

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

July 13, 2021

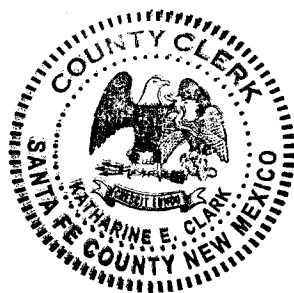
Anna T. Hamilton, Vice Chair - District 4

Rudy Garcia - District 3

Anna Hansen - District 2

Hank Hughes - District 5

Henry Roybal, Chair - District 1 [Excused]



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 57

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

July 13, 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 Vice Chair Anna Hamilton in the County Commission Chambers in the historic John Gaw Meem Building, 102 Grant Avenue, Santa Fe, New Mexico.

 The meeting was conducted in a hybrid format incorporating both in-person and online participation.

B. Roll Call

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

Members Present:

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

Members Excused:

Commissioner Henry Roybal

- C. Pledge of Allegiance**
- D. State Pledge**
- E. Moment of Reflection**

 The Pledge of Allegiance and the State Pledge were led by Vice Chair Hamilton, who also asked for a moment of silence for the uncle of Chair Roybal, Isaac Archuleta.

F. Approval of Agenda

 KATHERINE MILLER (County Manager): Madam Chair, I can tell you we did post the original agenda seven days prior. It was posted July 6th at 4:51 pm, and then we amended it on Friday, July 9th at 4:41 pm. The amendments we made were under item 4. B, Appointments and Reappointments. We updated the documents in BoardDocs that clarified the memo from Community Services. Under Miscellaneous Action Items,

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item 5. J, that item was added. That is Request Authorization to Publish Title and General Summary of an Ordinance. And then under Matters from the County Attorney, 9. A, we added item 9. A. 2, Grant of Easement for Private Driveway. That was all that was added.

COMMISSIONER HAMILTON: Excellent. Thank you, Manager Miller. Are there any changes any Commissioners are requesting, in sequence? If not, what's the pleasure of the Board?

COMMISSIONER GARCIA: So moved, Madam Chair.

COMMISSIONER HUGHES: Second.

COMMISSIONER HAMILTON: Thank you. So I have a motion to approve the agenda as described by Manager Miller and a second.

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

2. APPROVAL OF MEETING MINUTES

A. Request Approval of the June 8, 2021 Board of County Commissioners Regular Meeting

COMMISSIONER HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I wish to approve the minutes of June 8th with changes, and I have submitted them to the stenographer.

COMMISSIONER HAMILTON: Excellent. Thank you. Do I have a second?

COMMISSIONER HUGHES: Second.

COMMISSIONER HAMILTON: Thank you. Motion and a second to approve the minutes.

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

5. CONSENT AGENDA

- A. Final Order in the Matter of BCC CASE # 14-5492, Saleh Conceptual Plan (Master Plan) Extension, Phase I Preliminary and Final Subdivision Plat Extension, and An Amendment to a Previously Imposed Condition by the Board of County Commissioners. Senemar, LLC, Applicant, Design Enginuity, Agent, Requested a Two (2) Year Conceptual Plan Time Extension in Conformance with the Sustainable Land Development Code. The Conceptual Plan Allows for a Phased Mixed Use Development on a 64-Acre +/- Site. The Applicant Also Requested a Three (3) Year Time Extension of the Preliminary and Final Subdivision Plat for Phase I (3 Lots) of the Saleh Development and to Amend Condition #8 as Previously Imposed by the BCC on the Phase I Preliminary and Final Plat Time Extension, Which States, "The Preliminary and Final Plat for Saleh Phase 1 Shall Not be Recorded Until Such Time that The Northeast Connector is Under Construction and No Structural Permits, Not Including Infrastructure, Will Be Issued Until the Northeast**

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Connector is Operational.” The Applicant Requested to Remove the Language from this Condition that Restricts Plat Recordation Until Such Time that the NE Connector is Under Construction. The Property is Located on the South Side of I-25 and East of Richards Avenue, within Section 16, Township 16 North, Range 9 East (Commission District 5). (Jose E. Larrañaga, Case Manager) (Two-Year Conceptual Plan Extension and One-Year Preliminary and Final Plat Extension Approved Unanimously 5-0)

- B. Final Order in the Matter Of BCC CASE #21-5040 Mesa de Oro Subdivision. Las Campanas Land Holdings, LLC, Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Requested Preliminary Plat Approval per Chapter 5, Section 5.7 (Preliminary Plats – Major Subdivisions) and Final Plat Approval per Chapter 5, Section 5.8 (Final Plats – Major Subdivisions) of the Sustainable Land Development Code for a Twenty (20) Lot Residential Subdivision on a Parcel of Land Consisting of 41.22 Acres, Which was Formerly Known as Las Estancias, Unit 2. All Lots Within Mesa De Oro Propose to Have a Primary Residence and an Accessory Dwelling Unit Per Lot. The Property is Located Within the Las Campanas Planned Development District (PD-16) at the Southeast Corner of Camino La Tierra and Trail Head Drive, Within Section 2, Township 17 North, Range 8 East (Commission District 2). (Nathan C. Manzanares, Case Manager) (Approved Unanimously 4-0)**

COMMISSIONER HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I would just like to pull off item C on the Neighbor to Neighbor Food Drive and just make a few comments.

COMMISSIONER HAMILTON: Excellent. Any other changes? So for the Consent Agenda items A and B, what's the pleasure of the Board?

COMMISSIONER GARCIA: So moved.

COMMISSIONER HAMILTON: Do I have a second?

COMMISSIONER HUGHES: Second.

COMMISSIONER HAMILTON: Thank you. So we have a motion to approve items A and B on the Consent Agenda, and a second.

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

- 3. C. Resolution No. 2021-065, a Resolution Supporting the Tenth Annual Neighbor to Neighbor Fund Drive in Coordination with The Food Depot (Commissioner Anna Hamilton and Commissioner Anna Hansen)**

COMMISSIONER HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So I just wanted to remind everybody that we're doing the Neighbor to Neighbor Food Drive again. I

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know we kind of missed a year. I also want to remind everybody that this is just a fund drive, not a food drive, even though they call it a food fund drive. And I want to make sure that in the years past when I supported this County staff was available to help, and I want to make sure that this year we can have County staff helping again on that day. I don't know exactly what needs to be done and I think it will probably be minor but I just wanted to state that for the record.

COMMISSIONER HAMILTON: Appreciate it and I appreciate having it pulled off just because to pass it, part of the idea is to show support for this very, very important drive. Certainly at the last meeting we had representatives from the Neighbor to Neighbor Drive come and explain it's their tenth anniversary and what they do for the community but it is the recognition of that that we're doing this for. So thank you very much, Commissioner Hansen. Are there any other comments on this before we go for a vote?

COMMISSIONER HANSEN: So with that, Madam Chair, I would like to move to approve a resolution supporting the tenth annual Neighbor to Neighbor Fund Drive in coordination with the Food Depot.

COMMISSIONER HUGHES: And I'll second that.

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

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

[Clerk Clark provided the resolution numbers and Commissioner Hamilton read the case captions throughout the meeting.]

4. APPOINTMENTS/REAPPOINTMENTS

A. Approval of Reappointment and Appointment to the Health Policy and Planning Commission

PATRICIA BOIES (Community Services Department): Thank you, Madam Chair. I'm here today to seek approval for a new appointment and a reappointment to the Health Policy Planning Commission. The BCC resolution establishing the Health Policy and Planning Commission, the HPPC, provides for nine members, five of them – one from each district, and then four countywide. The first term of Sandy Dransfield, who is one of the countywide appointments has concluded and she's requested to be reappointed to a second term. She, Sandy Dransfield, has a background in behavioral health, and she has also been representing the HPPC on our behavioral health leadership team during the development of La Sala. Her focus is on providing recovery opportunities for people with mental illness and substance use disorder, and her continued service on the HPPC would be welcome.

There is now a vacancy in the District 5 position following the expiration of the second term of a sitting member. As always is the custom, we advertised for these and other vacancies in press releases and on the County website. The person we are recommending for appointment to the District 5 position is Jane Hajovsky. She has a social work background and professional experience in non-profit management and

strategic planning for health entities. And most recently she's been working on education and training initiatives for disconnected youth and young adults in Santa Fe and northern New Mexico. We believe her experience in promotion access to high quality and affordable healthcare would benefit the HPPC.

So we are seeking these two appointments and I'm happy to answer any questions.

COMMISSIONER HAMILTON: Thank you very much. So, Commissioners, anybody have any comments? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just want to thank Patricia for carefully selecting some good people to serve on it and I'll make a motion to approve the appointments.

COMMISSIONER HANSEN: I'll second.

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

COMMISSIONER HANSEN: Yes, I also want to thank Patricia for her work on this committee and working through and finding people that meet the match of the committee, because I think that is really important for this committee to have people who are invested in behavioral health and social work and many of those qualities. And so thank you for making this selection.

MS. BOIES: Thank you, Commissioner.

COMMISSIONER HAMILTON: Thank you. Any other discussion? If not, I have a motion and a second for approval of the two staff recommendations.

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

4. B. Request Approval of the Appointment of New Members to the DWI Planning Council

CHANELLE DELGADO (DWI Coordinator): Good afternoon, Madam Chair and Commissioners. I've had the privilege of overseeing the DWI Planning Council for over a year now. When I assumed the position there were three active members. Unfortunately, the DWI Planning Council put meetings on hold during the early stages of the pandemic, only resuming meetings earlier this year.

All of the existing members have expired over the course of the year. However, I stand before you today seeking the request of an additional six members to our council, each serving a specific sector as required by the Resolution No. 1997-87.

The first member I am requesting is Crystal Ibarra, our newly appointed Chief of Equity and Diversity and Engagement for Santa Fe Public Schools. Her knowledge and experience combined with deep understanding of our community will contribute a vital perspective to the DWI Planning Council.

Crystal Trujillo, a master student at the New Mexico Highlands University, in 2015 Crystal and her family were personally impacted by a DWI incident in which her family collided with a vehicle. The incident forever changed her life and she is seeking membership to be a voice for change and provide perspective of her experience.

Lindsay Valdez, the executive director of MADD New Mexico. Lindsay brings

her knowledge of DWI prevention, law enforcement, compliance and community advocacy to the Planning Council. She also brings a broader understanding of the DWI issues in New Mexico.

Esteban Trujillo, New Mexico DOT ignition interlock program manager. He brings 15 years of experience of MVD law specific to DWI. His passion for keeping our roads safe in New Mexico will provide a great perspective to the council.

Omar Vega. Omar brings 20 years of experience to community behavioral health provisions. He is currently the clinical director at Teambuilders Behavioral Health Services. His extensive experience and education will be a valued asset to the DWI Planning Council.

Kathy Armijo-Etre. Kathy is the VP of Missions and Community Health at Christus St. Vincent's. Kathy will bring a medical perspective to the council and inform the council through her lens of programming development and policy. Her longstanding commitment to addressing behavior health needs in our community will be a valuable piece to our council.

I appreciate your time and consideration of my request and I stand for any questions.

COMMISSIONER HAMILTON: Thank you so much, Channele. Are there questions? Commissioner Hansen.

COMMISSIONER HANSEN: I don't really have any questions except for I think she made a great selection. Thank you for your hard work on this. So I would like to make a motion to approve these nominations.

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

COMMISSIONER GARCIA: Second. I have some questions.

COMMISSIONER HAMILTON: So I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Really quick for staff, for Attorney Shaffer. So these individuals are very qualified. The individuals that actually work for the State, that work for DWI, is that any sort of a conflict or anything, for being on this committee?

GREG SHAFFER (County Attorney): Madam Chair, Commissioner, can you remind me exactly which State agencies the individuals work for?

COMMISSIONER GARCIA: Madam Chair, yes. It's not about the individuals themselves, but I heard the members of staff, actually – Trujillo. He actually works for the DOT. He is in charge of the DWI – whether it's marketing or –

MS. DELGADO: Ignition interlock.

COMMISSIONER GARCIA: Ignition interlock. So is he okay being on the committee? Not just him. It seems like he does that so he has a lot more knowledge when it comes to that. So that's the question I have.

MR. SHAFFER: Madam Chair, Commissioner Garcia, based on that description I can't think of any conflict between the work he does at the State and the work he would be doing for the DWI Council. In particular, I don't believe that our DWI prevention efforts have anything to do with interlock licenses. I think it's more on the front end trying to prevent DWI rather than punitive or remedial measures on the back end. So I personally wouldn't perceive any conflict.

COMMISSIONER HAMILTON: Thank you. Any further discussion?
Commissioner Hughes.

COMMISSIONER HUGHES: Yes. Thank you again for picking such well qualified people. It seems like you didn't have very many applications though. So this would be a six-person committee but there's allowed to be nine. Are you planning to advertise again and try and get three more people?

MS. DELGADO: That is correct, Commissioner Hughes. We have current vacancies in the law enforcement sector, an elected official, media and legal. And we do plan on advertising once again to fill our committee.

COMMISSIONER HUGHES: Okay. Good. Thanks.

COMMISSIONER HAMILTON: Thank you, Commissioner Hughes. Any further discussion? If not, we have a motion and a second.

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

6. MISCELLANEOUS ACTION ITEMS

A. Request Approval to Retire K-9 Akiro from Service with the Santa Fe County Sheriff's Office

COMMISSIONER HAMILTON: We expect this item to take quite a long time, just by the time everybody gets to say hi to the canine. Thank you, Sheriff.

ADAN MENDOZA (County Sheriff): Thank you everybody for having us here today. We're here to celebrate the retirement of K-9 Akiro. His handler is Deputy Ames. K-9 Akiro was brought to us from Rio Arriba County, is where he was trained and first commissioned as a police canine. He was trained by Deputy Lyon and brought over to the Sheriff's Office. Once Deputy Lyon exited the Sheriff's Office K-9 Akiro was transferred over to Deputy Ames. She was interested in doing K-9. We didn't have the resources at the time to have another canine join us so she stepped up and was really interested.

Sometimes it's very difficult to get a K-9 to adjust to a new handler but she did a phenomenal job to continue the training with K-9 Akiro, deploy him out in the field in different tasks and situations, and so we're really proud of him and we consider K-9 Akiro a deputy and employee of Santa Fe County. He served from 2017 until now, 2021, which is four years of service with the Sheriff's Office. I was reminded by Undersheriff Johnson that that's actually 28 years in dog years, so he has more years in law enforcement than some of our deputies. We want to just acknowledge and we're requesting that K-9 Akiro's ownership be transferred to Deputy Ames. It's very difficult to transition ownership of these type of service dogs based on the fact that they're very loyal and their whole life has been with their handlers, and so it's very difficult to transfer ownership. So we're requesting that the County allow Deputy Ames to adopt, I guess, or keep for life K-9 Akiro.

With that we'd like to present K-9 Akiro with a certificate. It reads,
"Congratulations on your retirement from the Santa Fe County Sheriff's Office, K-9 Akiro. Thank you for four years of dedication to the citizens of Santa Fe County, 2017 to 2021. So we'd like to present him with this. I'm a little skittish around canines myself. So

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we'll present him with a certificate and also a retirement badge. You see the badge here but it says retired K-9, Santa Fe County Sheriff's Office and just like our deputy, we would present the badge to K-9 Akiro.

So thank you. Does anybody have any comments or questions?

COMMISSIONER HAMILTON: Absolutely. We'll just go down the line. Commissioner Hansen.

COMMISSIONER HANSEN: So I'm wondering, can we have a picture?

COMMISSIONER HAMILTON: I don't know if we're set up, unless Daniel pops up saying we have the capacity to do photographs.

MANAGER MILLER: Madam Chair, I would not. He's not very friendly.

COMMISSIONER HAMILTON: Commissioner Hansen, is that it? Are you finished?

COMMISSIONER HANSEN: I was hoping to be able to see him at least.

COMMISSIONER HAMILTON: There he is.

SHERIFF MENDOZA: Can we approach, and me and the deputy can take a photo, if that's okay, with you behind us.

COMMISSIONER HAMILTON: Deputy Ames, why don't you say what you would be comfortable with and what is appropriate and we'll do that?

COMMISSIONER HAMILTON: While everybody's walking down there, I want to mention that Deputy Akiro started the same year Commissioner Hansen and I started, so this is momentous.

[Photographs were taken.]

COMMISSIONER HAMILTON: So this is actually an action item. Sheriff Mendoza, is there anything else?

SHERIFF MENDOZA: No. I'll just answer any questions if necessary.

COMMISSIONER HAMILTON: We certainly thank both of you for your service and wish Deputy Akiro the best of retirement and maybe even some – well, better than milk bones. Commissioner Hansen.

COMMISSIONER HANSEN: So it looks like we need to make a motion to approve the retirement of K-9 Akiro from service with the Santa Fe County Sheriff's Office and turn him over to his handler.

COMMISSIONER HAMILTON: I have a motion. Thank you.

COMMISSIONER HUGHES: I'll second that.

COMMISSIONER HAMILTON: And a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. So we no longer have any more K-9 units in the Sheriff's Department?

SHERIFF MENDOZA: That's correct. And one of the things that prompted the retirement of K-9 Akiro was obviously the legalization of recreational marijuana which has some legal aspects when it comes to dogs that are trained to detect marijuana and that was one of the factors that was taken into consideration in retiring K-9 Akiro.

COMMISSIONER GARCIA: So Madam Chair, Sheriff, I saw in the memo there where the State of Colorado Supreme Court actually had some sort of liability where they actually moved forward on it. So all of the states that have legalized

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marijuana, are they going in this direction as well? Do we know?

SHERIFF MENDOZA: I'm not sure what the other states are doing. I know a lot of other law enforcement agencies are retiring K-9 units that are certified in detecting marijuana. State Police, there was actually a special on the news, the different agencies that are actually retiring those dogs, and we can purchase dogs that retrained not to detect marijuana and other drugs and other things and we may explore that option at the Sheriff's Office because the K-9 unit has been a valuable resource for the Sheriff's Office. So we haven't made that determination, how we're going to move forward, but we'll take that into consideration.

COMMISSIONER GARCIA: Madam Chair, so whenever we do transfer the K-9 unit, the responsibilities actually go to the new owner. Does the County carry any liability once he gets transferred over to the new owner?

SHERIFF MENDOZA: Maybe that's a question for legal, but it's my understanding that ownership will be totally relinquished to the handler.

MR. SHAFFER: Madam Chair, Commissioner Garcia, I would concur with that. He's no longer County property and once this action is approved the K-9 officer becomes the property of the handler who is solely responsible for his actions.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Sheriff.

COMMISSIONER HAMILTON: Thank you, Commissioner Garcia. If there's no further discussion we have a motion and a second.

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

COMMISSIONER HAMILTON: Congratulations and best wished for the future.

4. B. Request Approval of County Utility Line Extension and Delivery Agreement between Goodman Management, LLC and Santa Fe County

ANJALI BEAN (Utilities Department): Good afternoon, Madam Chair, Commissioners. I don't know how I'm going to follow that dog retirement, but I'll try. This proposed County utility line extension and delivery agreement between Goodman Management, LLC, and Santa Fe County would govern the terms and conditions under which the County utility will provide water and wastewater service to Executive RV and Boat Storage. The development will occupy approximately eight acres within SDA-1 on 53, 55 and 58 Fire Place. This property is right off of New Mexico 14, off of Highway 599, so it's within District 5. The proposed water budget for the development including the 20 percent contingency required by Resolution No. 2006-57 is .23 acre-feet so it's, as you can see, a fairly small development.

The Utility's provision of wastewater service will be subject to a memorandum of agreement between the City of Santa Fe and Santa Fe County for the provision of wastewater collection and treatment of the Thornburg amended master plan area, which is that whole area. The developer is responsible for ensuring that the Utility has sufficient

water rights to provide for the entire water budget for the development. This developer shall pay a fee in lieu, prior to recordation of the final plat, and unless changed by resolution or ordinance in that time the fee in lieu shall be calculated based off of \$19,341 per acre-foot, in accordance with Resolution No. 2018-12 for a total of \$4,448.

With that I will stand for any questions.

COMMISSIONER HAMILTON: So Commissioners, are there any questions? Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, where is this development at?

MS. BEAN: So it is just north of 599, just off of Highway 14, so there's the Forest Service office right there, and it's just north of that, in between the Forest Service building and Santa Fe Brewing Company.

COMMISSIONER GARCIA: So, Madam Chair, this has already gone through the zoning aspects? Through the Land Use Department?

MS. BEAN: Yes.

COMMISSIONER GARCIA: So, Madam Chair, we do have a sewer connection there at the bottom, the arroyo there. Is there going to be a hookup to the City sewer which we actually move on to the City of Santa Fe?

MS. BEAN: Madam Chair, Commissioner Garcia, yes. That is what the MOU that I referenced was. It will go through the Abajo lift station and pumped to the City of Santa Fe at Paseo Real treatment plant.

COMMISSIONER GARCIA: Just one of the concerns I have is many years ago we actually approved an RV storage and boat ramp off of I-25. It just seemed to me that it got a little out of control when it came to somehow just buffering. I know it's hard to buffer that. We don't totally want to hide a development in a commercial area. But I'd just really be concerned as into what type of trees, landscaping buffering that we're going to do along that major corridor, because there are a couple of developments that have moved forward and it just appears that the landscaping has died out. So I'm just a little concerned about that as we move forward on it. I know the County Commission didn't have a chance to view that because it's probably in the SLDC which is a permitted use. But just kind of food for thought that if we could just keep that in mind, because there are a couple of new developments out there that have no buffering. I just wanted to bring that up. Thank you, Madam Chair.

COMMISSIONER HAMILTON: Manager Miller.

MANAGER MILLER: Madam Chair, Commissioner Garcia, the land use case that's on later today at the public hearing, that is for this particular item, so yes, it's gone through but it has not been approved by the BCC yet.

COMMISSIONER HAMILTON: Thank you.

COMMISSIONER GARCIA: Thank you.

COMMISSIONER HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Nice to see you, Anjali. So it's going to go to the Abajo lift station now, but I think I read that it will go to the Quill plant, once we get that up and running. Is that correct?

MS. BEAN: Madam Chair, Commissioner Hansen, that is correct. There are plans to take over the Abajo lift station.

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COMMISSIONER HANSEN: I thought I read that so I just wanted to make sure that that was what was happening. Okay. Thank you. That's my only concern.

COMMISSIONER HAMILTON: Thank you. Are there other questions?

COMMISSIONER GARCIA: Move for approval, Madam Chair.

COMMISSIONER HAMILTON: Thank you. So I have a motion.

COMMISSIONER HANSEN: Second.

COMMISSIONER HAMILTON: A motion and a second. Is there further discussion?

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

4. C. **Request (1) Approval of Amendment No. 4 to Agreement No. 2017-0240-FD/IC Between Santa Fe County and L.N. Curtis & Sons, Southwest Division, Extending the Term of the Agreement for an Additional Year at the Same Price, Terms and Conditions of the Original Agreement; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)**

BILL TAYLOR (Purchasing Director): Good afternoon, Madam Chair, Commissioners. We're here, as you state, Madam Chair, that the Fire Department wishes to extend the term of the contract. It has gone to its four-year term and this is for the purchase of bunker gear, turnout gear for the Fire Department. I must clarify to the Commission, this morning in the request, it's stating at the same price as the original agreement. There have been increases to this contract, slight increases due to materials. Textile mills – the pandemic shutting down mills, starting up. They have absorbed about 9.5 percent increases from manufacturers through the four years.

We are still negotiating with them to try to hold the prices, but there might be a slight increase to the coats and the boots. Coats, they're looking at an increase of about \$100 per coat, and boots, \$30. And so that's what I wanted to clarify to the Board. We're still here requesting approval to amend it and extend it for an additional year. With that I'll stand for any questions.

COMMISSIONER HAMILTON: Okay. Thank you. Commissioners, any questions? Commissioner Hansen.

COMMISSIONER HANSEN: With that cost, is there an estimated round number of how many pants, how many boots, are we talking about?

MR. TAYLOR: Madam Chair, Commissioner Hansen, I don't have that information in front of me right now. Perhaps, if the Chief were here, or the Fire Marshal. I don't have that information. I can get that information and provide it to the Board. I apologize. I didn't bring that amount with me. It varies depending on the hiring, but they do have to change out that gear. They go through a cleaning process but after a while they do replace those.

COMMISSIONER HANSEN: I know that we made sure that they had the ability to clean their uniforms, when Commissioner Hamilton and I came into office, but I was just curious to know on a rotating basis. Is it a hundred uniforms or 100 pants, or is it 500 pants? Just ballpark. I was just curious.

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COMMISSIONER HAMILTON: This is not a fixed – we're not approving this for a fixed number of items though.

MR. TAYLOR: Madam Chair, that's correct. This is a per-unit price.

COMMISSIONER HAMILTON: Right.

MR. TAYLOR: And it's for the one-year term. It's an agreement that allows them to purchase the gear during that time. And again, Madam Chair, Commissioner, I apologize I didn't bring that total amount with me. It's in my packet but I didn't bring it along with me.

COMMISSIONER HAMILTON: So this would cover replacement gear and new gear, additional gear for new hires.

MR. TAYLOR: Madam Chair, that's correct.

COMMISSIONER HANSEN: Madam Chair, I move to approve.

COMMISSIONER GARCIA: Second.

COMMISSIONER HAMILTON: So I have a motion and a second. I think there's further discussion. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, in regards to the securing a price for the apparatus that we're talking about, Manager Miller – I mean it's a long time ago. So when we secure that price agreement, because this is what's happening throughout the country, is they can't deliver the goods. The dealerships in Albuquerque, they can't get parts fast enough. We have shortage of food that's starting to come up for the taxpayers and individuals realize. We can get into a contract but they can't deliver because the manufacturer is not making enough. Are we okay if we get tied into a contract now and they can't deliver the goods?

MR. TAYLOR: Madam Chair, Commissioner Garcia, that's correct. The market's pretty volatile right now with labor, materials, particularly textile mills that are restarting and getting employees back to work. L.N. Curtis is a national organization that has secured supplies and materials and I think we can be guaranteed – they are guaranteeing that they can deliver. But I did want to make the Commission aware that – we're trying to hold them at the price but there could be as much as a three percent increase to those items.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Bill.

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

COMMISSIONER HUGHES: Yes, thank you. So with the increase in price do you feel like this will still be competitive with other vendors?

MR. TAYLOR: Madam Chair and Commissioner Hughes, it's hard to say. I think at this point we could compete this this fiscal year. We could go out for another invitation for bid. The original invitation for bid was quite robust in that we received and evaluated proposals – each supplier supplied sample uniforms and then they were short-listed, taken to the training facility at Agua Fria and run up the ladder. They were tried out and tested and evaluated at that site. Some of the other competing firms were not able to hold up to those standards. So although the price could be competitive, L.N. Curtis was the lower price in the original solicitation, but it's really hard to say in today's market if you would open up an opportunity for a higher price. But this is a one-year extension and we would be more than happy to proceed with a new solicitation this fiscal year to see

what the market bears or would produce.

COMMISSIONER HUGHES: Right. It sounds like with this plan it sounds like the plan it to open it up next year for bids and go through a process?

MR. TAYLOR: Madam Chair, Commissioner Hughes, that's correct.

COMMISSIONER HUGHES: Okay. Yes. That would make sense to me.

Thanks.

COMMISSIONER HAMILTON: Further discussion? So we have a motion and a second.

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

- 4. D. Request (1) Approval to Utilize Statewide Price Agreement No. 10-00000-20-0048 with Code 3 Service for the Purchase, Implementation, Software Integration, Hardware Installation and Training for a New DMR Digital Trunking Radio System at the Adult Detention Facility; and (2) Delegation of Signature Authority to the County Manager to Negotiate and Execute the Final Terms and Conditions of a Contract and Sign All Purchase Orders**

MR. TAYLOR: Thank you, Madam Chair, Commissioners. The Public Safety Department wishes to utilize a statewide price agreement to purchase the new radio system. The existing radio system at the adult detention facility was purchased in 2008. It's reached its lifecycle. It's outdated, and importantly it is not meeting the Federal Communications Commission new guidelines. And so we're here before the Board asking your approval based on the original cost proposal from Code 3. The amount of that contract would require BCC approval. We had approximately around \$337,000 cost to the County.

And so utilizing the price agreement – it was competitively bid by the state, and so we'd request approval to utilize that state price agreement and enter into an agreement with Code 3 to provide the radios. With that I'll stand for questions.

COMMISSIONER HAMILTON: Thank you. Are there any questions?

COMMISSIONER GARCIA: Madam Chair.

COMMISSIONER HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Bill or Director Sedillo, we recently approved some radios for the RECC, the Regional Emergency Communications Center, which is run by both City and County. Are these radios compatible with those radios, or do they need to be?

MR. TAYLOR: Madam Chair, Commissioner Garcia, as far as I know they're not. They're a single digital radio that's used around the adult facility. The P25 radio system that you're referring to is remote, but I'm not sure if the Director knows if they would tie in and communicate with those radios. I'm not sure. We could certainly have that discussion with Code 3 and see if they could tie into the P25 radios.

COMMISSIONER GARCIA: I'm just thinking, Madam Chair, where everything is just tied in these days, but we can talk a little bit later. I'll talk with Director Sedillo and Manager Miller. Thank you, Madam Chair, and if there's no questions, move

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for approval.

COMMISSIONER HAMILTON: Thank you.

COMMISSIONER HANSEN: Second.

COMMISSIONER HAMILTON: So I have a motion and a second. Are there further questions? I just have a very, very brief question. I assume this was anticipated in the budget.

MR. TAYLOR: Madam Chair, correct. This is capital outlay that was approved for the department.

COMMISSIONER HAMILTON: Excellent. Thank you. So we have a motion and a second.

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

- 4. E. Request (1) Approval of Agreement No. 2021-0112-GM/APS, Between Santa Fe County and Autotroph, Inc. in the Amount of \$600,000, Exclusive of NM GRT, for Architectural and Engineering Services Related to a Mixed-Income Affordable Housing Development to be Located at Camino de Jacobo in Santa Fe, NM; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)**

MR. TAYLOR: Thank you, Madam Chair, Commissioners. The Housing Division entered into -- we issued an RFP for architectural design services. Autotroph was selected as the highest rank to provide design services from programming all the way through project close-out. Their cost proposal of \$600,000 is both for basic services and additional services. This is a development, as you stated, an affordable housing development there that is looking at using the -- I may need help from County Manager Miller on this -- but the four percent tax, mixed-income affordable housing -- it's a rather involved plan for this development that is using the -- County Manager Miller, the tax credits. I was going to get into that and I stepped off into something way over my head. I talked to you about the design contract and what they're going to deliver to us but the funding is a little bit more involved.

MANAGER MILLER: So Madam Chair, Commissioners, the Board of County Commissioners appropriated about \$600,000 towards the initial start of this project. This is the Camino Jacobo development and this is the first part of what we need to do in order to hire an architect, a design firm, to do the initial stages of design and planning and consulting to apply to the Mortgage Finance Authority for a four percent tax credit, hopefully, project. It's a competitive funding round. The State receives a certain amount of tax credit -- four percent tax credits and nine percent tax credits.

The nine percent you go to the Board of Finance to get; the four percent which is much more equity into a project from investors, because they get the tax credits. If it's competitive it goes once a year. MFA puts out a solicitation or a Notice of Funding Availability of tax credits and you have to actually submit an application. It's not a simple application. There's a lot of requirements in how you design that affordable housing, what target incomes you reach, what social determinants you try to affect, not

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just low income housing but it could be seniors housing, it could be disabled individuals that you have certain units dedicated to that. You can have certain units dedicated to very low income.

But they're very competitive and we don't have the expertise in-house to prepare that package. So this agreement is to get us started on the work that we need to get done in order to apply. Then we hope that what we would receive is predominantly home funds from MFA as well as tax credit funding. And then after we get that determination made, whether we get the four percent tax credit allocation then we would look at any gap financing that we need in order to complete the project.

COMMISSIONER HAMILTON: Excellent. Thank you.

MR. TAYLOR: What she said.

COMMISSIONER HAMILTON: What she said? Perfect. To remind the Board and for people that might be listening, can you say a few words about this effort to do initial design links into the 2020 Innovation in Affordable Housing Student Design award that this site received?

MANAGER MILLER: Madam Chair, Commissioners, yes. As a matter of fact, Joseph and his team put in for the Innovation Design grant and we received that, which brought a team of young students as well as professional expertise to collaborate and give us ideas for how to develop that property and what it would look like. So we bought that property a few years ago using our affordable housing fund that came from developer fees that were payments in lieu of affordable units, and that's the funding we used to buy the land. Then we applied for that grant to get ideas of how we should move forward and get some initial innovative programming ideas. And then this contract would be awarded to take off from what group did and actually do our preliminary design to the level that we needed in order to apply for the tax credits.

COMMISSIONER HAMILTON: Fantastic. So, Commissioner Hansen.

COMMISSIONER HANSEN: Yes. Thank you, Manager Miller and thank you, Bill. This is in my district and I have been working with Joseph on this project. The last actual County meeting I went to in 2020 was meeting with these groups of students that came here. It was like March 10th or something like. So I have been involved in this and I think Autotroph is a very reputable company that has been in Santa Fe for quite some time and they have been working quite hard and alongside of Joseph on this project all along and were involved in the beginning when the students did the design with this project. So I think that it is an appropriate group or firm to continue to work on that. And with that I would like to move to approve the contract with Autotroph, between Santa Fe County and Autotrophy in the amount of \$600,000.

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

COMMISSIONER HUGHES: Second.

COMMISSIONER HAMILTON: So I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. \$600,000 is a large amount of money to pay an architectural firm. Usually we range anywhere from eight to ten percent, so this is roughly – the way I look at it we're looking at a \$6 million project. And so the question is in regards to the architectural firm. They're going to walk

us through the entire project from whoever they meet with and all the way to apply for those tax credits, although way to finished construction documents?

MR. TAYLOR: Madam Chair, Commissioner Garcia, that's correct. This \$600,000 – what you're referring to on the fees, this \$600,000 includes both basic services, which is the programming, schematics, design development, construction documents, all of that, plus what's in the \$600,000 are those additional fees for what you brought up about going through meeting with the City, getting the approvals. Our contracts with architects for these services are set up at each milestone within the design services. They cannot move forward with the next milestone of that design without written approval by the County. So we're going to go take this as far as we can to get the approvals as Manager Miller described, to get the tax credits, to get to apply for this development. So at that time – so the full \$600,000 probably will not be expended immediately. Well, half of that, \$300,000 to get us through to right to the beginning of design development.

COMMISSIONER GARCIA: So, Madam Chair, this might be for Manager Miller. We have anywhere from a four to nine percent tax credit available to apply for. Which one is actually out there through MFA? And does the architectural firm guarantee that we're going to get some of those dollars that are allocated for these types of programs?

MANAGER MILLER: Madam Chair, Commissioner Garcia, it's actually an open, competitive round. I don't know how much they get in tax credits but there are two completely separate allocations. There's a four percent tax credit, and they actually do a competitive, statewide – where developers come in and present a project that meets a bunch of criteria in their notice of funding. This project will actually be probably more like \$15 million a far as an apartment complex goes, or a multi-family living complex goes. And a tax credit process, what you're getting are investors who buy the tax credits and that's your equity in the project. So four percent is more equity invested into the project than a nine percent.

If we don't get a four percent this architectural firm is going to assist us in doing the financial feasibility and other special studies that we need to do in order to apply these. This is beyond what we would do in a normal architectural services contract. They need to help us do community input and coordination. They need to help us put our low income housing tax credit application together in order to try to get tax credit funding. There's no guarantee. They can't guarantee it. It's an independent committee that's selected by the Mortgage Finance Authority that reviews all the applications. It's very competitive. Hopefully we will have a good application together.

We also, because this is inside the city limits, we don't control the approvals. When you're doing affordable housing, even though it's County properties, one of the few things inside the city limits that City Planning and Zoning actually have authority over is affordable housing. So we do have to go through the City approval process and so the architect will be responsible for helping us through that process. But we probably wouldn't get to that until we know what financing we have. But in order to apply for the financing we have to get a certain amount of design done and completed.

COMMISSIONER GARCIA: [microphone off]

MR. TAYLOR: Madam Chair, Commissioner Garcia, that was part of the

criteria in the RFP and Autotroph did come to the table with the most experience with these tax credit applications, particularly in Santa Fe.

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

COMMISSIONER HUGHES: Thank you, Madam Chair. I don't have any questions I just wanted to make a couple comments. One is that I think this is a great project. I think that it's particularly good that we're trying to use the four percent tax credits because my understanding is they're underused around the state, so we have a very good chance of getting the financing. But if for some reason we weren't able to get that I think there's some new sources of funding coming on line from the federal government and the state for affordable housing. So I think getting this first work done would put us in a position to get all different kinds of financing.

I once worked on a nine percent tax credit and I never hope to experience that again. I think the four percents are much more reasonable and I think it's a great way. If the first one works well then we can do another one and another one and another one and make a dent in the affordable housing problem in Santa Fe County. So very good. Thank you.

COMMISSIONER HAMILTON: Fabulous. Are there any other questions or comments.

COMMISSIONER GARCIA: Madam Chair, I agree with the Commissioners up here. It is a great project, well needed in this community. If you actually go back through that property, and you see what's behind the Shell station there, it's sad to see how individuals are out there, living out there. This is a good project and hopefully those individuals that are out there that we see in the streets actually can benefit from this type of project. Thank you.

COMMISSIONER HAMILTON: Thank you. So we have a motion and a second.

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

4. F. **Request (1) Approval of Construction Contract No. 2021-0114-PW/APS. Between Santa Fe County and TLC Plumbing & Utility in the Amount of \$459,915, Exclusive of NM GRT, for the Rancho Viejo Water Service Improvements: and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)**

MR. TAYLOR: Thank you, Madam Chair. The Purchasing Division issued an IFB for the construction services for the Rancho Viejo water service improvement. We received six bids. The lowest responsive bid is TLC Plumbing and Utility. This project is basically to redirect County water through County infrastructure and would eventually develop and tie into the long, big project of Cañoncito-Eldorado, Rancho Viejo tank. But this basically will create a valve that will remove us from moving water through the City's infrastructure and into our infrastructure and alleviate the fees that the City charges us to move water from BDD through their system. With that I'll stand for questions.

COMMISSIONER HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Bill, once we do connect this does that mean Eldorado – are we still working with Eldorado in regards to getting off of their wells? Do you know?

MR. TAYLOR: Madam Chair, I'll defer to Brian.

COMMISSIONER HAMILTON: Welcome, Mr. Snyder. I think this is the first time you've had the opportunity to officially address us. Welcome.

BRIAN SNYDER (Deputy Public Works Utility Director): Thank you. Madam Chair, Commissioner Garcia, Yes, we're still working with Eldorado. As Bill mentioned, this will take BDD water and run it through over to the Rancho Viejo tank. We are working on a project right now, as I think you're referring, the Eldorado-Cañoncito line. That's under construction. It's slated to be done by contract by June or July of next year, 2022. The goal is to work with Eldorado to supplement their wellfield and we're working on an arrangement right now, a phased arrangement where we will get 30 percent of their sources onto the BDD and then over time, expand.

COMMISSIONER GARCIA: Madam Chair, I'm just going to be upfront. We're going to build all this infrastructure here. We'll build a pipeline to Cañoncito and we're still working with Eldorado. We're still working with Eldorado. We're still working with Eldorado. I know it's not our staff's – it is our staff's challenge, and how are we going to work with Eldorado? And one of the concerns I have – I'll be honest with you – the aquifers that are going to La Cienega. It's just working with Eldorado, working with Eldorado. So is there any way we can actually put a timeframe on Eldorado?

Because what I don't want to see happen – hopefully it doesn't happen, is what happened to Eldorado. We have a brand new pipeline to Cañoncito from the Buckman Diversion. Cañoncito definitely needs the water because they've been here for the last 15, 20 years talking about water and I'm totally for that. I just have a concern as to where's Eldorado at? Can anybody answer that?

MANAGER MILLER: Madam Chair, Commissioner Garcia, we actually have an agreement with Eldorado. It's a temporary agreement to buy 25 acre-feet to Santa Fe County which 15 to 20 acre-feet of that will go to Cañoncito. We've actually got a temporary line in place from Eldorado to Cañoncito or it's getting put in place to help supply them water until the line is done. Our contract has already been awarded to build the line from the Rancho Viejo tank to Eldorado and from Eldorado to Cañoncito. We've already finished also the phase of fixing the distribution lines within Cañoncito.

So it's three phases and all three of those phases are under contract and we have a contract with Eldorado to provide water. Once that's actually being provided on a regular basis then we can go back to Eldorado and work on a more permanent agreement. But it's happening. It's not going to happen; it is happening. We do have an agreement with them and they are providing water, and we will be connecting – these improvements are needed to assist in that. This is not that project. That project has already been awarded to TLC as well.

COMMISSIONER HAMILTON: Thank you. Mr. Shaffer, did you have anything to add to that?

MR. SHAFFER: Madam Chair, Commissioner Garcia, the only thing that I would add to the County Manager's description is that our current agreement with

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Eldorado is in fact a permanent one. However, it does contemplate that the parties will endeavor to negotiate a replacement agreement and do so by December 31, 2022. But should those efforts fail, the agreement that is currently in place would continue on in perpetuity.

With regard to the negotiation of a replacement water delivery agreement, the executive director of the Eldorado Area Water & Sanitation District did recently ask John Dupuis and myself to set up a schedule where we could begin negotiations on that replacement water delivery agreement, which I think is the agreement that would likely require that the district take or pay for a set amount of water, whereas, under the current agreement that is optional with the district.

So to sum up, the agreement we have is permanent but it does contemplate that a replacement agreement will be negotiated by December 31, 2022. I hope that that answers your question.

COMMISSIONER HAMILTON: Thank you.

COMMISSIONER GARCIA: Madam Chair, Attorney Shaffer. Yes, it did. I appreciate the answer on that. One of the things is I'm totally happy and grateful that we're actually seeing water come through our pipeline and feed not just the SLDC but rural areas of the community – Cañoncito. What's interesting is if we're in negotiations with Eldorado, if you actually look to the west of Eldorado, there's State Road 14 there. And literally, if you throw a rock over the Thornton Ranch or over State Land Office property, you have all those individuals there, and my fellow Commissioner here, off of the Lone Butte area. And if we could somehow negotiate somehow to get some of our wet water from the Rio Grande to Rancho Viejo, through Eldorado, to State Road 14, hopefully in the future, as well as we're doing now to Eldorado. So just food for thought. Brian, if you can just keep that in the back of your head because those people there are in dire need there off of State Road 14. And I know we did talk with a couple of staff members in regards to a whole different thing which is a bulk water system for those individuals in that area. Thank you, Madam Chair.

COMMISSIONER HAMILTON: Thank you, Commissioner Garcia. And thank you, Brian. I hope I didn't interrupt you in the middle of something. Commissioner Hughes.

COMMISSIONER HUGHES: I just had a quick question. I think this is a great project and it will certainly be a part of our water strategy and I'm glad we're working on it. One of the things I hear about the most is people are concerned about our water. But where physically will this line go? From where to where?

MR. SNYDER: Madam Chair, Commissioner Hughes, so this is largely the infrastructure is in place. Existing infrastructure is in place. So this is a connection and PRV and valves at the Highway 14/599 area, and then in Rancho Viejo, some more valves and a check valve, basically to use existing infrastructure that's in place in a different manner than it's currently being used, with the ultimate goal that – so right now the system is being fed in two directions, two areas. From the 599/14 area and Richards Avenue. And the goal is once we get this project done we will no longer need to be using the Richards Avenue feed, which is taking water through the City. We'll be using from Buckman Direct Diversion, booster station 5A, down 599 and across 14 and feeding the Rancho Viejo area to the Rancho Viejo tank, and then ultimately, as Manager Miller

mentioned, the Eldorado-Cañoncito line that goes from the Rancho Viejo tank to the Hondo fire station. That's the plan.

COMMISSIONER HUGHES: Great. Great. Thank you. I'd like to make a motion to approve this item.

COMMISSIONER GARCIA: Second.

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

COMMISSIONER GARCIA: Madam Chair, just a couple of questions for Utilities. So these pipelines, like you said, are going to be at State Road 599/14, going to go east to Richards Avenue, some different connections are going on there. So all the development that's happening in the SLDC, is this going to be a large enough pipe, valves, to accommodate all that being proposed, if any, developments in the SLDC SDA-1 area?

MR. SNYDER: Madam Chair, Commissioner Garcia, yes. The interconnections and the bypasses are 16 inches in diameter, and then the PRVs, it's a 10-inch by 4-inch. So it's a high flow and a low flow, definitely sized for this type of existing system as well as projected growth.

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

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

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

4. **G. Request Approval of Memorandum of Agreement No. 2021-0121-CMO/BT Between Santa Fe County and the City of Santa Fe Establishing the Funding Distribution for the Operations of the Santa Fe Regional Film Office with a Total Contract Sum of \$485,000 Over a Four-Year Term**

MR. TAYLOR: Thank you, Madam Chair, Commissioners. Santa Fe County and the City entered into a subsequent memorandum of agreement relating to the establishment and operation of a regional film office. If approved, this MOA will supersede all prior agreements between the County and the City, and what this does is establish the funding distribution to provide other duties related relative to the film office through fiscal year 2025. The distributions in the memo, looking at FY22 in the amount of \$100,000 each from the County and the City, \$125,000 in FY23, \$125,000 in FY24, and \$135,000 each in FY25.

Funding is through our economic development fund, funds from the general fund, other capital outlay related. The agreement is a four-year term. We continually – we've been going on an annual basis, which has caused some delays with City Council approval as and processes, so we wanted to set things with the MOA to go for a four-year term and clarify the distribution of these funds for the operation of the film office. With that I'll stand for any questions.

COMMISSIONER HUGHES: Thank you. Commissioners?

COMMISSIONER GARCIA: No questions.

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COMMISSIONER HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I think this is a great idea to be able to move to a four-year agreement. I think the film office for the County and the City provide a lot of good services and provide recognition for our county and how important film is to New Mexico. And I think Jennifer has done a fabulous job, and I want to make a motion to approve.

COMMISSIONER GARCIA: Second.

COMMISSIONER HAMILTON: Thank you. So under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, so the County is going to pay \$100,000; the City is going to pay \$100,000. That's roughly \$200,000. Does that include a salary?

MR. TAYLOR: Madam Chair, Commissioners, this is the full operation and operating budget of the film office, so, correct.

COMMISSIONER GARCIA: Madam Chair, the County is actually providing housing for the individual staff that work there, correct?

MR. TAYLOR: Madam Chair, Commissioner, that's counted towards the distribution.

COMMISSIONER GARCIA: And Madam Chair, just for the record, we did get paid for our last contract that we had with the City of Santa Fe?

MANAGER MILLER: Madam Chair, Commissioner Garcia, we are up to date with all payments from the City on this agreement. Last year neither the City nor the County put any money into it. We used fund balance left over from the first four years. So we used to do \$150,000 a year and we did \$150,000 a year each for four years, and then last year we had about \$187,000 or somewhere in that range, a little shy of \$200,000 left in fund balance, which we shared equally with the City. So we used that last year and didn't budget any new revenue into the program. Our fund balance is down to a few thousand dollars so this year we knew we could operate close to \$200,000 based on what we did last year so this year neither the City nor the County had to come up with a lot of funds for it. We did \$100,000 each, but that does keep the second position that we have in there vacant.

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

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

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

4. H. Request Ratification of the County Manager's Signature to Contract No. 2021-0254-CORR/TVR Between Santa Fe County and San Juan County for Housing of Juvenile Detainees

MR. TAYLOR: Thank you, Madam Chair. Last but not least, this is a requests for ratification of the County Manager's signature to the contract between Santa Fe County and San Juan for the housing of juvenile detainees. The current agreement is

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within the County Manager's signature authority. We don't know but eventually it will grow above that amount and therefore we're bringing – we had the contract signed. The agreement with San Juan and everything was set and Purchasing submitted it for signature but we wanted to come back to the Board, ratify that signature and approval because eventually, over time, it could exceed and we want to present it to the Board for transparency and approval and ratification. And I'll stand for questions.

COMMISSIONER HAMILTON: Thank you. Manager Miller.

MANAGER MILLER: Madam Chair, I just wanted to add to that. One of the things we were also trying to do is see if we could get a take-or-pay agreement with Bernalillo County, because obviously that's closer. Director Sedillo has been in touch with Bernalillo County but they're only going to provide us beds as available. We needed guaranteed bed space for our juveniles, so we entered into this agreement to ensure that we have a definite place to take our juveniles. This agreement says we take or pay at least four beds per day, but that is trued up at the end of the month, so you might have two day with two youth and another day with six. That averages out to four. So it trues up at the end of the month. But if we don't have an average of the 120 bed-days in the month we pay for them anyway, but we have exceeded that since we started contracting with San Juan County anyway.

And we will look to still enter into an agreement with Bernalillo so that when maybe a juvenile would stay a short term, down and back, if they have stays that that would be the preferred place to take a juvenile under those circumstances.

COMMISSIONER HAMILTON: Excellent. Thank you, Manager Miller.
Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, move for approval if there's no questions.

COMMISSIONER HUGHES: Second.

COMMISSIONER HAMILTON: I have a motion and a second. Is there any further discussion?

The motion passed by unanimous [3-0] voice vote. [Commissioner Hansen was not present for this action.]

4. I. Resolution 2021-066, a Resolution to Allow the County Manager to Apply and Manage an Application for a Grant from the National Telecommunications and Information Administration for the Expansion of Broadband

CHRIS HYER (Economic Development): Good afternoon, Commissioners. A tough act to follow. This is a request for adoption of a resolution that will allow Santa Fe County to apply for a grant for broadband expansion in parts of the county. The National Telecommunications and Information Agency advertised a Notice of Funding Opportunity to expand broadband into rural areas of the country for end users that are unserved or underserved. The grant amounts can be between \$5 million and \$30 million. the deadline for grant submission is August 17th of this year.

As with grants there are several requirements that must be met and these are some

of the more important ones. The requirement that more than one political subdivision of the state must jointly apply and a service provider must be identified. In this case, Santa Fe County will partner with Rio Arriba County and the City of Espanola in making the application and will use REDI Net as the service provider. This is called a covered application.

The service provided must be fixed broadband and meet the minimum FCC standard for service of 25 megabits per second download and three megabit per second upload speeds. Then you must demonstrate that all end users from this grant will receive this minimal level of service on a continual, 24/7 basis. In other words, everybody has to have this minimal service all the time. It can't deplete when people come home from work and start streaming Netflix or what not. So you have to have a very good backbone. So we're suggesting that we use fiber throughout the middle part of the county.

This grant also gives the option to provide a ten percent match and those that provide a match get extra points on the application. So it's a minimal ten percent suggested and you get – I forget how many points it is but it's a substantial amount. It's, I think, ten percent of the total points in the application if you provide a match rather than if you don't. And the match can be in kind or in cash.

Each of the applicants that are in the partnership of the covered application will be responsible for providing their portion of the ten percent match. So in other words we're only going to be responsible for the portion of the amount of money we apply for in the joint application.

As of right now we are still working with the engineers to massage the route of the fiber and to be able to get the biggest benefit for the amount of money spent. Some areas are rocky and we may combine fiber with fixed wireless in those situations. So especially around Cerrillos and Madrid we have some areas that are just very expensive to try to trench or bore. So we'll probably provide the end users with fixed wireless application from the fiber-optic back-haul.

So the resolution that is attached is to authorize the County Manager to apply and manage the grant application on behalf of the covered parties and to act as fiscal agent in administration of the grant. The County Manager has further delegated authority to execute all related documentation and agreements, including the determination of how they're recommended match would be funded. So what I'm saying on that part is we have not determined exactly what's going to be used as in kind. We're hoping to be able to use part of the established circuit that REDI Net has in kind, but we'll probably have to ask for some cash to be added to that match so that we exceed the ten percent.

So now I stand for any questions.

COMMISSIONER HAMILTON: I think first I would like to go to Commissioner Hansen, since she's on this as well.

COMMISSIONER HANSEN: Thank you, Chris. I feel that this is incredibly important and especially considering that we are going to have a statewide broadband conference in November of this year. I think that will add. But I also think that it's really important to get fiber in the ground. And what it means is that in the meantime these cell towers that people are opposed to, this is a temporary passage so that we can get fiber in the ground, because some places we are not going to be able to get fiber in the ground. That is the reality. But other places where we can, that is to me one of the most

important things that we can do and this grant, I believe, would help us do that. As Chris said, in the Cerrillos and Madrid area, I would like to see it also along 599. I don't know if that's possible, but there are other possibilities for the 599 and Las Campanas area, like a PID, which we talked about in the past meetings. So there are mechanisms to get more fiber in the ground.

I think that as a County we need to look at all of those mechanisms and this is one advantage that we will have and start to have with REDI Net in building our infrastructure, which is really important. So thank you, Chris, for working on this. Thank you for being a member of the team for this conference. I really appreciate that. I of course am wholeheartedly in support of this so I would make a motion to approve. But that doesn't exclude discussion, of course.

COMMISSIONER GARCIA: Second.

COMMISSIONER HAMILTON: So there's a motion and a second. Is there further discussion? Commissioner Hughes.

COMMISSIONER HUGHES: Just real quick. You may have glossed over this but I was wondering, is there a particular part of the county this application would target for broadband?

MR. HYER: Madam Chair, Commissioner Hughes, we are looking at starting from the Santa Fe POP, the point of presence, which is at the Rodeo Grounds on Rodeo Road, going down Richards Avenue and then going in two different directions. One is towards Highway 14 and one is following the waterline that goes out past Eldorado to serve Eldorado and Cañoncito and Lamy, and try to get up to Glorieta as far as we can.

The problem with that is the grant has a one-year term on it and it's going to be very hard to bore through rock and then the only other option would be to go up through Glorieta via pole hanging attachment agreements and we don't have those in place yet. There's a lot of things that have to be looked at and studied when you do that, like what the weight is of the fiber that's going to be added and if there's enough space or distance between a high tension line versus communications. So all those need to be looked at and some poles would probably have to be replaced and we haven't even started that negotiation yet. So we'd like to get as far as we can up the state highway and then it will be interstate from there and that will be base of the project.

COMMISSIONER HUGHES: Okay. Thank you. And I agree this is a very important project regardless of what part of the county it will serve and I'm glad to hear it's going to go by my house but that wasn't the reason I was asking. Thank you very much.

COMMISSIONER HAMILTON: Thank you. That actually answered part of my question. What part of the plan we've been talking about that you guys are developing is this going to cover, because the areas you mentioned cover some of the areas that have previously been uncovered and I'm thrilled to hear coming out to the Eldorado area, Lamy, Cañoncito, Glorieta, because those areas are incredibly uncovered in terms of broadband. You can ask anybody that has to listen to me for a year and a half on my bad connection on the meetings.

Is this a substantial – do you have an estimate of what portion of the project you think this is going to cover?

MR. HYER: Madam Chair, if I understand your question correctly you're asking me how much money we think we're going to apply for for Santa Fe County?

COMMISSIONER HAMILTON: Yes. Pretty much.

MR. HYER: Madam Chair, the City of Espanola has already started on a big project. Their mayor is looking to activate wifi throughout the entire city. And so they're going to be looking at probably a two million dollar portion of the grant out of the total of the cap of \$30 million. Rio Arriba County is looking to go all the way – all the little communities that go up Highway 64, and then a branch to Highway 96, which goes through Abiquiu and Youngsville and through that area. And the idea is they want to get to Cuba, because if they get to Cuba then the Jicarilla Apache Tribe will give REDI Net all of its assets and it will be much easier to get to Denver, the way the connections go.

So they're asking for about \$10 million of the grant. So that's a total of \$12 million that's being asked for. Santa Fe County has \$18 million to play with. I do not believe that a \$30 million request will be granted. That's why the engineers are really trying to figure out what the biggest bang for the buck is, so we're looking at probably around \$12 to \$15 million. And ten percent of that in simple math is \$1.2 million to \$1.5 million, and we're looking to cover at least half that in kind if not more than that.

COMMISSIONER HAMILTON: So it's a non-trivial portion of what Santa Fe County would need for this project, the backbone project.

MR. HYER: Madam Chair, no it's not, and in fact Kelly Cable, who is one of the premier cable providers/fiber optic providers, they are dedicated four staff just to help with the engineering pro bono. They look at this as being something that's substantial and they would probably be the ones that are contracted via REDI Net to lay the cable.

COMMISSIONER HAMILTON: Excellent. Thank you. Is there further discussion? Commissioner Garcia.

COMMISSIONER GARCIA: I just have some concerns. Great project. Broadband should be all over the entire world, right? And that's where we're going. One of the things that I just have some concerns about in broadband is you talked about the POP box, which is that little square box that's actually located at the County fairgrounds. It's been there for many years and we have not utilized it. I understand that.

In regards to – people may not realize, in the downtown area we never had any fiber here until we actually pursued and we built our new facility down the road at 100 Catron and that actually – we had no connect from here other than wireless on the roofs. So that actually kind of alerted the City and we participated in actually having connection throughout the downtown area.

We've dealt with broadband in the past that the state legislature has funneled a lot of money to Rio Arriba County, the City of Española as well as Santa Fe County, and so when we have fiber on Rodeo Road and we're going to do additional fiber over the existing fiber on Rodeo Road? Or we're going to tie into that from the POP box, is a question I have, because if we don't see it or not, people may not realize is that main line comes from Albuquerque, and if that main line was to ever get cut, everybody would be in a world of trouble.

So if we need to go off the POP box to different locations are you going to go over existing wire or existing fiber, or are you going to connect to the existing fiber?

MR. HYER: Madam Chair, Commissioner Garcia, if I understand correctly, you're asking if – okay, one, the Santa Fe POP does have fiber in it from Plateau and from PNM, and REDI Net has dark fiber that goes into the Simms Building. In the Simms Building there is a lot of redundancy. So we have several places where we do have redundant circuits throughout the County-owned portion. One of the things that I did not mention is that we would like to have connection where REDI Net comes down to Bank of America on St. Francis Road. It's called a quasi box, and it crosses the road, so we have a quasi on either side, and the City has agreed, Rich Brown has agreed – verbally so far – that if we hook up the city hall and the convention center we will also hook up the Catron facility and this campus, this building as well.

And we would – we're proposing about a quarter mile of fiber to do that. They have so far verbally agreed that we'll be able to do that and have redundancy that way. Once we get to the commercial office of Century Link, which is there on Alameda, that is where Santa Fe fiber exists. So we're going to do a build to the Century Link office, and then ride Santa Fe fiber all the way down to the County's point of presence at the fairgrounds. And so we're working on all these agreements and we're trying to get as much redundancy as we can, because we feel that if we're able to ride Santa Fe fiber – most of it's dark – we'll be able to have that redundancy and we'll be able to connect to another company's lines called Conterra. They won the E-Rate build that connects all Santa Fe schools. So they have 26 schools connected with fiber, and they have a lot of dark fiber because they overbuilt.

So we'll have redundancy from that perspective as well. We feel this is a big step towards trying to make fiber prolific around the county and to be able to light up as many County facilities as we can.

COMMISSIONER GARCIA: Thank you, Madam Chair. It's almost like we built this city. We built this city on fibers, where we're going. In regards to – August 17th is the deadline. It's us, Rio Arriba County and the City of Espanola. Who's taking the lead in that application? Are you? Are we? Because what I want to make sure is that all three governmental agencies participate equally. Because one of the things that we have in here at Santa Fe County, and Manager Miller is going to administer that money, and so in the past, we've had REDI Net and there was some falling out of REDI Net and there's some unaccountable fiber that's north of Santa Fe, so in the past we've gotten grants, agreements, REDI Net and we don't know where the fiber is. They don't know where the fiber is in the ground because nobody did any as-built drawings for that.

And so one of the challenges up north is you have fiber that goes down State Road 76, before 285. How do you get fiber to Mrs. Martinez who lives way down in that little area there that has maybe a land line. Because there's broadband all over public streets but one of the things I'm interested in is how do we get broadband to people in Madrid and Cerrillos that live off of this private drive. That's just something to think about when we're applying for that grant.

And so the grant is August 17th it's due, and you said there's a year timeframe to spend that grant? That's a lot of money and a lot of stuff that the Purchasing Department's got to go through within one year to spend \$7 million, \$10 million. So we can keep that in mind because we should administer that money if we do get it, and hopefully we do.

And in the match, how much match are we looking at to apply for this grant?

MR. HYER: Okay, Madam Chair, Commissioner Garcia, there's a lot of questions in there. One is – I just want to answer one part of your concern which is part of the grant is to go down all the roads and you have to be able to provide fiber to the households. Now, it's up to the households to provide connection from their service area to the road. And so we feel we have that area covered if we can provide the fiber to the home and they have service. And it's up to them to get the service. And we have several ISPs – internet service providers – that are willing to be partners in this grant because they see it that they can provide the last mile, and they will benefit from providing that service.

As far as administering the grant, the North Central Council of Governments, Monica Abeyta and Kenny Pin have been very instrumental in spearheading this. They're going to be writing the narrative. We're working with REDI Net as a resource. REDI Net is not a party to the grant; they are a resource and that's the way this NOFO is written is that the governing bodies have to be the ones that apply and use the provider that they choose as a resource. So that's the way we're going to handle that. We're going to have REDI Net engineers providing all that engineering for us and laying the cable.

As far as a match, it's at least ten percent of a match, and like I mentioned before, we looked to have at least half of that covered through in-kind services and the rest we'll cover with – we have funding that we can provide for cash match. So we'll be able to cover whatever the balance is, whether it's \$1.2 million and we divide that by two - \$600,000 we'll be able to provide that from our budget.

COMMISSIONER GARCIA: Thank you Madam Chair. Chris, do we actually have a map that shows where all the existing fiber is currently today? Because here's what we're going through. The federal government is doling out so much money for fiber and it's kind of, here you go. Here's some more money for fiber. So it seems like we have pretty much a lot of fiber already in the city area but I'm just concerned about those rural areas. We can go down a road – is that a public road or a private road? Because I just was thinking, the gentleman that was actually very knowledgeable was Duncan Sill. He used to work for North Central. I guess he's not there anymore. But those are just concerns that I have because that's a lot of – within a year to spend that money is going to be challenging. But those are the only questions I have.

COMMISSIONER HAMILTON: Okay. Thank you. Was there a response?

MR. HYER: Madam Chair, Commissioner Garcia did ask if we're going to go down private roads. That would be a trespass issue. We're looking at not going down any private roads or private property. We're going to be doing County roads and so that is what is in the grant. We have to be down public right-of-way, and that's what we'll be doing.

COMMISSIONER HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: So also along those lines is when you get the last mile, the ISP, that is their responsibility from the person's home. And I know some of these homes are quite a ways off. But that is also where sometimes the cell capacity or towers come into being or the pole agreements – a lot of different ways people can connect. North Central has done an amazing job. At their last meeting Monica

presented their broadband plan and it was quite impressive and so I was quite happy to see that and see the work that North Central is doing on broadband. So it was very impressive and I think this is an important grant, and I have faith that we can pull it off and get everything done because we have such a good County team.

MR. HYER: Thank you.

COMMISSIONER HAMILTON: Thank you. So if there's no further discussion we do have a motion and a second.

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

4. **J. Request Authorization to Publish Title and General Summary of Ordinance No. 2021-___, an Ordinance Amending the Santa Fe County Sustainable Land Development Code ("SLDC"), Ordinance No. 2016-9, to Enact Comprehensive, Countywide Zoning and Other Regulations for Cannabis, Including Cannabis Establishments, Other Cannabis Businesses, and Personal Cultivation and Production of Cannabis and Cannabis Products; Amending and Restating Sections 10.6.2 And 10.22 of the SLDC in Their Entirety; and Amending Appendix A, Part 2, Definitions, of the SLDC to Delete and Add Cannabis Related Definitions [*Exhibit 1: Maps Demonstrating Potential Separation Buffers*]**

PENNY ELLIS-GREEN: (Growth Management Director): Thank you, Madam Chair, Commissioners. In April of this year the legislature enacted the Cannabis Regulation Act. The Cannabis Control Division is in the process of drafting regulations in accordance with that act. Therefore staff is initiating an amendment to the SLDC to establish comprehensive countywide zoning and other regulations related to cannabis.

In doing so we were aware that we were not writing on a clean slate. Instead, the existing SLDC has regulations concerning medical cannabis, and that is in existing Section 10-22. So we're building on those existing regulation.

For an overview of the proposed ordinance there are several issues related to cannabis establishments including odor, safety security, water use and neighborhood nuisance. Specifically, for the growing of cannabis, the production creates a strong odor that can create compatibility issues with surrounding uses. Another issue related to production is that outdoor growing uses significantly more water than inside growing. It is therefore recommended that indoor producers be required to use industry standard techniques to minimize odorous matter. In addition, outdoor growing is recommended only in zoning districts with larger lot sizes.

Related to the manufacturing of cannabis, the production methods of manufacturing and the use of propane that is under pressure can be volatile and cause fire and explosion risks. So we recommend that this type of use be located within industrial districts, a planned development district, and some of the residential districts with larger lot sizes.

For cannabis consumption areas it is proposed that this use be separated into recreational and medical use. Medical only cannabis consumption areas will be allowed

within any cannabis retailer. Recreational cannabis consumption areas will be allowed in the same districts as a bar, since both uses are similar in that they are where people go to be under the influence of a drug, or are limited to persons 21 years and older.

Due to the odor and second hand exposure risk it is also proposed that consumption areas that allow for smoking indoors will be in standalone buildings from which smoke does not infiltrate into other indoor work spaces.

The act also allows us to regulate separation. So we have proposed a 300-foot separation between schools and daycares, which is the maximum that the act allows. The act does allow us to regulate density of licenses, so a 200-foot separation is recommended between a cannabis retailer and/or a cannabis consumption area. We have a number of vibrant but small retail and non-residential areas in the county and this 200-foot separation requirement would prevent an area from becoming solely a cannabis retail or consumption area and fundamentally changing the nature of the non-residential area and crowding out of other businesses.

So to go through the details of the proposed ordinance, we're proposing to amend Section 10.6 of Home Occupations in the SLDC because of safety, compatibility issues, neighborhood nuisance and other considerations. The proposed ordinance will prohibit home occupation permits being issued for cannabis establishments.

Section 10.22.2 of the ordinance establishes findings related to the act, the existing code, odor, water use, security and density of licenses. The proposed ordinance then recommends that the Board determine that cannabis establishments should be allowed in zoning districts where similar uses are allowed.

So this is the new Section 10.22.3. 10.22.3.1, Cannabis testing laboratories and cannabis research laboratories would be treated the same as research and development. And this is the same as the existing code for medical cannabis.

10.22.3.2, cannabis manufacturers would be treated as food, textile and related products. Again, this is the same as the SLDC for medical cannabis. 10.22.3.3, a cannabis producer or cannabis producer microbusiness that cultivates cannabis plants indoors shall be treated as a commercial greenhouse. Again, the same as the existing code for medical cannabis.

10.22.3.4 would be a producer that cultivates plants outdoors will be treated the same as a dairy farm as both uses produce strong odor and are outdoor uses that cannot effectively control odor.

10.22.3.5, a cannabis retailer would be treated the same as a store or a shop. Again, that is the same as existing SLDC for medical cannabis.

10.22.3.6, the cannabis consumption areas. A recreational cannabis consumption area is proposed to be treated as a bar, tavern or nightclub. Both are locations where people go to be under the influence of a drug. This section also requires that consumption areas that include smoking and vaping be indoor in a standalone building where smoke does not infiltrate into other work places. This is to address issues related to odor control and second hand exposure risks. Medical cannabis consumption areas proposed to be located inside a cannabis retailer, which is the same as the existing SLDC. Again, if smoking is proposed, this section would require that that consumption area including smoking or vaping be indoor in a standalone building.

Section 10.22.3.7, cannabis couriers, would be treated as a courier or messenger

service. And the act also has vertically integrated cannabis establishments, so an establishment, for example that produces, manufactures and sells cannabis. We propose that those be located only in zoning districts in which each of the authorized uses would be allowed.

So regarding separation between schools and daycares, 10.22.4 of the draft ordinance proposes a minimum separation between a cannabis business and a school or daycare to be 300 foot.

Separation between retail and consumption areas. 10.22.5 requires a 200-foot separation proposed between cannabis retailers and/or consumption areas. Again, the county has a number of vibrant but small non-residential areas and this would prevent cannabis stores fundamentally changing the areas.

The act also allows us to regulate hours, so 10.22.6, it is proposed that hours of cannabis consumption areas and cannabis retailers be the same as hours of alcohol sales as regulated by the state. Those hours are fairly long. A cannabis consumption area therefore would be between 7:00 in the morning and 2:00 the following morning Monday through Saturday; noon to midnight on Sundays. Retailers would be 7:00 am through midnight Monday through Saturday; noon to midnight on Sunday.

Section 10.22.7 requires growers and manufacturers to meet industry standards to minimize odors.

And Section 10.22.8 is the section that regulates personal production. It requires personal growing to be located inside a structure for odor control, security and water issues.

The rest of the ordinance includes relevant definitions from the Cannabis Regulation Act that will amend Appendix A of the SLDC. So if this ordinance is approved it will take 30 days to come into effect. The state will start issuing certain licenses on September 1st. So staff requests that this be noticed to allow adoption after one public hearing at a special BCC meeting on July 30th, and in the interim, the Planning Commission will hold a public hearing and make a recommendation to the Board. Staff recommends approval of the request to public title and general summary of the proposed ordinance and I stand for questions.

Oh, I'm sorry. Madam Chair, Commissioners, Jose actually also handed out some maps. We looked at several non-residential areas in the county, and you'll see on those maps buffers of 100-, 200-, 300-foot. What that just indicates is not where existing uses are but where some existing non-residential uses are and indicates that you could get a number of cannabis retailers or consumption area within those traditional areas. Thank you.

COMMISSIONER HAMILTON: Thank you. I imagine there are some questions but before I go to questions I want to commend you and your staff for the way you went about generating this in a very short timeframe, doing a lot of research. There was a lot of extant information you guys went after from other counties, municipalities and states, which I think is incredibly commendable. There's always room for a lot of discussion but the rationale for why you picked things, it was there and it's defensible using the alcohol regulation and using analogies like that to try to make rational decisions was a great approach and very appreciated, and the time you spent trying to explain all that to everybody. Very difficult, short-term, high intensity job. Thank you very much for

that.

Okay, let's just go down the line. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. I also want to thank staff for all the hard work on this. I was very grateful to have a meeting ahead of time to go over a number of these things to see all the things that you have come up with and even though this is possibly maybe a more conservative approach I think that it is important to be conservative in the beginning and then if we need to pull something back we have that ability. But if we're not conservative in the beginning we don't have the ability to move forward and do things differently in the future. So I think that is a wise way to approach this.

I do have one question about 10.22.8, Cannabis cultivation and production for personal use, in quantities. What does that exactly mean? Let's say we have somebody who lives out in the middle of nowhere. The closest neighbor is ten miles, twelve miles away, but you're saying here that they have to cultivate for personal use and must be conducted inside an enclosed and locked dwelling unit. What if somebody has two plants in an area where their closest neighbor is maybe an acre away. The smell might not be the same compared to having 20 or 30 plants or even 12 plants. So I just wonder if you could explain a little bit there.

MS. ELLIS-GREEN: Sure. Madam Chair, Commissioner Hansen, we didn't really divide up between zoning districts. What we looked at there is the fact that even though you don't have a neighbor now you might have a neighbor in the future, and we tried to keep the regulations the same for any of the zoning districts. So my understanding is the act allows you to have six personal plants but if there's multiple adults in the house I understand they can all have six plants.

COMMISSIONER HANSEN: I think it's limited to 12 per residence.

MS. ELLIS-GREEN: Okay. So we have some very small tracts in the county and the idea was to reduce odor. You can't really do that if you're outside growing. So as well as having large tracts we also have some really small tracts in the county. So we're not saying they have to be in a home. They can be in any accessory structure, a barn, any kind of accessory structure.

COMMISSIONER HAMILTON: Was that it? Do you want me to come back to you?

COMMISSIONER HANSEN: You can come back to me.

COMMISSIONER HAMILTON: Okay. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I agreed that staff's done a great job. I think we're very close. I just – I'm afraid I don't understand the map very well, so could you explain what a cannabis buffer parcel means? Does that mean no cannabis in there or does it mean it's unlimited number of cannabis stores?

MS. ELLIS-GREEN: Madam Chair, Commissioner Hughes, the map was just kind of a general diagram of if a cannabis or consumption area – it's related to the separation between retailers and consumption areas. In the center, you'll see I think outlined in blue would be a possible retailer or consumption area and then the distances before you can have another one.

COMMISSIONER HUGHES: Oh, got you.

MS. ELLIS-GREEN: So it's just showing kind of those rings kind of

around those uses.

COMMISSIONER HUGHES: And so did you do a map for each of the county areas where we have some commercial establishments, or just with a view to illustrate it.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hughes, we just did a few that illustrated. We used some existing non-residential areas. A lot of communities actually allow in their traditional community allow stores and shops anyway, so you could get a retailer in a number of different places. What we looked at is some of our areas where we knew we had non-residential uses and we looked at how many uses does that allow to see whether or not it would only be one or multiple uses.

COMMISSIONER HUGHES: Great. Thank you. I just wanted to comment, I think – this is a more general comment. I'm glad that the State has made it legal to use marijuana and I think it's very important that we not be putting people in jail for that, just like we used to prohibit alcohol and then we gave up on that. I think it's great that we're moving in that direction. I think it's also important to note that we're not endorsing the use of cannabis, especially by younger people and I imagine that once this is legal we'll be spending a lot of time and money, either ours or somebody's, trying to educate people about the appropriate uses and non-uses of cannabis so that people don't get themselves in trouble by overdoing it. But that's all my questions for now, Madam Chair. Thank you.

COMMISSIONER HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, this is in regard to local governments, once again as we have to get into this appreciate your staff working on it. Penny's smiling. Been here for a long time, you know exactly what I'm talking about is now we're dealing with – first it's junk cars, then it's barking dogs. Now the only question I have is just enforcement of this stuff as into if some of the neighbors smell marijuana growing at the house next door, who do you call? Code enforcement? Do you call the Sheriff's Department? Do we have authority to go in there and count the plants of each individual person? But I guess as we move along we'll realize some of the obstacles or challenges that we will face when we get to that point.

The other thing is did your staff and yourself go out to any of the existing growing areas in the Albuquerque area? Or around the State of New Mexico?

MS. ELLIS-GREEN: Madam Chair, Commissioner Garcia, no. We didn't go out and do any site visits.

COMMISSIONER GARCIA: Madam Chair, you might want to just go and see how it actually works or walk into an area. It certainly helps to get information for that stuff. So if somebody wants to grow non-residential up to whatever number of plants per individual within a household can they actually have – let's just assume a warehouse on a residential piece of property? Let's just say the Pojoaque Valley, because a lot of these are in my district. And so can you do that? Could somebody do that? I know this is just title and general summary so this was just actually to allow staff to move forward as into working things out. But I will definitely meet with you and your staff. That's some of the questions I have. Thank you, Madam Chair.

MS. ELLIS-GREEN: Madam Chair, Commissioner Garcia, any kind of accessory structure to your residence. So some people have barns. Some people have

those large, metal kind of like sheds. They range throughout the county. So indoor grow could be allowed in any of those for personal use.

COMMISSIONER HAMILTON: Was there a question about a warehouse for personal use? I didn't understand. I'm sorry.

COMMISSIONER GARCIA: [inaudible]

MS. ELLIS-GREEN: So the proposal, most of the proposal is related to commercial – commercial growing, commercial manufacturing – as a business. Not personal. But the 10.22.8 is on the one section that regulates personal growth. So what that's saying is if you are growing personal plants, not a business, that you would need to grow indoor in some kind of structure.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Penny.

COMMISSIONER HAMILTON: Thank you. Back to Commissioner Hansen.

COMMISSIONER HANSEN: So I want to follow up on that a little bit. So is this what the State is saying or is this our rules only?

MS. ELLIS-GREEN: Madam Chair, Commissioner Hansen, this is what our proposed rules would be.

COMMISSIONER HANSEN: Yes. So I mean I have some – we're a big county. We have a lot of people who live in remote areas who might want to grow something outside. So I feel like this is a limitation. And I'm not encouraging or discouraging. I've never grown cannabis so I can't make any assumption about how it works but up in the mountains somebody might want to have their own private field. But I know that people have also had stuff stolen from them. There's always that possibility of being robbed. So I'm struggling with this 10.22.8, because I feel like it is a little too restrictive.

MS. ELLIS-GREEN: Madam Chair, Commissioner Hansen, this was what staff was proposing. It's really based on the fact that water use for outside grow is significantly more than inside grow, security and odor. Kind of all three of them combined. We looked at whether or not we could recommend a setback and it was difficult to come up with an actual setback. We did look at what some entities in Colorado and California have done and it's not unusual in those areas to see personal growth being allowed or being required to be indoor.

COMMISSIONER HANSEN: And so the most anybody who's growing for personal growing cannabis could have is 12 plants. That's the limit that you allow even if you have multiple residents in that home. So I'm just trying to struggle with this. The last thing I want to see is that we have to send the Sheriff out to somebody's house because they happen to be growing three plants in their backyard, in their garden with their corn or something else and being fined or told you can't grow this with your corn. Or you can't grow this with your squash. So I'm just kind of struggling with that. That's the only one. I don't know what the solution is.

MS. ELLIS-GREEN: Madam Chair, Commissioners if you could give staff some kind of direction. Are we looking at this on large lots with a big setback? We could come back, when we do come back we could look at what some options are.

COMMISSIONER HANSEN: Right. Like I am thinking more of like

somebody who's on a five-acre lot at least and they don't have any neighbors right next to them. The closest house is at least an acre or two away and there's some kind of setback. If they wanted to grow their three to five plants in a garden outside, that would be their option.

I think it's more economical or maybe more efficient to grow it indoors and to be in an enclosed area because you get more yield and it's more controlled and you can grow all year, etc. but there might be people who want to just have some plants outside and grow it and they're not near or next door to anybody and so there isn't any odor.

MS. ELLIS-GREEN: Madam Chair, Commissioners, we can look at what some options would be. We'd probably be there looking at the size of the lot, setback, possibly what we've seen other entities do is say it can't be visible from a public road or a public street. Understanding if you've got a five-acre tract you would still want a setback. Your neighbor may not be there now but may be building six months from now. So you may end up with a neighbor. Really large tracts probably wouldn't, so we'll look at issues like that and come up with some alternatives.

COMMISSIONER HANSEN: I would appreciate that and I think some people who want to just grow some personal – for their own personal use might appreciate that also.

COMMISSIONER HAMILTON: It's interesting because I had some problem conceptually with that, especially – although I think the water argument is very strong, the increased use with outside growing, even for personal use. On the other hand, I was concerned that this kind of requirement tends to disadvantage the most disadvantaged people, right? The cost of growing inside compared to growing outside. On the other hand, the devil is in the details and two to five acres – Glorieta is a really good example of lots of mostly two to five acres, and they're all next to each other. Nobody grows anything in Glorieta that another person isn't going to see.

And probably smell too. I can see, yes, the idea of growing outside there makes total sense but it's not remote from neighbors. So how many acres do you have to own before it is remote from neighbors? And I think being able to think about that, I would think it would be larger, more acreage, and there might be multiple criteria. You mentioned road accessibility. You mentioned setbacks, visibility, that sort of thing. I think it would be hard to set it out but I do think it's worth looking into it because – being in Glorieta is one example. Being up on Glorieta Mesa where there may be a few houses and they have hundreds to thousands of acres, multiple hundreds of acres and nobody – you're not at any one house and see another house. It would be a different story, right? So having three to six plants there, nobody's going to see it, right? But in between those two examples, where do you draw the line.

But I appreciate your willingness, I assume, to look at it. I assume we could publish this title and general summary and then do a revision. Would that be the reasonable approach?

MS. ELLIS-GREEN: Madam Chair, Commissioners, we would recommend publishing title and general summary and Greg and I will work on some language. We are going to Planning Commission on Thursday if we get authorization today. And so we can get a recommendation from them, hopefully with some possible alternatives as well. And then bring those back as options to you on July 30th.

COMMISSIONER HAMILTON: Okay. Great. Commissioner Hansen.

COMMISSIONER HANSEN: Yes, so I would like to make a motion to publish title and general summary, but I also want to say, along with Commissioner Hamilton, for someone who might not have the means to set up an indoor grow place but still have lots of land around them, I think that we really have to not create hardship. I think that that is an important part. So with that I move to publish title and general summary.

COMMISSIONER GARCIA: Second.

COMMISSIONER HAMILTON: So I have a motion and a second from Commissioner Garcia. Is there any further discussion? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to say I agree with going ahead with this and looking at the map, I do sort of prefer the 300-foot setback between dispensaries. That would mean there would be three in my neighborhood which means if one of them was charging too much I'd still have two other choices. I think that'd be fine. Thank you.

COMMISSIONER HAMILTON: Excellent. Is there further discussion? So there's a motion and a second.

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

8. MATTERS OF PUBLIC CONCERN

COMMISSIONER HAMILTON: Is there anybody present or dialed in that has a matter they want to address the Commission about? I don't see Tessa Jo. Usually she's on line. Are we webcasting this, Manager Miller?

MANAGER MILLER: Madam Chair, we are but I don't think there's anybody on from the public.

COMMISSIONER HAMILTON: Okay. I just wanted to be cautious about skipping over anybody.

[Following technical difficulties, William Mee made his remarks via Webex.]

WILLIAM MEE: I'm William Mee, president of the Agua Fria Village Association, and I'm at 2073 Camino Samuel Montoya. And we had an Agua Fria Village Association meeting last night and a topic arose from the officers and the members, and that was on the project of the County, on the sewer and water projects in our traditional historic community area. We had a plan done for our 37 private roads and the total cost for the area is \$10 million. The County staff and the contractor prepared a utility corridor master plan that was completed for both sewer and water lines, and a copy of this was sent to the New Mexico State Legislature. They funded the sewers for \$2 million and the County puts in one million. But all of this money is sitting there because we don't have an active capital project manager.

So I was instructed last night to write a letter to the County Manager and the Commission and other appropriate officials to look for that. On a related note we also were looking at our legislative lobbying plan at the meeting last night and everyone commented that if we do not spend that \$2 million we soon will be asking for more and I don't want to be the one to tell my senator, Nancy Rodriguez, and my representative,

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Tara Lujan, that their money is not being used.

I know we had a COVID-19 delay but it seems to be 18 months of inaction, and anything that the Commission can do to speed this along would be greatly appreciated. Thank you.

COMMISSIONER HAMILTON: Thank you very much, Mr. Mee. Is there anybody else from the public who wishes to address the Board? If not, I'm going to close Matters from the Public.

MANAGER MILLER: Thank you, Madam Chair, Commissioners. First of all I can actually address Mr. Mee's comments so that the Board is assured that that project is moving forward. We've had difficulty with some of the roads that the sewer needs to go down. The design needs to be approved by the City of Santa Fe but these roads are very narrow and difficult, so this is what we talked here about previously that we just reallocated budget for a more nimble, if there is such a thing, vector truck, and we budgeted that just last week when the Board approved the final budget. We put \$290,000 into that. We're going back to the City and trying to get agreement from them about if we purchase that equipment, taking on those lines.

We do have several of them designed by we're going to just go forward with a big package and just those that the City has accepted. I think we're going to have a continuing issue on this. This comes out of our annexation agreements that the County will build the sewer systems and connect the people in the Village on the south side of the river but not within city limits. We'll run those lines to the City's infrastructure and therefore the City has to – and then they'll be taken on as City customers even though they live in the county. That was something that we have an agreement with the City to do. But they also don't typically work with the type of engineering and the type of infrastructure that we're going to have to put in in order to make that work.

So it's challenging that they don't take on personal grinder pumps. They don't take on grinder pumps. That's something that individuals have to deal with. But, that said, we're still trying to work through these issues with the City and get as many of those lines approved by the City to go ahead and construct. We have a schedule to put a bid package out for the ones that we have okayed. Those would go out to bid likely this fall and then award a contract and hopefully start construction early next year. But the other piece of that is that if we can get the engineers to also include additional ones that have been designed as add-alternatives, that as we can get the City to agree or accept that design and that construction plan then we would add those as we have money.

COMMISSIONER HAMILTON: Excellent. Thank you for all that information.

MANAGER MILLER: And I have somewhere in here all the dates for it, if I find the specific email, but I can get that information to Commissioner Hansen and she can provide it to you, William, either through herself or the liaison.

COMMISSIONER HAMILTON: Fabulous.

9. MATTERS FROM THE COUNTY MANAGER
A. COVID-19 Updates

MANAGER MILLER: So I usually give you a COVID update. The New

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Mexico counties, all New Mexico counties are currently into the turquoise zone and on July 1st the governor took away the zone restrictions and lifted many of the restrictions. The percent of New Mexico residents that are partially vaccinated is 60.2 percent, and the percent of residents fully vaccinated is 54.5 percent. That's just through the New Mexico numbers. Those numbers are actually higher if you look at people who got vaccinated in other states.

But then in Santa Fe County, the percent of residents partially vaccinated is 82.8 and the percent of residents fully vaccinated is 73.3 percent. And that is – we're tied at about third. I think McKinley County has the most, then Los Alamos County and then Santa Fe and Taos are right about 73.3 percent. So we're really proud of that and the efforts of the healthcare community and both the City and County Community Services and our Fire Departments. We're trying to get that number up.

Also, all of the main County administrative buildings do have public hours from 8:00 to 5:00 but we still have screening and we still request that individuals make appointments whenever possible. Obviously, if somebody's just coming in to pay their tax bill we'll try to accommodate them but we're still trying to keep people from congregating and we are doing public screening. The applicability of masks, if you do not prove that you've been vaccinated.

Martin Vigil gave us a pretty good update on what we've been doing as far as vaccination efforts. We've really been working with the FEMA vaccine team, which is a team made up of pharmacists, nurses and registration specialists and teammates. And the pharmacists provide one on one education for our county residents about the vaccines. The target populations are those that are on the fence about getting the vaccine. This team doesn't push the vaccine but provides a safe environment for personal questions and concerns, and the emergency management provides an ideal working environment through our mobile vaccine unit, which I'm told we'll call it Vancination. Our mobile healthcare van is now Vancination. And they take that out into rural settings and this unit can support vaccine preparation, vaccination, registration, medical monitoring and hopefully you were able to see or read the article about what the volunteer firefighters are doing for people who are homebound as well as what this group has been doing in the rural communities. It's really proved to be a practical model and a best practice model.

And so our next planned vaccination sites, they're doing one in La Cienega today, La Puebla on July 16th, Rio en Medio on July 20th, Nambe July 21st, Glorieta July 22nd, Hondo July 30th. August 4th through the 7th is our County fair, so they will also be at the County fair, and then there are other communities scheduled in August but we haven't set the specific date or location – Eldorado, Las Campanas and Pojoaque.

And then also, just an update that our seniors – we are still delivering meals. We have not been able to open our senior centers, so in the month of June we delivered 13,417 meals to our seniors, and our Senior Services program and our Legal Department are working with the State of New Mexico regarding reopening our senior centers and getting reopening plans together for those to be in accordance with the recommendations and guidelines from the State. So hopefully we will be able to have our seniors back at the senior centers in the very near future. And that is it on COVID updates. Did you have any questions on those?

COMMISSIONER HAMILTON: Yes, I have a quick question. When the

mobile vaccinations go from place to place to place, are they – they drive around. Are they coordinating with local communities? Is it through the volunteer Fire Department?

MANAGER MILLER: Most of the coordination is through our CONNECT program, our Seniors Program and the Fire Department and volunteers in that area. So that's been our – I do think they're also trying to contact community organizations to make sure that they're aware of those dates.

COMMISSIONER HAMILTON: So then what happens? Hondo and Glorieta are coming up. Are they going to be located centrally some place and people make appointments?

MANAGER MILLER: I can get you the actual locations of those. I don't have them on this memo but we can get the locations and also have it so that you can submit information in a newsletter as well as our emails and our press releases. But they do try to coordinate and people can just come up. You don't have to have an appointment; you can come up. Then with the homebound individuals they've worked out a time that works for those individuals.

COMMISSIONER HAMILTON: Fabulous. Thank you. Commissioner Garcia has a question.

COMMISSIONER GARCIA: I'm sorry, Madam Chair, Manager Miller. So what about the individuals that cannot get a ride to get vaccinated if they have not been? Have we thought about those individuals?

MANAGER MILLER: Madam Chair, Commissioner, yes. That was the point of why we're taking our mobile vaccination van out into the communities. Anybody who's homebound and can't get there we will go and go to their house and give them a vaccination, particularly if they're immobile themselves and they're bedridden, we'll still go get them one. We've contacted – and we've been working through our navigators to identify those people out in the community that need that type of service, and then we're taking the van out. We did La Cienega today. La Puebla, Rio en Medio, Nambe and Glorieta, Hondo, Eldorado, the County fair, Las Campanas, Pojoaque. So we're going out to each one of our communities and hopefully at least people can walk if they live close in in the community or somebody can give them a ride to the community center or fire station, wherever we're having it.

COMMISSIONER GARCIA: Thank you.

9. B. Miscellaneous Updates

MANAGER MILLER: If there are no other questions about the COVID updates just a couple other real quick items. As you know we have the Commit to be Fit fitness program. It is, as you know, we've got the most teams. I think the Commission rounded out that so we have 30 teams of five to six people per team. It's the most that we've had in the history of doing this which we've doing it about five or six years. And everybody is pretty excited and participating pretty heartily, so that's nice to see.

Also we have our employee appreciation picnic that's put on by the Employee Benefits Committee. They have been working hard to put our picnic together. It will be Friday, July 23rd from noon to 4:00. We do that with our Health Fair as well so we get a lot of our healthcare providers who come and participate and do health exams where

they'll give you nutrition advice. So we have quite a few booths. That's going to be at Romero Park like we've done the last few years and staff is really looking forward to that.

And then the last thing to update everyone on is that Good Morning America is coming to Santa Fe on July 29th and they are – the producers will be out a few days in advance to shoot pre-recorded segments and if you really, really want to get on Good Morning America you only have to come to the plaza at 5:30 am for the live segment. But they are requesting for a live audience with signs encouraged and that morning of the live segment is at 5:30 am at the plaza on July 29th. They want people to be vaccinated and if people aren't vaccinated if they would wear a mask and keep social distancing. So I expect that I will see all the Commissioners out with their signs at 5:30 on July 29th.

Oh, and also, not to forget that that day, that is the same day that we're doing our kickoff to the crisis center side of La Sala. So that's the afternoon of the 29th. That's all I have for updates.

COMMISSIONER HANSEN: Madam Chair.

COMMISSIONER HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Is it light at 5:30 in the morning? I'm not a morning person as you all know I am.

COMMISSIONER HAMILTON: It is getting lighter. It's still even now we're losing minutes a day of daylight. We are still light.

MANAGER MILLER: It might not be by July 29th though. It will be the crack of dawn, literally.

COMMISSIONER HAMILTON: We'll have lost another 20 minutes. It might be still dark.

10. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS

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

COMMISSIONER HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So I was very honored to be able to present a video of our County building with an explanation at the NACo Arts and Culture Commission meeting. I was lucky to be able to do that virtually and Daniel made a very nice video of me introducing the building and we added a number of really important features I thought, to the video that showed the historic qualities of this building. Jay Dick from Americans for the Arts was thrilled with our murals. He absolutely said, well, they weren't on there long enough. I would have liked to have seen more of them. But I was very clear that they were done by Frederico Vigil, who is still a living artist and working right now at the Albuquerque Museum, or at the convention center painting a large mural down there.

And then I had also the honor of speaking about our building at the Old Santa Fe Association and I thought it was very engaging. I asked them a few fun facts about John Gaw Meem and I wonder if anyone on the Commission knows where John Gaw Meem

was born. No. He was born in Brazil. Not something you would automatically think about. And he arrived in New Mexico in 1920, and I'm hoping that Sara and I will work on a proclamation for him that can coincide with the grand opening with the Meem family. They were thrilled to have some kind of proclamation, kind of like what I did for Bud Kelly on his hundredth birthday. So we'll come up with some idea for the proclamation for John Gaw Meem.

I wanted to mention that I am a member of the Santa Fe River Commission and the River Commission is doing a series of talks. The first one starts this Wednesday out at Swan Park and then they will continue through September. They've been in the paper a number of times so the last Saturday of the next couple of months there's tours of the watershed and wonderful things. So all things Santa Fe River.

At the EELU at NACo, the Environment, Energy and Land Use Committee, my National Heritage Area Resolution passed that committee and passed the big board without any controversy. And also the Protect Pollinator Resolution also passed on the national level. And what that means is that NACo will now lobby on the National Heritage Areas' behalf to pass the National Heritage Act and that NACo will also lobby Congress to work on protecting pollinators, which I think is really important.

Mary Jo Maguire was elected the new second vice chair, which I think is a great thing for NACo, meaning that we will have a number of women leaders at NACo.

Over the weekend there's a pop-up museum that popped up at 76 East San Francisco Street, upstairs. It is a museum of the sixties. It's very entertaining. I suggest that people go take a look. It's upstairs at 76 East San Francisco Street.

And speaking about people who are homebound, Commissioner Garcia, in the old days, the volunteer firefighters in Agua Fria – I learned this last night – used to go door to door in the neighborhood and find out who was homebound and who needed help. And I thought that was such a great thing to think about and maybe that is something that our firefighters could do again, especially in this time when we don't always know when people are homebound and like Commissioner Garcia says numerous times, we have people who don't have cell phones, only have land lines, and possibly could use some help. That might be a great thing for our volunteer firefighters to do, and that was something that happened before we actually had a real Fire Department.

I also – I'm interested in the County fair and I'm wondering if they're going to be coming and presenting to us before the fair, which I believe starts in August and our next meeting is right before so I hope that we will be able to hear from people at the County fair.

And I think that's all I have. Thank you, Madam Chair.

COMMISSIONER HAMILTON: Thank you. Commissioner Hughes, did you have anything?

COMMISSIONER HUGHES: Yes. Thank you, Madam Chair. I have a couple quick announcements. I just want to let people know that the Spur Ranch Road group is finalizing their application for a community improvement district to pave their road, so the staff can expect to get that in the next couple weeks, I think.

Also, we had a great meeting between the Public Works Department and the Eldorado Recycling group this week and the re-use area at the Eldorado transfer station will be reopening the first week in August. I'm also your representative in the Regional

Transit District board and I think people would be interested to know that they got a grant to buy some electric buses, and so they'll be experimenting with electric buses. It will probably be a couple years before they hit the roads, but it's a move in the right direction.

And then a couple meetings coming up: Speaker Brian Egolf invited me to be part of his office hours at the Rancho Viejo fire station, so that will be this Saturday, the 17th, from 10:00 to 11:30. And then Commissioner Hamilton and I are doing a nuclear waste transportation sort of townhall with Martin Vigil on August 4th at 6:00 pm to talk about County response and let people ask questions. Thank you. That's all I have, Madam Chair.

COMMISSIONER HAMILTON: Excellent. Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick. I did attend a meeting on Monday for the La Cienega Valley Association. I'll probably be bringing something forward for Carl Dickens. He actually was the president for the Valley Association for many, many years and did an excellent job. Our new president is actually Camille Bustamante, a great individual as well. And there's several brand new board members on that Valley Association but I just wanted FYI. Thank you.

COMMISSIONER HAMILTON: Thank you. And in response to the volunteers, the volunteers run Med 30, and they're one of the units going to homebound people with vaccinations and part of the reason for that is that each volunteer district tends to know their district and does track – have a lot of information on who is homebound and who needs help, so that is definitely function the firefighters maintain.

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

COMMISSIONER HAMILTON: So if that's all the Matters from the Commissioners we will go to other elected officials. So we can start with Madam Clerk.

KATHARINE CLARK (County Clerk): Thank you, Madam Chair. I do want to make an announcement that we have partnered with the City of Santa Fe, We Are Democracy Rising and the Santa Fe Chamber of Commerce to give a training to candidates and interested parties on ranked choice voting. That's going to be this Friday, July 16th, starting at 2:00 pm. It's going to an online link and you can get that link by signing up either through my Instagram, Twitter or Facebook accounts. So thank you.

COMMISSIONER HAMILTON: Are there any other elected officials? I don't see any present but even on the line? Hearing none, I will move from 8. to 9. Item 9 is Matters from the County Attorney. Manager Miller, it's approaching 5:00. Do we want to do the public hearing, because I think there are some people on the line who want to speak and then do executive session? Or do we want to do executive session first?

MANAGER MILLER: Madam Chair, I think it would be totally appropriate to do the public hearing now since it's 5:00 and then go into executive session. I don't think either will take very long.

COMMISSIONER HAMILTON: Just as a courtesy for the public, why don't we do that? Is that okay with everybody? Is everybody present to do the public

hearing? So if there are no objections we're going to go to item 10 first.

10. PUBLIC HEARINGS

- A. CASE # 21-5100 Mesa Vista Development LLC. Mesa Vista Development LLC (Charles Goodman), Applicant, James Siebert and Associates Agent, Request Approval to Vacate a Platted 10' Gas Line Easement on the Northern Boundary a 20' Wide Public Utility Easement on the Northern Property Boundary, a 25' and 20' Wide Public Utility Easement via Fire Place Road, a 47' Private Access Public Utility and Drainage Easement, a 25' Private Access and Public Utility Easement Along the Northern Boundary and Adjacent Tract B-2A, and a Ponding Easement on the Southern Boundary Bordering the Arroyo Hondo. The Property is Zoned as Planned Development District (PDD) within the Mesa Vista Subdivision. The Property is Located at 53, 55, and 58 Fire Place Road, Within the Vicinity of Turquoise Trail Subdivision, within Section 26, Township 16 North, Range 8 East, (Commission District 5)**

COMMISSIONER HAMILTON: Rather than read the entire thing I'm going to turn it right over to Vicki and let you read it.

VICKI LUCERO (, Building & Development Services Manager): Thank you, Madam Chair. The applicants – it was our understanding that they were going to be physically present but they're not here so I don't know if they're tuned in via Webex and if the Commission wants to proceed without them.

COMMISSIONER HAMILTON: Would you like us to take moment and you can check with Daniel and see if they're online, because obviously, we could do executive session if they want to be present and are not here.

MS. LUCERO: Thank you. Madam Chair.

COMMISSIONER HAMILTON: So take a minute and check. We'll just wait.

MANAGER MILLER: Madam Chair, I'd like to take this time to wish the Deputy County Manager a happy birthday. Today is his birthday. I'm putting him on the spot.

COMMISSIONER HAMILTON: Happy Birthday. I won't say any more. I won't torture him.

MS. LUCERO: Madam Chair, it appears that we do have the agent on Webex so they are present.

COMMISSIONER HAMILTON: Okay. So we can proceed? Okay, take the floor. Thank you.

JOHN LOVATO (Case Manager): Thank you, Madam Chair and Commissioners. [Mr. Lovato read the case caption.]

There are currently three existing lots that will be consolidated through an administrative plat after the easements are vacated. The subject lots were created on December 5, 2007, through replat and division prepared for Mesa Vista LLC, Lot Line Adjustment and Division Tract B-3A, recorded as Plat Book 696 page 019 as indicated as

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instrument 1548305 and recorded in the Office of the Santa Fe County Clerk on January 5, 2009. Tract B-3A consisting of 6.95 acres, Tract B-4A consisting of 0.688 acres and Tract B-4B consisting of 0.454 acres are owned by Mesa Vista LLC., Charles Goodman, and are vacant and recognized as legal lots of record.

The Applicant has submitted an application requesting to consolidated the three lots into one 8.092-acre parcel and vacate the platted easements. In addition, the Applicant simultaneously filed an Application with Santa Fe County for a Site Development Plan to construct an RV and Boat storage facility on the consolidated parcels.

The Applicant's agent stated, "The subject property is located at 53, 55 and 58 Fire Place Road, and consists of three existing lots that were created for the Mesa Vista Business Park project, which was approved by the Board of County Commissioner in 2006 and recorded in book 696 page 19. The Mesa Vista Business Park was not developed due to the downturn in the economy. A new application has been submitted to the County for the use of an RV and boat storage facility, Executive RV and Boat Storage. The administrative site development plan includes a lot consolidation and easement vacation plat that will need approval from the Board of County Commissioners. Easements for such items as the 20-foot trail, stormwater pond and waterline will be provided once the review of the Site Development Plan is complete."

Staff has reviewed surrounding properties and aerial photographs of the lot and surrounding lots and has verified that there are no other lots affected by the Applicant's proposal to consolidate the three lots and vacate the easements. The surrounding properties have their own access and utility easements and the easements to be vacated are not utilized by surrounding lots. The pond easement to be vacated has been addressed in the Site Development Plan. The Site Development Plan contains a grading and drainage plan prepared by a licensed professional engineer. The plan includes a ponding area that will capture site runoff in accordance with Chapter 7.17.5.2.3 of the SLDC.

Recommendation: Based upon Staff's review of the Application of the proposed lot consolation and easement vacations, aerial photographs, surrounding plats, Application for the Site Development Plan, and staff site inspection, staff recommends approval of the request to a platted 10-foot gas line easement on the northern boundary a, 20-foot wide public utility easement on the northern property boundary, a 25 foot and 20-foot wide public utility easement via Fire Place Road, a 47-foot private access and public utility easement, a 25-foot private access and public utility easement along the northern boundary and along adjacent Tract B-2A, a 20-foot wide public utility easement on the southwestern portion of the Tract B-3A1, and a ponding easement on the southern boundary bordering the Arroyo Hondo, subject to the following conditions. Madam Chair, may I enter those conditions into the record?

COMMISSIONER HAMILTON: Yes. Thank you.

The condition is as follows:

1. Immediately following recordation of the Acknowledgment Statement, the property owner will record a new plat with the vacated easements.

MR. LOVATO: Thank you, and I stand for any questions.

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COMMISSIONER HAMILTON: Thank you. I think it would be nice if before we go to questions if we go to the applicant. Perhaps you could introduce them as needed. And hopefully we can hear them on Webex.

VICTORIA DALTON: Madam Chair, I'm here. This is Victoria. Can you hear me?

COMMISSIONER HAMILTON: Yes, I can. Thank you.

MS. DALTON: Also, Jim Siebert is en route. He may be showing up within seconds. But if he doesn't I'm ready to go when you're ready.

COMMISSIONER HAMILTON: Okay. So are you going to go ahead and address us, or we want for him to get here?

MS. DALTON: Well, if hasn't shown his face or popped in yet. This is a very fast request.

[Duly sworn, Victoria Dalton testified via Webex as follows:]

MS. DALTON: Victoria Dalton, 915 Mercer Street, Santa Fe, New Mexico, 87505.

COMMISSIONER HAMILTON: Victoria, I believe Mr. Siebert just showed up. So however – it's your call how you'd like to do this.

MS. DALTON: Perfect. Well, since he's there and I have a horrible echo let's let him go ahead.

COMMISSIONER HAMILTON: Thank you for being available. Mr. Siebert, would you like to address the Commission with anything about this application?

JIM SIEBERT: I apologize. It took a while to get in the building.

COMMISSIONER HAMILTON: The timing was actually just fine and if you could get sworn in that would be appreciated.

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: My name's Jim Siebert. My address is 915 Mercer, and I am under oath. Which case are we on? I have two cases as of today. One is a vacation of easements and the other is a water delivery agreement.

COMMISSIONER HAMILTON: Okay. So the water agreement was earlier on the agenda and this is the vacation of the easements, because this is the one that requires a public hearing.

MR. SIEBERT: The purposes originally – and I handled the case. It was a business park. It was meant to have several buildings on it. What it is not, it's actually an RV and boat storage, and so it's all one project. So all those lots and easements we had originally are really no longer needed and we're vacating them.

COMMISSIONER HAMILTON: Excellent. Mr. Siebert will be available after we have public comment so if the Commissioners are happy to hold any questions until after public comment. Okay. That sounds good. Thank you, Mr. Siebert. So I will open public comment at this point. My understanding is we have four people who signed up to speak. Tessa Jo, do you want to please call each person?

TESSA JO MASCARENAS (Operations Manager): Yes, Madam Chair. Our first speaker is Elizabeth Reitzel.

ELIZABETH REITZEL: Good afternoon, Madam Speaker.

[Duly sworn, Elizabeth Reitzel testified via Webex as follows:]

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MS. REITZEL: Elizabeth Reitzel, 500 Marquette, Albuquerque, New Mexico, and I am under oath. Madam Chair, Commissioners, I'm actually here on behalf of New Mexico Gas Company, along with attorney Kirk Allen who is also on the line on behalf of the gas company this afternoon.

COMMISSIONER HAMILTON: So if you can proceed. We normally have a time limit up to about a three-minute piece, but if you could go ahead and keep yourself to about three minutes that would be very appreciated.

MS. REITZEL: Thank you, Madam Chair. Sorry, Madam Chair. I believe Kirk Allen is also on the line and he'll actually be presenting now on behalf of the gas company.

COMMISSIONER HAMILTON: Okay. So if there's somebody else who's going to speak instead – I'm sorry if I'm misunderstanding you. There's somebody else who's going to speak instead.

MS. REITZEL: Yes. I apologize. We signed up with our names together, so we're two speakers.

COMMISSIONER HAMILTON: So Brandon Kauffman is who we're going to?

MS. REITZEL: We're going to attorney Kirk Allen.

COMMISSIONER HAMILTON: Sorry. Yes. Kirk Allen. Thank you very much. Mr. Allen, are you on the line?

[Duly sworn, Kirk Allen testified via Webex as follows:]

KIRK ALLEN: Kirk Allen, 500 Marquette Avenue Northwest, Albuquerque, New Mexico, 87102, and I attest that I am under oath here today.

COMMISSIONER HAMILTON: Please proceed.

MR. ALLEN: Okay. With the three-minute clock starting right at me I'm going to get right to it. It appears this application is improperly attempting to vacate New Mexico Gas Company's rights within this particular property at issue. NMGC has specific gas line easements and NMGC, what I'm calling New Mexico Gas Company, just learned about this matter late on Friday. New Mexico Gas Company, or NMGC as I'll call them, is working to confirm the exact location of its gas facilities, but there's a critical gas line serving Santa Fe that looks like it may be in the gas line easement on the north end of the property.

In reviewing the materials submitted by the landowner, I saw no discussion of New Mexico Statute 47-6-7-D, and that's very important because D specifically states that the rights of any utility existing prior to the vacation, total or partial, of any final plat are not affected by the vacation of the final plat. Therefore, Madam Chair, NMGC's rights cannot be vacated pursuant to this particular application. Moreover, 47-6-7-B provides that for the Board to actually determine that there should be a vacation, the County Commissioners must decide two things: Whether it adversely affects the interests of the persons on contiguous land, and two, whether it affects persons within the subdivision being vacated.

Exhibit1 of the staff report is the landowner's statement. It states that the vacation will not affect the interests of persons on contiguous land. The landowner's statement, however, is silent as to any adverse impact that vacation will have on any person's rights within the subdivision being vacated. Had the landowner contacted New

Mexico Gas Company we may have been able to resolve this before tonight's hearing, and as I noted, NMGC has been working diligently in trying to locate its facilities in the vicinity and they may have lines at other facilities not located within the gas easements but also within these public utility easements they're seeking to vacate.

If the Commission is inclined to grant the request for vacation we request that you make it subject to NMGC's rights within the property as required by 47-6-7-D. Alternatively, NMGC requests that you delay the decision so that NMGC can locate its facilities. New Mexico Gas Company must be given this opportunity to identify its rights so that the Commission can then determine whether they're adversely impacted in order to make the decision. As I've noted, both 47-6-7 and 5.11.2 of the Sustainable Land Use Development Code states that the Commission may only grant the request if the contiguous property interests and the property interests of the subject property are not adversely affected. I think my time is up.

COMMISSIONER HAMILTON: Yes, but did that get most of your point across? Because there were technical things you were presenting.

MR. ALLEN: It did. I just think the non-technical thing is we're not trying to interfere with this but to the extent that there are facilities there we need to address those and if we need to move them we would work with the landowner to do that, but we just can't move forward based upon the statutory rights that we have and just move forward and vacate NMGC's interest. That is the main point. It's statutorily not permitted.

COMMISSIONER HAMILTON: Okay. Thank you very much. Attorney Shaffer, should I continue with the remaining people here to make public comment before asking questions about this issue?

MR. SHAFFER: That would seem appropriate to me, Madam Chair.

COMMISSIONER HAMILTON: Thank you. Tessa Jo, could we please go to the next person?

MS. MASCARENAS: Yes, Madam Chair. Our next speaker is Brandon Kauffman.

COMMISSIONER HAMILTON: Thank you.

MR. ALLEN: Madam Chair, this is Kirk Allen. Brandon Kauffman of New Mexico Gas Company has been scrambling to get ready for this. He has something at 5:00. I told him I would let him know when we came on and I've sent him a message asking if he can get on in case the Commission has any questions for him, but he is not here yet. And as a matter of fact, he has just responded and he will be joining us momentarily.

COMMISSIONER HAMILTON: Okay. That sounds good. So is there – actually, on my list, another New Mexico Gas Company representative. Mr. Allen, is there somebody else here that needs to speak during public comment or just be present if there are questions?

MR. ALLEN: Again, we were working diligently to get ready for this hearing and we thought we might also need a surveyor. It doesn't appear that we're going to get to that level of detail on this particular hearing so I think it will just be me and Mr. Kauffman who would be available to discuss this further or answer any questions that the Commission may have.

COMMISSIONER HAMILTON: Okay. Thank you. Tessa Jo, is there anybody else that you know of that wants to speak at this public hearing?

MS. MASCARENAS: Madam Chair, there is not.

COMMISSIONER HAMILTON: Okay, so I'm going to go ahead and close public comment. At this point I would normally just go to questions from the Commissioners, but I'm also wondering if, Mr. Shaffer, if there's something you could help us clarify how to proceed forward with this technical information that was just presented regarding the gas company.

MR. SHAFFER: Madam Chair, I'd be pleased to do so but I think there's also a factual issue that you may want to pose to the applicant's representative relative to their understanding of where any natural gas facilities may be located on the property and I'm wondering, depending upon the answer you get, whether it might be most beneficial for all parties involved for this matter to be tabled so New Mexico Natural Gas and the applicant can work through those issues and see if there actually is something that would be of concern in terms of the Board moving forward. So that would be my recommendation on how to potentially proceed.

COMMISSIONER HAMILTON: I very much appreciate it. So, Mr. Siebert and our Land Use people, can we address that factual question about where the gas line goes?

MR. LOVATO: Madam Chair, Commissioners, I was aware that they had communicated with the gas company – or unaware, so I think, based upon what the Commission would like to do, I'm in agreement.

COMMISSIONER HAMILTON: Mr. Siebert, do you have anything to contribute to that?

MR. SIEBERT: I do actually. Do you all have the plat in front of you? I think what the representative from the natural gas company was speaking to, along the northern boundary there is a ten-foot gas line easement. And that's the one he's saying that they're not sure if there's a gas line there or not. Well, actually, there's not. But probably more importantly, if you look on the plat it has the utilities signatures that are involved in all of the vacations, including the gas company. So if the gas company feels that they've actually been harmed – we don't think they have – they don't sign the plat and we don't move forward.

So I think the easiest way, rather than table this for a month and we come back and we have the resolution of this argument, because the gas line's not there. And the other thing where it says New Mexico Highway Department, I-25, that's actually – that was an onramp for the Highway Department that's now been vacated. It's not in existence anymore. When they put in the Rail Runner station.

So there really is no reason to have a gas line there. It would serve any purpose. So I guess I'd request that you ahead and act on the vacation. If the gas company is not pleased with that then they don't sign the plat and we don't get the plat recorded. We'd have to come – we'd have to make some arrangements with them, although in my opinion it's not necessary, to address that particular issue.

COMMISSIONER HAMILTON: So just for clarity for the whole Board but I'm obviously the one that's asking. The issue hinges on the fact that there's a gas easement but no gas line. But the gas company has not confirmed that that's the case. So

if we were to act on this, you would then be going and interacting on the gas company and they would sign off on it if they agree that there's no gas line there, and would not sign off on it if they either completely disagree or believe that they would have reason to put one there in the future?

MR. SIEBERT: That's exactly correct. And in either case, if they feel like they need the easement then what would happen is that we would modify the plat to leave an easement there for their ten-foot gas line easement.

COMMISSIONER HAMILTON: So can I ask our staff, there was no interaction with the gas company even though one of the easements was a gas company easement? There was no interaction before this came to us?

MR. LOVATO: Madam Chair, Commissioners, typically when these types of request come in, maybe not the vacation but a plat, what we do is we review it for our standards and our notes and plat notes and what not to rein in code related issues. Then we send it on over to PNM for these signatures or to the gas company and what not, and if they sign, they sign. If not then we do not record the plat and we have that amended. I think right now they're just asking for the permission to vacate these easements and then later on if, as Mr. Siebert has stated, then if it doesn't agree with them then we don't record it and I think that's how we move forward.

COMMISSIONER HAMILTON: So it would not be out of the ordinary for us to take that course.

MR. LOVATO: Madam Chair, Commissioners, I've never seen this issue come. Perhaps Vicki Lucero has. But I don't think we've had this issue before.

COMMISSIONER HAMILTON: Okay. So I know I have several Commissioners with questions. Mr. Shaffer, based on the answers, do you have a recommendation, based on legal considerations?

MR. SHAFFER: I wonder if this might do the trick and be consistent with what Mr. Siebert suggested, is that there could be an additional condition which would potentially read as follows: Contingent upon the New Mexico Gas Company and other utility companies signing the new plat with the vacated easements, and I think that is consistent with the language used in staff's recommended condition. And that should also give the gas company comfort that its interests will be protected through that process. Would that work, Mr. Siebert?

MR. SIEBERT: Madam Chair, Commissioners, yes. It's certainly acceptable to the client.

COMMISSIONER HAMILTON: Okay, so why don't we proceed accordingly and I know –

MR. SHAFFER: I would just ask, would that work for New Mexico Gas?

MR. ALLEN: I'd like to speak to that if I may.

COMMISSIONER HAMILTON: Yes.

MR. ALLEN: First Mr. Siebert referred to a plat – there's a number of plats. I think he's talking about a proposed plat that we have to sign, with some release language having to do with plats that aren't shown on the plat, if you look at the document that's he's attached. And he hasn't even listed New Mexico Gas Company. It says PNM gas services. There's no such entity at all. So, no, I'm not comfortable with the concept of the Commission vacating an easement and then after the fact, having New

Mexico Gas Company make a determination that we have property rights that are not subject to vacation. And I think this is a landowner issue that they didn't deal with prior to the hearing, and I think it would be much better of the landowner and New Mexico Gas Company swiftly determine what facilities New Mexico Gas Company has on the property before you actually vacate an easement, because if you vacate an easement and a facility of New Mexico Gas Company, that's in direct violation of a statute that I just referenced, which is 47-6-7-D.

MR. SHAFFER: Perhaps I wasn't clear. There would be no vacation if you didn't sign the plat. So in other words, New Mexico Gas Company, you would have a veto on the action, because the Board's action would be contingent upon New Mexico Gas actually signing the plat that would vacate the easement. If you don't sign it, it won't get recorded; there won't be any vacation. Does that clarify?

MR. ALLEN: That does. Thank you. I appreciate that clarification. I would like a clarification also on the proposed plat that was submitted to the Commission where it says PNM Gas Services. It should say New Mexico Gas Company. So that should be amended first. But I think with that qualification, Brandon Kauffman is on the line. This has all happened during [inaudible]. I have not had a chance to consult with him but I'm going to put him on the spot and see if he will join and see if that contingency that we'll not be vacated unless agreed to by New Mexico Gas Company, if that is acceptable to him.

[Mr. Kauffman participated via Webex.]

BRANDON KAUFFMAN: Yes, this is Brandon Kauffman.

COMMISSIONER HAMILTON: So Mr. Kauffman, please proceed.

MR. KAUFFMAN: Thank you, Madam Chair. Yes. This is Brandon Kauffman. I am the supervisor of the right-of-way department, in the land services department of New Mexico Gas Company. Thank you for having me. I think that proposal would be fine with New Mexico Gas Company if it approves the subdivision plat prior to the final – prior to any vacation of a gas line easement within the property.

COMMISSIONER HAMILTON: Okay. Very good. And thank you, Mr. Shaffer. So if it's acceptable to all parties for us to proceed that way, I can go to Commissioner questions. Commissioner Hansen. Everybody had their hand up so I'm just going to go down the line.

COMMISSIONER HANSEN: Thank you, Madam Chair. I think if the gas company is acceptable to that language, and they can choose to sign the plat or not sign the plat, either way, once they have determined whether there's a gas line there. I actually feel kind of strongly that this should have been worked out before it came to us. And I don't know where the issues broke down but it is concerning that we're approving something – I think we have the language now to approve it, but it still makes me a little uncomfortable and I would kind of like some more advice from the County Attorney.

MR. SHAFFER: Madam Chair, Commissioner Hansen, I think either approach works. If you were to make the determination that tabling was appropriate so as to allow more due diligence to be done by New Mexico Gas and wait for a future hearing to decide whether or not there is in fact any property interest of New Mexico Gas that are impaired or would be impaired by the vacation, that would work. I think the condition that has been agreed to by representatives of New Mexico Gas Company and the

applicant gets you to the exact same place. They're not going to sign the plat unless they're comfortable that their interests are not harmed by the vacation. So I think either objective gets you to the same place.

COMMISSIONER HANSEN: Okay. Thank you on that. I just wanted to make sure that everyone is covered in this. That's all I have.

COMMISSIONER HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Actually my questions were answered but I would just say that I'm comfortable following Attorney Shaffer's recommendation to approve this with conditions. But I want to hear what the other two Commissioners have in terms of questions.

COMMISSIONER HAMILTON: Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, I have concerns about vacating this easement. We have the gas company. This is probably one of the first times I've ever seen the gas company come forward in a public hearing and have some concerns about vacating an easement. For one, they don't know if there's a gas line in there. Two, it's an easement through a certain piece of property. My question, what about all the other A, B, C, D, J and K properties out there. Somebody has an undeveloped piece of property down the road and they wanted to utilize this ten-foot or 20-foot easement in the near future, we don't know where this easement ultimately falls to. I think this is something that the applicant should have worked out with the gas company. Sure, we can put a lot of conditions on this plat. I just have some other concerns but in regards to the easement, I'd like to make a motion to table this until the applicant goes and works it out with the gas company.

COMMISSIONER HANSEN: Second.

COMMISSIONER HAMILTON: Okay. If I'm not mistaken, if there's a motion to table. Is that a votable motion or does that table it?

MR. SHAFFER: You do have to take a vote on it. It's just a motion, but it does take priority.

COMMISSIONER HAMILTON: So there's a motion and a second to table. Do I need to do a roll call vote on that?

MR. SHAFFER: No, Madam Chair.

COMMISSIONER HAMILTON: This is going to be interesting. All in favor of the motion?

The motion to table passed by majority 3-1 voice vote with Commissioner Hamilton casting the nay vote.

COMMISSIONER HAMILTON: So this has been tabled, I assume for 30 days. Thank you, everybody, for attending and contributing.

MR. ALLEN: Thank you, Madam Chair, Commissioners.

9. MATTERS FROM THE COUNTY ATTORNEY

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:**
- 1. Breach of Settlement Agreement and Related Agreements Related to Annexation**
 - 2. Grant of Easement for Private Driveway**

COMMISSIONER HAMILTON: So Mr. Shaffer, could you tell us what we'd be going into executive session for?

MR. SHAFFER: Thank you, Madam Chair. It would be to discuss threatened or pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1(H) 7, NMSA 1978, and discussion of the purchase, acquisition or disposal of real property or water rights as allowed by Section 10-15-1(H) 8, NMSA 1978, including: one, breach of settlement agreement and related agreements related to annexation, and two, grant of easement for private driveway.

COMMISSIONER HAMILTON: Thank you. And just to clarify, we have no further action so we would not have to come back out?

MR. SHAFFER: Madam Chair, Commissioners, that is correct, if you wanted to adjourn the open meeting and convene an executive session, that would be appropriate. Or you could come out after executive session and adjourn then. Whatever is the pleasure of the Board.

COMMISSIONER HANSEN: Madam Chair.

COMMISSIONER HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to move that we go into executive session and adjourn at the same time and we will be in executive session.

COMMISSIONER HAMILTON: I assume that's a motion to adjourn this meeting and go into executive session for the matters that Attorney Shaffer spoke of.

COMMISSIONER HANSEN: Exactly. I'll second that motion.

COMMISSIONER HAMILTON: Thank you. So I have a motion and a second. Can I have a roll call?

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

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follows:

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

[The Commission adjourned to meet in executive session at 5:40.]


CONCLUDING BUSINESS

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


Vice Chair Hamilton declared this meeting adjourned at 5:40 p.m.

Approved by:


Henry Roybal, Chair
Board of County Commissioners

ATTEST TO:

KATHARINE E. CLARK
SANTA FE COUNTY CLERK



Respectfully submitted:

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

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Santa Fe County
Sustainable Land Development Code
Zoning Map
Potential Cannabis Buffers
Madrid Area

Legend

Santa Fe County

Parcels



Cannabis Buffer Parcels



--- Cannabis Parcels 100 ft. Buffer Line

--- Cannabis Parcels 200 ft. Buffer Line

--- Cannabis Parcels 300 ft. Buffer Line

Principal Structures

- RESIDENTIAL
- MOBILE/MANUFACTURED HOME
- OFFICE
- COMMERCIAL
- BUSINESS
- INDUSTRIAL
- UTILITIES
- RELIGIOUS
- GOVERNMENT
- SCHOOL
- CELL TOWER
- OTHER

SLDC Zoning Map, Base District Outlines

- A/R, Ag/Ranch (1 du/160 ac)
- RUR, Rural (1 du/40 ac)
- RUR-F, Rural Fringe (1 du/20 ac)
- RUR-R, Rural Residential (1 du/10 ac)
- RES-F, Residential Fringe (1 du/5 ac)
- RES-E, Residential Estate (1 du/2.5 ac)
- RES-C, Residential Community (1 du/ac)
- TC, Traditional Community (1 du/0.75 ac)
- CN, Commercial Neighborhood
- CG, Commercial General
- IL, Industrial Light
- I, Industrial General
- PI, Public/Institutional
- MU, Mixed Use
- PD, Planned Development

Community Overlay Zoning Districts (O-CD)



Rural Commercial Overlay Zone (O-RC)

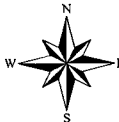


Turquoise Trail Environmental and Resource Protection Overlay Zone



Airport Noise Overlay Zone (O-AN)

- 55 DNL
- 60 DNL
- 65 DNL



500 250 0 500 Feet



Santa Fe County
Growth Management
Department
Planning Division

July 12, 2021, Cannabis Parcels Buffer Lines Madrid Area

tabbles

EXHIBIT



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Sustainable Land Development Code
Zoning Map
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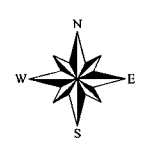
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300 150 0 300 Feet



Santa Fe County
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Planning Division

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Growth Management
Department
Planning Division

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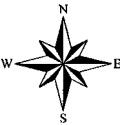
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