one team member doesn't do that then you don't get credit. That's the kicker is that everyone has to at least do that. Then you get additional points for what you do beyond that. And then you also get points for eating healthy and we won't hold the Board to the requirement that you have to do it as a group, because you can't get together more than two of you at a time but if you share a healthy snack, at least two of you, then you get extra points for that as well.

CHAIR ROYBAL: Sound good. I guess we'll be doing that together, right?

10. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS

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

CHAIR ROYBAL: I don't have any updates right now but I just want to take the time to wish everybody a happy Independence Day. It's the 240th year that it was declared Independence Day, so I just want to wish everybody a safe and happy holiday, make sure that we are doing what we need to out there, stay safe and just take care of one another. I think that where liberty is alive and well, that's my country. So I appreciate that. I'm going to go to Commissioner Hamilton. Did you have any updates?

COMMISSIONER HAMILTON: No updates but I'll add my voice to wishing everybody a happy, safe and fire-free Fourth of July.

CHAIR ROYBAL: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. Just really quick. I wanted to thank some of the staff for the tours I've been getting. I got a nice tour of Thornton Ranch on the second hottest day of the year, from Maria Lohmann. That was wonderful. It was a good thing we started at 7:00 am because by 10:00 we were really hot and ready to quit. But it's a beautiful area and once it's open to the public I think everybody will really enjoy that space.

I also got a tour of the acequia trail and river trails over by Meadows Lane thanks to the Metropolitan Planning Organization. And finally, and the only thing that's in my district, is the adult detention center which I got a tour of last week, thanks to Warden Williams. That's a very impressive operation.

I want to mention that my constituents who are very much into recycling are really looking forward to the opening of a reuse area at the Eldorado Transfer Station and also two opportunities to talk to me coming up – Thursday is the Hour with Hank. I didn't make up that title, by the way. My friends did. But that will be Thursday, 5:30. And then Representative Speaker Egolf has invited me to join him for an office hours for Rancho Viejo on July 17th. I understand he did that with Commissioner Hamilton and it

didn't go so badly so he offered to do it with me as well, the other side of his district.

COMMISSIONER HAMILTON: It was perfect. He did and it was very well conceived. It was wonderful for him to come out and do it in person in part of his district and I thought it was a really good – it was well attended. I think it was very well appreciated too, so it worked out very, very well.

COMMISSIONER HUGHES: That's it for me, Mr. Chair.

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

COMMISSIONER HANSEN: Thank you, Mr. Chair. So I had my Coffee and Tea under the Trees on Saturday, right before it started raining and it was very well attended and constituents are very active and happy to get outside. The farm stand was really successful and many of us ordered food from Rose's Kitchen and people were really impressed with the food. The number one item that everybody wants to know is when is the River Trail from Siler to San Ysidro opening. I told them it was moving forward.

The other big item was sidewalks on Lopez Lane. I continually hear about sidewalks everywhere. People wanted to know about West Alameda and if there would be sidewalks on West Alameda. I said I couldn't comment on that at the moment but hopefully there will be. One of my constituents is a member of the ACLU and she was very supportive of House Bill 4 and wants now policies written for the County on civil rights.

Anyhow, it was very – there were people talking about cultural tourism in the Village of Agua Fria. The San Ysidro Crossing road was a huge topic. I hope this road policy will actually look at San Ysidro Crossing because that road is in bad shape but I have to say not as bad as Cerro Gordo, which is not our responsibility, thank goodness. I happened to be on that road the other day.

So it was very fun. It was a two-hour event and people were very happy and I have constituents from Las Campanas, Agua Fria Village, District 3. I think there was even some people from District 4. People showed up. They were shopping and the weather was absolutely beautiful. So I was really thrilled.

Besides that, the only other item I have is I know, Mr. Chair, I believe you are attending NACo, and I would like to request that when you vote, since you have three votes, that you vote for Mary Jo Maguire for vice president, or second vice president. I happen to have served on a number of committees at NACo with her and I think she is one of the best candidates that is running for second vice president at NACo. I will be attending virtually. I have two resolutions that I'm bringing forward at the Environment, Energy and Land Use Committee that I serve as the vice chair on.

I think that that is enough. It's been very busy. Many meetings and I'm happy that we are out in public and I want to encourage everyone to get vaccinated. You can get the one shot from Johnson, Pfizer, Moderna. It seems like they're now saying Moderna and Pfizer have a long-lasting effect and are good against the delta variant, so I would like to encourage everyone to please get vaccinated. And with that, please have a safe and happy and firework-free Fourth of July, and if you want to see fireworks you can go to Santa Fe Place and enjoy the City's and Kiwanis and Zozobra firework display at Santa Fe Place, which should be a lot of fun. And I most likely will be there enjoying the fireworks there

because I love to see fireworks shooting off at a public display.

So thank you. Please be safe.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Garcia, did you have any updates from Commissioners?

COMMISSIONER GARCIA: Mr. Chair, at this time I do not. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia.

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

CHAIR ROYBAL: Madam Clerk, did you have any updates?

CLERK CLARK: Yes, thank you, Mr. Chair. This past week I went to a clerks meeting where we discussed new changes in the law and I'm pleased to say there are new streamlined changes to the Notary Act as well as probate, so they're going to design a database where marriage licenses and probate data – not the image itself but the data will be available to all clerks to sort of facilitate probate for citizens throughout New Mexico. The Secretary of State is adding new features to our voter database that should make voting easier and we're sort of moving into our regular local election, which will be on November 2nd, and that's going to have the City Councilors, new Town Commissioners in Edgewood, Soil & Water Districts, and a reminder to or entities that need to notify us, the deadline to notify us is July 5th.

CHAIR ROYBAL: Okay. Thank you. Great. Thank you, Madam Clerk, for that update. Are there any other elected officials that would like to address their constituents or the Commission?

12. INFORMATION ITEMS/MONTHLY REPORTS

- A. Community Services Department Monthly Report**
- B. Finance and Purchasing Monthly Report**
- C. Growth Management Department Monthly Report**
- D. Human Resources Monthly Report**
- E. Public Safety Monthly Report**
- F. Public Works Monthly Report**

There were no questions regarding the information items.

11. MATTERS FROM THE COUNTY ATTORNEY

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed**

Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:

- 1. Amendment No. 6 to the Employment Agreement Between Katherine B. Miller and the Board of County Commissioners of Santa Fe County**
- 2. Acquisition of Rights-of-Way for County-Maintained Roads within the Exterior Boundaries of Pueblos**
- 3. *The County of Santa Fe v. Ricardo G. Sanchez, et al.*, No. D-0101-CV-2020-02289; and (4) Collective Bargaining Negotiations with AFSCME 1413-M and NMCSPO-RECC**

CHAIR ROYBAL: Attorney Shaffer, can you give us a summary of what we need to go into executive session for?

MR. SHAFFER: Yes, Commissioners. Executive session is needed limited personnel matters allowed by Section 10-15-1(H)(2) NMSA 1978, discussion of bargaining strategy preliminary to collective bargaining negotiations between the Board of County Commissioners and the collective bargaining units as allowed by Section 10-15-1(H)(5), threatened or pending litigation that Santa Fe County is or may become a participant as allowed by Section 10-15-1(H)(7) NMSA 1978, and the discussion of the purchase, acquisition or disposal of real property or water rights, as allowed by Section 10-15-1(H)(8) NMSA 1978.

And the specific items to be discussed are one, amendment No. 6 to the employment agreement between Katherine B. Miller and the Board of County Commissioners of Santa Fe County; two, acquisition of rights-of-way for County-maintained roads within the exterior boundaries of pueblos; three, *The County of Santa Fe v. Ricardo G. Sanchez, et al.*, No. D-0101-CV-2020-02289; and four, collective bargaining negotiations with AFSCME 1413-M and NMCSPO-RECC.

CHAIR ROYBAL: Okay. Thank you, Attorney Shaffer. Can we hear a motion to move into executive session?

COMMISSIONER GARCIA: So moved, Mr. Chair.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion from Commissioner Garcia and a second from Commissioner Hamilton. Can I get a roll call vote, Madam Clerk?

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

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

[The Commission met in executive session from 7:30 to 9:25.]

CHAIR ROYBAL: Good evening, everybody. We're coming back out of executive session. I want to thank the Commissioners. It's definitely been a long evening. I want to thank all the Commissioners and the members of the public that are here with us this evening. I'd entertain a motion to come out of executive session.

COMMISSIONER GARCIA: Mr. Chair, so moved to come out of executive session.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Garcia and a second from Commissioner Hughes. Let me go to Attorney Shaffer.

MR. SHAFFER: Mr. Chair, if it's okay with the maker and the seconder of the motion, if the motion could just be amended to reflect that the matters discussed in executive session were those that were listed in the motion for closure.

COMMISSIONER GARCIA: Mr. Chair, I'm okay with that.

COMMISSIONER HUGHES: And that is fine with me.

COMMISSIONER GARCIA: And Mr. Chair, also, Attorney Shaffer, do we need to say that no action was taken?

MR. SHAFFER: It's not necessary but there's no harm in including it.

COMMISSIONER GARCIA: I'll include it.

CHAIR ROYBAL: Okay. And the seconder will include that statement as well?

COMMISSIONER HUGHES: Yes. That's good.

CHAIR ROYBAL: Okay. So we have a motion and a second.

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

11. B. Request Approval of Amendment No. 6 to the Employment Agreement Between Katherine B. Miller and the Board of County Commissioners of Santa Fe County

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

COMMISSIONER HANSEN: Yes. I would like to, on item 11. B, I would like to request approval of amendment No. 6 to the employment agreement between Katherine B. Miller and the Board of County Commissioners of Santa Fe County.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hansen, a second from Commissioner Hamilton.

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

11. C. Request Approval of Settlement Agreement Concerning *The County of Santa Fe v. Ricardo G. Sanchez, et al.*, No. D-0101-CV-2020-02289

CHAIR ROYBAL: Back to you, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I want to, on 11. C, request approval of settlement agreement concerning the *County of Santa Fe v. Ricardo G. Sanchez, et al.*, No.D-0101-CV-2020-02289.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen, a second from Commissioner Hamilton. Anything under discussion?

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

13. CONCLUDING BUSINESS

A. Announcements

B. Adjournment

Upon motion by Commissioner Hughes and a second from Commissioner Garcia, and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 9:30 pm.



ATTEST

KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Approved by:

Henry Roybal, Chair
Board of County Commissioners

Respectfully submitted:

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