

SFC CLERK RECORDED 07/14/2021

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

Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy Tarik D. Overton County Clerk, Santa Fe, NM

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

June 8, 2021

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

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

B. Roll Call

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

Members Present:

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

Members Excused:

Commissioner Rudy Garcia

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 Bill Taylor of the Purchasing Division.

F. Approval of Agenda

CHAIR ROYBAL: Are there any changes or corrections to the agenda?
Commissioner Hansen, did you have any changes to the agenda?

COMMISSIONER HANSEN: I completely apologize. I would like to move item, under Matters from Commissioners, item C to after the Consent Agenda.

CHAIR ROYBAL: Okay, so we'll go ahead and do that and this is under Matters from the County Commissioners, C; correct?

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COMMISSIONER HANSEN: Yes, this is 9.C, after the Consent Agenda.

CHAIR ROYBAL: We'll move that.

COMMISSIONER HANSEN: Thank you very much.

CHAIR ROYBAL: You're welcome. Are there any other changes?

KATHERINE MILLER (County Manager): Yes, Mr. Chair. We posted the agenda a week ago and then on Friday, June 4th at 4:53, we posted our amendments to the agenda. Item 2.C., that packet material was updated on BoardDocs. Then item 4.L, under Consent, that item was added. Then item 8.C, actually not an action item: it is just discussion, but that item was added. Then item 9.C, was also packet material was updated. Then under item 10, items from the County Attorney, 10.A, items 2 through 4 were added for Executive Session. Those are all the amendments to the agenda. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Manager Miller. What's the pleasure of the Board?

COMMISSIONER HUGHES: Move to approve the agenda.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: And this is with the change to the agenda; correct?

COMMISSIONER HUGHES: Correct.

COMMISSIONER HAMILTON: Yes.

The motion passed by unanimous [4-0] voice vote

GREG SHAFFER (County Attorney): Mr. Chair, I believe the appropriate motion would be to temporary recess the Board of County Commissioners meeting and reconvene as the County Canvassing Board.

CHAIR ROYBAL: Okay, can I get a motion? Commissioner Hamilton.

COMMISSIONER HAMILTON: Mr. Chair, I move that the Board of County Commissioners temporarily recess and reconvene as the County Canvassing Board.

COMMISSIONER HUGHES: I'll second.

CHAIR ROYBAL: We have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

[The BCC recessed at 2:16.]

2. County Canvassing Board Meeting – The Board of County Commissioners Will Temporarily Recess and Convene as the County Canvassing Board

A. Roll Call: County Clerk Katharine Clark called roll at 2:16 a quorum was present s follows:

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Members Present:

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

Members Excused:

Commissioner Rudy Garcia

B. Approval of Agenda

COMMISSIONER HAMILTON: Move to approve.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: All those in favor.

The motion passed by unanimous [4-0] voice vote.

C. Request Approval of June 1, 2021, Congressional District 1 Special Election Report of the Canvass, Pursuant to NMSA 1978, Sections 1-13-13(A), 1-24-3(A) and 1-24-4(A)

CLERK CLARK: Hello, we completed our election on June 1st. We were done with our results at about 8:33 and then we canvassed the next day and these are the results. For the five precincts in Edgewood that are in Congressional District 1 and as you can see, these are the vote tallies. We had 37 percent turnout which is actually better than the overall for our Congressional District 1 which is 28 percent. All of the ballots that were put in the mail by voters, we actually got 100 percent back. Does anyone have any questions?

CHAIR ROYBAL: Thank you, Madam Clerk. Commissioner Hamilton, you have a question.

COMMISSIONER HAMILTON: Could you put the information back up please. The votes shown in the upper right-hand corner, are those totals?

CLERK CLARK: So the total vote was 1,571 voters out of 4,271 eligible voters. Then the 65,18,875, 611 and 2 is how much each candidate received in our –

COMMISSIONER HAMILTON: Can you tell me who actually won the election, please.

CLERK CLARK: Melanie Stansbury won the election overall but –

COMMISSIONER HAMILTON: With how many votes?

CLERK CLARK: Overall?

COMMISSIONER HAMILTON: No, well, from this data shown here.

CLERK CLARK: This data, Melanie won 611 votes.

COMMISSIONER HAMILTON: And how many – isn't that less than 875? I'm just wondering –

CLERK CLARK: Mark David Moores actually won Santa Fe County. But overall across the –

COMMISSIONER HAMILTON: This is our Santa Fe County?

CLERK CLARK: Just for our county.

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COMMISSIONER HAMILTON: Okay, I was just checking. Thank you very much.

CHAIR ROYBAL: Any other questions? What's the pleasure of the Board?

COMMISSIONER HAMILTON: Mr. Chair, move to approve.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton; do I have a second?

COMMISSIONER HUGHES: I'll second.

The motion passed by unanimous [4-0] voice vote.

CHAIR ROYBAL: Thank you, Madam Clerk. We appreciate all the hard work that went into this election. I know it was your first election and you guys did a great job. So once again, thank you to the Clerk's Office for everything that you do.

CLERK CLARK: I am very proud of our staff. We actually posted our early vote first out of all the other counties. So we had a very efficient process on election night.

CHAIR ROYBAL: Awesome, thank you.

D. Adjourn and Reconvene as Board of County Commissioners

CHAIR ROYBAL: We need a motion to adjourn and reconvene as the Board of County Commissioners.

COMMISSIONER HAMILTON: So moved.

COMMISSIONER HANSEN: Second.

The motion passed by unanimous [4-0] voice vote.

[The BCC reconvened at 2:20 p.m.]

3. APPROVAL OF MEETING MINUTES: May 11, 2021

CHAIR ROYBAL: Are there any changes to the meeting minutes, Commissioner Hansen?

COMMISSIONER HANSEN: Yes, there are changes and I wish to move to approve the meeting minutes with the changes that I will give to the stenographer, Karen.

CHAIR ROYBAL: Okay, we have a motion to approve with changes; do I hear a second?

COMMISSIONER HAMILTON: Second.

The motion passed by unanimous [4-0] voice vote.

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

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4. CONSENT AGENDA

- A. Final Order in the Matter of Case#10-5366, St. Francis South Preliminary Plat Approval for Phases 1-4 and Final Plat Approval for Phases 1 & 2. Vegas Verdes, LLC, Applicant, JenkinsGavin, Inc., Agent, Requested Preliminary Plat Approval for Phases 1-4, Consisting of 22 Lots, and Final Plat Approval of Phase 1, Consisting of 4 Lots, and Phase 2, Consisting of Eight Lots, on 68.94 Acres, for the St. Francis South Mixed-Use Subdivision. The Applicant Also Requested the Removal of a Previously Imposed Condition by The Board of County Commissioners on a Prior Preliminary and Final Plat Extension, Which Required a New Conceptual Plan Application to Be Submitted if the Final Plat for Phase 1 Was Not Recorded Prior to Its Expiration. The Property is Located at 199 Rabbit Road, via St. Francis Drive, Within Section 11, Township 16 North, Range 9 East (Commission District 4) (Nathan C. Manzanares, Case Manager) (Approved Unanimously 5-0)**
- B. Final Order in the Matter of Case # 20-5071, Las Campanas Master Association Appeal. Las Campanas Master Association and Verizon Wireless, Applicants, Appealed the Planning Commission's Decision to Deny a Variance that Would Allow a Stealth Wireless Communication Facility to Be Constructed 70' in Height. The Proposed Stealth Cell Tower Will Be Located on Parcel 5, Which Comprises 7.62 Acres of the Las Campanas Planned Development District. The Site is Located at 366 Las Campanas Drive, within T17N, R8E, Section 15, SDA-2 (Commission District 2) (Gabriel Bustos, Case Manager) (Variance Approved 4-1)**
- C. Request (1) Approval of Amendment No. 6 to Agreement No. 2018-0349-A-CSD/MM with Interfaith Community Shelter, Increasing the Compensation by \$89,625 for a Total Contract Sum of \$648,875.00, Inclusive of NM GRT, and Extending the Term an Additional Year; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)**
- D. Request (1) Approval of Amendment No. 5 to Agreement No. 2018-0349-B-CSD/MM with Life Link, Increasing the Compensation by \$107,800.00, for a Total Contract Sum of \$604,925, Inclusive of NM GRT, and Extending the Term an Additional Year; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)**
- E. Request (1) Approval of Amendment No. 4 to Agreement No. 2018-0349-C-CSD/MM with Santa Fe Public Schools Adelante Program, Increasing the Compensation by \$107,800.00, for a Total Contract Sum of \$402,325.00, Inclusive of NM GRT, and Extending the Term an Additional Year; and (2) the Delegation of Signature Authority to**

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- the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)
- F. Request (1) Approval of Amendment No. 4 to Agreement No. 2018-0349-D-CSD/MM with Santa Fe Public Schools Teen Parent Program, Increasing the Compensation by \$67,375 for a Total Contract Sum of \$282,100.00, Inclusive of NM GRT, and Extending the Term for an Additional Year; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)
- G. Request (1) Approval of Amendment No. 5 to Agreement No. 2018-0349-E-CSD/MM with St. Elizabeth Shelter, Increasing the Compensation by \$59,750 for a Total Contract Sum of \$465,225.00, Inclusive of NM GRT, and Extending the Term an Additional Year; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)
- H. Request (1) Approval of Amendment No. 5 to Agreement No. 2018-0349-F-CSD/MM with Growing Up New Mexico, Increasing the Compensation by \$107,800 for a Total Contract Sum of \$338,275.00, Inclusive of NM GRT, and Extending the Term for an Additional Year; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)
- I. Request (1) Approval of Amendment No. 3 to Agreement No. 2019-0243-CSD/MM with Las Cumbres Community Services, Increasing the Compensation by \$107,800 for a Total Contract Sum of \$357,550.00, Inclusive of NM GRT, and Extending the Term of the Agreement an Additional Year; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)
- J. Resolution No. 2021-051, A Resolution Requesting a Budget Increase to the Regional Transit Fund (202) in the Amount of \$1,752,462.00. (Finance Division/Yvonne S. Herrera)
- K. Request Approval of Lease Agreement No. 2021-0160-CSD/BT Between Santa Fe County and Santa Fe Recovery Center, Inc. for Lease of Premises at 2052 Galisteo (Public Works/Scott Kaseman, Community Services/Rachel O'Connor)
- L. Request Approval of County Utility Line Extension and Service Agreement between Vegas Verdes, LLC and FFT LLC and Santa Fe County (Public Works/John Dupuis)

CHAIR ROYBAL: There are several items on our consent agenda that are

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from 4.A. to 4.L; are there any items that any Commissioners need further information on? If not, what is the pleasure of the Board?

COMMISSIONER HUGHES: I'll move for approval of the consent agenda.

COMMISSIONER HAMILTON: Second.

The motion passed by unanimous [4-0] voice vote.

[Clerk Clark provided resolution numbers throughout the meeting.]

9. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS

C. Presentation of Certificates of Appreciation to County Staff for their Outstanding Coordination and Execution of the County's 2021 Earth Day District Planting Events

COMMISSIONER HANSEN: Thank you, Mr. Chair. I have mentioned before during the BCC meeting how grateful I am to the staff for all of the incredible, incredible work they did on Earth Day but I didn't feel like that was enough. So I really wanted to recognize all of the hard work that our staff has done to make Earth Day so incredibly successful throughout the entire County. There was just an outpouring of love for our entire County and there were so many people to thank and that is why I wanted to do these certificates especially after the long year of us all being locked down in the pandemic and not being able to gather together. And, then, on Earth Day being able to gather safely and people still wore masks and they were very respectful of one another. But they worked incredibly hard and staff worked incredibly hard throughout the whole process – each week before in making sure that the holes were dug for the plants and making sure that everyone had all the tools that they needed, making sure that there was compost was there for all the plants. There was nothing forgotten and it was just a great way for us to be able to come out of Covid and to really live up to the resolution that we passed in 2020 and the proclamation that we passed in 2021 recognizing Earth Day. As someone who has believed in Earth Day from the day it began to this day today and I know it is something that I will work for for the rest of my life to stop the effects of fossil fuel that is being subjected to our planet. We all need to care and love our planet and this was a real outpouring of that kind of love.

Not only did we dig the holes, they determined the best location. We chose pollinator friendly plants and drought tolerant trees that are so important as we move forward under this climate disruption that we're facing. The Procurement Department and their working with us. Coordinating the volunteers in each of the groups, creating an online volunteer registration portal, hand tool and supplies – there was identifying where each plant and tree and feed would be planted, managed the volunteer registration table and directed volunteers, watered each plant with our portable water tank which is still happening. And I want to recognize also, the Santa Fe Watershed Association who is also helping to water and then Daniel who captured the spirit of the event with videos and photographs. And undoubtedly the man, many more behind the scenes.

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To start with I want to recognize and give a really big shout-out to Jacqueline Bean, our Sustainability Manager, who we award this Certificate of Appreciation and Recognition of your outstanding organization of the County's 2021 Earth Day Planning Event. Under your leadership 150 volunteers planted 350 drought tolerant and pollinator friendly trees and plants in key locations in each district. These events exceeded the Board's expectations and warmed our collective hearts.

And then there is Ernie Tapia, Maintenance Foreman; Carrie Olson, Project Manager III; Adeline Murthy, Sustainability Specialist; David Padilla, Facility and Maintenance Manager; Celeste Sanchez, Production Controller; PJ Montaño, Facilities & Projects Division Director; Gabriella Trujillo, Operations Manager; PJ Griego, ASD Director; Les Francisco, Solid Waste Superintendent; Shane Martinez, Maintenance Technician Lead; Frankie Baca, Maintenance Technician; Cedric Griego, Maintenance Technician; Reyes Lujan, Maintenance Technician; Everette Lovato, Maintenance Technician; Christopher Padilla, Maintenance Technician; Gary Girón, our Public Works Department Director, thank you so much.

Under the Finance Department there was Yvonne Herrera, our Finance Division Director; Adriana Vigil, Procurement Specialist; Rejeana Mascareñas, Budget Analyst. There was Daniel Fresquez, Media Coordinator; Ambra Baca, Constituent Services Liaison; Sara Smith, Constituent Services Liaison; Tina Salazar, Constituent Services Liaison; and, Olivia Romo, Constituent Services Liaison.

Well done to our incredible and dedicated County Team. YEA!

If anyone in the audience would like to say a few words, I'd like to let you have that opportunity. Jacqueline.

JACQUELINE BEAN (Sustainability Manager): Thank you. I really feel that the restoration theme was happening amongst us as human beings even though we were giving back to the earth, it felt like we were all knitting together as a community after such a rough year. And that was really beautiful. We can go back and visit our trees and see our plants but that ethereal kind of network/thread of community it passes very quickly so we have to keep continuing to do that more and more.

I want to bring forward Eppie Tapia and Adeline Murthy, both of these folks were like the eyes in the back of head. And when you said nothing was forgotten it is because they usually remembered the things that I forgot and I want to give them a special thank you for everything. Eppie did get a little upset with me once for bringing Starbucks when I was late and not bringing him a Starbucks – otherwise, I think we all made it through. So if you have anything to say especially for your crew. And Adeline was the project lead for Edgewood and Eldorado also, so I want to give her thanks.

ADELINE MURTHY: Thank you, Jacqueline. Mr. Chair, Commissioners, to reiterate on Jacqueline said, I do feel like I grew closer to my colleagues during this event so it did bring us together. And, also, I really want to thank the community volunteers who made this happen. It couldn't have been possible without them and especially to those who are continuing to care for the plants and to ensure that they thrive for years to come.

EPPIE TAPIA: Thank you everyone. I really don't know what to say. It was a team effort under the guidance and leadership of Jacqueline and Adeline we collaborated together to make this possible. It wouldn't have been possible without

everyone in the community, everyone in Open Space and everyone is every department that helped with the POs and getting everything together. Thank you.

[Applause]

COMMISSIONER HANSEN: Thank you. I'm in the process of signing all of the certificates and then I'm going to give them to Chair to sign and we will then hopefully before Jacqueline and Adeline leave the building – and Gary, we can give them the certificates so they can hand them out to everyone. I know that it's just a piece of paper but in that piece of paper I believe is all of our collective heart of how grateful we are to all of you and I certainly am incredibly grateful. When I first brought this up with the manager and we talked about it, she also was very enthusiastic about it. And even though she didn't get a certificate I still want to recognize her for her part in this because without the County Manager we would not have been able to do this all. So I want to just make sure we fill the whole circle and then if any of my other Commissioners would like to say anything, I would be honored.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I'll go to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I don't think I could have said it any better than Commissioner Hansen. I just echo everything that she said and I was just so impressed with the teamwork at the District 5 event. Everybody was there on time and everything went so smoothly. It was clear that everybody was committed to the cause and enjoyed what they were doing and was glad to be there. Thank you very, very much.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Commissioner.

COMMISSIONER HAMILTON: Thank you. Agreed, it's not that there is more to be said but it was truly a delightful event with respect to bringing all of us together and the community out. By gosh, people really enjoyed that aspect of it and that was augmented by being really heartfelt and important, useful thing to do, and I think everybody really appreciated that too. It was a really good event to come out for and see each other. Yes, thank you and congratulations to everybody that did such an outstanding job on this little event.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I cannot agree more. Jacqueline, Eppie, Adeline it was such a great event and I would like to be able to see us expand on this event yearly and make it even better. It was a great event and I don't know even know that it could be much better but just keeping that process alive if we can have that yearly. And, just to reiterate again to everybody, really a great job. We appreciated it. I know that it was great to see the constituents out there. I think next we need to have a tree trimming and maintenance and maybe have it quarterly. That would be great to have something more often. It was a great time to be able to celebrate Earth Day and everybody did such a great job. Jacqueline was out there and Ambra my liaison, we had multiple elected officials come out. And it was really great. We had our County Clerk come out and we had our Representative Tara Lujan and Senator Ben Ray Lujan and I believe there was a couple of other elected officials that came to the event with elected officials, community members and it really shows that we care for our community. So thank you all for what you've done. Thank you again, Commissioner Hansen.

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COMMISSIONER HANSEN: Yes, thank you, Mr. Chair. Yes, it was a really great event to have a lot of other elected officials and especially that our federal delegation got an opportunity to come and work in the community. I had the honor of having representative Teresa Leger Fernandez come and she was so happy to plant her own cottonwood tree and to also be able to see the work that we are doing in Agua Fria Village with Reunity Resources and see all of the great agricultural aspects that we are working on. And I totally feel that the Earth Day is another extension of that of beautifying Santa Fe County.

So once again, thank you everybody, thank you to the County staff who are incredible and I am grateful to be part of this team so thank you very, very much.

CHAIR ROYBAL: I think these are the kind of events that really bring community, the County and everybody else closer together. I think this is going to be very powerful in the future and I just once again want to reiterate the thanks to staff.

5. APPOINTMENTS/REAPPOINTMENTS

A. Reappointment of Richard L.C. Virtue as Hearing Officer, Pursuant To Section 3.5.3 of the Santa Fe County Sustainable Land Development Code, For a Term Beginning on June 8, 2021, and Ending on May 31, 2022

PENNY ELLIS-GREEN (Land Use Administrator): The SLDC gives the BCC authority to appoint a hearing officer for a definite term not to exceed four years and may reappoint at the conclusion of any term. Richard Virtue has served as the hearing officer since July 1, 2018 and his third term ends today.

A fourth amendment to his contract has been approved which will extend the contract for an additional year beginning June 8th and extend it to July 8, 2022. As the Hearing Officer meeting for June of 2022 will be after the contract expires, Mr. Virtue's term would end the end of May of 2022.

Staff recommends the reappointment of Richard Virtue to serve as Hearing Officer from June 8, 2021 to May 31, 2022 and at the end of that term he will have served his full four consecutive terms and the Procurement Division would undertake a procurement process for a new hearing officer. Thank you, I stand for questions.

CHAIR ROYBAL: Thank you, Ms. Green. Are there any question for staff and if not, what is the pleasure of the Board? Commissioner Hughes.

COMMISSIONER HUGHES: I have a question about the term limits. It looks to me that since the Hearing Officer can be reappointed after the conclusion of any term that he could be appointed again next year; is that right?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Hughes, I understand there will need to be another procurement because procurement he has a contract under will have expired at the end of four years and I am not sure he would be able to reapply but I can get you an answer to that question.

COMMISSIONER HUGHES: Okay, good. It just looks like he would be able to reapply reading part of the SLDC here. So let's clear that up sometime before next year.

MS. ELLIS-GREEN: We will do. We'll let him know if he is eligible to

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be able to apply for the procurement.

COMMISSIONER HUGHES: Okay, thank you. That was my question, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Any other questions or comments? What's the pleasure of the Board?

COMMISSIONER HANSEN: Move to approve.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

5. B. Resolution No. 2021- 052, A Resolution Appointing Four Members to the Board of Registration

CLERK CLARK: Mr. Chair, as part of the statute we need to appoint a Board of Registration. The terms are set in statute. They go from the odd number of year, July 1st and then cycle two terms until June 30th the next odd number year. The Board of Registration is responsible for what we call the purge. That's essentially voters that have been identified over the last two election cycles who have been sent a postcard who have not voted in the previous two elections, and have not responded to any mailings that have been identified as likely inactive or have moved out of the County. And then a bipartisan board of registration selects those voters to remove from the voter roll.

We are asking the Commission to appoint four members that are a balanced composition, by party, to the Board of Registration. Do you have any questions?

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I'm wondering on the nomination – I seem to remember from the last time that we did this that we are to nominate the first two people on the list because that is who the party has recommended.

CLERK CLARK: We do ask the parties to rank but I actually think it is up to the Commission as long as it is party balanced who to appoint. That is the designated preference order of who they would like appointed representing their party. The law has changed so that we don't need – essentially when we are recruiting for the board of registration we sent out press releases, we asked the Commissioners to send out information and it is not necessarily driven by party anymore. It just happened to be that way that the parties themselves sent lists of people that they would like appointed. But the statute has shifted in that we don't necessarily have to ask the parties. We ask the wide world to send in nominations and as long as it is party balanced we are not required necessarily to follow the dictates of a party. It is simply what is indicated as their preference order, Commissioner Hansen, Mr. Chair.

COMMISSIONER HANSEN: Is there any alternate?

CLERK CLARK: We have not alternates. We got some nibbles in our press releases sending it out to the public and while people did express interest, no one went through the self-nomination process and completed it.

We spoke to the Libertarian Party. We sent notices to the Working Families

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Party. We reached out to the Green Party. And several people who had seen the press releases in paper who had gotten notices from the Commissioners on their newsletter expressed interest in the Board of Registration but no one actually sent in a letter of interest. If a fifth person who is not a Democrat and not a Republican sends in interest we can still appoint them at a later time to make the fifth but right now we only have four seats in trying to make party balance between the Democrats and the Republicans, Commissioner Hansen.

COMMISSIONER HANSEN: Okay, thank you.

CHAIR ROYBAL: Thank you for that question, Commissioner Hansen.
Any other questions? What's the pleasure of the Board?

COMMISSIONER HANSEN: I'll make a nomination for – we're nominating four people, correct?

CHAIR ROYBAL: Yes.

CLERK CLARK: Two each from each party, yes.

COMMISSIONER HANSEN: Pardon.

CLERK CLARK: Two each from each party, Commissioner Hansen, Mr. Chair.

COMMISSIONER HANSEN: Democratic party, Clifford Rees and Marcia Mikulak. Republican party, Gregory Baker and Judith Nowers.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen and a second from Commissioner Hamilton.

The motion passed by unanimous [4-0] voice vote.

6. MISCELLANEOUS ACTION ITEMS

A. **Resolution No. 2021-053 A Resolution to Commit Santa Fe County Fiscal Year 2021 Fund Balance. (Finance Division/Yvonne S. Herrera)**

CHAIR ROYBAL: Ms. Herrera.

YVONNE HERRERA (Finance Director – appearing virtually): Chair Roybal, Commissioners, this is the annual resolution that we request the Board to approve in terms of setting aside fund, reserves identified in the Santa Fe County Fund Balance Reserve and Budget Contingency Policy. The policy was approved through Resolution 2019-7. It states, functionally set aside as a committed fund balance by passage of a resolution or ordinance. Within the policy, it establishes that minimum reserves shall be maintained in the general fund, special revenue fund, which supports ongoing operations, enterprise funds and internal service funds. The minimum reserve requirements for the general fund consists of four separate items. The first one is the contingency reserve which is equal to 10 percent of the general fund operating budget of the succeeding fiscal year, which is fiscal year 22. Then we have the disaster recovery reserve which equal to 10 to 15 percent of the unrestricted fund balance from the prior fiscal year's financial statement as well as the uninsured loss reserve which is equal to 5 to 10 percent of the prior year fund balance unreserved fund balance. And then finally, we have the major infrastructure repair and replacement reserve equal to 10 to 15

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percent, again, of last year's unrestricted fund balance.

In addition to the general fund reserves, the policy also requires that a minimum reserve of 25 percent within the Corrections Operations, Fire Operations and Emergency Communications Fund of the current fiscal year's operating budget. The reason for the 25 percent for these specific funds is due to the support that they receive from gross receipts tax revenue. For all other special revenue funds, the policy requires that we maintain a minimum reserve of 10 percent of the current fiscal year's operating budget.

And then we have our Enterprise Funds, our Utilities Enterprise Fund requires that we reserve 50 percent of the current year's operating budget and all other enterprise funds require just a 10 percent.

And then finally we have our Internal Service Fund/Self-Insurance Fund which shall maintain 20 to 35 percent of the fiscal year's operating budget.

Those reserve requirement that identify a percentage range of unrestricted fund balance, the recommended percentage to be committed is unchanged from the previous year's commitment level. The total reserve for Fiscal Year 21 is \$61,400,701. And with that, Chair, I stand for any questions.

CHAIR ROYBAL: Sounds good, Yvonne. We appreciate that. Do we have questions from the Board? What's the pleasure of the Board?

COMMISSIONER HAMILTON: Mr. Chair, I'll move to approve this.

COMMISSIONER HANSEN: I'll second.

CHAIR ROYBAL: Motion from Commissioner Hamilton and second from Commissioner Hansen. Under discussion, Commissioner Hansen.

COMMISSIONER HANSEN: Yes, I just wanted to say, Yvonne, it's nice to see you in your office and thank you for the detailed report.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I couldn't agree more. I am glad to see quite a bit more normalcy after the pandemic and hopefully it keeps going in that great direction.

The motion passed by unanimous [4-0] voice vote.

6. B. **Resolution No. 2021-054, A Resolution Approving a Budget Increase to Transfer from the General Fund (101) and the Correctional Gross Receipts Tax Fund (219) to the Corrections Operations Fund (247) for a Total Amount of \$2,000,000. (Finance Division/Yvonne S. Herrera)**

CHAIR ROYBAL: Ms. Herrera.

MS. HERRERA: Chair Roybal, Commissioners, this resolution we are requesting to transfer an additional \$1,000,000 from the General Fund and \$1,000,000 from the Corrections Gross Receipts Tax Fund to the Corrections Operations Fund to meet the minimum reserve requirements of 25 percent of the current year's operating budget in accordance with the Santa Fe County policy which we just discussed.

The policy requires that we have a 25 percent reserve. The current year's operating budget for the Corrections Fund is \$24,459,672 resulting in a minimum reserve requirement amount of \$6,114,918. The 2021 estimated fund balance for the Corrections Operations Fund is \$8,867,671 of which \$2,752,753 is estimated to be restricted by

external providers, grantors and other governments constitutionality or other legislation. Based on the Finance Division's projection of Fiscal Year 2021 ending fund balance, the Corrections Operations Fund has insufficient fund balance to meet the minimum reserve requirement by \$1,918,688 and is unable to remain in compliance with policy without the additional transfer of \$2,000,000.

With that, I stand for any questions.

CHAIR ROYBAL: Thank you, Director Herrera. Do we have any questions from the Commission? Seeing none, what is the pleasure of the Board.

COMMISSIONER HUGHES: I move for approval.

CHAIR ROYBAL: Motion from Commissioner Hughes.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: Motion and a second.

The motion passed by unanimous [4-0] voice vote.

6. C. Resolution No. 2021-055 A Resolution Approving a Budget Increase to Transfer from the General Fund (101) to the Self Insurance Fund (601) for a Total Amount of \$600,000. (Finance Division/Yvonne S. Herrera)

CHAIR ROYBAL: Once again, we have our Finance Division Director Yvonne Herrera.

MS. HERRERA: Chair Roybal and Commissioners, we have a second fund that needs additional monies transferred in order for it to meet the minimum reserve requirement of 20 percent of the current year's operating budget based upon the County's fund balance reserve and Budget Contingency Policy.

The policy requires that we have a 20 to 35 percent reserve of the current fiscal year's operating budget for the self insurance fund. The operating budget is \$10,867,244 which results in a minimum reserve of \$2,173,449. The estimated fund balance for the self insurance fund is \$413,255. Based upon our projections of Fiscal Year 21, the minimum reserve requirement is insufficient by \$1,760,194 and, again, is unable to remain in compliance with the policy without the additional funds.

The one difference with the Self Insurance Fund is that the policy allows the reserve to be replenished over a period of three fiscal years so we've split up the \$1.7 million into \$600,000 for this fiscal year. And with that, I stand for any questions.

CHAIR ROYBAL: Thank you, Director Herrera. Do we have any questions from the Board?

COMMISSIONER HANSEN: Mr. Chair, move to approve.

CHAIR ROYBAL: We have a motion from Commissioner Hansen.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Second from Commissioner Hamilton.

The motion passed by unanimous [4-0] voice vote.

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6. D. Resolution No. 2021-056, A Resolution Requesting a Budget Increase to the General Fund (101) in the Amount of \$4,300 for the Senior Services Program. (Finance Division/Yvonne S. Herrera and Community Services Department/Anna War)

CHAIR ROYBAL: Once again, we have Yvonne Herrera and if we have additional questions Ms. Anna War.

MS HERRERA: Chair, Commissioners, the County received a one-time special appropriation from the North Central New Mexico Economic Development District of the Non-Metro Area Agency on Aging in the amount of \$4,300 for the senior services to purchase equipment and supplies. The program receives funding for direct purchases of services for congregate meals, home delivered meals and transportation from the North Central New Mexico Economic Development District. The division plans to purchase hot bags and pads to keep meals at a proper temperature for those meals that are not delivered in a hot-shot vehicle in addition to laptop computers. And with that, Director War and I stand for any questions.

CHAIR ROYBAL: Thank you, Yvonne. If not, what is the pleasure of the Board?

COMMISSIONER HUGHES: I'll move for approval.

COMMISSIONER HANSEN: Second.

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

The motion passed by unanimous [4-0] voice vote.

6. E. Request (1) Approval of Amendment No. 6 to Agreement No. 2018-0077-IT/IC Between Santa Fe County and Superior, LLC, Extending the Term to June 30, 2022, and Increasing the Compensation by \$161,573.24, for a Total Contract Sum of \$824,718.83, Exclusive of New Mexico GRT; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor and IT Division/Daniel Sanchez)

MR. TAYLOR: Thank you, Mr. Chair. This amendment number 6 with Superior, this is the support services contract with Central Square for all the support, modules, Treasurer's Office, Finance, everything. What they're doing is the contract expires not until October of this year but they want to consolidate all of the support services and put that to a June 30, 2022 term date. With that I'll stand for questions.

CHAIR ROYBAL: Okay, do we have any questions from the Board? It seems pretty straight forward. Hearing no questions, what is the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: Motion from Commissioner Hamilton and second from Commissioner Hansen.

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Motion passed by unanimous [4-0] voice vote.

CHAIR ROYBAL: Thank you, Mr. Taylor.

MR. TAYLOR: Thank you.

6. F. **Request (1) Approval of Amendment No. 6 to Agreement No. 2019-0053-CSD/CW Between Santa Fe County and FireStik Studio, Increasing the Amount of the Compensation an Additional \$113,530 for a Total Contract Sum of \$616,016.00, Inclusive of NM GRT, and Extending the Term for an Additional Year; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s). (Purchasing Division/Bill Taylor and Community Services Department/Rachel O'Connor)**

CHAIR ROYBAL: And we have Mr. Bill Taylor.

MR. TAYLOR: Thank you, Mr. Chair – this is the contract for the DWI Awareness Campaign and we're asking to amend it to extend it another term and add money to the contract with FireStik.

CHAIR ROYBAL: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Is for anything else besides DWI? Will there be any other items or is it just –

MR. TAYLOR: Mr. Chair and Commissioner Hansen, this is specifically to the DWI Program for CSD with FireStik. We have done some other campaign publications with FireStik but this is specific to the original agreement for the public awareness campaign for DWI.

COMMISSIONER HANSEN: Okay. Is there, this is a little specific, but is there a car wrap involved in any of this?

MR. TAYLOR: Mr. Chair, Commissioner Hansen, I believe they do do bus wraps and other items. They work with the department and see what is available for the price that we're paying them in the compensation.

COMMISSIONER HANSEN: Maybe during the Fiesta Parade we can have one of our cars in the Historical/Hysterical Parade as a reminder to people about the importance of DWI.

MR. TAYLOR: Mr. Chair, Commissioner, I'll bring that up to the department and discuss that with the vendor.

COMMISSIONER HANSEN: Thank you very much, I appreciate that and with that I'll move to approve.

COMMISSIONER HAMILTON: Second.

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

The motion passed by unanimous [4-0] voice vote.

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6. G. **Request (1) Approval of Amendment No. 1 to Agreement No. 2020-0186-CSD/CW Between Santa Fe County and Santa Fe Recovery Center, Extending the Term of the Agreement for an Additional One Year and Increasing the Compensation by \$300,000.00, for a Total Contract Sum of \$600,000.00, Inclusive of NMGRT; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s). (Purchasing Division/Bill Taylor and Community Services Department/Rachel O'Connor)**

MR. TAYLOR: Thank you, Mr. Chair. This contract is for the services agreement as you stated with New Mexico [sic] Recovery Center to be provided at the 2052 Galisteo, the County facility there on Galisteo Street to provide those services and we are extending the term for another year and adding compensation. I'll stand for questions.

CHAIR ROYBAL: Any questions. Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: No questions. I'll just move for approval.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton and second from Commissioner Hughes. Under discussion, Commissioner Hansen.

COMMISSIONER HANSEN: Yes, thank you, Mr. Taylor and Ms. O'Connor. Does this include the mobile crisis center?

MR. TAYLOR: No, Mr. Chair and Commissioner, New Mexico Solution will provide the crisis response – mobile crisis. They're going to be in the other half of the facility. This is with Santa Fe Recovery Center.

COMMISSIONER HANSEN: Okay, so this is just on the living room model side.

MR. TAYLOR: Correct. It's the detoxification center at Galisteo that Santa Fe Recovery provides.

COMMISSIONER HANSEN: Thank you.

CHAIR ROYBAL: Thank you for that question, Commissioner. We do have a motion and second. Anything else under discussion? No.

The motion passed by unanimous [4-0] voice vote.

6. H. **Resolution No. 2021-057, A Resolution Requesting a Budget Increase to the Utilities Water Enterprise Fund (505) in the Amount of \$185,318.00. (Finance Division/Yvonne S. Herrera and Public Works Department/Gary L.J. Giron and John Dupuis)**

CHAIR ROYBAL: From our Finance Department we have Ms. Herrera.

MS. HERRERA: Chair Roybal, Commissioners, this is our last resolution today. The budget increase is related to a declaration of emergency in Cañoncito, New Mexico at Apache Canyon Mutual Water Association. On May 12, 2021, the Utilities

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Division submitted a request for declaration of emergency procurement due to the diminishing water supply for the 250 residents of the water association. Due to the extended drought conditions in the state, the water supply was not being replenished. As of May 5th the community has been without water. The Utilities Division contacted vendors to evaluate the situation and determined that the resolution is to supply the water from the Eldorado Area Water Sanitation District and to connect to the newly constructed permanent Cañoncito-Eldorado Water Line that will supply the water to Cañoncito. The cost of work will be \$185,318.

And with that, Director Dupuis and myself stand for any questions.

CHAIR ROYBAL: Thank you, Director Herrera. Are there any questions from the Commissioners?

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just wondered if you could let me know when that work is expected to be completed because I know the people in Cañoncito are pretty much out of water for the moment except for trucked in water or something like that.

JOHN DUPUIS (Water Utility Director): Mr. Chair, Commissioner Hughes, the water line that is a temporary line is expected to be put into place and used once it's safely tested during this week. So by the end of the week we should have water flowing into the Cañoncito system.

COMMISSIONER HUGHES: Okay, thank you. Are we approving the budget for the temporary line or the permanent line?

MR. DUPUIS: That's for the temporary line, Commissioner.

COMMISSIONER HUGHES: Okay, and I want to thank you for the hard work and making sure that this all worked out and it seems like a good solution for a bad situation. Thank you and I'll move for approval.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hughes and second from Commissioner Hamilton. Under discussion, Commissioner Hansen.

COMMISSIONER HANSEN: I want to thank John so much, and his staff, for moving this forward so quickly and the County Manager because people are clearly suffering out there and so I think this is really important. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I couldn't agree more. Providing these necessities that are our constituents need is something that needs to always be in the forefront. So I am really proud of the fact that we did take care of this. Thank you guys for your hard work.

We have a motion and a second. All those in favor?

The motion passed by unanimous [4-0] voice vote.

7. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: Is there anybody from the public who would like to address the Commission? And Tessa, could you also tell me if anybody has signed up?

TESSA JO MASCARENAS: Mr. Chair, no one has signed up for public comment thus far.

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CHAIR ROYBAL: Okay, if you are a call in participant or somebody participating on Webex, if you can unmute yourself. You would hit star-6 to unmute yourself and then state your name for the record. Is there anybody from the public?

MS. MASCARENAS: Mr. Chair, the only call in user is County staff.

CHAIR ROYBAL: Okay, I'll go ahead and close Matters of the Public.

8. MATTERS FROM THE COUNTY MANAGER

A. COVID-19 Updates

B. Miscellaneous Updates

CHAIR ROYBAL: Manager Miller.

MANAGER MILLER: Mr. Chair, Commissioners, I will start with the updates on our Covid-related and actually I'll just combine our Covid and miscellaneous updates. First of all, all New Mexico counties are currently in the turquoise zone and current statistics for Santa Fe County indicated a significantly higher vaccination rates than other New Mexico counties. The percent of residents in Santa Fe County that are partially vaccinated are 74.5 percent and that's compared to the state percentage of residents that are partially vaccinated is 54.8 percent. And then our percent of residents that are fully vaccinated is 64.1 percent compared to the rest of the state at 48 percent.

Also, as you know we've continued to do public awareness campaigns and we've changed those campaigns as we've progressed through the pandemic our major focus on our public awareness campaigns is continuing to encourage people to get vaccinated and educate them about the vaccinations. We also did – we've been doing these 10 to 15 second PSAs that we're putting on social media and the CEO of Christus Lillian Montoya actually did one for us last week.

And then we also just received an award, this is kind of a unique award. We did PSAs about wearing masks, that was another action of public service announcements and our outreach and it's called the SOVAS aware which is the Society of Voice Arts and Sciences, so it's a voice over awards. We provided an English Covid-19 PSA to KSWV and then KSWV translated it to a Spanish PSA and then they produced free of charge. And that actually received the best Spanish Voice Over Award with the Society of Voice Arts and Sciences. You might think, oh, big deal. But apparently it is a big deal as I found out from Estevan at KSWV. He said it is a very prestigious award and that, like James Earl Jones has received it before, Rosario Dawson, Dan Johnson and others are past winners. KSWV was very excited about sharing that information and we're really proud of the work that they did. They did a really great translation of it and it won an award and it's a national award.

That's what's been happening with our public awareness campaigns. Also our seniors, we're working with the state to reopen our senior centers. We are waiting on them for some information on putting that plan together. We can't open our centers until we have better direction from the state as to what they consider acceptable.

Also, we have several more individuals sign up for our CONNECT program. To-date we have 3,377 self-initiated assistance request that have been submitted through our CONNECT hub and we have delivered to-date 26,314 grocery boxes. Over 6,000 have been delivered to homebound individuals. And then our Health Care Assistance Program

navigators have assisted 15 new individuals this week and followed up with 36 others.

As you know, our mask policy as the state, CDC has changed guidelines around the need for masks, so has the state and so has the City. We updated our mask policy that if as an employee you are vaccinated and bring your vaccination card to our HR, or proof of your vaccination to our HR office, that you do not have to wear a mask; however, you can choose to still wear a mask if you want to. Also, we have updated our policy relative to the public who enter the building that if they provide – they're still screened as they enter our downtown buildings but if they provide proof of vaccination, they also do not need to wear a mask. If they don't have that, we do require individuals who don't have proof of vaccination or have not been able to get vaccinated, we do require them to wear a mask and socially distance.

And then, also at our Crisis Center we've been providing videos and updates on that as that has been moving forward. It looks like with the approval of the lease this evening or this afternoon that the Recovery Center side of the facility will be opening up as immediately as possible. So this Friday, we are going to do a 10:30 in the morning ribbon cutting kickoff because once they open we will not be able to go into that side of the center and they would really like to get started right away. So at 10:30 on Friday morning we will be doing a kickoff and a ribbon cutting at the La Sala Crisis Center. So you'll be able to go in and see the Recovery Center side before they start taking residents in and also although the Crisis Center side is not occupied yet we're still working with New Mexico Solutions on that, but you'll be able to go over into that side and walk through the facility and see that side. So that is at 2052 Galisteo at 10:30 on Friday morning. And thank you, Commissioner Hamilton, for helping us to kick that off.

Also, we have return to work policies we are working on. We are not doing a hard fast everybody come back to work. As I discussed with you, we do want to take advantage of the fact that we have used a hybrid process over the course of the pandemic but we also want to start bringing employees who have been working solely from home back into the office. We're going to start with this month we'll be doing the planning as to how that works. As you know, when everybody went home some people took their desktops and everything and they have been working solely from home. Some people have worked with laptops but this month, we will be having each office work on the plans for individuals to start returning to the office. We also will be increasing the hours of service at the main buildings and we're still doing our services at 100 Catron by appointment but we'll be working on getting that building more open to the public as we bring people back. Then in July, employees will be back in the office at least two days a week and in August, five days a pay period and during that course of time we'll be working with the Union at looking at what a hybrid work schedule might look like. We do want to take advantage of the fact that that has some positive benefits to it for environment, for our employees not having to commute – but we need to work on a policy with the Union in order to put that in place on a permanent basis. But I did want to let the Board know that we sent out a notice that those staff that have not been working in the office will be returning to the office on a gradual basis over the summer.

I think that is all of those miscellaneous and Covid-related updates. So I stand for questions on that before we go to the budget discussion.

CHAIR ROYBAL: Thank you, Manager Miller. Are there any questions

relative to the issues that Manager Miller has covered? Okay, hearing none, thank you for that update, Manager Miller.

8. C. FY2022 Budget: Update and Request for Preliminary Direction on Specific Items for Final Budget

CHAIR ROYBAL: Once again, this is a discussion item and not an action item.

MANAGER MILLER: I'll wait for them to bring up the presentation on PowerPoint. There it is. If we could go the next slide please. So just a reminder, we have approved the interim budget and our budget process does work in tandem with our strategic plan that has the four population goals of the proficient, transparent and accountable government, supporting a healthy community, promoting a sustainable community and providing a safe community.

Just a quick overview of what we did have approved by the BCC and submitted to DFA by our required deadline of June 1st as the FY22 Interim Budget. Our budgeted revenue total at that time was \$352,609,167. And our expenditures balanced with that, obviously, using cash in order to make the difference but we believe that our budget was done very conservatively in budgeting cash for one-time expenditures not for our recurring needs. What have we done since then? We are constantly working on the budget from, pretty much, January on having departments submit their budget requests, and then going through our budget hearings, and then doing our budget study sessions with the Board, and getting the interim budget approved. But that's never our final budget. We are required to turn that interim budget in but as we get closer to the end of the year there are things that continue to come forward that we need to roll into our final budget. And, just a reminder for the Board, we also once we turn in or start our new fiscal year July 1, we can't do any budget adjustments for budget until the DFA has approved our final budget and allowed us to do so. That requires us to finish our yearend, our fourth quarter report for the year, have our estimated cash balances. It doesn't have to be audited but we do have to finish – close our yearend and have our estimated cash balances for the state and all of that happens as we get closer to June 30th and then immediately after that. But, meanwhile, there are things that continue to happen that we know we need to add to the final budget or that we try to add to the final budget so that it is available July 1. Some of these items have already come forward and now there's some additional grants that we have received. These could be capital grants or operating grants that we receive on a regular basis or new grants of \$851,000. Some utility enterprise charges for services have increased revenue, \$110,000. Capital outlay gross receipts tax, \$268,000. This is budgeting money that the Board approved moving from Vista Aurora over to the Agua Fria sewer project. This money will be put towards buying a vacuum truck that we had discussed to help work that project out with the City and get those sewer lines installed. Then also, some small estimates and changes in our General Fund revenues of \$142,353. Fire Excise Tax, there were some requests from the Fire Department and this is our 1/4 cent fire excise tax, and this would be budgeting some of the cash for equipment for our volunteer fire departments of \$295,000. Our Joint Powers Agreement and this is actually our agreement with Glorieta for the CDBG. You

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approved it and budgeted it but we want to make sure that we roll that into next year so we did bring it into this year but now we need to make sure it gets budgeted into next year and rather than waiting all the way to September, we wanted to make sure we moved that right into the final budget so that it is available July 1. And budgeted cash, we also have budget cash for capital requests that were not purchased this year and the departments have requested that they can carry that forward. And, also, we are continually – each time we pay an invoice on a project or we finish a project and have funds that are rolling, we're constantly changing that estimated budget for the next year. So we've paid another batch of invoices and we're looking at reconciling those and getting as much of it cleaned up before the final budget. You'll see in the probably September and October additional large, we call them carry-forward changes as all the capital budgets. It's unfortunate we can't just do a multi-year budget. We have to actually end and then rebudget.

So those are the changes so far that we estimate from the final budget from the interim budget. It goes \$352,609,167 to \$356,332,296.

That's the revenue side. These are the expenditure side of those things. The \$61,000 in grant expenditures, \$100,000 that would come from Utilities Enterprise Fund to transfer for general fund support of a utility. That's things like legal, finance and purchasing support and a fee to the Utilities Enterprise Fund helps support the services that our internal services give to the utility. Also the capital project cleanup. That's the flipside, the expenditure side, that's predominantly Glorieta and then some of the other fixed asset requests in Fire of \$717,974. Also, some of the departments have been purchasing some things that they have funding left over for this year, so we reduced those requests by \$11,621 next year. But then there were also the roll-forward of some fixed assets that didn't get purchased and are not on a purchase order of \$146,000 but the budget was currently in this year. And then some additional smaller department requests of \$41,000. And then you can see that right now there would be an adjusted final expenditure budget that also balances with the estimated revenues of \$356,332,296.

This is just to give you the detail of the carry-forward what we changed on capital projects. I don't expect that you would want to go through all of that. I just wanted to make sure it was available to you. We didn't move any money from one project to another. This is merely the up and down amounts that happen when we've paid bills or need to move more money forward into the next year because we didn't spend as much as we had anticipated when we did the interim budget. That's what these slides are for and that's another one, funding request as we get grants or any funding even as we have added some of those into the final budget.

Then the big \$29,200,000 question is, what do we want to do with the American Rescue Plan Act funds or the ARPA funds. Just a quick reminder, this was signed into law on March 11th. We did turn in our request to drawdown those funds. We get 50 percent within 60 days. If we haven't received it, we should be getting it probably later this week and that's for half of it. All of the funds may be used through 12/31/204 and our allocation, we believe we will get that amount we just got but we're not budgeting what we get this year because we really don't have time to expend anything. Our purchasing is actually winding down for the fiscal year. So we estimate that we'll get one in 2021, and then the other 50 percent no sooner than 12 months later, so my guess is

it will probably be more like July to September timeframe of 2022, or Fiscal Year 2023. One of the things we thought of is that we would budget 50 percent, that 50 percent that we drawdown of the \$29.2 million, and we'd go ahead and budget half of it in Fiscal Year 22 since we're receiving it and then look at where we are next spring and reallocate as needed and we're thinking more along the line of buckets as opposed to very specific at the moment to get it in place for the final budget.

At the last BCC meeting, and I presented these slides but I didn't have a dollar amount next to them. And this is all for discussion for the Board today and if you want to give me feedback, if you think maybe we didn't cover something, but I took the same buckets that we discussed the last time and I tried to just say, of the \$29.2 million if we took it and spread it out over these different areas that this would be a way that we could allocate it and then see where we are, you know, a quarter way through the year, six months through the year and then also next spring as we develop the 2023 budget. We thought \$1.5 million to economic development initiatives. It doesn't mean that this has to go to any of these particular things but they are the type of things that were indicated in the ARPA guidelines that we could spend it on.

Infrastructure, that was an area that I heard the Board really interested in allocating some of these funds. The three areas that they said we could use the ARPA funds for in broadband and communications-type infrastructure. We have to clearly before we spend any, we would have to make sure that if we're going to use it and draw it down for these things that they are qualifying projects. But they indicated through the guidelines that water infrastructure, wastewater infrastructure, broadband or communication-type infrastructure would be allowable. One of the things that I just want to caution on is that they also indicated and I had Angelia do a little more research and she got on it right away and read more about the drinking water revolving fund. We don't typically apply for funds through these programs because they are loan programs and usually if we do borrowing of any type we do general obligation bonds or revenue bonds for our water and wastewater infrastructure. But we would just need to make sure that we're not doing it for water infrastructure expansion but rather more provisions for clean drinking water or safe drinking water and the same with wastewater. So these were some ideas and we thought we could allocate about \$8 million of the \$29 million at this point to infrastructure and as I said, we would only budget half of that or \$4 million next year and I would also by just putting it in the bucket we're not saying what projects. We would bring that back to the Board as to what specific projects you would want to budget it towards.

And then about \$2 million for affordable housing and shelter assistance. This could assist with another shelter initiative similar to what we did in Española. Also, Joseph had indicated that possibly this could kick start a comprehensive rehab program. Right now all we do is Happy Roofs but maybe there is something that we could do in affordable housing. It also could be used for our housing development at Camino Jacobo because that's an eligible type of project.

Then CONNECT, \$3 million. This would be our regular CONNECT program but also the Board had indicated and requested could we do the Families Independence Initiative. So Rachel has met with Kyra at the City and Son Los Pueblos Unidos and out of this \$3 million bucket, we could allocate some to that particular initiative as well as

other CONNECT needs.

And then specifically in the ARPA guidelines there is indication that behavioral health and mobile crisis is an area that they would strongly support expenditures. So this would provide additional funding for the mobile crisis and crisis triage facilities for behavioral health issues related to the pandemic including youth services and reintegration and behavioral health needs of youth.

Our public awareness and internal operations – these would be one-time expenses. We were thinking of about \$700,000. We are able to – oh, I like that 700-0k. I think it was 700k or 700,000. We're still applying for – I think Commissioner Hansen has mentioned what about getting those temperature screening things that you just walk up to and they take your temperature, we're going to actually try and get those now and use FEMA grant funds. But over time we might have other things that fit into that as well as other equipment and supplies and drop boxes, a PPE, more public awareness type things, but we're thinking any of these things in total may be \$1 million, \$1.2 million and public health related supplies. So all of that together, \$1.2 million or \$600,000 next year and then reevaluate where that is.

This would be revenue replacement. Initially, I had indicated to the Board maybe \$18 million. I think if we do it the way that I'm talking about here, this would mean that \$6 million would go into the bucket for revenue replacement and if you recall, I had mentioned to the Board, because with our interim budget did a balanced budget with our estimated revenues being significantly down from previous years. Revenue replacement – so we're thinking based upon doing additional FTE requests to include additional staff in Public Works, Solid Waste and Growth Management, GIS, and the Sheriff's deputy that needs to be replaced because we had converted one of the positions to make sure that they could help with IPRAs. And then in the Fire Department we were looking at six additional firefighters to help with the relief factor, plus a battalion chief, plus some assistance with those non-union members of the Fire Department because their union members continue to go up every year based on the pay scale and that's not the case for non-union. Then also our fleet maintenance program, looking at beefing up the staffing there and creating a career ladder. It's really important to keep our fleet and it would cost us a great deal more if we had to contract that out. So we were looking at creating kind of a three-tier system in their fleet.

And then we had also talked about the establishment of Community Development Department that was estimated to be around \$315,000 and then we also looked at cost of living on average at a 2 percent COLA in January 1, 2022 that would be half a year at \$680,000 or a full year means we need to reserve revenue of \$1.3 million to take us through a full year and then look at next year when we're doing the budget if revenues are recovering, recommending another 2 percent or something around there but just keeping in mind that that is a recurring expenditure of almost \$1.4 million. And then we also had talked about making sure that we bring our staff off of the lower-end of the pay scale from \$14 we're already going to make sure that nobody is less than \$14 now or on July 1 and then we would also recommend next July 1 making sure that nobody is below \$15 an hour and that cost about \$238,000. And then when we did the interim, as I said, Finance was really aggressive with the red pen so they cut about \$1.5 million out of budgets across the County and I thought we might want to set some of the ARPA funds

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on the side for under revenue replacement. And that if there was anything that we cut out of the budget that departments or elected officials offices just could not live without, we might be able to replace it using the ARPA funds under the revenue replacement concept.

Now one thing I wanted to remind the Board of is, the best thing for us to do is to draw down as much of the money from the federal side in our reporting for revenue replacement. What that does, is it means we don't have to sit there and with every single expenditure submit that to the federal government to be continually audited. And when Yvonne ran the formula for just the first timeframe because they asked us to do it, the federal government asked that we do it on December 31st of '21, '22 and '23 but there's also a growth factor included in that formula that says not only do you go to your pre-pandemic time of what your revenues were and factor in what you lost during the pandemic, you also get to factor in a growth component of about 4.1 percent that you would have had. Which ironically is about what we were having prior to the pandemic. So just using that for our first year we would, back-of-the-envelope estimate of it, we would qualify for \$27 million of our \$29.2 million under the revenue replacement. Then what the Board could do is allocate that still the same way that we're recommending or some other way that you might be recommending. But until that is cleared and we've submitted it and the federal government has said, Yes, you're good, and it's audited, we would caution not to spend it on anything but what's authorized under the ARPA guidelines.

I just wanted to go into a little more detail of the FTE requests and then what the 2 percent does and if the Board were to approve that cost of living. We had – just a little reminder – we had kind of split up the FTE requests. The Board in the interim budget approved those FTE requests that could be funded with something other than general fund. So you approved four employees for what we'll call grant funded FTEs or term FTEs in Public Works road maintenance and that was so that we could create a road construction crew to do our grant funded road construction as well as our general obligation bonds. There was about \$11 million out of that \$20 million in road construction, and so we could use our own crew to do that and we would charge that against the bond funds. And under Utilities we anticipate opening our water reclamation facility at the State Penitentiary back up as soon as that contract is finished and that would mean three FTEs there. That would be paid for out of Utilities revenue. So those were the seven FTEs that were approved. The four in Public Works for term and the three in Utilities for permanent and those were approve in the interim budget. But then we had new recommendations and that \$1.4 is based upon in Public Works those were solid waste, we had one part-time position and that was to get us to two additional full-time positions as an additional \$1.4 in funding so that we're not staffing – the days that we're currently opened, we're not staffing on overtime. Because that's what we are doing to keep the transfer stations open right now per our schedule we have people working overtime. In Sheriff's Office I mentioned that that was the one position that we had converted from a deputy and this would be to replace that. Then in Growth Management, this is one GIS technician and a 1/4 of one to reclassify an existing position to a higher level so we have a career progression in our GIS division in Growth Management. In Community Services there was the initial request to have the Youth Services Director but working with Sonya and Rachel O'Connor we figured out a way to actually do that and

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have advertised and have been going through interviews for that position. So it's not recommended because we were able to do it by reallocating existing budgeted resources and we will be having a person in that position. And then in Fire, as I said, there had been a request for 12 new firefighters for a relief factor. There's mandatory overtime built into the Fire Department schedules. The minute somebody takes off for sick leave, annual leave or training that's overtime. If we have six firefighters that came in at about a cost of \$500,000 a year or \$562,000 a year, they would save after they're trained and fully able to replace those individuals that and the one battalion chief, those seven FTE would cost about \$562,000 a year but save \$500,000 a year in overtime as well as take the stress, particularly our battalion chiefs, we have three and they kind of work all the time. So they don't have any relief factor for their schedule. That was what we were recommending there when I said the partial recommendation. And it shows you the different funding sources for those predominantly under the EIS and second 1/8 of GRTs that is dedicated to emergency services and health care, that is the most expensive one of those \$638,000 that includes those seven new positions plus adjustments to the upper end of the battalion chiefs, captain, assistant chiefs – I'm sorry, not captains, I think they're in the union, as well as the fleet which are in a different union, they're AFSCME.

And then this just shows you for Fiscal Year 2022, if the Board were to approve – and I'm not going to ask the Board to approve the 2 percent for next year for Fiscal Year 2023 – I just would request in the final budget whether we could do a 2 percent COLA for January 1, 2022 and then hold funding aside into the revenue replacement so that it would be available as long as revenues don't tank between 2022 and 2023. But what that gives you under the first column of Fiscal Year 2022 is what a 2 percent COLA by bargaining unit would be. So 2 percent COLA for six months for AFSCME blue-collar or 1782 is \$192,000. And as I said, each union actually gets to negotiate how these funds are actually allocated but there is a caveat when we get to the Fire Union. Cost of living for Corrections, half a year, \$71,600. Then medical is \$14,000. Also, what we do with the unions, if there is something within the union bargaining unit that we can use to negotiate, for instance, if there's funding for overtime but they're willing to change the schedule or something like that or to give up a position, we also use those funds to try to negotiate a different compensation package, so I just want to put that out there. But this would be funding that the Board would have approved and it's what the management team can use to negotiate with those bargaining units. For the RECC, it's \$23,444 and for Sheriff's, it's \$74,206. Then non-union, all non-union a 2 percent COLA on January 1, 2022 or for the first full pay-period I should is \$233,389.

The firefighters is a little bit different. During the legislative session we discussed Senate Bill 90. As I had indicated, the fire union has a completely different schedule that all of the other unions. They do a 29-day schedule and in that 28-day schedule there is overtime built in. We don't currently, because it was not allowed, pay PERA contributions on that, what we'll call mandatory overtime. In other words, it is built into their schedule but they do not receive PERA contributions for that. So what the firefighters did and not just in Santa Fe County but across the state, they went to the legislature and said, We would like if it is built into our schedule we would like to have PERA contributions into our base schedule. That bill passed. It was signed by the governor. The cost of that to us as the employer is \$151,000, unless we change the

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schedule to a different kind of schedule instead of 48/96, it could be 12 hour shifts, something different than that. But as it stands now, that would cost the County \$151,000. The 2 percent COLA was \$149,000. So it's the recommendation that we fund the employer's side of the PERA contribution rather than change the schedule and to budget \$151,000 to do that. Just for the sake of, what does that mean if you're a firefighter, well, it's actually about a 6 percent increase to the retirement benefits over the long time. So it is a significant cost to the County but it is a significant benefit to the firefighters. That will be built in, that \$151,000 will be built into our base budget from this point on if we keep the 48/96 schedule.

That gives the dollar amounts that out of the funding that I had indicated that total, what we call the total 2 percent or \$1.3 million or \$680,000 for Fiscal Year 2022 but a recurring \$1 million, \$3 million for a year is how it breaks down by the bargaining units.

Those are the things that we wanted to bring up for discussion. Our next BCC meeting and unless the Board would want a study session between now and then for the final budget, these were the only things that we had to put forward to the Board. There might be a couple others that come up for the next three weeks. But we thought we would be able to put in front of the Board the final budget with these recommendations on July 29th so that we could submit it to DFA and wait for their final approval before we did any other major final budget adjustments. And when I say we can't do any, we can work internally but what we can't do is budget adjustments that have to come to the Board to move the budget up or down or cross funds between then and September when we get our letter that are final budget is approved. So that's why we wanted to build some of the ARPA funds into the final budget. So with that, Mr. Chair, Commissioners, I stand for questions or discussion or comments, direction.

CHAIR ROYBAL: Thank you, Manager Miller for that update. Do we have any questions? That was a lot of information and I don't know if there's any questions from Commissioners. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just wondered, all those recommendations for the ARPA funds, do those all – we don't have to choose among those, they all fit within the \$29 million?

MANAGER MILLER: Mr. Chair, Commissioner Hughes, yes. That total if you were to add all of those up, is the \$29.2 million.

COMMISSIONER HUGHES: Okay.

MANAGER MILLER: And, Mr. Chair, Commissioner, my thought process was, if we create the buckets then we can pick some very specific things that you would like to do within those buckets and then as we progress through the year, if you want to move around the buckets then it's a good idea. And I think if we're having difficulties spending somewhere, we should move it and if we're not having or if we're finding that there's a big demand for something then we could move it – kind of scrape off of one bucket and move to another. But my thought process was that if we had kind of a general idea if that's a good way to allocate it, then we could come back with more specifics within those parameters.

COMMISSIONER HUGHES: Thank you. That makes sense to me. That was my question.

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

COMMISSIONER HUGHES: Thank you for that incredible presentation. You and Yvonne and the senior staff are so on top of this. It is really an incredible benefit to us. With regard to the ARPA funds, I think the buckets you picked and the general distribution that's going to allow us to do something before we get far enough in to be approved and be able to make changes. I think looks – I like that distribution. I think that is a sound distribution right now. I can't even necessarily think of tweaks that I think would be anything other than kind of playing with pennies and not very relevant.

I also really support the recommendations for the Fire Department that fixes a lot of problems – seems like a good compromise and I really, really appreciate the work you and Chief Lindsey did on that. I think it was a good compromise particularly for – for the whole combination in terms of personnel and addressing overtime, fixing some of the fleet problems so that we can retain that. It may seem trivial but it is hugely significant for those on the inside who depend on that tremendously. So I really appreciate that as well.

Those are my comments. I really appreciate the inputs on this. It's a good distribution.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I couldn't agree more. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Manager Miller and the rest of the Commissioners. I do agree. It is a good arrangement. I have a couple of questions on the infrastructure: when do we think the Quill plant will be up and operational?

MANAGER MILLER: Mr. Chair, Commissioner Hansen, I think our contractor is predominantly done. We are waiting for some issues with PNM – this fall.

COMMISSIONER HANSEN: Okay, fantastic. And then what other connections to County wastewater system do we imagine? I know that the Agua Fria wastewater infrastructure goes to the Paseo Real plant at the City but what other connections to our County Quill plant do we foresee?

MANAGER MILLER: Mr. Chair, Commissioner Hansen, we do want to connect right now in our growth area and our area focus is in the Community College District and as you know, we are trying to also since most of those have their own individual plants, but then also they run to the Abajo lift station and then that goes to the City. We would like to connect that when the reclamation facility is done to connect our part – Turquoise Trail, everything that goes to Abajo lift station to the Quill plant.

COMMISSIONER HANSEN: Fantastic. I think that is great. As you know, I really like wastewater infrastructure and protection our groundwater. Thank you for that. I think that it is really important. I do think that it is really important to get these individual so called packaged plants off and connected to a larger system.

And I agree with Commissioner Hamilton on putting these things in buckets with the ARPA funds. I'm not tied to this recommendation for what we're going to need from Covid but if we can get some of it paid for by FEMA, then I think that's great, however, we can get things to protect because I know that there are people who are uncomfortable with the vaccine. I am grateful to be vaccinated. I just want you to know that I think it's a miracle that we're back here sitting and being able to meet. I do encourage to get

vaccinated but I also want to protect people who are not and make sure that they feel safe also. So whatever we can do on that.

I think assisting with tourism is really important. That industry is so important to our community. I am wondering in the ARPA funds is there any money for things like monument development – I know that is a big topic. Some kind of idea outside – in the past we talked about a visitor center out at La Bajada Ranch. I know that is kind of outside the box. But I'm thinking about whether the ARPA fund would have any place in that as related to tourism to provide access and information to people coming in through creating a monument or a visitor center or a heritage center. I know that's a little off topic and outside the normal thoughts of thinking about this but I just wanted to bring that up.

MANAGER MILLER: Mr. Chair, Commissioner Hansen, I don't think that we could use those ARPA funds because as I said that would be considered infrastructure or capital and they did limit it specifically to water, wastewater and broadband and that area. But we have been scouring everything that comes out. For grants we have submitted through our senators and our congresswoman to see if we can get some earmarks in the bills. And we've been applying, as a matter of fact, I am really proud of staff. They are constantly looking for stuff and shooting me an email, Hey, can we apply for this grant or that grant. I think I've been getting one a day. Some of them are small but they are really looking for every opportunity for things that we – that are in our wheelhouse that we can easily administer. Looking for those opportunities to supplement funds that we currently have. For instance, I was talking with Joseph and you're looking at probably – I think we've put in maybe for requests for three different types of tourism-related grants. One is for putting in an application and I don't think we've submitted it yet but it is likely going, but for a MainStreet grant to refurbish Main Street down in Madrid, the storefront area. Also, cooperative advertising. There is a lot more tourism advertising and Lisa Katonak has just submitted one on Monday for a pretty good size match to some of our advertising over \$100,000 for that. And we were just looking at another one – and another one for the Los Potreros property up in the northern part of the County.

We are looking for all of those types of opportunities. I haven't seen anything relative to visitor centers but we're definitely keeping our eyes open. And we're working with the City of Santa Fe as stuff comes up. They looked at funding a bunch of events that are happening this summer and so we tried to match – we didn't have quite as much money as they did in our existing budget, but we scrapped up about \$50,000 to try and match some of the things that they were assisting with advertising. They did about \$75,000. So we're really trying to work with the state, with our federal delegation and with the city at looking at every opportunity to get additional funding. I don't know exactly what we would do relative to a visitor center. One of the things that we have talked about in the long term with our La Bajada ranch property and there is part of it that is right off of one of the interchanges that when we looked at – I can't call it a fully fleshed out conceptual plan, but that that was an opportunity for a place there that also might work for food distribution. I think that Maria has talked about it but we did carve out a piece of that property for potential future development along that line. But I don't know that we're ready for anything. The one nice thing is our water line is not far from

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that property so if we did look at developing something or if we had a private entity that wanted to develop, we might be able to create a good partnership on that property towards the north end of it.

But I don't think these ARPA funds relative to infrastructure could be used for that. But it is certainly something that we could look through in all of the different stuff that is coming down and whether there is opportunity to apply for a grant from something along that line.

COMMISSIONER HANSEN: Thank you, Manager Miller. I appreciate it. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Are there any other comments or questions? Thank you, Manager Miller, it was a great update and presentation.

9. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS

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

CHAIR ROYBAL: Commissioner Hansen, do you want to go first?

COMMISSIONER HANSEN: Thank you, Mr. Chair. I want to announce that I am going to start my Coffee and Tea Under the Trees at Reunity Resources starting the last Saturday in June. That would be June 26th. That is during the food market/farm stand at Reunity Resources and we have Rose's Kitchen out there so people can get coffee and tea and brunch and we can visit. I want to invite them to ask questions and bring their ideas and comments. We had a wonderful little ribbon cutting along the Santa Fe River Trail and Frenchy's Field for a little free library which was really nice. The Commons put up a little free library and myself and the Mayor and Councilors Lindell and Villarreal, we all were there to initiate it.

I also attended the Next Generation Water Summit which I found really interesting. I would have loved to have seen Commissioner Hamilton or somebody from our staff on one of the panels. I feel like that was one of the things that was missing was that there was really – even though we sponsored and we were a participant and I want to thank Jacqueline and the County Manager for participating – I think it would have been great if there was some County staff and County participation at the summit. But all in all it was very informative.

I think I mentioned this last time, but I am going to be – or maybe I didn't – but I am going to be presenting at the NACo Arts and Culture commission or committee at their annual conference with the National Trust for Historic Preservation on the John Gaw Meem building and I am honored that we get to present with the National Trust for Historic Preservation and that they have noticed that we have renovated this incredible building that we are sitting in.

Yesterday, I attended the legislative Radioactive and Hazardous Waste Committee meeting, it was their interim committee. Secretary Kenney gave an update and Director Trujillo from EMNRD gave an update and it was informative and their next

meeting will be in Carlsbad in July and then they are going to be meeting in Gallup and talking about uranium mining and the effects and devastation that it had on native land. And I believe there was a good public attendance. There was at least 10 public comments made. I made some public comments about cleanup of waste at LANL and the request for a SWEIS to be done there. And here we are today in our beautiful building, again. So that's all I have, Mr. Chair.

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

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just wanted to mention a few of the things that I have been hearing from my constituents and other people around the county and bring them to our attention. First is, Commissioner Garcia and I both received an email from Carl Dickens who is connected with the La Cienega community and he has drafted a letter along with some of the acequia associations and the Pojoaque Soil and Conservation District regarding the mitigation efforts for the return-flow pipeline if we go ahead with that project. And basically their request of us, and I don't know whether we can do this or not, was to send a letter to the City requesting that the City not apply to the State Engineer until there was a mitigation plan. That was the gist of their letter and through some emails with Manager Miller I think that that might not be possible but maybe we put that into the agreement if we decide – the agreement, I guess, has to come back to us. So I just wanted to mention that because I think that's an important issue. Certainly, it is important for the people of La Cienega and around that area who are concerned about the water situation if the return-flow pipeline is built.

The other thing also regards water. I have been hearing from a lot of constituents, particularly those in the Community College District where there is a lot of new housing that we've already approved or that is coming up before us in the next few months. People are concerned because we're in a drought and there are water restrictions right now. I've tried to explain how I know we're addressing water but I think there are some legitimate concerns to make sure we don't over budget our water resources when you consider that with climate change we don't really know exactly how much water we're going to have. So I think that there are some good points there for us to just be careful that we don't over commit the water because people who live here already do like to water their trees and flush the toilets and stuff without having to do without.

People are also a little concerned about the traffic in the Community College area. I assume that has been looked at but people would be wanting to look at that. And then the other thing that people brought up which was interesting to me was a little bit of concern about the Arroyo Hondo Trail and whether people will respect the fact that it is supposed to be closed after dark. People were concerned about noise on the trail. So those are just some of the things that people have been talking to me about that I think we need to keep in the back or the front of our minds when these issues come forward.

I plan to have one more Hour with Hank Townhall virtually and then to start doing them in person. Maybe we'll go under a tree in my district if there's a teahouse nearby. Thank you, Mr. Chair, that's my report for tonight.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Commissioner Hamilton?

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I know some of you probably remember I think two meetings ago I mentioned that there had been a US Forest Service smokejumper was injured fighting fire. He actually died of his injuries. I wanted to acknowledge Smokejumper Tim Hart did for the community and mention that I bet most of you noticed the incredible smoke we have up here in the county. Right now, much of that is from the two very large Arizona fires that are close to the New Mexico border. We've had plenty of fire starts in our own county so I wanted to take the opportunity to give a shout-out and a thanks to our Fire Department, even though I did that last time as well, because they have quite a bit on their hands and they're doing quite a bit for us even shorthanded and under some difficult circumstances.

On the other hand, there is a little bit of bright news for those of you who aren't climate nerds, there has been some shift of predictions for summer precipitation. Predictions don't necessarily mean anything but we might actually have a better monsoon than was earlier thought. I know you guys were just all dying to hear about that tonight but we can be hopeful.

I guess that's my big fire and water comment. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I couldn't agree more, right now we're in a high fire hazard with the winds and stuff. I know that we're getting a little bit more rain this time year than usual but we still have a lot of restrictions. We have just got to make sure we're doing the right thing out there. I think I read that in one of Santa Fe National Forest they found quite a few campfires that weren't extinguished. We really need to make sure that we're taking care of and being responsible and making sure we're turning off our campfires. I mean everybody wants to get out there this time of year and go camping when we just need to make sure that we're being responsible. Burning weeds in the same thing, making sure that we're keeping buckets of water nearby and hoses and everything else that we need to be safe and keep our neighbors safe.

COMMISSIONER HAMILTON: Absolutely.

CHAIR ROYBAL: The other thing I want to mention is a ribbon cutting last Friday in Española and I appreciate the invite to go to that facility. It was a great event that shows another local government is promoting and taking care of our constituents. It's right outside the border of Santa Fe County but I know that we do have constituents there that are from Santa Fe County. I wanted to relay that.

A lot of the calls I'm getting right now and something that I wanted to highlight and I know that there's going to be a lot of opportunity in the future through broadband. It is something that is really needed in my community and a lot of constituents have been calling me and sending me emails in regards to when will we be getting more broadband and fiber in the community. It's just something that I want to make sure I'm bringing forward and working on for my constituents. That's really all I had. If there's not anything else, Commissioners?

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

CHAIR ROYBAL: I know that we have one elected official present our esteemed clerk, Katharine Clark.

CLERK CLARK: Thank you, Mr. Chair. We're taking a break between elections but we'll have lots for you next meeting. Thank you.

CHAIR ROYBAL: Thank you, Clerk Clark. Do we have any other elected officials that have called in? Hearing none, let's move on.

10. MATTERS FROM THE COUNTY ATTORNEY

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1 (H)(8) NMSA 1978, including:**
- 1. Potential Filing of Amicus Brief in *Santa Fe Reporter Newspaper v. the City of Santa Fe and Greg Gurule*, State of New Mexico, Court of Appeals, No. A-1-CA-39337**
 - 2. In the Matter of the Joint Application of Avangrid, Inc., Avangrid Networks, Inc., NM Green Holdings, Inc., Public Service Company of New Mexico and PNM Resources, Inc., for Various Approvals, NM Public Regulation Commission Case No. 20-00222-UT**
 - 3. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Concerning AFSCME 1782**
 - 4. Breach of Settlement Agreement and Related Agreements Related to Annexation**

GREG SHAFFER (County Attorney): Thank you, Mr. Chair. The executive session will be for the discussion of bargaining strategy, preliminary and collective bargaining negotiations between the Board of County Commissioners and Collective Bargaining units, as Allowed by Section 10-15-1(H)(5) and threatened or pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 10-15-1 (H)(7) NMSA 1978; including, 1) Potential filing of Amicus Brief in *Santa Fe Reporter Newspaper v. the City of Santa Fe and Greg Gurule*, State of New Mexico, Court of Appeals, No. A-1-CA-39337; 2) In the Matter of the Joint Application of Avangrid, Inc., Avangrid Networks, Inc., NM Green Holdings, Inc., Public Service

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Company of New Mexico and PNM Resources, Inc., for various approvals, NM Public Regulation Commission Case No. 20-00222-UT; 3) Discussion of bargaining strategy preliminary to collective bargaining negotiations concerning AFSCME 1782; and 4) A breach of Settlement Agreement and related agreements related to annexation.

CHAIR ROYBAL: Okay. Commissioner Hansen, go ahead.

COMMISSIONER HANSEN: I'd like to move that we go into executive session for the items that County Attorney Shaffer just described.

COMMISSIONER HUGHES: I'll second.

CHAIR ROYBAL: Motion by Commissioner Hansen and second by Commissioner Hughes. Roll call please.

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

Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye
Chair Roybal	Aye
Commissioner Garcia	Excused

[The Commission met in executive session from 4:30 to 5:20.]

CHAIR ROYBAL: Good afternoon and welcome back. We're going to come out of executive session. I'd like a motion.

COMMISSIONER HANSEN: Yes, I move to come out of executive session and the only thing that we discussed were those listed by the County Attorney.

COMMISSIONER HAMILTON: Second.

The motion passed by unanimous [4-0] voice vote.

B. Potential Action on Items Discussed in Executive Session

COMMISSIONER HANSEN: I would like to make a motion. With regards to the New Mexico Public Regulation Case No. 20-00222-UT, move to authorize the County Manager to submit public comments on behalf of Santa Fe County on the following topics, if still relevant at the time of public comments are due: 1) rate credits and treating closure of the four-corners power plant as a cost of the merger.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen and a second Commissioner Hamilton. All those in favor.

MR. SHAFFER: Mr. Chair, before we move on to the public hearings, there is a housekeeping issue that I would like to address on the executive session of May 25, 2021. The Board of County Commissioners went into Executive Session at the end

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of the meeting and did not reconvene in open meeting. Consequently, I was unable to include in the minutes of that meeting the statement required by the Open Meetings Act. So I would just ask that the reporter in preparing the minutes of this meeting include a statement that the only matters discussed during the May 25, 2021 Executive Session were limited to those specified in the motion for closure.

Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you.

11. PUBLIC HEARINGS

- A. **CASE # 11-5371 Copacabana Development Co. LLC, Removal of a Condition of Approval Previously Imposed by the Extraterritorial Zoning Authority.** Copacabana Development Co. LLC, Applicant, Molly Matthews Multedo, Agent, Are Requesting Removal of a Condition of Approval Imposed by the Extraterritorial Zoning Authority (EZA) on the Master Plan/Preliminary Development Plan for the New Mexico Academy for Sciences and Math. The Condition States, “Overnight occupancy is prohibited”. The Site Was Also Formerly Known as Desert Academy. The Property is Located at 7300 Old Santa Fe Trail, Within Section 7, Township 16 North, Range 10 East (Commission District 4). Jose E. Larrañaga, Case Manager

JOSE LARRAÑAGA (Case Manager): On July 29, 1997, the Extraterritorial Zoning Authority granted Master Plan zoning approval for the New Mexico Academy for Sciences and Mathematics. The approved plan included an administration building, swimming pool, cafeteria and visual arts building, two classroom buildings, and tennis courts totaling 99,400 square feet of actual building space and allowing up to 450 students in six phases, pending development plan approval for each phase. A condition of approval on the master plan stated: “Overnight occupancy is prohibited.”

At that time, the EZA also granted Preliminary Development Plan approval for Phase I, which allowed for 133 students and faculty and 54,900 square feet of facilities. The school was known as New Mexico Academy for the Sciences and Mathematics. After that school closed, the property was occupied by Desert Academy.

On September 11, 1997, the EZC granted Final Development Plan approval for Phases IA and IB. On September 29, 1998, the EZA granted approval of a Master Plan Amendment to add an equestrian use, to modify the building placement and increase the total square footage to 106,700 square feet for all phases and to increase the number of allowable students and faculty from 133 to 138 for Phase I.

On January 19, 2012, the County Development Review Committee granted approval of a Preliminary and Final Development Plan for Phase II of the existing school facility which included 2,300 square feet of office space, a 9,000 square foot classroom building, a 10,000 square foot gymnasium, an all-weather athletic field and running track, interior remodeling of existing structures, and related site improvements on 25.86 acres.

Currently on the site there are five structures: The Alda Multedo Building, the Lamy Modular Building Portable Classroom Building # 1 and Portable Classroom # 2,

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and an Equipment/Mechanical Building.

The Applicant states, "This request is being submitted to Santa Fe County in reference to the removal of a development condition established by the Extraterritorial Zoning Authority in 1997, which stipulates "No Overnight Occupancy." At that time, no records were in existence to establish how overnight occupancy might impact water usage at the campus. The property is currently served by an on-site well and owns three acre-feet of water rights. This well feeds a pool of water used for fire protection as well as providing for typical school water uses.

The original master planning included a hydrogeology report which was prepared by Dennis Cooper in February 1997. Based on prior approvals, we're allowed to draw up to 2.43 acre-feet per year from our well. A state-sponsored residential charter school, is interested in leasing the Multedo Campus for use during the 2021-2022 academic year for its Residential Program, which provides overnight housing to a maximum of 30 students and five faculty members, Mondays through Thursdays. The planned use of the property is within the scope of facilities and water usage allowances established by Santa Fe County."

Staff Response: The Master Plan and Preliminary Development Plan that was approved by the EZA on July 29, 1997, was approved with 20 staff conditions, two conditions imposed by the City of Santa Fe staff, and one condition imposed by EZA Chairman Montaño. Staff condition # 18 states, "Overnight occupancy is prohibited." As the EZA is no longer in existence, the applicant is coming to the BCC to request that the condition be removed.

Desert Academy closed approximately a year ago and the property is currently unused. The Applicant has several interested parties and staff supports the ability to utilize this site for other school uses.

Staff supports the request by the Applicant to remove the previously-imposed condition. Prior to allowing overnight occupancy on the site, the Applicant shall demonstrate compliance with the EZA conditions of approval, SLDC Section 4.8.2, and with pertinent requirements of SLDC Chapter 7. As allowed uses are approved on the site, staff will review the water budget to ensure the previously allowed 2.43 acre-feet per year restriction is not exceeded.

Pertinent Sustainable Design Standard requirements that may be required to allow overnight occupancy for this site may include, but not be limited to: fire protection, parking and loading, water supply, wastewater, water conservation, and solid waste.

Staff recommends approval of the Applicant's request to remove a condition of approval imposed by the Extraterritorial Zoning Authority on the Master Plan/Preliminary Development Plan. Staff recommends that all previously-imposed Conditions, excluding condition # 18, imposed by the EZA be adhered to by the Development. The Development shall also comply with pertinent requirements of Ordinance No. 2016-9, the Sustainable Land Development Code.

Mr. Chair, I stand for any questions. I would like to add that Ms. Ms. Multedo is not present, she is out of the country but she is joining us through the website.

CHAIR ROYBAL: Okay, thank you, Mr. Larrañaga. Do we have any questions? This is in Commissioner Hamilton's district and I will be going to her first.

COMMISSIONER HAMILTON: I have no questions at this time and I am

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familiar with the case having read it for this. I would love to hear comments of the applicant and whatnot before I ask any other questions.

CHAIR ROYBAL: Okay, and as Mr. Larrañaga mentioned, the applicant is not her today, correct?

MR. LARRAÑAGA: She is not here physically but I think she is online to testify.

CHAIR ROYBAL: Okay, can we hear from the applicant?

MOLLY MULTEDO: Hello, my name is Molly Multedo. I am here representing Copacabana Development. There's an echo.

We have a school that is interested in leasing the campus for its residential program and we request that the condition be removed so that we can resume our conversation with this school.

CHAIR ROYBAL: Okay, thank you, Ms. Multedo. This is a public hearing. We have heard from staff and the applicant. I'm going to go to public hearing. Is there anybody from the public who would like to address the Commission in support or non-support of this project? Once again, is there anybody in the public who would like to address the Commission regarding this case?

Hearing none, I'm going to close public comment and I'll go to Commissioners for any other questions. Commissioner Hamilton.

COMMISSIONER HAMILTON: No questions. But it seems that removing that particular requirement would allow for continued use of this property for frankly it seems for similar educational purposes that it was originally developed. It would certainly make sense to me to allow that to be done especially given that staff is recommending that there are no changes in the water requirement and there seems to be no public opposition. I think it would make economic and sense for the community and my district to be able to make good functional use of that property.

CHAIR ROYBAL: And that was a motion; is that correct, Commissioner Hamilton?

COMMISSIONER HAMILTON: If it's time, yes, I would be happy to move approval.

CHAIR ROYBAL: We have a motion. Commissioner Hansen, go ahead.

COMMISSIONER HANSEN: I would be happy to second this. I think in house learning and having children be able to stay there is a good situation. I support that and I am seconding that motion.

CHAIR ROYBAL: We have a motion and a second. Under discussion, Commissioner Hughes, did you have anything to add, sir?

COMMISSIONER HUGHES: Oh, I will just quickly add that I have had several friends go to the New Mexico School for the Arts and so I'll support anything that helps them out as well as having a learning opportunity in Commissioner Hamilton's district.

CHAIR ROYBAL: Okay, and I agree wholeheartedly with the comments that my fellow Commissioners have made in regards to moving forward with this request. I think it is always a great opportunity when we can provide more education and this type of service to our constituents.

We do have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

11. B. **Final Order In the Matter of Case #11-5371, Copacabana Development Co. LLC, Removal of a Condition of Approval Previously Imposed by the Extraterritorial Zoning Authority. (Jose Larranaga, Case Manager)**

CHAIR ROYBAL: This also took care of Item 11.B, Attorney Shaffer?

MR. SHAFFER: Thank you, Mr. Chair, Commissioner. Actually, 11.B. is a separate item and you'll need a motion on that as well as indicated in the public meeting disclosures. Staff prepared that order based totally upon its recommendation but now that the Board has approved the request in accordance with the staff's recommendation, it would be appropriate for the Board to take separate action on 11.B assuming that the order meets with the Board's approval.

CHAIR ROYBAL: Thank you, Attorney Shaffer. Commissioner Hamilton.

COMMISSIONER HAMILTON: Before I make a motion on that, I do have just a technical question. Since it is listed separately, are we required to have a separate public hearing on it even though there is not likely anybody to comment. But do we have to open that and shut it first?

MR. SHAFFER: Mr. Chair, Commissioner Hamilton, no, I don't think that you do. It is similar to any final order that the Board would act upon after announcing its decision in a case so I don't believe another public hearing is required.

COMMISSIONER HAMILTON: Thank you. I'd like to approve 11.b.

COMMISSIONER HUGHES: And I'll second.

CHAIR ROYBAL: Motion from Commissioner Hamilton and second from Commissioner Hughes. Anything else?

The motion passed by unanimous [4-0] voice vote.

11. C. **CASE #18-5250. Rembe Las Campanas, LLC, Applicant, James W. Siebert & Assoc., Agent, Requests Approval for a Conceptual Plan to Allow 22 Residential-Lots to Be Developed in Two (2) Phases. The Proposed Development is Located Within the Las Campanas Planned Development District (PD-16) on Tracts B & H of the Previously Approved Los Santeros Subdivision. Tract B Consists of 9.83 Acres, and Tract H Consists of 2.4 Acres; Total Acreage for Tierra Que Canta Development is 12.23 Acres (±). The Proposed Development is Accessed via Calle Gonzales to the East of Las Campanas Within T17N, R8E, Section 15, SDA-2 (Commission District 2). (Nathan C. Manzanares, Case Manager) [Exhibit 1: James W. Siebert letter, dated 6/7/2021, Phasing Amendment]**

NATHAN MANZANARES: Thank you, Mr. Chair. Staff has handed out

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some packet material that was material that was not in the packet and was material received from the applicant yesterday and that will come in handy later in the presentation. [*Exhibit 1*]

On February 18, 2021, the Santa Fe County Planning Commission voted unanimously to recommend approval of the Tierra que Canta Conceptual Plan, as well as to grant approval for the three variances needed in order for the proposed conceptual plan of this project to become a reality. The variance requested were also needed in order to insure a safe and functional road network for the proposed development. The three variances granted by the Planning Commission included: a variance of Chapter 7, Section 7.17.9.2.4 of the SLDC for Steep slope disturbance in excess of 30 percent with more than three separate areas exceeding 1,000 square feet each; a variance of Chapter 7, Section 7.17.9.2.1 of the SLDC to allow structures to be located on a ridge top, ridgeline, or shoulder unless there is no other buildable area on the property; and a variance of Ordinance 2017-7, Section, 7.11.12.4 to allow driveway separation of less 100 feet from return the radius of an intersection.

Per Table 4-1 and Chapter 4, Section 4.4.2 of the SLDC, Procedural Requirements, the Planning Commission was required to take final action on the three variances requested prior to this application proceeding with a public hearing before the Santa Fe County Board of County Commissioners. Also in accordance with Table 4-1, the Board will only be required to take action on the proposed Conceptual Plan to allow a 22 residential-lots to be developed in two phases within an existing Planned Development know as Las Campanas.

On May 14, 2021, the Applicant requested minor changes to their Original Conceptual Plan Layout as well as their Original Phasing-Schedule, that was recommended for approval by the Santa Fe County Planning Commission on February 18, 2021. The Applicant proposed to have the two phases of the development labeled as Phase-A and Phase-B instead of what was originally proposed as Phase-I & Phase-II. The Original Conceptual Plan proposed two phases with 11 lots being created in each phase.

On June 7, 2021 The Applicant requested to withdrawal the requested amendments submitted on May 14, 2021 and as shown in Exhibits 19 and 20. The Applicant now request that the proposed Conceptual Plan keep the original proposal which was presented and recommended for approval by both the Hearing Officer and Planning Commission. Staff has provided a hand delivered copy of the Applicant's latest memo requesting to revert back to their original proposal as well as a site plan of the original phasing schedule and lot layout. The material provided by the Applicant requesting to revert back to the original proposal was not included in Boarddocs or the packet material due to the Applicant making this request as of yesterday June 7, 2021.

In conclusion, Staff has determined that the Applicant's request to revert back to the Original Conceptual Plan design that was presented to and recommended for approval by both the Hearing Officer and Planning Commission is minor enough to let this case proceed forward.

In addition, Staff has determined that all procedural requirements set forth in Table 4-1 of the SLDC, have been satisfied, therefore the prerequisites for this case to be heard by the Board for Conceptual Plan approval have been met.

Staff recommends that the Original Conceptual Plan with the proposed minor

amendments that were handed out during today's meeting be heard by the Board for consideration, due to the fact that the proposed Original Conceptual Plan is well-taken and meets the applicable requirements set forth in the SLDC and has been recommended for approval by both the SLDC Hearing Officer and Santa Fe County Planning Commission.

Mr. Chair, may I jump to staff recommendations seeing as how the history pertaining to today's case was pretty much covered in the summary?

CHAIR ROYBAL: Yes, sir.

MR. MANZANARES: Thank you, Mr. Chair. Staff's recommendation: on March 12, 2020, The Hearing Officer recommended approval of the three variances required for this project as well as recommended approval of the proposed Conceptual Plan subject to conditions as memorialized in the Hearing Officer findings of fact and conclusions of law written order as referenced in Exhibit 11.

On February 18, 2021, the Planning Commission approved the three variances that were requested to create a safe and functional road network for the Tierra Que Canta as well as recommended approval of the proposed Conceptual Plan subject to conditions as memorialized and set forth in the Santa Fe Planning Commissions Finding of Facts and Conclusions of Law Written Order as set forth in Exhibit 18.

Staff has established findings that this Application for Conceptual Plan to allow 22 residential lots to be developed in two phases is in compliance with criteria set forth in the SLDC. Staff has also determined that all procedural requirements set forth in Table 4-1 of the SLDC, have been satisfied. Staff, therefore, recommends that the originally proposed Conceptual Plan for Tierra Que Canta be approved by the Board, in accordance with the Planning Commission's approval of the requested Variances to ensure a safe and functional road network, subject to the approval conditions as referenced in the Final Order approved by the Planning Commission as shown in Exhibit 18, as well as stated in the Staff Report.

Mr. Chair, may I enter the Approval Conditions for the proposed original Conceptual Plan as stated in the Staff Report?

CHAIR ROYBAL: Yes, sir.

MR. MANZANARES: Thank You Mr. Chair. Mr. Chair I also want to let you know, and the fellow Commissioners, that the Applicant and his Agent, Jim Siebert have requested to participate in tonight's meeting via WebEx and will not appear before the board in person tonight. Thank you, Mr. Chair I now stand for any questions.

Conditions:

1. The Applicant must present a reclamation plan with Preliminary and Final Plat submission to ensure that as much disturbance as possible is reclaimed and revegetated.
2. The boundaries of the development area shall be clearly marked on site with limits of disturbance (LOD) and fencing or construction barriers to be approved by Staff prior to any grading or clearing and before starting construction in accordance with submitted engineered Grading & Drainage Plan.
3. Applicant must provide an approved Storm Water Pollution Prevention Plan (SWPPP) prior to any grading taking place on the property.

4. Mass grading of the site will be prohibited and noted as “Special Building Condition” on recorded Conceptual Plan and transferred to any other plats associated with Tierra Que Canta.
5. Limits of grading shall be addressed with Preliminary Plat submittal.
6. All residences built on lots classified as ridgetop lots be limited to fourteen (14) feet in height and be built in accordance with terrain managements standards set forth in Chapter 7 of the SLDC.
7. All residences built on Lots 17, 18 & 19 meet a minimum setback of 25-feet from slopes in excess of 30%; this restriction is also for any accessory structures built
8. All driveways within Tierra Que Canta are to be a minimum 25’ feet from the return radius of the proposed 4-way intersection.
9. Applicant must submit a reconfigured road design showing all driveways within the development 25’ feet from the return radius of the proposed 4-way intersection, prior to this request being heard by the Planning Commission (Applicant has complied with condition).
10. “The Construction gate located at the end of Calle Gonzales must be permitted After-the-Fact by the Las Campanas HOA prior to commencement of infrastructure and road construction for the Tierra Que Canta Subdivision”. “Amended Condition”
11. Limits of grading shall be addressed with Preliminary & Final Plat submittal. In addition to granting approval of the requested variances the Planning Commission recommended approval of the proposed Conceptual Plan application subject to the conditions referenced in the Final Order approved by the Planning Commission as memorialized in the findings of fact and conclusions of law written order (Exhibit 18):
12. The Amended Conceptual Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.
13. Applicant must comply with all Review Agencies Comments and Approval Conditions.
14. Applicant must submit missing documentation pertaining to Landscaping, Parking, Signage and, Water Service Agreements, Waste Water Service Agreements and a reconfigured road design showing all driveways with the development 25’ feet from the return radius of the proposed 4-way intersection, prior to Preliminary & Final Plat being heard by the BCC.
15. The Applicant shall submit a Geotechnical Report for approval by the Administrator which verifies the stability of the rock and soil within the development prior to Preliminary and Final Plat approval for the development.
16. An Engineered Traffic Impact Analysis showing updated calculation for trips generated from Las Campanas Drive to Calle Gonzales be submitted to County Staff for review prior to the Applicant submitting for Preliminary & Final Plat approval.
17. The Applicant must present a reclamation plan with Preliminary and Final Plat submission to ensure that as much disturbance as possible is reclaimed and revegetated.

18. The boundaries of the development area shall be clearly marked on site with limits of disturbance (LOD) and fencing or construction barriers to be approved by Staff prior to any grading or clearing and before starting construction in accordance with submitted engineered Grading & Drainage Plan.
19. Applicant must provide an approved Storm Water Pollution Prevention Plan (SWPPP) prior to any grading taking place on the property.
20. Mass grading of the site will be prohibited and noted as "Special Building Condition" on recorded Amended Conceptual Plan and transferred to any other plats associated with Tierra Que Canta.
21. Applicant must build all roads within Tierra Que Canta to a SDA-2 "Collector Road" standard.
22. Gonzales Road would be continuous with the Rembe Tracts B & H and will be paved with asphalt to a 20-foot width (Cul-de-sac Road Standard).
23. The current sharp bend on Gonzales Road will be realigned to a safer curve and the intersection will be improved to a four-way stop intersection.
24. "40 percent of the lots on the cul-de-sac road, that's the one that goes to the north, Tierra Que Canta facing dwellings on the east side of the fairway will be restricted to one (1) story as referenced in updated Site Plan provided by the Applicant for the January 21, 2021 Planning Commission Meeting as referenced under Exhibit 14" "Amended Condition"
25. The development will not be mass graded. A phased grading plan will be provided to the County as part of the subdivision infrastructure application.
26. Amended Conceptual Plan as shown in Exhibits 19 & 20, is subject to all the variance conditions of approval listed above.
27. No Accessory Dwelling Units will be allowed within Tierra Que Canta, All Lots within the Tierra Que Canta Development shall be allowed one (1) Single Family Residence per lot.

CHAIR ROYBAL: Thank you, Mr. Manzanares. Do we have any questions from the Board? And you did say that the applicant was not present; is that correct?

MR. MANZANARES: The applicant will be present via Webex.

CHAIR ROYBAL: I'm going to go to the applicant next. Mr. Siebert?

MR. MANZANARES: Mr. Chair, the applicant's agent is Jim Siebert and the applicant is Jay Rembe.

CHAIR ROYBAL: Okay, if we can hear from the applicant.

[Duly sworn, Jim Siebert, 915 Mercer St, Santa Fe, NM and Jay Rembe, 9808 Bona Terra Loop, Albuquerque testified as follows]

JIM SIEBERT: What I'd like to do is give you a background on the natural of Las Campanas and the zoning and then I have a very brief power point presentation I'll provide. And that was one of the reasons that I'm not there in person is I couldn't figure out how to have a power point presentation virtually at the same time. So that's the reason I am virtual tonight.

Las Campanas was originally approved as a master plan for the entire Las Campanas development by the Board of County Commissioners with the action of the

SLDC, the SLDC then zoned all of Las Campanas PDD, planning development district, recognizing all of the elements that were already approved on the master plan. The two tracts that are associated with the hearing tonight are Tract B and Tract H are Los Santeros and Los Santeros and that was a much larger project than just these two tracts. They were B and H were approved for 22 units and that is exactly what we're doing. We are in total compliance with the underlying zoning both for the master plan and the Planning Development District. And just to emphasize the action on the part of the County Commission tonight is on the concept plan. You are not approving zoning. You are not approving a subdivision, You are strictly – what you're approving tonight is really kind of a general shape of the project and the phasing of the project. That's what I will be alluding to tonight.

Let's go to the power point presentation – at least I hope, we sometimes have problems with this.

CHAIR ROYBAL: We can see it and hear you.

MR. SIEBERT: Thank you. We'll go through this pretty quickly. This is the outline of Tracts B and H. What's located to the left is Las Campanas Drive. [There were problems with the power point] The outline, the black outline – the darker outline is the boundary of both tracts B and H. To the left is Las Campanas Drive and then going through the project is Calle Gonzales and the present continuation. The figure to the left is the wastewater treatment plant for Las Campanas and not shown on the screen what was just recently constructed is a dog park further up to the right. It's surrounded on two sides by the Las Campanas Golf Course and the idea is to have as much proximity to the golf course as possible. And, Mr. Rembe has done other projects in Los Santeros so he's a know entity. He is a quality builder and from what you see on the screen, they're very similar to the pattern that he is proposing to build in Que Canta.

One of the issues that came up by the staff because there was a great deal of neighborhood interaction with this project. Both the neighbors and the staff wanted to see what it would actually look like so we did do a rendering of what it would like if you were standing on the other side of the golf course. And in discussion with one of the owners who had a suggestion on improving the façade, the façade facing the golf course, we actually made that change. It was a good suggestion and improved the design for development.

Another issue that came up was that – there you see the red lines of the road, and the grey line, where the curve is is actually at the top of the hill which is a round curve and a pretty dangerous situation. What you'll see in the design in just a bit is that we straightened that out to provide better sight distance and then we loaded a four-way stop. So that there is construction traffic still going through there, we wanted to make sure that people/residents that live there would be safe at that intersection.

This is the project as a whole with the slope shown on it. The real dark areas are where we did have to have a variance from the slopes. It was kind of a unique site in a sense that typically 30 percent slopes are more aggregated in one place and these here were kind of scattered throughout the subdivision. It was really difficult to work around them and that's the reason we did need a variance from the slope.

That's the end of the presentation. We'll stop showing and hopefully I'll come back on again. The principal concerns on the part of the neighbors who we talked to was

Calle Gonzales needed to be paved. We originally proposed that it would be a gravel base course roadway and Jay Rembe has agreed to go ahead and pave the roadway. The other issue there were concerns about the number of two-story units that were along the golf course facing to the east. Jay has agreed to – of the 11 houses facing east on the golf course to make six of those one story. And we have held three different meetings, three different times and the neighbors – to move those issues out. With that, I'll answer any questions that you may have.

CHAIR ROYBAL: Thank you, Mr. Siebert. I think we'll have the next speaker and the Commission will save their questions for afterwards.

MR. SIEBERT: Jay, do you want to supplement any of that?

MR. REMBE: Yes, Mr. Chair and Commissioners, thank you for giving us the opportunity. This is a site that I purchased back in 2008 and as Jim said, we focused on the first phase. What I'm proposing really is how it was originally designed before I purchased it. There are section in Los Santeros that focuses and encourages small lot development for kind of a lock-and-leave type of situation. I'm just continuing with the last phase. This is the third – the last phase out of three. We'll be building exactly what was done in the first phase. It's all allowed for two-story and again, I was willing to accommodate the adjacent neighbors. It's been a long, long road. We started this two years ago. We had multiple meetings as Jim mentioned with the neighbors over a two year period. We are happy to finally make it to this stage. We're here to answer any questions, and again, I appreciate the opportunity.

MR. SIEBERT: Mr. Chair, I forgot to mention, this is not the last time you will see this project. It needs to come back for your approval for final subdivision plat approval.

CHAIR ROYBAL: Thank you, Mr. Siebert and Mr. Rembe. I'm going to go to the public. Is there anybody from the public that would like to speak up in support or not in support of this project?

MONA SHOUP: I'm from Las Campanas and I would like to make a comment.

CHAIR ROYBAL: Can you state your name for the record and be sworn in.

[Duly sworn, Mona Shoup, 7 Tecolote Circle, Santa Fe, testified as follows:]

MS. SHOUP: I just wanted to say one thing. The homes that are one story, they are mainly because they are going to be built on steep slopes, I just wanted to point that out. It's not because of the generosity of Mr. Rembe.

But what I wanted to say is that through no fault of Mr. Rembe, the buildable areas on this property are in a very heavily forested area and also it's going to destroy many of the trees on the property. It's stipulated by the County staff recommendation that there's to be no mass grading but the building footprint is going to nearly fill up these very narrow lots as you saw in the presentation. It's not going to leave any room for the existing trees on this property and we would like to see as part of the reclamation plan and the special building conditions for the applicant to replace the destroyed junipers and the pinons on the flat area of Tract B which is the area that cannot be – the undevelopable area in the required 6.4 acres of the open space. I think replacing these lost trees on Tract B would also block the sewage treatment pond and the treatment plant

and it would enhance the property by doing this. And he knows, he can get more money for his homes. I would just like to add that to my comments. Thank you very much.

CHAIR ROYBAL: Thank you, Ms. Shoup. Are there any more members of the public who would like to speak in favor or opposition of this case number 18-5250? Hearing none, I will close public comment. I'll go to the Commissioner from this district, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Siebert. Thank you, Mona. Thank you, Mr. Rembe for your comments. I see that there's a good area of open space that obviously will not be disturbed; is that correct?

MR. REMBE: Correct.

MR. SIEBERT: It principally faces the wastewater treatment plant and the roadway.

COMMISSIONER HANSEN: You're a little muddled.

MR. SIEBERT: That is correct. It is the area that principally faces the wastewater treatment plan and the roadway, Las Campanas Drive.

COMMISSIONER HANSEN: And do you think it is possible to relocate any of these trees?

MR. SIEBERT: I'll leave that up to Jay to answer that one.

MR. REMBE: I can certainly try to relocate some of those trees. I'm happy to try that.

COMMISSIONER HANSEN: I think the neighbors would appreciate it and I think the trees would probably appreciate it also. I do see that these are very narrow lots after seeing the description and illustration. So as narrow as they are, it looks like most of the houses are towards the end of these lots or possibly on one side they seem to fill up the whole lot; is that true?

MR. REMBE: That is correct. When I purchased this site the design that I provided was about 95 percent similar to what I have included today. Those are all the best lots in the project. They were meant to be smaller lots for lock-and-leave condition where you're not providing a lot of land. So the whole idea is to have smaller lots closer together where you're really trying to create a little more courtyard spaces. So the design is intentional.

And I really would just like to respond to Ms. Shoup's comment about the two-story concessions that I made have nothing to do with the slope. It really was in response to the neighbors across the golf course. So I literally went to his house, we walked out there, and picked the areas that he thought he would want the one stories and we walked every lot. We went back to his house and looked at those areas. It really has nothing to do with the slope. I'm not sure where Mona got that information but I just would like to make that clear.

MS. SHOUP: It's in the report.

MR. REMBE: It's not – I'm telling you it had nothing to do with the slopes.

COMMISSIONER HANSEN: This is not for a dialogue back and forth.

MR. REMBE: Sure, I apologize.

COMMISSIONER HANSEN: Thank you. Then I noticed that there's a couple of larger lots but that's in Phase B. That's the next phase; correct?

MR. REMBE: Yes, that's correct. Those are just platting lines. Those are larger lots but it is still the smaller house. The idea is the smaller house up on view lots is the idea.

COMMISSIONER HANSEN: And I'm well aware that you will have to get approval through the Master HOA for everything that you do also.

MR. REMBE: That's correct.

COMMISSIONER HANSEN: With that, I would like to move to approve the conceptual plan to allow 22 residential lots to be developed in two phases.

CHAIR ROYBAL: Motion from Commissioner Hansen. Do I hear a second?

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Second from Commissioner Hamilton. All those in favor.

COMMISSIONER HUGHES: Can we have discussion?

CHAIR ROYBAL: Sure, go ahead, Commissioner Hughes.

COMMISSIONER HUGHES: I just had a couple of questions if I could before we do the final vote and I am not opposed to the project. I did want to know – I understand that the water supply is coming from the Las Campanas community water system; is that correct?

MR. REMBE: Correct.

COMMISSIONER HUGHES: And do they have sufficient water rights or do they need to purchase additional water rights for this project?

MR. SIEBERT: Mr. Chair, Commissioner, we have to get – it's just like any County project on County water, we have to get what's called a Ready, Willing and Able letter which we actually have received from Las Campanas Water and Sewer Co-op that they have sufficient capacity both for water and for sewer.

COMMISSIONER HUGHES: Okay, and they have the rights to that water?

MR. SIEBERT: Yes.

COMMISSIONER HUGHES: My other question is how is this project meeting the County's Affordable Housing requirements?

MR. SIEBERT: Years ago the Las Campanas partners got -- when established the Water and Sewer Co-op, paid a fee that covered all of the affordable housing in Las Campanas for all of Las Campanas.

COMMISSIONER HUGHES: Okay, I suspected that the case. I just wanted to make sure. Thank you, Mr. Chair. Those are my questions.

CHAIR ROYBAL: And under discussion still, Commissioner Hansen, you have another question?

COMMISSIONER HANSEN: Yes, just in response to my fellow Commissioner, each lot and each area in Las Campanas is already allotted a certain amount of water and that was decided in the beginning 25 years ago. There is only so much water in Las Campanas that they have and each lot only gets – I don't know what the lots in this particular subdivision are – are they .25?

MR. SIEBERT: Mr. Chair, Commissioner, they are .25 like all of the lots in Santa Fe County.

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COMMISSIONER HANSEN: So this particular subdivision has already been allotted a certain amount considering they are right across the street from the sewer plant – so does that answer your questions Commissioner Hughes?

COMMISSIONER HUGHES: Yeah, that adds a little more information so thank you.

COMMISSIONER HANSEN: You're welcome.

CHAIR ROYBAL: No further comments or questions, all those in favor.

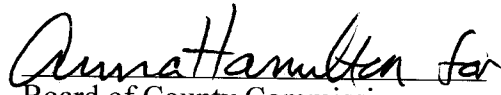
The motion passed by unanimous [4-0] voice vote.

12. CONCLUDING BUSINESS

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

Having completed the agenda and with no further business, Commissioner Hamilton moved to adjourn and Commissioner Hughes seconded. Chair Roybal declared this meeting adjourned at 6:10 p.m.


Approved by:


Board of County Commissioners
Henry Roybal, Chair

ATTEST TO:


KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:


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



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**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

**915 MERCER STREET * SANTA FE, NEW MEXICO 87501
OFFICE (505) 983-5588
jim@jwsiebert.com**

Date: June 7, 2021

To: Nathan Manzanares

From: James W. Siebert *JWS*

Re: Tierra Que Canta Phasing Amendment

On May 13, 2021, a request for a reorganization of the phasing schedule was in error. While the request to rename the phases to A and B and possible relocation of lots 8 and 22 to the west side of the property is still requested.

The original phasing schedule, which was also what was approved by the Planning Commission should have remained the same being that Phase A consists of Lots 1-7 & 19-22 and Phase B consist of Lots 8-18. Please disregard the May 13th memo phase designation.

Xc: Vicki Lucero
Jay Rembe

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ROADWAY/DRIVEWAY: 1,637 SQ. FT.
OUTSIDE ROADWAY/DRIVEWAY: 1,440 SQ. FT.

DISTURBANCE ALLOWED BY SLDC: 3 INSTANCES OF 1,000 SQ. FT.

SLDC ALLOWANCE 1: -143 SQ. FT.
SLDC ALLOWANCE 2: -647 SQ. FT.
SLDC ALLOWANCE 3: -257 SQ. FT.
1,047 SQ. FT.

TOTAL VARIANCE REQUEST: 2,030 SQ. FT.

PHASE B: LOT 8-18

LOTS 8 AND 22 MAY BE RELOCATED TO THE WEST SIDE OF THE PROPERTY NORTH OF CALLE GONZALES AS AN ADMINISTRATIVE ACTION, PROVIDING THERE IS NO DISTURBANCE OF 30% SLOPES.

ADJUSTMENT TO ORIENTATION OF DWELLINGS ON THE LOT IS PERMITTED BY ADMINISTRATIVE ACTION.

SLOPE CATEGORIES:

0%-20%

20%–30%

30%+

LEGEND:

30% ROADWAY/DRIVEWAY
SLOPE DISTURBANCE

30% SLOPE DISTURBANCE
ROADWAY/DRIVEWAY

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MAN MADE 30% SLOPE



JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MERCER STREET • SANTA FE NEW MEXICO 87505



(505) 983-5588
FAX (505) 989-7313

TIERRA QUE CANTA

SCALE:
1"=60'

DATE: MAY 2021

TIERRA QUE CANTA

SCALE:
1"=60'

DATE: MAY 2021

TIERRA QUE CANTA

SCALE:
1"=60'

DATE: MAY 2021