

**August 10, 2021**

STC Clerk RECORD 9/22/2021

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

**August 10, 2021**

1.     **A.**     This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:15 p.m. by Chair Henry Roybal in the County Commission Chambers in the historic John Gaw Meem Building, 102 Grant Avenue, Santa Fe, New Mexico.

**B.     Roll Call**

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

**Members Present:**

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

**Members Excused:**

None

**C.     Pledge of Allegiance**

**D.     State Pledge**

The Pledge of Allegiance and the State Pledge were led by Chair Roybal.

**E.     Moment of Reflection**

The Moment of Reflection by Rico Lovato from the IT Department, and was dedicated to former Commissioner Ed Moreno.

CHAIR ROYBAL: We had our last BCC meeting last Tuesday. We also received word that one of our counterparts, that was a dedicated Commissioner on this Board for 3 ½ years, passed away due to a brain tumor and he was such a great individual that we all cared quite a bit for. I know that just looking back at that I want to really thank the family for allowing him to be a part of this Board and ensuring their husband, father, uncle, brother, with the Commission to be able to serve on this Board.

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I'm going to go to Commissioners individually that may want to speak on Commissioner Moreno's behalf. We would like to read his obituary and then ask for a moment of silence. Commissioner Garcia.

COMMISSIONER GARCIA: Commissioner Moreno was an individual who I knew for a short time, like you said, three years or so. An individual that actually was a public servant. He actually did stuff for the community. He did lots of things for his community. I can remember I went to community meetings at the ECIA, the Eldorado Community Improvement Area he was announcing he was going to run for office, and he did. And he succeeded and I just want to give my condolences out to his wife, his family. Because when you sit up here as he did there's some challenges that he had in his life. He as well as us continued to help out, Commissioner Moreno and we all did a good job. He did a good job. He did a good job.

Once again, he'll be missed definitely in the community of the Eldorado area. He was very involved in the library, the senior center that the County assisted throughout the years. And just once again, my condolences to the Moreno family and Mr. Moreno, you actually did a great job. Thank you, Mr. Chair.

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

COMMISSIONER HAMILTON: Thank you. Commissioner Moreno was an amazing person. He was a rare individual in a lot of ways in the way he really lived his moral compass and tried to bring things to the community that he knew was important from his own experiences. We campaigned together, the three of us. Commissioner Moreno, myself and Commissioner Hansen, all campaigned for the first time to be Commissioners in the same year and shared that experience which was new to all of us and shared what some of our goals were and then worked on them together. And so it was such a pleasure being able to serve with him and to see how he approached things and to recognize that no matter what was going on he was going to be even tempered and forward looking and accepting of everybody. That was something to really look up to and to be able to try to emulate.

It was just a privilege to be able to serve with him and recognize that we truly did lose a wonderful person way too soon. Thank you, Mr. Chair.

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

COMMISSIONER HUGHES: Thank you, Mr. Chair. I first met Commissioner Moreno when he was running for office in 2016 because I had considered running at that time and he and some of my friends convinced me that we should let him go first and I agreed to that because I really saw that he was really going to be a very good Commissioner. He was thoughtful. He cared about community and that certainly proved to be true. We also really appreciate his service to the Eldorado community on the ECIA Board, being president in a very difficult time and just yesterday, one of my friends was a retired journalist reminded me that he had been a very good reporter for the Associated Press earlier in his life. I agree with all of you; it's really sad that he passed away so soon because he had a lot more that he could have given us. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Commissioner

Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. There are no words, I know that express the sadness that we all feel in the loss of Commissioner Moreno. I was incredibly honored to work with him. We worked together on many resolution and I know that he was a real partner to me in renewable energy, sustainability, climate change. He cared deeply about that. He recognized that we were in a climate emergency. And he cared deeply about civil rights and I was really grateful that we got to work on the last resolution that he brought forward together on civil rights and how important that was to him. He was an incredible, gifted, decent, kind human being and I am honored to have been able to serve with him and I feel deep sadness from my heart in the loss of him passing.

So my condolences, deep condolences to his family and please, we all look forward to the memorial which will be in September. So thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hansen, As Commissioner Hansen stated, there are no words to describe the loss to the community and to the Commission, and there's no words to describe the personality of Commissioner Moreno. He left a positive and great influence on my life and the memory of serving on this Board of County Commissioners will be a memory that I'll remember for the rest of my life. God bless him and his family. He will be missed. And I just want to thank them for allowing him to spend the time with the Commission and give us that time to be able to spend – because the time that he spent here was time away from the family. So we appreciate that and just want to remember that in his memory. Commissioner Garcia, did you have something else you wanted to say, sir? Or somebody else? Is there anybody else that would like to come forth and share a memory for Mr. Moreno, or Mr. Moreno. Please come forward, Olivia. We have Olivia Romo.

OLIVIA ROMO (Constituent Liaison): Good afternoon, Mr. Chair, members of the Commission. I served as Commissioner Moreno's liaison for the last two years that he was in office. And as a young chicana and hispana from northern New Mexico, Commissioner Moreno was a huge influence in my life as a first generation Mexican-American public servant and somebody who was very committed to social justice and representing underserved populations in his community and where he came from. And as a writer, it was just a privilege to work with him. He taught me so much. I just wanted to share those memories here with all of you this afternoon and say may he rest in power. And to all of his family and his constituency that he serves so well. May he rest in peace. Thank you all so much.

CHAIR ROYBAL: Thank you, Olivia Romo for those words. I know that you worked very closely with Commissioner Moreno during his final time as a Commissioner, so I do appreciate that. Thank you. I'm going to go ahead and read Commissioner Moreno's obituary because it does talk a lot about his life and his accomplishments, which I think is important that we can put on public record.

Ed Moreno's life was a continuous course of public service carried out with the highest integrity and ethics. Ed died Tuesday, July 27<sup>th</sup> at home of a brain tumor. He was 67 years old. Possessed of an inquisitive mind, abundant intelligence, and a sparkling wit, he could carry on an interesting conversation with anyone on any topic. Being with Ed

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was easy, fun, and often enlightening as you explored topics ranging from politics, the environment, history, and justice to dogs, cats, travel, and family.

Ed was born in Mexico City and moved with his family to the United States as a young child when his father accepted a job at the first Spanish-speaking language radio station in Denver, Colorado. He earned a bachelor's degree in journalism from the University of Northern Colorado in 1977 and began his career working for small newspapers.

He landed a job at the *Santa Fe New Mexican* in 1980, where his distinguished reporting on crime, courts, and politics was highly respected by sources and colleagues. In the mid-80s, he was hired as New Mexico capital correspondent and newsman for the Associated Press. During his time at the AP, Ed earned a number of awards for his coverage of state capitol news, the governor and elected officials, legislative issues, and features from around the state. His investigative reporting led to changes in New Mexico liquor laws and adult guardianship.

Following his 10 years at the Associated Press, Ed joined the New Mexico State Land Office as Assistant Commissioner for Public Affairs, where he developed skills in policymaking, facilitation, and governmental decision-making.

In 2005, Ed took his talents to the Keystone Policy Center, an organization that works to overcome national and local policy conflicts previously thought insurmountable in energy, environment, education, health, agriculture land management, and tribal communities. He traveled the country helping to solve complex problems through dialog and public involvement.

Ed's capstone experience was his election to the Santa Fe County Commission in 2016. He served the constituents of District 5 until just short of his term. During his tenure on the commission, Ed was most proud of taking part in the Aamodt settlement and expanding water service in rural areas including the Pojoaque Valley, Eldorado, and Cañoncito. He was also very proud of his role in growing the trails system and overseeing the new County administrative complex and renovation of the old County building.

In each role, Ed focused on improving the quality of life for everyone. Whether he was reporting on a thorny legislative issue or facilitating a regional water plan, his objective was always the same: better understanding and better decisions to benefit the public.

Ed leaves behind his wife Janet Wise, daughters Robin Chadwick and Robert, Talia Sledge and David), and Lisa Moreno, grandchildren Evelyn and Rozlyn Chadwick and Price and Solomon Sledge, sister Elsa Anderson and Harold Lovato, sister and brother-in-law Lori and George Bradley, niece Blythe Bradley and nephew Max Bradley. He is also survived by Bailey, one of the best dogs ever, and Gingersnap the beautiful but kind of mean cat he loved anyway.

As an immigrant who gained citizenship when he turned 18, Ed felt strongly about helping other immigrants attain that status. He was passionate about water and the environment. If you are inclined, give in his name to Somos un Pueblo Unido, Santa Fe Conservation Trust, or any other local organizations working to do good in these areas.

Please join us to honor Ed at a remembrance event on September 18<sup>th</sup> at 3 p.m. at Rivera on Rodeo Road.

Could we just have a motion of silence for our Commissioner? Thank you. I think

we're going to dedicate this moment of silence to Commissioner Moreno and bring other ones forward in the future at other meetings. Is that okay with the Commission? Okay.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: If I may I'd like to have a moment of silence for an individual, an additional individual.

CHAIR ROYBAL: I'd like to see if we can bring this forward in the next Commission and just dedicate this to Commissioner Moreno, if that's okay.

COMMISSIONER GARCIA: Yes.

CHAIR ROYBAL: Thank you, Commissioner Garcia.

**1. F. Approval of Agenda**

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

KATHERINE MILLER (County Manager): Good afternoon, Mr. Chair. Board members, yes. We posted the original agenda on August 3<sup>rd</sup> at 6:01 p.m. and then amended the agenda on Friday, August 6<sup>th</sup> at 4:04 p.m. The amendments on Friday were item 7. C. That's under presentations, and that is the presentation by the Pipeline Coalition; the letter from the Coalition was added to the packet material. Then item 8. B, Matters from the County Manager, an update on the community overlay process for changes to the cannabis regulations. That packet material was also updated and the memo was added.

Then under Section 10. A, Matters from the County Attorney. Item 5 under 10. A – 10. A. 5, that item was added. And then under item 10. C, which is a potential item, after executive session, that is request approval of the agreement between AFSCME Council 18 and the County, that item was added as well. And those are all the changes I have to the agenda, Mr. Chair.

CHAIR ROYBAL: Thank you, Manager Miller. Did we have any other requests from the Commission, as far as moving items forward? No? Okay, seeing none, what's the pleasure of the Board?

COMMISSIONER GARCIA: Mr. Chair, I move for approval

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Commissioner Garcia has motioned and Commissioner Hamilton has seconded.

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

**2. APPROVAL OF MEETING MINUTES: July 13, 2021**

CHAIR ROYBAL: Do we have any changes? Commissioner Hansen.

COMMISSIONER HANSEN: Believe it or not, there are no changes today on the minutes. So I move to approve.

CHAIR ROYBAL: Awesome. Thank you for that motion. Do I hear a second?

COMMISSIONER HUGHES: Second.

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COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: I have a motion from Commissioner Hansen and a second from multiple Commissioners. I think I heard Commissioner Hughes and Commissioner Hamilton.

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

**3. CONSENT AGENDA**

- A. Resolution No. 2021-072, a Resolution Authorizing the Disposition of Fixed Assets Worth Less Than \$5,000 in Accordance with State Statute (Finance Division/Yvonne S. Herrera)**
- B. Resolution No. 2021-073, a Resolution Authorizing the Disposition of Fixed Assets Worth More Than \$5,000 in Accordance With State Statute (Finance Division/Yvonne S. Herrera)**
- C. Request (1) Approval of Amendment No. 5 to Agreement No. 2018-0036-CSD Between Santa Fe County and Vista Grande Library, Increasing the Compensation an Additional \$50,000, for a Total Contract Sum of \$262,000, Exclusive of NM GRT, and Extending the Term an Additional Year, and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor, Community Services/Anna L. War)**
- D. Request Ratification of the County Manager's Signature of All Amendments to Agreement No. 2019-0086-PW/CW Between Santa Fe County and Bohannon Huston, Inc. for Engineering Design Services (Purchasing Division/Bill Taylor and Public Works/John Dupuis)**

CHAIR ROYBAL: Are there any items on this Consent Agenda that Commissioners would like further information for or would like to pull for questions?

COMMISSIONER GARCIA: Mr. Chair, I would like to pull item number C.

CHAIR ROYBAL: Item number C. Do you need additional information or do you want it pulled and answered afterwards?

COMMISSIONER GARCIA: I just have some questions, Mr. Chair, on item number C.

CHAIR ROYBAL: Okay, so we have some questions on item C. So we can go ahead and answer those questions and see if we can approve the Consent Agenda completely. So, Commissioner Garcia, do you want to go ahead and ask your questions and we'll see if we can have staff answer. Is that okay, Manager Miller?

COMMISSIONER GARCIA: Mr. Chair, this is actually amendment number 5, increasing the compensation for an additional \$50,000 for the Eldorado library. A great library. I actually worked on the Phase 1 of that library. I'm just asking because I have a library in my district and I'm thinking a little bit ahead as into how we can help out libraries throughout Santa Fe County. So amendment number 5, can somebody let me know what the original agreement was/is for this, and now we're increasing it \$50,000?

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MANAGER MILLER: Mr. Chair, Commissioner Garcia, we budget at the beginning of the year for operations and operational assistance for the non-profit that operates the library, \$50,000 a year. So they generate and raise the money for all the library operations but for the \$50,000 per year, and also, the reason the contract probably adds up to a little bit more we also receive grants from the state for the library to buy books, so those get added to the contract as well. And we have done the same for La Cienega. They don't have a formal non-profit to operate the library.

We built the Eldorado library at the request of the community that already had established a non-profit to operate it and so we built it but from the beginning they have been our contracted operator and lessee. They do fundraisers and raise money to operate it and then we provide \$50,000 there. We also do that for Española, Edgewood and Santa Fe libraries. We provide about \$25,000 a year towards their operations, and La Cienega, we have provided the facility and computers, internet, utilities, and we received some funding from the state to purchase books, which we've done, but what we don't have is an entity to operate it. That's how this one differs from the others. And then the ones with Española and Edgewood and the City of Santa Fe, they have their own staff that operate them and we just provide a small amount of funding every year to assist in that for providing services to County residents.

COMMISSIONER GARCIA: Mr. Chair, Manager Miller, I appreciate that and I certainly understand how that works. The electrical services and so on and so forth, those are necessities that we provide for every building in Santa Fe County. So I'm just thinking a little bit ahead, so when we do go to our next budget cycle I certainly understand how the Eldorado community raises money and they do an excellent job in that community paying for the library and providing a great library for that elementary school that's right next door.

So I'm just thinking once again a little bit ahead as into I need to get with my community to – if there is \$50,000 a year that the County can actually assist in operations for a facility or a library I just need to get my constituents in my area to start raising a little bit more money and get a little more organized so that way we can actually provide some of the funding that we are providing for Eldorado and for different communities throughout the county. But thank you, Mr. Chair. Thank you, Manager Miller.

CHAIR ROYBAL: Thank you, Commissioner Garcia, for those questions. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you, Mr. Chair. As you all know, the Vista Grande Library is in my district so I know the people who run it and it provides a lot of community services beyond just being a library. It's a place where our search and rescue team meets monthly. They provide programming for children, and they are particularly grateful this year for the County's support because they weren't able to do their cream social – nobody is being social this year, and so they were pretty worried about their budget and they're very appreciative of the support. And I certainly agree with Commissioner Garcia that we should try and encourage these kinds of community libraries in other communities and do what we can to support them. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes, and those are some really great points, so thank you, Commissioner Garcia for the points you brought up and also, Commissioner Hughes, thank you for sharing how this facility is used in



your community, because we do have areas where sometimes they call it the water cooler where everybody hangs out and everybody comes together and we can have great meetings there. So we appreciate you sharing how the facility is used by our constituents. So thank you, sir. Commissioner Hamilton.

COMMISSIONER HAMILTON: I would just move to approve the Consent Agenda.

COMMISSIONER HUGHES: And I'll second.

CHAIR ROYBAL: So we have a motion from Commissioner Hamilton and a second from Commissioner Hughes.

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

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

**4. APPOINTMENTS AND REAPPOINTMENTS**

**A. Request Approval of the Reappointment of One (1) individual and the Appointment of One (1) Individual to the Health Policy and Planning Commission (HPPC)**

[Commissioner Roybal read the case captions throughout the meeting.]

CHAIR ROYBAL: From the Community Services Department we have Ms. Patricia Boies. Ms. Boies, this isn't specific to any district, it doesn't appear. Or is it?

PATRICIA BOIES (Community Services Department): What I'm seeking today is approval of two appointments. They are both Commission-specific. The resolution creating or establishing the composition of the HPPC provides for one member from each Commission district, and then four countywide. Today I'm asking for reappointment of Nelsy Dominguez to the District 3 position. She has been serving one term and she would like to be reappointed to a second term.

And then the second is a new appointment to District 2 of Susan Lyons. So I am seeking for both of these. Nelsy Dominguez has served well on the HPPC. She is the program director at Con Alma Foundation, and her perspective has been very helpful to the HPPC. She's also been very involved in our CONNECT program. Susan Lyons has both a legal and a nursing and hospital background. She is very interested in the social determinants of health and she has had experience educating people about community resources and we believe that her service on the HPPC would benefit the Commission. So I'm happy to answer any questions about either of these candidates.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Mr. Chair, thank you. Thank you, Patricia, for spending time interviewing candidates. I know you had a number of really good candidates for District 2 and I really appreciate you making a strong effort to find the best fit for the HPPC. So I am completely supportive of Susan Lyons and I would like to move to approve her appointment to the HPPC.

CHAIR ROYBAL: So these districts were – is that District 1 and District

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2? Are those the Commission districts?

MS. BOIES: Susan Lyons is for District 2 and Nelsy Dominguez is for District 3.

CHAIR ROYBAL: Okay. Two and three. Okay, so we have a motion from our District 2 Commissioner. Do we have a second from our District 3?

COMMISSIONER GARCIA: I'll second it, and I just have a little bit of discussion in regards to –

CHAIR ROYBAL: Okay. so we have a motion from Commissioner Hansen and a second from Commissioner Garcia. Under discussion. Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, I'd just like to thank Nelsy Dominguez for actually reapplying for this position. She actually has been involved in the commission, committee, for the last three years. This is a three-year appointment and during those last three years, as we all know, which we all attended the La Sala, which is actually our new behavioral health facility located off of Galisteo. And this board was actually one of the boards that actually was very instrumental as well as working with the County Manager and our Community Services Department for the mentally challenged individuals in our community, which serves both the city and the county and the outlying residents of Santa Fe County. Her résumé, working for Con Alma Foundation, Farm to Table, there's many things that she has on her résumé here which I think she would actually continue at some positive to our board that we have there. So with that I definitely am for Nelsy Dominguez. Thank you, Patricia, for bring that forward. Thank you, Mr. Chair.

COMMISSIONER HANSEN: Mr. Chair.

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

COMMISSIONER HANSEN: I would like to amend my motion to approve both Nelsy Dominguez and Susan Lyons.

CHAIR ROYBAL: Okay. So we have a motion for the recommended individual for District 2, is what I'm thinking, and then a motion for District 3. Is that what you're thinking about, Commissioner Hansen?

COMMISSIONER HANSEN: I was just including them in one motion.

CHAIR ROYBAL: Okay, and then we have a second from Commissioner Garcia. Correct? Is there anything else under discussion? Commissioner Hughes.

COMMISSIONER HUGHES: I just really quickly want to say that I've known Nelsy Dominguez for many, many years and she's certainly a great public servant in our community and it's great that she's on our Health Planning Commission and is willing to serve again. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Any other comments under discussion? I just also want to thank Ms. Boies for the hard work that entails doing the research and coming forth with a recommendation of individuals that represent the districts, all of our districts. We appreciate that because it's not always an easy task to make those decisions so we do appreciate your hard work doing that. So with that we have a motion and second.

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

**5. MISCELLANEOUS ACTION ITEMS**

- A. 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 Amend the Sustainable Land Development Code, to Amend and Restate Appendix F, Maps 2 & 3 (Map 2 – Santa Fe County Sustainable Land Development Code Santa Fe Community College District Circulation Map) & (Map 3 – Santa Fe County Sustainable Land Development Code Santa Fe Community College District Land Use Zoning Map) of the Sustainable Land Development Code**

CHAIR ROYBAL: Mr. Nathan Manzanares.

NATHAN MANZANARES (Growth Management Department): Thank you, Mr. Chair. On April 13, 2021, the Board approved by unanimous decision the conceptual plan amendment to the previously-approved Oshara master-planned subdivision within the Community College Planned Development District, CCD, subject to the following condition: The applicant shall seek and obtain approval of an amendment to Appendix F, Map 3, the Community College Land Use Zoning Map prior to submitting an application for preliminary and final plat.

The purpose of the SLDC text amendment of Appendix F, Map 2 and 3 ineludibly triggers the need to also amend Map 2 of the Sustainable Land Development Code within the Community College District Circulation Map. It is in the public’s interest to update both Appendix F, Map 2 and Map 3 to ensure proper build-out of the Oshara Master Planned Subdivision as well as maintaining consistency within the Santa Fe County Community College Planned Development District. Therefore, an amendment to the SLDC is being requested in order to establish comprehensive zoning and proper build-out as well as traffic circulation related to development within the Santa Fe County Community College Planned Development District, and to ensure that such development is done sustainably and in the spirit of the SLDC and SGMP.

You’ve been provided exhibits that show the existing map as well as what’s proposing to be amended. If title and general summary is approved by the Board this item will be reviewed by the Planning Commission and then taken back to the Board for a final decision on the ordinance amendment. The ordinance would then take effect 30 days after recordation.

Staff recommends approval of the request to publish title and general summary of the proposed ordinance. Thank you, Mr. Chair, and I now stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Manzanares. Do we have questions from the Board? I can’t tell what Commission district this is in.

MR. MANZANARES: This is going to be in Commission District 3, I believe, and 5.

CHAIR ROYBAL: Great. So we’re looking at 5?

MR. MANZANARES: Yes. The Community College District is in 5.

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COMMISSIONER HANSEN: This is in districts 4 and 5.

CHAIR ROYBAL: Four and Five.

COMMISSIONER GARCIA: Five.

COMMISSIONER HANSEN: He has a little bit.

MR. MANZANARES: I apologize.

CHAIR ROYBAL: Okay. Commissioner Hughes, I'm going to come to you first, sir.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I talked to Mr. Griego yesterday about this so I think I understand it, but I just wanted to clarify that essentially what we're doing is changing some land that was designated for institutional uses and designating that for residential; is that correct?

MR. MANZANARES: Mr. Chair, Commissioner Hughes, that is correct. When the application went forward for the conceptual plan amendment for Oshara they did change and eliminate some of the existing zoning districts, so this is strictly clean up to be consistent with what was approved by the Board for the conceptual plan amendment for Oshara.

COMMISSIONER HUGHES: Okay. Yes. As I understand it you just said that we're just basically reaffirming what we already approved a few meetings ago. We just passed this.

MR. MANZANARES: Mr. Chair, Commissioner Hughes, that is correct. In order for the applicant to continue forward with platting the preliminary and final plat this step needs to be taken.

COMMISSIONER HUGHES: Okay. Thank you. That's my only question.

CHAIR ROYBAL: Okay, Commissioner Hughes. Are there any other questions or comments from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I accept what we're doing but I just want to state for the record that I think we are taking away a little bit too much institutional and commercial space, and I think that it would have been a better solution if maybe it would have been more equally distributed. I know that that's not in the plan at the moment but I do think that part of the whole idea of the Community College District was to have institutional and commercial and residential all mixed together, and this kind of defeats the purpose in some way. And so I am slightly disappointed that this is happening, and I just wanted to state that for the record.

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

COMMISSIONER GARCIA: Mr. Chair, I apologize if this question was already asked but I have trouble hearing with the masks on. But once again, this is just a request for authorization to publish title and general summary, so we still have two more public hearings on this. Can staff please actually set up a meeting with myself to go over this because I tend to view the Community College District as a zoning area that actually includes residential, commercial, institutional designated areas within that district. Like I said, I'd like to meet with staff just to see where and how we're going with this, because once you start limiting those commercial activities out of that, that just puts a huge Rio Rancho out there in that area with no commercial and no access, no bus stops or nothing. But I just definitely would like to meet with you all.

But once again, this is just title and general summary, and so if you can please set up a meeting with me, I'd appreciate that. Thank you, Mr. Chair.

MR. MANZANARES: Mr. Chair, Commissioner Garcia, we'll definitely do that. And keep in mind this amendment is for the Oshara area in particular, not necessarily the whole CCD. And also this will go forward to the Planning Commission on August 19<sup>th</sup>, and then back to the Board on September 14<sup>th</sup>, I believe. But I'll definitely get in touch with you, Commissioner Garcia.

CHAIR ROYBAL: Okay. Thank you, Commissioner Garcia and Commissioner Hansen, for your questions and thank you, Mr. Manzanares for your answers. With that being said, I'll go back to Commissioner Hughes since this is his district. Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I'll make a motion to approve this to go forward.

COMMISSIONER HANSEN: Second.

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

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

5. B. **Request (1) Approval of a Four-Year Term Agreement No. 2021-0150-PW/KE Between Santa Fe County and AECOM in the Amount of \$499,777.17, Exclusive of NM GRT, to Provide Design Engineering Services for Section B of the Santa Fe River Greenway Project and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR ROYBAL: From the Purchasing Department we have Mr. Bill Taylor.

BILL TAYLOR (Purchasing Department): Thank you, Mr. Chair. We're here before you to ask approval of this design contract with AECOM in the amount of \$499,777.17, which was selected through an RFP procurement. We received four proposals. There was negotiation of the contract and fee amount. You see that we received proposals in April. We're now before the Board in August to get a contract. So the process is a little bit lengthy, particularly when we need to come together on a price that's acceptable by the County.

So it was well negotiated, but it did take a little bit of time to do that. With that, Mr. Chair, I'll stand for any questions.

CHAIR ROYBAL: Okay. Do we have any questions from the Board? Commissioner Hansen, and then I'll go to Commissioner Garcia.

COMMISSIONER HANSEN: Thank you, Bill, for this. I'm definitely looking forward to seeing this area designed. I believe we have just about all of the land so we will be able to go forward with design in the very near future. Is that the plan?

MR. TAYLOR: Mr. Chair, Commissioner Hansen, correct. This is the section between Siler Road and San Ysidro Crossing, and I believe all the properties are now finalized and there may be – it's very, very close.

COMMISSIONER HANSEN: Then I want to make sure that as we design this that we take into account what will be happening at San Ysidro Crossing with the community farm and that area so that is also concerning to me. So I want to make sure that that's paid attention to and I do have a meeting out on the land that we're leasing to the Reunity Resources this Thursday to talk about how that can be incorporated into this design or what will happen there. So I just want to make sure that's thought about as we go forward.

I've also spoken with Public Works about some kind of low level crossing at San Ysidro, making sure that as the river trail goes down and crosses over to the west side of the river that there's – that we think about that in the future.

MR. TAYLOR: Mr. Chair, Commissioner, thank you for those comments. There has been discussion in the negotiations about that area and the crossover.

COMMISSIONER HANSEN: Okay. Thank you. I appreciate that.

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

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Mr. Taylor. This is actually, as Commissioner Hansen stated, this is a great project that we've all been waiting for and that affects the entire central area of the county from the City of Santa Fe all the way down to La Cienega. The \$499, 777, do we have construction dollars for this?

MR. TAYLOR: Mr. Chair, Commissioner Garcia, great question. Not exactly. Oh, we do? Okay. Thank you. Because we did do the fee negotiation based on an estimated construction cost but I'll let Ms. Olson answer the question.

CARRIE OLSON (Project Manager): Chair Roybal, Commissioner Garcia, we have an estimated construction cost based on probably construction costs from kind of an older conceptual plan, and it's about \$5 million. And that will be coming up in the next bond cycle.

COMMISSIONER GARCIA: Mr. Chair, I just had a little bit of concern about it, and the reason being is we're estimating \$5 million. Why not \$6 million? Why not \$4 million? And I'd like to – I didn't know where these estimates are coming from because what happened in our last river project that we actually had from San Ysidro west, we bought that property. We dug up from the Roybals, the old sand and gravel property, we dug up buses, junkyard. We dug up everything in that river except bodies and the price of that project went from here to here.

And so whenever I have an estimate and somebody's telling me there's an estimate of \$5 million, and we're hiring this architectural engineering service just to design this, who did the estimate, Mr. Chair?

MR. TAYLOR: Mr. Chair, Commissioner, I believe as Ms. Olsen described, they're using the prior construction costs of the other sections to come up with that estimate. We're going to work this contract – we will go through that cost estimating process through the study and report phase. The problem with this river is of course the unforeseens. We don't know what's in there. I believe this is a little bit cleaner than the areas that you describe, Mr. Chair, Commissioner Garcia. But it's still unknown what we're going to find and that's what drives up – they do have a significant contingency built in for the construction phase but we will work closely with the engineer as they

come up with a cost estimate after they do the study and report phase and then be into the design and then into construction. So there are phases of cost estimating that's ongoing with the engineer as well. But based on those prior contract cost estimates, Mr. Chair, Commissioner, we feel that the fee is reasonable, basic services being about \$368,000, which is less than 10 percent of that cost estimated for construction.

COMMISSIONER GARCIA: Mr. Chair, do you have any additional comments? I'm sorry. What is your name again?

MS. OLSON: Carrie Olson, project manager. It's just our best estimate at this time and Bill explained how we'll go into more detail obviously as we get closer to the project. So we will fine-tune that and based on our past experience with what we went through and Scott Kaseman went through we built in a lot of extras, in the study and report phase especially, to make sure that we are post-holing, digging into the bank to see what's out there before we get too far down the road.

COMMISSIONER GARCIA: So Mr. Chair, so when you say you have a good amount of contingency, is that for design services or construction? And how much money do we have for construction?

MS. OLSON: The construction numbers are really estimated right now. We have not had the bond passed yet to have that secured, but I believe we've secured about ten percent for design contingency and we'll do at least that for the construction contingency and we have some safety net for sure.

COMMISSIONER GARCIA: Sorry Mr. Chair. I'm just asking some difficult, challenging questions because that's the – it's a beautiful project, I just – we're designing a project that we don't even know – we're paying for an architectural engineering firm to design a project that we don't know what they're going to find or how they're going to do it. I understand we have to do all that stuff, we have to do so on and so forth, but I just have some concerns about it whenever we're spending taxpayer dollars that we need to study a little more. But thank you, Mr. Chair, and I'll have some more questions as we move throughout the project or the design process. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I'm going to go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you, Commissioner Garcia, for some of those questions. We have not gone out to do design until we have secured most of the property, which was a different process than we did before we didn't have all the property secured. Now we do. And so I think we have a much better path to move forward with this and we need to design that section for sure so we know how much we need to spend.

And with that I would like to move to approve the Santa Fe River Greenway project.

COMMISSIONER HAMILTON: Second.

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

COMMISSIONER GARCIA: Discussion.

CHAIR ROYBAL: Any discussion? Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, I understand the importance of this project and the phase we just finished is a beautiful project. Our Public Safety

building – I'm just concerned about that and there's money that just got approved out of our last budget cycle and I just feel like we're jumping over another project because our Public Safety Complex, it's still there. So those are just – I'm trying to follow through the brain that I have, that I've been working out these different projects. Don't laugh, Mr. Taylor; I'm asking a serious question. But that's the concern I have. And so are we moving projects ahead of other projects? That's where I'm at. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. And so we do have a motion and a second. So under discussion, are there any other comments? Commissioner Hughes? No. I just want to just thank Mr. Taylor and Ms. Olson for coming forward and answering these questions. I know some of them are difficult but we do appreciate you guys being here today. That being said, we have a motion and a second.

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

COMMISSIONER HANSEN: Mr. Chair, I just want to recognize Carrie Olson for all her work on this and thank her. It's actually I think the first time I've actually seen you in person. I have been on many meetings with you and I'm grateful for all your work and I just wanted to say that. And so welcome to Santa Fe County.

CHAIR ROYBAL: It's always great to recognize staff. Thank you, Commissioner Hansen.

## **6. MATTERS OF PUBLIC CONCERN**

CHAIR ROYBAL: I believe that we do have some people that have already signed up for public concern but I do want to ask, is there anybody else that would like to address the Commission on any issues? If you're a phone-in caller you hit star 7 to unmute. Is that correct, Tessa?

TESSA JO MASCARENAS (Operations Manager): It's actually star 6.

CHAIR ROYBAL: Star 6, my bad. If you are calling in please hit star 6 to unmute and just state your name for the record. Hearing none, we have one. Please state your name for the record.

THOMAS VILLALPANDO: My name is Thomas Villalpando. Good afternoon, Mr. Chair and Commissioners. What I would like to do is just bring more awareness to a project that we were trying to do for the veterans of the United States, mainly the deceased veterans that are buried here in the national cemetery. May we approach the bench with a flyer that will explain it more in detail. Well, I'll explain it but you'll have a detailed explanation on the flyer. *[Exhibit 1]*

As he's distributing this flyer, basically it is called Wreaths Across America. It's a national organization that started some 20 years ago. It has grown from one single wreath across the country, and the primary focus is to put a wreath on the deceased veterans on Veterans Day. But because of COVID last year they moved it back to December 18<sup>th</sup>. It has had some movement here in New Mexico in the past. They've managed to cover within the last five years a maximum of about 2,800 graves. In the national cemetery here there are 76,000 graves; 2,800 doesn't really do it justice.

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The person who had this before stepped down; I stepped up. I decided to take this on as my, I guess passion. I'm forming a 501(c) corporation that should be done by the end of the month, and the name of the group is HRNMV. It's an acronym for Honoring and Remembering New Mexico Veterans. What I've done is I've joined the organization of Wreaths Across America but what I'm doing is focusing on the State of New Mexico.

In the State of New Mexico there are three burial sites, one being the Santa Fe National Cemetery which houses 76,000 graves. There's Fort Baird, which is just outside of Silver City which houses another 5,000 graves, and there is the one north of Angel Fire, or in Angel Fire that's the veterans memorial. That houses 52 graves. It will grow. Keep in mind these numbers are of today and these numbers will never go down. They will always go up. What I'm trying to do I've this year taken this goal on and I've had a goal or I do have a goal of going from 2,800 graves to 30,000 graves. It's a very ambitious goal; I know that, but they deserve it.

And when you go there and you see 2,800 graves that are covered with a wreath as opposed to 76,000, sometimes that does more hurt than harm. And primarily what I want to do is bring more focus, more attention, and try to see how I can get further support in making this project come alive and really taking care of those that are buried here in New Mexico. Yes, I am part of a bigger organization with Wreaths Across America. I want to focus it on the graves of New Mexico, and then help those and distribute in other areas where we can, but the focus being here. They deserve it.

Once again, it was normally done on Veterans Day, however, due to COVID they've moved it back to December 18<sup>th</sup>. It is a one-day event. It does happen – it will happen this year on December 18<sup>th</sup> and this will happen across the country. This is very, very similar to the memorial that they put the flags on. My brother and I did attend that this year and we put flags on many graves, about 300, just the two of us. But what was amazing to me is that you had 67,000 graves that had a flag done in 3 ½ hours. And what was even more spectacular was that evening, went back out there and saw a beautiful sunset with a wind that had every one of these flags stiff. Talk about a heartwarming and an emotional site, this was it.

But I want to replicate that for the same thing with these Wreaths Across America or these wreaths honoring and remembering our New Mexico veterans. And that's it pretty much in a nutshell. I just want to get more awareness and get more, I guess, public support and appeal to you in trying to help me accomplish this.

CHAIR ROYBAL: Okay. Thank you very much, sir. Any comments from the Commission? Commissioner Garcia. Or we don't comment on public – go ahead if you'd like to say something.

COMMISSIONER GARCIA: I'd just like to thank you for coming forward and bringing this forward. Those individuals that are up there that helped out this country through times that we had no clue what they were doing back in those days and what they did to fight for our freedom and for this country. But thank you for bringing this forward and thank you for giving your personal service to hopefully making this a reality. Thank you.

MR. VILLALPANDO: Thank you, but one of the things is I'm a local resident, or I was born and raised here. I've passed this thing a million times. I never knew the number, but that number was then, that number will never be the same. It will

always increase. I'm sure there's a lot of you that passed the cemetery millions of times not knowing that number. It's a big number. But anyway.

CHAIR ROYBAL: Thank you, sir. I've family there so I know it increases. But I think we just want to say thank you because a lot of times we don't focus on our veterans that actually made our country free. So thank you sir.

MR. VILLALPANDO: As my brother had just indicated, we're both volunteers in doing this but there's a group number on one of the business cards that you have but what happens and has happened is speaking to the director there of the national cemetery. He came out of Fort Bliss. One of the problems that he had, he had many people who had participated and they did purchase a wreath, but they didn't put that group ID number in there. The wreath didn't get to the individual the people had bought it for. So what was really sad was the fact that – well, it's a double edged sword. A, they felt good that they bought the wreath. B, it didn't get to the people that they wanted. So by putting the group ID number this now signifies that it comes to Santa Fe National Cemetery and we will in turn make sure that we will honor and remember those who it was purchased for.

CHAIR ROYBAL: Thank you, Mr. Villalpando. We appreciate you being here today and sharing that with us. We look forward to collaboration in the future and maybe the County will be able to work with you.

MR. VILLALPANDO: Super. Thank you.

CHAIR ROYBAL: Okay, can we get our next public speaker, Tessa. I think we have four or five individuals so I'd like to do a time limit.

MS. MASCARENAS: We have Elizabeth Reitzel:

CHAIR ROYBAL: Okay. Elizabeth. Go ahead.

ELIZABETH REITZEL: Yes. Good afternoon, Mr. Chair, members of the Commission. Thank you for allowing me to speak. I'm here on behalf of New Mexico Gas Company today. I previously appeared before the Commissioner. Mr. Chair, I don't believe you were present, regarding action item 11. B on your agenda today, which is a tabled item. We just wanted to provide a very brief update on that item, simply because we wanted to thank the Commission.

GREG SHAFFER (County Attorney): Mr. Chair, I'm sorry to interrupt. This is an administrative adjudicatory proceeding. It's been noticed this evening as being a tabled item, so I would recommend that we not entertain comment from New Mexico Gas at this time. The appropriate way for any additional information to be entered into the record on that matter would be through Land Use staff and/or at the continued public hearing when that case comes back before the Board. I think that would be the appropriate way to proceed. I'm sorry to interrupt, ma'am, and I'm sorry to interrupt, Mr. Chair.

CHAIR ROYBAL: Attorney Shaffer, we appreciate it. You keep us on the right side of the law. So Elizabeth, you got the direction from our County Attorney. Is that correct?

MS. REITZEL: I did, and Attorney Shaffer, I appreciate that. We called earlier if we would be able to speak during public comment or whether this was an appropriate time for the updating. We were given time to speak today, so I appreciate and understand that you'd prefer the update come during the hearing when the item is not

table. So we're happy to provide that update at the next meeting or whenever that item is up for discussion again. So thank you, Mr. Chair, for the time, and Commissioners.

CHAIR ROYBAL: Absolutely. Thank you. Okay, Tessa, can we have our next speaker?

MS. MASCARENAS: Maxwell Kaufmann.

CHAIR ROYBAL: Maxwell, go ahead, sir.

MAXWELL KAUFMANN: Thank you, Mr. Chair, members of the Commission. Thank you for having me. My name is Max Kaufmann. I'm an attorney with Disability Rights New Mexico. I'm very happy to be here today to kind of talk about what our organization is doing in collaboration with counties focusing on the area of access to voting sites for people with disabilities. We recently were a part of an election school which convened a great number of county clerks and I had the pleasure of meeting the County Clerk of Santa Fe and you're very lucky to have her. She's phenomenal.

This is a common concern that Disability Rights New Mexico has with a number of clerks. The available resources that they may have in their toolbox to use to render sites ADA compliant and to even go beyond that to make sites permanently ADA compliant beyond voting.

So at Disability Rights New Mexico we really want to support coordination and collaboration with governments as a whole and we would ask this Commission to consider entertaining at a future meeting a presentation similar to the one that we gave at the election school, kind of highlighting the importance of ADA compliance on voting sites, county [inaudible] and services, and to take that as a next step forward to future collaboration and how we can make sites accessible, avoid unnecessary scrutiny by the courts or DOJ scrutiny as befell Sandoval County a while back. You really want to solve the problem, get ahead of it, before anything like that happens. And so we want to foster a future collaboration. And so with that, Mr. Chair and members of the Commission, I ask today simply to allow Disability Rights New Mexico to return before this Commission and to provide more information and see what we could do going forward to render sites ADA compliant because all of our constituents deserve it. So thank you again for having me, and I'll stand for questions.

CHAIR ROYBAL: Thank you, Mr. Kaufmann. We appreciate all your comments, sir. Tessa, can we have our next speaker.

MS. MASCARENAS: Mr. Chair, that was our last speaker.

CHAIR ROYBAL: Okay. Thank you, Tessa. Okay, I'm going to ask once again. Do we have anybody from the public that would like to address the Commission? Okay, hearing none we're going to go ahead and close public comment.

## **7. PRESENTATIONS**

### **A. Presentation and Update from North Central Regional Transit District**

ANTHONY MORTILLARO (NCRTD Executive Director): Thank you, and good afternoon, Mr. Chair and Commissioners. I'm pleased to be able to provide you with an update on several initiatives that the district is undertaking. The items we'll discuss today are the service plan update, specifically impacts on Santa Fe County area

routes, capital investments in our facilities, and the Americans with Disabilities Act bus stop compliance improvements for fiscal year 2022 in Santa Fe County.

With me today is Delilah Garcia, transit operations director, and Bryce Gibson, our transit planning and projects manager. I also want to acknowledge Commissioner Hughes and Commissioner Hansen who are your representatives to the NCRTD Board of Directors. Commissioner Hughes also chairs our Finance Subcommittee and participates on our Sustainability Committee as well. And they represent you quite well in all of our meetings.

Is the power point presentation ready? Thank you for turning that on and I'll start with that. This graphic here shows you the expansive area that the district serves, over 10,000 square miles within the counties of Santa Fe, Rio Arriba County, Los Alamos and Taos County. And we have extensive connectivity with other transit systems such as the Rail Runner, Park 'n' Ride, Santa Fe Trails, Taos City Transit, Red River Miners, Red Apple Transit in Farmington, and Middle City Express in Las Vegas. Due to a current service contract we have with the County of Mora.

Our service plan was adopted by the board on June 22, 2021 and we started the service plan study in public meetings back in August of 2019. We held approximately 29 public meetings throughout the service area to get input from our constituents as well as our riders of the system. All existing services were analyzed as part of the service plan update. The plan contains over 30 recommendations for service modifications with 14 of those for the Santa Fe area which we will discuss today.

Currently, the estimated cost to implement all these recommendations is in excess of one million dollars much of it as a recurring cost. The costs associated with the Santa Fe area recommendations is about somewhere near \$730,000 which also a recurring cost. These recommendations that we will review today will be phased in over the next three to four years. At this point I'd like to turn this over to Delilah Garcia to talk about some of these changes that will be recurring over the next three to four years. Delilah.

DELILAH GARCIA [Appearing virtually – poor audio]: Thank you, Tony. Mr. Chair, members of the Commission, thank you for having us here today. As Tony said, my name is Delilah Garcia. I'm the transit operations director for the district, and today we'll be discussing some of the route modifications that will take place.

So currently we have about nine routes that are providing service in and around the Santa Fe County area. We have the Santa Fe-Taos route that provides service between Taos, Española and Santa Fe, Monday through Friday, and there's multiple round trips that service is provided. We have one that starts and ends in Taos and one that starts and ends in Española. We have the Taos express service that provides service Saturdays and Sundays between Taos and Santa Fe and it's an express service with limited stops in between.

We have the Nambe Trail route that operates seven days a week and that has a varying schedule during the weekdays and the weekends, during winter and non-winter seasons. We have an Eldorado service that has multiple round trips between Eldorado into the City of Santa Fe. We have a La Cienega route that provides service in and around La Cienega and out to the 599 station. We also have the Edgewood service that is primarily a commuter serves that moves people from the Edgewood, Moriarty, Stanley area into Santa Fe for those state employees [inaudible] that reside in these outlying

areas. That has two round trips, one in the morning and one in the evening, and again, it's more of a commuter specific service.

We have a Turquoise Trail service that provides again commuter service for individuals that are coming in from the New Mexico road or at the 599 station, and then they're moving around the judicial complex, detention centers, the National Guard, the Santa Fe Place Mall, and then we have a mid-day trip that travels from Madrid into Santa Fe.

We have our Tesuque route that travels from Española through Tesuque into Santa Fe and back, and then a Santa Clara route that does a similar trip that runs from Santa Clara, through Española to Santa Fe and back to Santa Clara.

So as Tony mentioned we have a service plan update that we worked on and multiple recommendations were made for this service plan changes. Some of them were minor and [inaudible] this fiscal year that we're currently operating on. One of the changes that we'll be looking at is for a Santa Clara, maybe to split it into two routes and have a north and a south. So the south Santa Clara route would operate service between Santa Clara and Santa Fe as it does now. We would have a north that would provide service between Santa Clara and Española. So that's one of the routes.

So the Tesuque route would have minimal changes at this point. What we're trying to do is really focus on connectivity in the corridor between Taos, Española and Santa Fe, increase frequency and connectivity amongst our own service and our partners. So the Tesuque route would give us an opportunity to be able to enhance different options for the passengers within these areas. We would also look at adding an additional stop at the new Tesuque casino, so that way we could provide some service to that particular casino.

The La Cienega route that we provide service in, it's a five-day a week operation and we have very little ridership on that particular route, so the recommendation was to operate it at a one day a week service and so that's something that we will be looking at in the coming year. We'll have some public participation or comment periods to get a better idea of what that day would be and what day would be best for the community that would be served.

The Turquoise Trail route, this is a route that will need some more in-depth modifications. We did receive multiple requests for mid-day service within the Turquoise Trail between Madrid and Santa Fe, but also commuter service. So this is a route we would look at splitting into two routes as opposed to one and being able to provide additional service there. Right now, when you're looking at Turquoise trail you're thinking service from Madrid or Galisteo into the Santa Fe area, and really we're providing service in and around the 599 station down in south Santa Fe and then some service out to the Madrid area.

Our Eldorado route, we are going to be looking at adding additional service, one additional trip from Eldorado into the Santa Fe area. Right now the way the route is currently built it has service – we would bring people in from the Eldorado area and they have to spend quite a bit of time in Santa Fe before they're able to go back to Eldorado. So we would add one additional mid-day trip to be able to give them less time in Santa Fe if they want to get back home earlier. Another option that we would be looking at in the future would be adding service between Lamy and Santa Fe with this particular route. So

we would extend the Eldorado route out to Lamy to be able to provide the service.

Our Edgewood route, this is a service that again, it's primarily a commuter route, but we do have some transfers between the Turquoise Trail route and the Edgewood route right now occurring at the Santa Fe Place Mall. We also, that's one thing that we would like to just be able to make a little clearer for the passengers that are utilizing the services. We do have a service between Santa Fe and the 599 station right now, so we want to make sure that the passengers know they can get on multiple buses and accomplish their trip and move around the area.

Again, this is our 300 route, which is our Taos leg of our Santa Fe-Taos route. They're branded as two separate routes, the 200 and the 300. The 200 is the Santa Fe route; the 300 is the Taos route. However, they interline. It's one bus with a one-seat ride for the majority of the passengers that are trying to get from Taos to Santa Fe or Santa Fe to Taos. This particular route we're going to be looking at increasing service over the next few years, adding more frequency for the passengers that are wanting to move around the communities. The other thing that we're going to be looking at as far as the 305, the Taos express route, we would eliminate the weekend Taos express service and we would roll it into a seven-day a week operation for the 200/300 route. So we would have whatever frequency Monday through Friday would be the same Saturday and Sunday.

So these are some of the modifications that we're looking at making in the future. With that I stand for any questions.

CHAIR ROYBAL: Okay. Do we have questions from the Commission?  
I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. Delilah, when you're speaking about the Eldorado route, you mentioned one possibility. I wasn't sure whether you said adding or changing the route a little bit so it would now also include Lamy. I know there's quite a bit of interest in Lamy for having a bus route extended to there. Could either of you speak just a little bit to what criteria would be used to implement that kind of change? Or what level is being considered at this point?

MS. GARCIA: So right here, Mr. Chair, Commissioner Hamilton, we're looking at as far as the Lamy expansion is we would revise our current Eldorado route. We would add – this year we're going to be adding an additional trip for Eldorado, so that way we can get some more service into the Santa Fe area, and again, right now the passengers are having to spend over six hours, close to seven hours in Santa Fe if they choose to use it. We do have quite a few passengers who use the service for work or for school, but for some of the individuals who live in that area they don't really spend as much time in Santa Fe as the others do. So adding an additional trip would allow us to give more options to those passengers in those areas.

With the Lamy expansion, that would mean we would be looking at adding either an additional stop and increasing the time of the mid-day trip or the trips in general, or we could look at adding an additional trip and have service similar to like our express services where we have a stop in Lamy, a stop in Eldorado and then straight to Santa Fe. [inaudible] We haven't determined what that schedule would look like just yet. We know that it is a service and a need that we could provide ridership for those individuals in the Lamy area.

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

COMMISSIONER GARCIA: Thank you, Mr. Chair. Could you go back to the previous slide or slides that actually show La Cienega? So a couple of questions I have for this, so you all submitted us a plan roughly a month or two ago which had this plan and which seemed like I was great, okay with it. Then all of a sudden now you're actually – are you amending the plan?

MS. GARCIA: I'm sorry, Commissioner Garcia. At this point we are not amending the plan. We're not making these modifications just yet. As I mentioned previously, this particular route, the La Cienega route that we're providing service on has experienced a decrease in ridership over the last couple of years. And right now we're providing service on this route as a demand service, so individuals can make reservations to be picked up. We have about anywhere between three to four passengers a day that utilize this service, and so the recommendation that is part of the plan is for us to reduce it to one day a week service and then in the future we would be looking at implementing a similar micro-transit service which is similar to Uber or Lyft in the public sector.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Once again, explain to me what micro-transit is, and then also my other question is going to be who determines what day a week, what time of the week that they're going to go out there. Five individuals, or like you said, six, or four that ride this bus on a regular basis, so now the transit is actually going to have to adjust their schedules if they're used to riding this bus at a certain time, a certain day of the week?

MS. GARCIA: I'm sorry, Commissioner Garcia, we would have public participation in this decision. So we would want to be having riders in those areas what day would be the best day to provide the service. We provide service like this in other areas where we provide one day a week service with a fixed route. So the bus will travel at 7:30 in the morning to or from, and I can use the Tres Piedras area as our example. It has a trip that comes in from Taos into T.P. and it starts its route at 7:38 in the morning, comes into Taos and those passengers spend their day using [inaudible] to shop for groceries or whatever, provide whatever business they need to take care of during the day. And so then in the afternoon we go back to T.P. and drop those passengers off around three in the afternoon.

So La Cienega, we would look at providing some more service, have some conversations with the community and determine what that day and that service looks like. As far as your question with the micro-transit, micro-transit is an on-demand service, and so those are passengers that are wanting to schedule trips to be able to be picked up whether it's on a designated bus stop or at their home, and taken to a location within a specific service area.

COMMISSIONER GARCIA: Thank you, for that. Thank you, Mr. Chair. So we are not yet going to cut service to La Cienega until we do have some sort of a community outreach and letting the community and having the community actually address their concerns prior to the change happening. Correct?

MS. GARCIA: Mr. Chair, Commissioner Garcia, yes, that is correct.

COMMISSIONER GARCIA: Mr. Chair, thank you. And if you can please check with myself so that way I can bring it up with the La Cienega Valley Association

because that is one of the key communication connection networks that we have throughout that community and their meetings are the first Mondays of the month. So if you can just somehow plan for that and we'll see if we can do some maybe some sort of a brief presentation on that. That way we can get some input from those individuals. I'd be happy with that.

And then once again it's hard to kind of hear you. Can you explain the micro-transit again? That's for individuals that actually want to get picked up on, let's say Wednesdays. Okay. We'll set something up to pick up them up on Wednesdays. What if that individual, that elder, senior, actually wants to get picked up Tuesdays and Thursdays? Will we accommodate them if they need to go to some sort of a doctor's office?

MS. GARCIA: Mr. Chair, Commissioner Garcia, at this point we haven't determined what our micro-transit option would look like, just yet. We are in the process of drafting an RFP so we can start the procurement process for that service type. It would be a new service type to the district.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Ms. Garcia. If you would please prior to us altering that route can we please just get with myself and the La Cienega Valley Association. I'd appreciate that. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other questions or comments from the Commission? Okay, so I just want to say thank you for this presentation. Go ahead and continue. Sorry. Was that the end of your presentation? I'm not sure.

MS. GARCIA: Can you please change the slide. And so this particular slide gives you kind of an idea of new services within our existing service area that we would be providing service to. So Northern New Mexico College is in the Española area. We're looking at moving passengers between the campus and some of the outlying communities within Rio Arriba County.

Our Edgewood service, unfortunately, we were [inaudible] during the pandemic in March. We started providing a demand service in the Edgewood area. One of the recommendations of our service plan was to also implement a micro-transit option for this particular service area. And so we tried to pilot demand service and didn't really see too much ridership.

We started providing the service as a way to get members within the Edgewood area transportation options because the employee we have in that area is a State of New Mexico employee. He was not providing the dedicated fixed route service as [inaudible] working from home. So we worked with him to develop a schedule of two days a week demand service from 6:00 in the morning to 6:00 in the evening, and just to get an idea from the community what this service would look like if we did employ micro-transit. And then on Monday, August 9<sup>th</sup> we'd be back to the regular fixed route [inaudible] service we provide to that area. So with the restart of the fixed Edgewood route we had to suspend our pilot as we don't have any other employees in the Edgewood area. So we are looking at in the future years, when we have that [inaudible] option, Edgewood would be one of the areas that we would provide that service.

And then with the Lamy extension from Eldorado, we would be looking at some service between Lamy, Eldorado and Santa Fe.



MR. MORTILLARO: Thank you, Delilah. I don't know, Mr. Chair, if anyone has any questions for Delilah on the service area proposals.

CHAIR ROYBAL: It's difficult to hear you. Can you speak up a little bit.

MR. MORTILLARO: That concludes our presentation on the service area proposals, Mr. Chair. I don't know if there's any other additional comments.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, thank you. Thank you, Tony and your staff, Ms. Garcia. In regards to the Edgewood – it's the largest community in the NCRTD service area with daytime service. I have ridden that bus a couple of times and that bus, everybody leaves at 5:30 in the morning at the new police station. So there's roughly – we have an ex-Public Works Director whose partner rides that bus. There's a bus, seven, eight people on that bus every morning last time I was on it, every morning, and they get dropped off at the State building here down the street here, then once again at 5:30, 6:00, they get their ride home. So this is another one that I have concerns about because that bus seems to have ridership on it and I just don't understand – if there is no riders then certainly this is another one that I would actually like to have some sort of community meeting with the individuals out there, if we can please do that also, because if those individuals are taking the transit from Monday through Friday, twice a day, I just want to make sure they get to work or whatever their needs are. Thank you.

MS. GARCIA: I'm sorry, Mr. Chair and Commissioner Garcia, if I wasn't clear. We will be adding additional services to the Edgewood community. We would not be eliminating the Edgewood route.

COMMISSIONER GARCIA: Mr. Chair, Ms. Garcia, thank you for that clarification. I appreciate that and my apologies.

CHAIR ROYBAL: Okay. Any other questions from the Board? Okay, go ahead and continue.

MR. MORTILLARO: We want to talk about some of our sustainability efforts here. We're really excited about this project that we are rolling out zero emission buses. We have been fully funded. This is a \$10 million project and we will be purchasing a total of ten vehicles. Six of those are going to be 35-foot electric buses and four of those will be cutaways. We'll be placing on route chargers in Santa Fe as well as in Española and Taos. The project has started. We're in the design procurement phase of it. Once we've completed the procurement we will then proceed with construction of on route chargers. It takes about almost 15 to 18 months to receive one of these electric vehicles so we don't see deployment of these vehicles occurring until late 2023 or early 2024. But we just wanted to make you aware of these. We'll hopefully be expanding past these ten vehicles further into the future here as we continue to roll out our sustainability plan.

We did have some major facility expansions underway. Our main office here, the Jim West Transit Center, is slated for an expansion of about 5,000 square feet and we've outgrown this with our staffing and just the growth of the districts. We're commencing the design process, final design at this time and we'll just be starting construction here in January of 2022.

These are two new maintenance facilities that are – one is under construction; the other is going to be starting final design. Our Española maintenance facility, which is on

the back seven acres of our current site is under construction. It's about at the 17 percent phase right now. We anticipate opening that facility in May of 2022. It's about a \$10 million project. If you go on our website and view drone footage of the construction and you're interested in seeing the project that's being made on this facility, we'll be adding approximately 13 employees to staff this facility.

Our other project that's in final design right now is our Taos operations and maintenance facility and that is on a six-acre parcel that we recently purchased in Taos. It's about a \$7 million project and currently we operate on a ¾-acre site in a trailer in an old metal building and it's woefully inadequate to maintain our needs there and the growth that's occurred in the Taos area.

And lastly, we just want to apprise you of our ADA bus stop improvements and I'll turn this back over to Delilah to talk about this program. Delilah.

MS. GARCIA: Thank you, Tony, Mr. Chair. We had an ADA transition plan which allows us to improve our bus stops. We have almost 300 bus stops within the district. We cover over 10,000 square miles. We provide service on 29 routes right now. And so with all of those routes we have bus stops that are added along the communities that we provide service for. So we apply for on a regular basis to the transportation program funding through the FHDA Program and when we are alerted we use those funds to be able to improve the bus stops around district. So in this next year of calendar year 22 we are looking at constructing and improving 25 bus stops within the district.

We are currently working on the design plans and we're close to the 90 percent design with some modifications. We are looking at issuing an RFP in the winter of 2021, so this winter, and then looking at construction between April and July of next year.

So the budget that we have for these 25 bus stops, we have \$1.37 million available. We have \$138,000 for design, and \$950,000 for construction and construction management services. So that gives us a total of \$1.05 million available for this particular project.

The bus stops that we're looking at improving within Santa Fe County are identified as Stop #95, and so if you guys are familiar with New Mexico 68, there is a donut shop by the name of Lovin' Oven. This is a bus stop for us off of 68. We're looking at building a bus [inaudible] in this area, constructing a complete pull-out allowing us to get off of 68. It's a pretty high trafficked area and so wherever we have an opportunity we like to pull off of the roadway as long as there's enough right-of-way for us to be able to do this. So we would install a 10-foot bus shelter. We would identify a place for maybe a lift or ramp to be deployed. All of our shelters are going to – they're a standard shelter that we're moving towards. They all have solar lighting. They're the NCRTD blue color, and then we would have a trash receptacle.

This is bus stop # 70. We would work with the City of Santa Fe on this particular bus stop. This is located at the Fort Marcy Park, and so what we're looking at doing is installing a bus stop on a concrete pad that they have right now. And so we would make it ADA accessible with a ramp. We would place our 10-foot bus shelter with an advertisement panel. It would include a bus stop sign and a digital schedule sign display, and that would allow passengers to know when a bus is coming. We have these signs in a variety of locations. South Capitol has a sign right now. It lets passengers know in real time when the bus is going to be here in minutes. So that's a great feature in each of these

bus stops. They would also have a trash receptacle in this particular area also.

And with that those are the two bus stop improvements that we have in Santa Fe County. So we've been making improvements over the last five years to our bus stops. So we're finishing and moving into other [inaudible] So we'll be moving into Santa Fe with this next phase.

MR. MORTILLARO: Thank you, Delilah. Mr. Chair, Commission, this concludes our presentation and we'd be glad to stand for any additional questions.

CHAIR ROYBAL: Okay. Do we have any additional questions? I'm going to go to Commissioner Hansen and then Commissioner Hughes.

COMMISSIONER HANSEN: Thank you, Tony and Delilah, for this presentation, and I just want to congratulate you on your \$10 million grant to put in electric buses. It's not a moment too soon, considering we are in a climate emergency according to the UN. So I applaud you for that forward thinking and making that happen. I look forward to seeing the extension and expansion of the building in Española. I remember voting on that at a prior meeting quite some time ago and I think that's great.

On the bus stop improvement, I think that's a great idea. My village of Agua Fria would love to have even an old bus stop or a bus stop that maybe you could move from one of your bus stops to somewhere in the village. That is something they have constantly asked me for. So if there's ever any opportunity to reuse an older bus shelter and move it to Agua Fria they would be happy to accept that. And with that, thank you very much for your presentation and thank you for having such a well run transit organization. Thank you, Tony and Delilah.

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

COMMISSIONER HUGHES: Thank you, m and I too am very impressed. I've been on this board for about a year and it's a very, very well run organization. Thank you for that. I just wanted to ask one quick question. At one point when you were talking about the Taos expansion of our facilities there you were talking about perhaps building some workforce housing for the employees of the district and I wondered if that was something you were still thinking about for Taos.

MR. MORTILLARO: Mr. Chair, Commissioner Hughes, yes we are. In fact we're in the process of finalizing our request for proposals for a workforce housing study to be conducted to look at two locations, one here in Española and one in Taos as well. In the event that that does come back indicating that we should move forward with that we will also be exploring through that RFP the various mechanisms by which we could make that happen. We have land available. We purchased extra property when we bought the land here in Española. Not only did we buy the seven acres but we bought three additional acres for some future expansion as well as for the workforce housing project should that deemed to be viable.

In Taos when we purchased our six acres, we really actually needed about five for the maintenance facility which would also allow for some future expansion there. The additional acre there would be utilized for workforce housing again if that was deemed viable.

COMMISSIONER HUGHES: Yes, thank you. I think it's a fascinating idea and if it works it might be something to be replicated not only in other communities

by the Regional Transit District but maybe other entities. I'll be looking forward to see how it goes with the district. Thank you. That's all my questions.

CHAIR ROYBAL: Thank you, Commissioner Hughes and thank you for being a part of this board and keeping the Commission up to date. Are there any other questions or comments? Commissioner Hamilton, Commissioner Garcia? Well, just to thank you from myself as well, Mr. Tony Mortillaro and also Delilah Garcia. Thank you guys for your presentation we appreciate it. Keep up the great work.

MR. MORTILLARO: Thank you.

**7. B. Presentation on County Water Rights at Buckman Direct Diversion (BDD), Existing Dedications, and Excess Availability for Future Development**

CHAIR ROYBAL: From the Public Works Department we have Mr. John Dupuis and I believe Anjali Bean was also possible.

JOHN DUPUIS (Utilities Director): Mr. Chair, the presentation will be completed just by me. Thank you. Good afternoon, Mr. Chair and Commissioners. At the July 27, 2021 meeting Commissioners requested that the Utilities Division present information related to water deliveries and existing water rights available for future diversions. In the memo that was attached to the agenda item a table and graph of the past five years calendar year diversions for the County and the Buckman Direct Diversion are shown, and the amounts range between 1,534 acre-feet to 1,719 acre-feet within each year.

Currently, the water rights available at the Buckman Direct Diversion for County diversion total 25,096.13 acre-feet, and this provides us approximately 928 acre-feet surplus, which is also about 36 percent of the total water rights available. When a developer enters into a water delivery agreement with the County they may be given the choice between bringing additional water rights or paying a fee in lieu. Because there is still such a substantial buffer between current diversions and water rights available a fee in lieu can make sense.

Water rights purchases make greater financial sense when they are done in larger blocks. As a matter of policy, the Utilities Division does not wish to purchase less than 20 acre-feet of water at a time. Collecting fees in lieu of water rights allows the County to pull funds from multiple projects and proceed with new water right bulk purchases or pursue other water rights supply projects as may be approved to acquire additional water as needed With that I stand for any questions.

COMMISSIONER HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, John for bringing this forward. I requested this be brought forward. The concern that I have in regards to the development, many developments out there – apartment complexes, the new North Turquoise Trail area which is almost a 600-lot subdivision going up off of State Road 14 across from Santa Fe Brewing, like I said, numerous projects, apartment complex, Las Soleras development, all of which actually drains or actually the aquifer goes to the southern part or the most western part of my community. And so the questions that I have on this is once again, this is the entire Buckman Diversion project.

This is City and County. Correct?

MR. DUPUIS: Mr. Chair, Commissioner, these numbers are for County purposes only.

COMMISSIONER GARCIA: Okay. So in 2016, the diversion was 1,500 acre-feet. 2017, 1,500 acre-feet, more or less. 2018, 1,500 acre-feet. 2019, 1,700 acre-feet. 2020 1,600 acre-feet. These are all acre-feet of diversion that we're actually diverting out of the Rio Grande?

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

COMMISSIONER GARCIA: So I guess the question I had is we had roughly – it's looks roughly like about 70,000 acre-feet of water that we have per se banked. So the question that I have is how much of that banked water rights that we have are going to – the new development, are going to the apartment complexes? Are going to new subdivisions in the Community College District?

So that's what I was actually wondering if we need to come back next month we can do that as well. So that's kind of where I was going with that. We have this bank of water rights, and so how much is allocated and how much more do we have?

MR. DUPUIS: Mr. Chair, Commissioner Garcia, given that they would have to provide a fee in lieu for the specific development you mentioned, once we receive those funds we would go out and purchase water rights sufficient to cover that delivery. We have an option of doing alternatives besides purchase of water rights. If we do a project that accomplishes the quantity becoming available, but actual new supply, or we can in the interim utilize the buffer that we have so that we can pool funds from multiple projects to make a more cost-efficient purchase. But we wouldn't look at doing that for any extended period of time because that eats into our buffer.

So this is literally a buffer we try and keep for numerous purposes. That buffer is actually for a developer like those in Rancho Viejo who have provided water rights at the Buckman Direct Diversion for future development. And so because of those facts we have this buffer that we can rely on to allow interim use for other purposes. Currently, we try and utilize that entire buffer with the City of Santa Fe to allow additional backup supply to become available for us in times of need. So we're doing our best effort to utilize that resource in a beneficial way for the community, but we do try and keep that buffer.

COMMISSIONER GARCIA: Madam Chair, John, thank you. So we have a buffer, right? You said someone comes in, where do they get their water rights from?

MR. DUPUIS: Mr. Chair, Commissioner Garcia, if that subdivision provided a fee in lieu we would go out and purchase water rights sufficient to provide for the quantity that is needed by the development.

COMMISSIONER GARCIA: Madam Chair, John, so if a developer came in here in fee in lieu, and they wanted to create this huge subdivision in the Community College District, they could actually in fee in lieu take up those entire water rights that the County has purchased?

MR. DUPUIS: Mr. Chair, Commissioner Garcia, if that was the case, I would not recommend approval and I would give an explanation as to why. But as I mentioned, we try and maintain that buffer for some very important reasons but they are numerous. So to the extent it ate into more than 20 percent of our buffer I would be

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concerned and want to have a Commissioner weigh in and I would explain the issues to be concerned about to allow proper feedback on what direction to take.

COMMISSIONER GARCIA: Thank you, Madam Chair, John. So if a developer came in here and let's just assume he wanted 600 lots of water, then we would give him the 600 lots of water. Then would it be up to the County or for that developer to bring in its own water rights or would the County say here's our water rights from our bank. Now we'll actually go and buy water rights when you give us money?

MR. DUPUIS: Mr. Chair, Commissioner Garcia, whenever a water delivery agreement, which every development of substantial size is required to have, is proposed to the BCC the BCC gets to determine whether or not they have the option to do a fee in lieu. More recently we have allowed that option and if there is any change in availability of water rights to be purchased or other reasons that the Commission is concerned about doing a fee in lieu, with each new water delivery agreement we can make an adjustment and change that or continue to allow the current practice.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, John. So when a developer goes and talks to the zoning department, he goes and hires his engineers, architects, and so on and so forth, surveyors, at what time does a developer tell you, wait, time out, you need to go to the County Commission first and secure those water rights before you even go and hire an engineering firm or whoever to design that subdivision? Do we know?

MR. DUPUIS: Mr. Chair, Commissioner Garcia, we generally do the water delivery agreement in close proximity to when the developer wants development approval, at least the preliminary phase, and we aim to have the water rights in place, so whatever process they choose, whether it's a transfer or a fee in lieu, by the time that they are final platting that development.

COMMISSIONER GARCIA: Thank you, Madam Chair, John. What I'm thinking about is these water rights that we have per se banked in there – I'm just going to need some help from yourself as well as my colleagues up here. I'd like to see if we can get some of those water rights, and it's going to take a little while to some of the existing individuals out there that have wells, that their wells in a certain area, or State Road 14, down that State Road 14 are certain areas where we can hopefully get individuals off of their wells and connected to a utility. And so my concern is that I would hope that my colleagues as well as myself would take this bank for future development. Because there's some existing properties, individuals out there that their wells are not doing too well or different areas, definitely in my district actually as into the aquifer getting lower. So that's kind of where I'm going with this and you and I can sit down and meet and see – look at the larger picture with the map, but you know more or less where I'm going with this and I appreciate my colleagues actually allowing me to speak on this and thank you for bringing this forward as I asked. I appreciate that. Thank you, Madam Chair.

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

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, John for bringing this forward. When I read this over my one thought was are we buying water rights when they become available, including to make our buffer larger?

MR. DUPUIS: Mr. Chair, Commissioner Hansen, our current practice is once we have enough funds through fee in lieu we do go out and purchase water rights. The last purchase we had was in 2019, and currently we have approximately \$600,000 available for water rights purchase, and there is a particular opportunity that may or may not be available, but the purchase price would be around \$1.3 million. And once we have enough funds for that type of purchase we would engage with the seller and proceed.

COMMISSIONER HANSEN: Madam Chair, that was one of the things that I felt we should start thinking about was buying more water rights. I understand Commissioner Garcia's concern about people's wells and issues and that's why I think we need to be pro-active on the purchase of water rights now, because sometimes they're a finite quantity. So if we do have something available I think it's important to make that purchase and secure a larger buffer for the County.

On the chart, the County diversion water quality, I understand that all our water is held at the Buckman Direct Diversion, not that all of it goes through the Buckman Direct Diversion, but everything is housed there. Is that the correct understanding?

MR. DUPUIS: Would you repeat the question?

COMMISSIONER HANSEN: That we house all of our water rights at the Buckman Direct Diversion but not necessarily all of our water rights if we release them go through the Buckman Direct Diversion? Am I misunderstanding anything?

MR. DUPUIS: Madam Chair, Commissioner Hansen, there's some complicated options that we have with our water rights, specifically some of them are dual-permitted for the Buckman Direct Diversion and the City's wellfield. There are some flexible options there, but otherwise all of our utilization of water rights would go through the Buckman Direct Diversion.

COMMISSIONER HANSEN: Okay. Thank you. And then I know we haven't talked here about the Pojoaque Valley Regional Water Plan, but we do have water housed at that facility also. How many acre-feet – I'm trying to pull it up in my memory at the moment but I'm not, so if you could remind me how much water we have at the Pojoaque Regional Water –

MR. DUPUIS: Madam Chair, Commissioner Hansen, available at the Pojoaque Basin Regional Water System point of diversion, I believe there is approximately 600 acre-feet for the County.

COMMISSIONER HANSEN: Okay. Thank you. That's all the questions I have at the moment. Thank you.

COMMISSIONER HAMILTON: Thank you. I think, John, one of the things that the Commissioners have questions about is when they see developments, and I think maybe this is an overarching concern – where is the water coming from? So the answer that you gave that's very logical is the near-term answer, having to do with new developers have to bring new water rights. I think it would be helpful, and I suspect it's something you do in your longer-term, broader picture planning, and maybe touches on what Commissioner Hansen was talking about is how wet the availability of water rights is in general.

So this process of having development and having a developer needing to bring water rights or pay a fee in lieu of has to be constrained at the outer boundary by how much water there, what the defined water rights. I know there are a lot of adjudication

questions but to give that as boundary time, I think would help understand this. Then one step past that, this again in my mind has to be an important planning thing is the relationship between water rights and wet water. And that includes the perspective of droughts and climate change, realistic future projections for that.

And the reason I bring this up is this system – it's a great system; it makes complete sense on any individual project, but a project has an evaluation of what water they need, and they bring the water – there has to be a limit to that, right? So providing the Commission with an idea of what that is for near-term and slightly longer-term planning. Not 100 years but next year, five years, 20 years. I think that would be useful at some point.

MR. DUPUIS: Mr. Chair, I agree that that is very pertinent nuances of some of the concerns that we are currently engage with planning with the City of Santa Fe on an 80-year horizon, and it's a five-year cycle. Each year a major component of the planning process is completed. I would suggest that we do some type of annual update on the progress of that planning exercise and ultimately through the five-year cycle we'll be able to answer those questions in depth and having an annual update on each component may help break it down into manageable chunks so we can meet in person or separately if anyone is really wanting to go into detail, but having something when we're looking at it closely and in measurable chunks can really help Commissioners understand those nuances.

COMMISSIONER HAMILTON: Thank you. Are there other questions or comments? Commissioner Hughes.

COMMISSIONER HUGHES: Yes. Thank you, Madam Chair and thank you, John. I would have questions but I just met with you and I think you explained it to be very well. Now that I've heard it twice I'm getting it even better. I do have lots of constituents or friends who say, I see all this housing going up. Where's the water coming from? And what I've found, even when I give them the explanation they're not satisfied. And so I think that it goes beyond water to people are concerned about seeing Santa Fe change so quickly with the construction of all the apartment buildings, and I think a lot of us understand that this is sort of a pent up demand that is being met now and isn't going to continue every single year. But I do think in our planning for land use and water and everything you need to take into account, people's desire to keep a certain character to Santa Fe, which is hard to do and we're also trying to provide affordable housing which we know is also desperately needed, but it's a balancing act. But I'm really glad to understand the water part of it, so thank you.

COMMISSIONER HAMILTON: Thank you, Commissioner Hughes. Commissioner Garcia, did I see you with another question?

COMMISSIONER GARCIA: Yes, Madam Chair. Thank you. Just one last thing, John. If you could get me a copy of the 40-year plan once again, what the County has for the 40-year plan, and I definitely agree with Commissioner Hughes as into the affordable housing. Some of the stuff I have a little bit of heartburn with is whenever Las Soleras is getting built out, there's not a single affordable house in that area, which is in the limits, and their developers tend to actually – and do give money for that affordable housing unit. I don't know what cost it is but those are just the concerns I have as into affordability in that subdivision, that beautiful subdivision there in Las



Soleras.

On the other hand I understand. One thing that we are working with the City of Santa Fe, John, as you do and you do very well as into working with the community of Eldorado, Glorieta. We have a lot of community – how many community water systems do we have in Santa Fe County? Off the top of your head. More than people probably think out there. And so by you and your staff working with different mutual domestics I think is good. It's a great big large huge step, and one of the other things we definitely need to work on is what's happening from the Otowi Bridge all the way up that mighty, mighty Rio Grande because when you drive through that, you cross that, whether it's Paseo del Norte, West Alameda in Albuquerque, anywhere in Taos, you see that Rio Grande River is going down quick. And so we think of where we are. I might not see it and I hope it never happens because when that water goes then people will turn on that tap, little children turn on that tap or your great grandkids turn on that tap, there's no water now.

So those are just the concerns I have and I know sometimes it's very challenging because how the State of New Mexico has the State Engineer's Office. We have our transfer diversion points, we have our local acequias. We have a lot of water challenges in the state of New Mexico. And so if you can once again get me a copy of that plan, and then maybe like when you committed to one of the Commissioners here, Commissioner Hamilton, as into bringing that and giving us maybe a yearly update – definitely more than a yearly update. Maybe even twice a year. Thank you, John. Thank you, Madam Chair.

COMMISSIONER HAMILTON: Thank you, Commissioner Garcia. If there are no other questions, thank you very much, John.

**7. C. Presentation by the Pipeline Coalition: Introduction & Mission**  
*[Exhibit 2: Santa Fe Watershed Association Letter, 7/29/2002; Exhibit 3: Exerpts from 1/282000 EPA Report; Exhibit 4: EMS Material]*

COMMISSIONER HAMILTON: Do we have Carl Dickens? Thank you.

CARL DICKENS: Good afternoon. Thank you for the opportunity for coming before the Commission. A couple things I want to say is that I've been at this for a while, going on 25 years now and this is one of those moments in time where I feel like we have a voice, and it's really dependent upon the County Commission to help us maintain that voice. The coalition – I want to clarify one thing is that we heard words from New Mexico Environmental Law Center yesterday that they have a process that we need to go through to have them recognized as members of the coalition. And so we will begin that process. So they've asked to withdraw their name from any future documents until we complete that process.

But you know the coalition really became a coalition very organically. We started meeting. We were concerned about the pipeline, the reduction of flow in the water by 50 percent, and what that meant to downstream users, our farmers, ranchers, historical properties, the largest organic farm in Santa Fe County at Tres Rios. But we all had a common concern about what has and is happening to the Santa Fe River.

The intent of the coalition is to establish a stakeholder driven litigation planning

process to protect both the health of the river and preserve its rich history and cultural traditions. We have a simple request, to have a steady, certain flow of clean water in the river. That sounds simple but as all of you know, any water issues in Santa Fe County or basically in New Mexico are very complex and involve a lot of issues and concerns.

We have a goal of building a stakeholder network to respond to river concerns, not just for now. Not for this moment. Not just for the pipeline, but something that is sustained over time as a constant resource working to protect the river. We understand this is a process. Things will come up; things will change. But we want to be in a position where we have the ability to reach out. And I have to tell you that in my experience, that I've never been in a sense almost prouder to be in this group. Most of you do know that I co-chair the Santa Fe River Traditional Communities Collaborative which has taken the leadership role in terms of the coalition.

The coalition, the water knowledge contained in this group, and I'm just thinking of water issues for Santa Fe County, is absolutely incredible. I think as you see the letter that we sent you that's in your packet certainly gave you a clear understanding of who is involved. It's traditional acequia associations, it's mutual domestics, it's village associations. It's the environmentalists, and then we have other government agencies that are supporting this, like the Santa Fe-Pojoaque Soil and Water Conservation District.

But one of the things we're truly trying to do, and I know this sounds idealistic, but we really feel that this may be an opportunity to do this, is we seek a new way for government to work with communities that builds bonds and trust, avoiding lengthy and costly legal processes, and believe me, we've been in them. I go back to the days of the Santa Fe Canyon Ranch where we ended up with eight hours of facilitated mediation with the developers with really no clear ability to come to any kind of compromise or agreement.

And the amount of money that goes into some of these things. I can talk about the Santa Fe Canyon Ranch again and we had the El Guicu Ditch Association basically fund to the tune of between \$25,000 and \$30,000 to deal with the water rights that they had proposed to use.

And in a second, I know we have to come up individually, and I want to point out that Darren Munzberg, who is the person from La Bajada who is the mutual domestic, village association, as well as the acequia representative. And then Roger Taylor who is also here. He is a board member of the Santa Fe Basin Water Association. And in a minute I'm going to ask Darren to come up and talk about water quality issue because he is without question our resident expert in terms of water quality and established federal processes that would allow us to participate in a way that would really make a difference in terms of water quality.

I think we all recognize there are issues and problems with the wastewater treatment plant. We read about them in the paper. We experience them personally out our way, and it's absolutely something that we need to address. But I want to address the wetlands, and this is the Santa Fe Preserve. I'll do this quickly. And I would like to share letters. Is that okay to do? I have a copy of the letter that was written in 2002 by Paige Grant, who was the head of the Santa Fe Watershed Association at the time, basically saying – this is 19 years ago – saying that we need to do a – that we have some problems. We need to work through this. We need to have a management plan for what they call the

Santa Fe Preserve or the artificial wetlands.

And then in 2008 the City actually came up with a management plan. It was revised in 2010 and never implemented. So if you look at us as a community, and we watched 19 years going by, and we watch as the wetlands – the description that City staff has used is they call it a nutrient sump. So no matter how clean you get the water that comes out of that treatment plant by the time it goes through that wetlands it's just as dirty as it was to begin with. And so we have serious concerns about the contaminated water, contaminated soil, and if you've driven out there it's an absolute eyesore at this point. It's a fire hazard and a health hazard.

This is a personal opinion: I think there should be signs up saying Don't get in this water. We have Ed Siri who fell in the water a number of years ago and got extremely sick from it. So these are real things. So can I share this handout? Shall I just approach?

CHAIR ROYBAL: Yes, sir.

MR. DICKENS: But this is really an interesting letter because at the end of the first paragraph it says, But most of all in the perception of this observer there is indignation over the implementation of the river preserve project without any attempt to hear or respond to those concerns on the part of the local community. And that's where we've been for 19 years. And so this opportunity now to have the County Commission help us with this is something we deeply appreciate.

And some of the other things that I want to raise, one of the things that we've done through the Santa Fe River Traditional Communities Collaborative, we have Stacy Timmons, one of their geohydrologists they had at one of the programs making a presentation, and one of the things that has not been explored is the idea of return flow credits for the Santa Fe River, which is a challenge without question, but we think it's a challenge that should be taken on. The problem with the return flow credits for the Santa Fe River is that it becomes subterranean as it passes La Bajada. And so it becomes a challenge, but it is something that the bureau is looking into, would look into if they can get the funding, and certainly something we would like to encourage.

And I want to conclude with the Coalition knows the pueblos need to be involved in this process and encourages the Commission and the City Council to engage pueblos impacted by the City's proposed pipeline. And I'll stand for questions but I do want to bring Darren up to be able to speak to issues about water quality. So I'll stand for questions and I'll ask Darren to come up.

CHAIR ROYBAL: Do we have any questions from the Commission or would we like to hear from our next speaker? Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, thank you. Thank you, Carl, for being involved in this for many, many years and everybody else that's been involved with this for many years. You go back a while as into Paige Morgan, Katherine Yuhas, back in the days.

MR. DICKENS: Right.

COMMISSIONER GARCIA: Katherine is now in charge of the Bernalillo County Water Authority these days. The second time I can remember this County chamber filled is when Agua Fria is whenever they wanted to develop the golf courses, truck stop, where Las Lagunitas Subdivision is. And I think one of the key things that you

mentioned there is that the communication between the developer, Chuck Robinson, who actually purchased that property from an individual that wanted to create those golf courses and everything else that was planned there. And Chuck Robinson communicated with the community out there and he said, look, we will take away the golf courses, and they communicated. They actually got now the ditch association and any time there's a home built there they get so much money to put aside to upgrade the ditch and/or the water rights for that community.

I appreciate you guys creating this coalition because as we know we're moving forward to and what we're looking at in the future is something that is – according to government analysis is ideal. And however, as you mentioned, there are some challenges that that existing system has and more and more as we speak and communicate with individuals it's coming forward as into maybe the plan needs some upgrading of some sort. But thank you for coming forward and introducing yourself and the new coalition and as a coalition that is actually collaborating together and is moving forward and it's going to communicate and it's going to step out under our new leadership under the State Engineer's Office because it's taken a while to get it going. But appreciate you coming forward and we can all get together with –

MR. DICKENS: About Chuck Robinson, he became a true friend of the community. He really did. I would on occasion go out and have lunch with him because he really recognized – one of the things he did and it was at his own cost is connected the County water system. It was that kind of appreciation that made him a friend of our community. But thank you for your kind words, Rudy. Any other questions?

COMMISSIONER GARCIA: Mr. Chair, really quick again, we will be communicating, all of us, with your coalition and the coalition that's being established.

MR. DICKENS: Thank you.

COMMISSIONER GARCIA: You're on our radar screen. Thank you.

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

COMMISSIONER HANSEN: Thank you, Carl, for being here. Always good to see you.

MR. DICKENS: Good to see you too.

COMMISSIONER HANSEN: So where to start? The first thing I would like to suggest, and since I am a member of the City of Santa Fe's River Commission I think that it would be really correct place at the City start. And with that I would like to invite you to the River Commission and I will work with Zoe to schedule something. We only meet quarterly now but we have a really good group of people on that who have a lot of water experience, new people who have not been around for a long time and I think it would be really a valuable education for them to understand because they are really interested in the downstream water users after sitting on that commission for the last 5 ½ years I have plugged away at downstream water the entire time.

So I think for the City process to begin and to have some dialogue with them, I think that is the place for you to start. And then I don't think that there is anybody who would disagree with you about the Paseo Real Wastewater Plant and the amount of need that that facility needs. It is one of my suggestions to the Mayor is that he should apply for as much ARPA money as possible for that facility, because it is very serious.

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And I am concerned about the nutrient sump that you call that. It is – it appears as a wetland but whether it really is a wetland it's really cleaning the water a little more is always questionable and something that we really need to explore, because when you get down to Calle Debra, which is on the border of Commissioner Garcia's district and mine, it always concerns me to see the amount of water running over Calle Debra, even though I know the beavers love that little area right there and spend a tremendous amount of time there, Calle Debra is – I can see that when the river is really running those people on the other side of the river cannot get out.

Even the other day when the river was running in Agua Fria I was very grateful to see the firemen from Agua Fria come and close the gates at San Ysidro Crossing. And I can just imagine what it was like at Calle Debra if it was running that fast at San Ysidro.

So I think those are two of the things that I definitely wanted to mention. So I think that your letter and everything would be good to be sent to the River Commission, the City of Santa Fe River Commission so that the process can begin to have a dialogue over there, because I think that might be a good place to start.

MR. DICKENS: We were able to find the management plan they put together in 2010. It's a well written document, it was just never implemented. We will be happy to forward that to you as well to have that as a guide.

COMMISSIONER HANSEN: I appreciate that very much. And I wholeheartedly agree with you that pueblo engagement is something that is always valued and always needed and the Santa Fe River does end on Cochiti land and I do believe that Santo Domingo has some of it also running through their property or their land. So thank you for that, and thank you for your presentation.

MR. DICKENS: Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Are there any other questions or comments? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. Thank you for the very good presentation. I certainly agree that the community process you're calling for is absolutely what we need and I guess I just had one question. I know you've been talking with the City's water utilities staff, and are they amenable to the process you're asking for in your discussions?

MR. DICKENS: I'm not sure of the question.

COMMISSIONER HUGHES: Have you met with the City staff and do they agree to have such a process that you are proposing?

MR. DICKENS: We've had, I feel, some good conversations with the City water staff and I think there is an understanding. And I think part of that is when we formed the coalition all of a sudden they looked up and said, wait a second. It's not just the Santa Fe River Traditional Communities Collaborative. These are a whole lot of people. And I think that just helped them understand the importance of working with us and we've been pleasantly surprised – knock on wood – so far, and so we're hopeful that that will continue and we certainly will encourage it in any way we can to make that happen.

I think again we've got a group of folks that really understand the ability to compromise, understand that we're not going to get everything. It's not going to be a perfect solution but there are things that we can do to improve the quality of water in the

river and the quantity of that water in the river. I know it sounds silly but the springs in La Cienega are an important source of water for the Santa Fe River. And we can talk, and Rudy knows well about how depleted those springs are, and it's a combination of the proliferation of residential wells. It also – again this is one of those things you go, wait. Really? It's the Eldorado wells. There are four wells that are in the Ancha-Tesuque formation that impact our springs.

And so that's going to be part of an overall solution is to look at how we can get those springs back and what we can do to help protect those. But yes, I am pleasantly surprised and really hopeful of our working with the City and really making some meaningful changes in terms of the overall – we're in this kind of limbo because we're out in the county but the City makes all the decisions that impact us on a regular basis. And I think we're breaking through that now to a point where we can really have some serious communications and they're actually going to listen.

I've been in a meeting one time, Mayor Coss' office where he kind of got mad at us and says, I'm not the mayor of La Cienega, so like, too bad. And I've also listened to Marcos Martinez, one of their attorneys saying that they have no responsibility to release any water below the wastewater treatment plant. That attitude has changes. That attitude is different. And so we're very again hopeful that can be sustained and again, it's going to be you folks, the County Commission, who we think is going to play a pivotal role in making that happen.

COMMISSIONER HUGHES: Thank you. Yes, I think that we're expecting at some point sometime soon a draft agreement from the City which is a rewrite of the last draft agreement and I think we should look at that very carefully, make sure that it is going to get us the process that we need and I think we should not let the City rush us. They've taken plenty of time on their end and I think we should take whatever time we need on our end to make sure we get the agreement that we want. Thank you very much.

MR. DICKENS: Thank you. That's completely and totally something we support.

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

MR. DICKENS: I would like to have Darren come up to talk about water quality issues.

DARREN MUNZBERG: Good afternoon, Mr. Chair and Commissioners. I don't want to take up too much more time. I think Carl explained it quite well, but I would like to pass out two handouts just on the general framework for stakeholder driven litigation plan that we're talking about, which is the plan that's mentioned as being required in the joint City and County agreement for return flow credit pipeline from Paseo Real Treatment Plant back to the Rio Grande, and that's where water quality issues come in.

As much as water quality from that plant is an issue for the traditional communities of the lower Santa Fe River it's also going to be a concern for any water that's returned to the Rio Grande in exchange for return flow credits and appropriation of San Juan-Chama water. We have been told by the City that we have to start looking at this whole solution and this whole litigation plan in terms of the access of San Juan-

Chama water, and I think that's true.

I think we spent some time listening to the difference between paper water and wet water and pondering that, and as we look into acknowledging the climate emergency that we're in we have to start thinking about how long has that wet water really going to be there and whether the paper water really means anything at all.

In the meantime, I'm also noticing that the joint City-County agreement was based on a couple of assumptions. One, that out of seven feasibility options for reuse of water in the Santa Fe River Watershed, it was predicated on the fact that infrastructure at Paseo Real Wastewater Treatment Facility was decrepit or failing, or was at least insufficient, and so it wasn't able to support a feasible total reuse option for potable water or even some of the other options for sustainable flow throughout a living river that would allow us to benefit from well treated water and the reuse of it.

So without taking up too much more time, what we're talking about as that stakeholder driven process would be a pretty standardized environmental management system to be implemented maybe jointly by the City and County where the stakeholders are not necessarily showing up for public hearing or protest or public comment but are involved in a standardized plan. The standard that exists for many other wastewater treatment facilities in the country and the world is the ISO-14001, and that's an environmental management system model that carries across many different industries that have been promoted by the EPA since 1997 as being valuable for particularly municipalities and local governments and their wastewater treatment programs.

So I have two sheets, one a basic description, and two, a cost-benefit listing from the EPA and they will also give you a link where you can get far more information on the practicality and pragmatism of the program like this. I could stand here and give you – I would like to pass these out. I think I've made the point and I would answer any questions.

The point being again that this is not a radically new idea. It's a type of system that's being used across the country and I think it's the intent of the coalition to offer this as a possible solution that puts us in a proactive position in managing any impacts or water supply challenges that we face together, and especially the lower Santa Fe River Watershed. So thank you for the opportunity to speak to you this afternoon.

CHAIR ROYBAL: Thank you, sir. Thank you for being here and giving us all this information. Commissioner Garcia, did you have a question or a comment?

COMMISSIONER GARCIA: A comment.

CHAIR ROYBAL: A comment. Go ahead, sir.

COMMISSIONER GARCIA: Mr. Chair, just once again, the individuals out there, thank you for coming forward. We're not just talking about downstream users; we're actually talking about individuals from the community. There's a gentleman out there I didn't recognize. Mr. Roger Taylor. He's upstream, Galisteo area and thank you for being here, Roger. Appreciate that. As you can see, people that have all these three or four forks in this river that actually feeds the western part of the county. It's good to see everybody involved. Mr. J. J. Gonzales, actually, if you go on his property, beautiful piece of property. He's out there every morning at 7:00 in the morning and taking care of his agricultural lands. But all you individuals that create this collaboration, thank you. Please continue. You have the County Commission's ear and that's a good thing and let's

move forward and see what we need to do.

One other thing I wanted to mention – I forgot. Olivia is sitting in the audience there, actually reminding me about this is the State Engineer's Office is having meetings, seminars, now in the month of August, correct? In regards to the State Engineer's Office, their 50-year plan for water, planning throughout the state of New Mexico. And it is on the webpage, so if you look up State Engineer's Office and you go to the calendar or events it's definitely there. They have webinars. They're having meetings. So thank you, Olivia for reminding me about that. Appreciate that. And Mr. Chair, thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Okay. Seeing no other – or Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I want to also thank Carl and Darren and Roger and anybody else who's in the audience who came to talk about this because I do believe this is a very important topic that we really need to be in communication with the City and with the stakeholders and with the people downstream. So thank you for working on that.

CHAIR ROYBAL: Thank you, Commissioner Hansen and Commissioner Garcia. Absolutely. It's always great to hear from our constituents bringing these concerns forward so that the Commission can look at them. So thank you very much for being here.

**8. MATTERS FROM THE COUNTY MANAGER**  
**A. COVID-19 Updates**

MANAGER MILLER: Thank you, Mr. Chair, Commissioners. So the State of New Mexico and Santa Fe County are seeing increases daily in COVID-19 cases and testing has picked up in various locations around the county. Currently, the state is at a six-month high with positive cases and Christus St. Vincent's is reporting that six patients are hospitalized. Santa Fe County continues to do well though with vaccinations and currently has the fourth highest vaccination rate in New Mexico with 75.2 percent fully vaccinated.

Also, we've had an average between 713 and 726 out of 100,000 testing, 6.1 percent positive tests or a positivity rate of 2.87 percent, and that average of fully vaccinated then was 74.3 so we've moved up to 75.2 percent.

Also, in CONNECT our healthcare assistance navigators have assisted 12 new individuals this week and followed up with 43 others, and we have 3,432 self-initiated assistance requests.

We're continuing our vaccination events, our small venues in rural areas. We were at the fairgrounds and we will continue to go to the fairgrounds. I think we're going to try to be there a couple times a month, just to make it available, and also the Fire Department is planning to do a vaccination event with the Pojoaque School District. And also the Department of Health is now vaccinating high school students in Santa Fe County.

We had a plan for reopening our senior centers but we have held off on that because of the increased number of positive cases in Santa Fe as well as problems posed by the delta variant. Our community centers, however, are open for business as long as



individuals follow COVID protocols.

And then just a reminder, we did open La Sala. I know most of the Commissioners were able to make it, but both sides of La Sala, the recovery center is open and that has 10 clients, and New Mexico Solutions has recently hired a nurse-manager and will be getting its pharmacy license on Monday. So New Mexico Solutions is taking clients by referral from law enforcement, the hospital, first responders and clients referred through NAMI.

That's the COVID updates. Any questions on those?

CHAIR ROYBAL: I do have one question. We don't have dates yet when we'll start helping the collaborative effort with the vaccination for the high school.

MANAGER MILLER: No, Mr. Chair. I do not have those dates in front of me. I don't know if we have them yet, but I don't have them in front of me. But I can send those to you by text as soon as I have them.

CHAIR ROYBAL: Okay. Thank you, Manager Miller.

MANAGER MILLER: And then also we did put our mask policy for indoors back in place last week, and we are looking at a vaccination policy, trying to encourage all employees to be vaccinated or to test on a regular basis since the delta variant is so contagious and spreads so quickly. And we will send out notification of any of those policy changes as soon as they come forward.

Also, the City of Santa Fe did put in a vaccination policy similar to the state with either mandatory vaccination or frequent testing, and putting masks indoors on as well. So they put that policy back in place yesterday.

#### **8. C. Miscellaneous Updates**

MANAGER MILLER: Then just a couple other miscellaneous updates. I'll do those and then we'll have Penny – is Penny back yet? Okay. I'll go ahead and do the miscellaneous updates and then maybe – and the Board can decide if they'd like Robert to present. Penny had to step away for an appointment, so she was going to present some community overlay process for changes to the cannabis regulations and how we would work with the communities on that. But if she's not back then Robert could do that. This was just a presentation and opportunity to give you an update of how we're going to move through that process.

The other update I had is that we did have our County fair. It was open to the public on Wednesday, August 4<sup>th</sup> and went through the 8<sup>th</sup>. I don't know the number of attendees yet. We did have quite a bit of individuals who showed in the small animal and livestock shows and they were very well attended. Our indoor exhibits were also open to the public from Wednesday to Saturday. We had several County booths and the mobile vaccination van there, and the mobile vaccination van was there Wednesday, Friday and Saturday and had a good number of people who came and got vaccinated. So that was nice.

Also, I know that Commissioner Hamilton and Commissioner Hughes had a Santa Fe County nuclear transportation emergency response townhall. I had the opportunity to attend part of that or most of that. I had probably about 70 people. Clearly we needed a bigger room or more chairs. But there will be another community meeting tomorrow

night on the same subject that will be provided by the 285 All group, and the County will also be involved in further discussion on that subject.

Then we also – I just wanted to give you an update on what we did for implementing raises for our lowest paid workers. The Board of County Commissioners did approve in the FY 22 budget a dollar increase if an employee had an hourly rate less than \$14, and if it was between \$14.01 and \$14.99 then their hourly rate increased to \$15. And so we processed about 109 personnel actions to implement those. We had 25 in the elected officials departments, Public Safety had 22, Public Works had 39, and all the other departments had a total of ten. We estimated that there would be 109. It ended up being 96 and that was due to from the time we did the interim budget to the time we implemented all of them for this pay period. We had some attrition and some people who had also gotten promoted. So we're on track to hopefully by the end of this fiscal year, there beginning the next fiscal year, have all County employees at \$15 or more per hour.

So those were all of my updates. So I would stand for any questions on those and then if there aren't any I think Robert could at least give you what he and Penny worked on relative to the overlay process if you'd like to hear that.

CHAIR ROYBAL: Thank you, Manager Miller. Commissioner Garcia, did you have a comment or a question?

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Katherine. Appreciate the updates. I just wanted to bring up a few things, Mr. Chair, if you don't feel this is the right time, but the County fair actually turned out very, very well. We have a couple of things we need to work on out there for the County fair, but once again I was there for buyers day on Saturday or Friday? Friday. It was on Friday. Great event. I went there for a couple hours on Saturday. It was great to see all the kids there participating with their animals that they raised throughout the year, but it turned out really good.

One of the things I wanted to do is, Katherine, please thank Anna, thank you. Your staff. P.J., Gary, thank your staff, those individuals that are behind the scenes that are there throwing the trash that are there out there before everybody get up and putting it all together, getting the vendors out there, assisting the County Fair Board for the vendors. Thank you. Thank the staff for assisting with that. Please, please get that to them. Thank you.

In regards to the testing kits, we do have testing there. Once again, there was the vaccination shot command mobile van that was there and doing an excellent job. Do we have them at the County fair once or twice a week. Can we actually upgrade the sign that's located there at the entrance to the fair on Rodeo Road, because it looks like some little sign there that somebody made it. It would be great to actually put Santa Fe County vaccination here, because you pass by there, there's a sign there that doesn't really encourage that the County's actually offering it which is the government that's offering that. So Katherine, if you could please look at that. Thank you.

One of the things I just wanted to bring up – I understand the site is for Commissioner Moreno and I totally agree with that dedicating it to him. I just wanted to have a little moment of silence for one of our employees that actually passed away. He worked for the County for many, many years and if I may, if that's okay, Mr. Chair. Larry Narvaiz. Larry Narvaiz and I actually worked in several different areas for Santa Fe

County. He retired from the Housing Department, great guy. Cowboy guy. I actually respected Larry because no matter what his stance was or who he supported he was actually up front in how he did it and how he went about it and Larry was a good man and he had a lot of institutional knowledge within this organization. But just wanted to say that. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. And I believe we're still waiting for Penny but if she doesn't come soon then we'll go ahead and have Mr. Griego present. I appreciate your bringing up the County fair and I just want to apologize. Unfortunately I was out of town this weekend and actually had a hunt so I couldn't make it to the County fair but I did hear it was well represented and so I just want to thank Anna and everybody else that was involved in the fair. So if there's no other comments, Manager Miller, did you want us to continue with the item and have Mr. Griego present?

COMMISSIONER HANSEN: Mr. Chair, did you go to Commissioners' issues? Did I miss that?

CHAIR ROYBAL: No, ma'am. We haven't gone there yet.

COMMISSIONER HANSEN: I'm good.

CHAIR ROYBAL: We're still waiting on item number 8. B. I just thought since we had some time in between we'd go ahead and let comments go.

**8. B. Update on Community Overlay Process for Changes to Cannabis Regulations**

CHAIR ROYBAL: From the Growth Management Department we have Mr. Robert Griego.

ROBERT GRIEGO (Planning Manager): Good afternoon, Mr. Chair, Commissioners. This item is in response to the Board of County Commissioners ordinance which was passed on July 30<sup>th</sup> for amendments to the Sustainable Land Development Code to enact comprehensive countywide regulations for cannabis. The ordinance – the Board held a public hearing on July 30<sup>th</sup> and the public comments at the public hearing included comments from members of the public who desired outdoor growing to be allowed in more zoning districts than that had been proposed in the draft ordinance.

In response the Board made the outdoor growing of commercial cannabis a conditional use in Rural Fringe, Rural Residential, Residential Fringe and Traditional Community zoning districts and providing an option for community district overlay communities to update community district overlays to review and propose different cannabis regulations for their communities.

Part of this presentation is to provide some proposed direction to move forward. The ordinance indicates that – Section 10.22.10 of the ordinance states, Nothing in this section shall preclude different cannabis regulations from being adopted for community district overlays in ordinances adopted after the effective date of the cannabis Ordinance No. 2021-03. This provision ensures that communities are empowered to create their own cannabis regulations that reflect individual needs, goals and character.

So the memo that you have in your packet outlines a process for communities to

undertake a community overlay district or a proposed process for communities to undertake a community overlay district amendment process to address the cannabis regulations.

As was discussed at the previous public hearing on the cannabis ordinance there are 13 community district overlays in Santa Fe County, each of those overlays first established a community plan and identified uses that were appropriate in their communities. In 2015 the Board authorized a process for communities to update their community plans and to review the community district overlays to incorporate into the Sustainable Land Development Code as part of the Sustainable Land Development Code process.

So communities came together in an expedited manner to review the community plans and the community district overlay processes at that time. Each of those community plans, however, did not consider cannabis at that time because those uses had not been proposed – the Cannabis Act had not been created by the state and communities had no idea that this had come forward.

So the process in front of us today is for – the community district overlay establishes overlay zoning and what we are proposing here is a process for communities to create a – to review the cannabis regulations for their communities. As part of the process staff has put together a use matrix which identified the uses for each community that related to the cannabis ordinance, that information was provided to the Board as an amendment to the cannabis ordinance and it reflected each community district and identified the uses associated with the community district overlays.

Just for reference, for the Commissioners, each community district overlay has multiple zoning districts in it, so for instance, Los Cerrillos community district overlay has four different zoning districts within it. Some of those zoning districts relate specifically to the cannabis overlay and uses that may or may not be allowed as proposed by the County ordinance.

So what staff is proposing is setting up a specific process to create a clear and direct process for communities to review the ordinance with their community and for community planning committees to consider any proposed changes to the community district overlays. I will summarize some of the procedures that we are proposing to include as part of the framework, because I think one of the issues that we've had as we've developed community plans that again, there's a process that staff works with communities – there's a trust process that is an important part. So what we are proposing is a clear framework to establish the community district overlays.

The framework includes a requirement that interested potential community planning committee members meet with staff in a pre-application informational meeting so that they understand what the process might be, if they are interested in pursuing that. That they establish a representative planning committee to include residents, property owners, business owners, agricultural and other community stakeholders in accordance with Section 2.1.5 of the SLDC that they require open membership of the planning committee throughout the process in accordance with Section 2.1.5 of the SLDC.

Establishment of a defined consensus process – sometimes consensus is part of the community planning ordinance and what we want to do is create a specific process to identify what a consensus process looks like for communities. As we've developed

community plans over the years there have been points where communities are not able to reach consensus. What we want to do is have a clear, defined community consensus process for communities to follow and that would be part of the framework for initiating the process and that process be followed throughout.

Part of the process also includes that if consensus is not reached within a designated timeframe that the committee process would need to follow the same regulations as Santa Fe County. If the community is not able to come to some consensus on the agreement defined by the process that there would be – that the cannabis regulations in accordance with the existing ordinance would remain in effect and the community district overlays would not be amended.

We also recommend establishment of a timeframe for each community planning process and that each planning committee follow guidelines for the length of the process and number of meetings. For example, we may identify specific – set up a framework where we identify a specific number of committee meetings and outline what that process might look like, which I'll get to in just a moment.

And then we also would need to establish a process for prioritizing community planning committee process contingent on available County staff and resources. Currently we are working with a couple of committees including the La Bajada community to develop their community plan. We hope to get that plan completed in the short term and be able to work on the overlay regulations for La Bajada. We also work in the Tesuque to update their community plan and we are going through that process with them now. We also intend to bring the cannabis regulations forward as we're working with that community. And then we are also working with San Marcos to update their community district overlay and we will be bringing those forward as well.

Again, we also want to recognize that the Board did identify that all community district overlay will have the ability to update their community district overlays so we wanted to provide an update process for that to include the initiation. The SLDC does not have a specific process for updating of an overlay district for community planning committees. The process is Section 2.1.5 of the code, identifies a process for community plans and we are intending to bring some of those items forward for the community district overlay process. So that includes presenting a resolution to the Board to authorize a community planning committee and process to update their community district overlay to initiate a community process in accordance with the resolution to include notification to all property owners in the community district.

So the way that we do that is the initiation of the planning process after the Board has authorized a community planning process we then send out notification to all property owners within that community district to inform them of the process that is ongoing.

The next step would be for the community planning committee to develop cannabis regulations in accordance with a schedule outlined. And then after the committee has drafted – coordinated to develop the regulations with County staff then we would require a community-wide meeting to inform the entire community of the proposed regulations before it comes through a public hearing process for adoption.

So yes. Again, the proposed schedule would be again, that we have maybe possibly four committee meetings. The first meeting we would be discussing the

resolution, the SLDC framework, to discuss the consensus process with the committee and introduce the cannabis ordinance and the code framework for communities to have a clear understanding of what that is. Then again, we'd have the next couple of meetings, we'd be looking at both the proposed cannabis regulations in regard to any proposed changes to the existing ordinance and then proposed changes to that, and then the planning committee would reach consensus on that and then we'd go forward with the community planning meetings.

Each community planning process is a unique process but we do feel like we need a clear framework that both the community understands and that we will be able to implement in order to be successful in this process.

So this item is for informational purposes only and I stand for questions from the Board.

CHAIR ROYBAL: Thank you, Mr. Griego. Any questions from the Commission? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Robert. Thank you for taking the time in working on this in such an expedient manner. It's a lot to take in but I think that we have such diverse and unique community organizations that I think you've laid out a good plan of how to approach them and how to start the dialogue and make things work for them also. Will they be able to deny the use of growing in their communities? I believe the law said that denial was not possible but I don't remember the exact details of the state law.

MR. GRIEGO: I can refer to the County Attorney, but again, the section of the code I read earlier states that nothing in this section shall preclude different cannabis regulations from being adopting for community district overlays in ordinances adopted after this one. But I defer to the County Attorney on that question.

CHAIR ROYBAL: Mr. Griego, could you repeat that. I'm having a little bit of a hard time understanding. Sorry.

MR. GRIEGO: I'm sorry. Commissioner Hansen, your question was can communities prohibit cannabis regulations and I'd like to defer that to the County Attorney.

MR. SHAFFER: Mr. Chair, Commissioner, is the question could they prohibit a certain cannabis use entirely within a district? Is that the question?

COMMISSIONER HANSEN: Yes. That will work.

MR. SHAFFER: I think we would need to assess that in light of the overall County regulations, because if it's permitted somewhere in the county it's not prohibited.

COMMISSIONER HANSEN: Right.

MR. SHAFFER: It gets down to whether or not, I believe, the totality of the regulations are reasonable time, place and manner regulations, which are expressly allowed by the law. So it's a hard question to answer in the abstract. I think it depends specifically on what's being proposed in light of what is allowed countywide, if that makes sense.

COMMISSIONER HANSEN: Thank you, Mr. Shaffer, and yes, it does make sense. That just had been something I'd been thinking about. But in general, I think you've come up with a plan and I appreciate that every much. I think that is how we

move forward. So thank you, Robert, very much.

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

COMMISSIONER HAMILTON: Thank you. I also am impressed at the speed with which you've developed this. Very much appreciate it. Simple question: This focuses on communities that already have community overlay districts.

MR. GRIEGO: Mr. Chair Commissioner Hamilton, that's correct.

COMMISSIONER HAMILTON: So how would it apply or what would be the situation if some other community wants to develop an overlay district? They'd go through the traditional process and this would simply be incorporated into it?

MR. GRIEGO: Mr. Chair, Commissioner Hamilton, yes, that's a really good question. That's something that we've contemplated as well. Again, the provision in the ordinance as is stated now talks about community district overlays that exist at this time. I think that, again, we need to – I think part of the process and I may have neglected to mention, we will need to do significant public outreach as part of the process and inform communities and I think that specific question is going to be coming from community members. I don't know if we'll be able to create a process specifically for communities that don't have a community district overlay. That's something that maybe we can get back with you on. I don't know what that process might look like, but I think it's a real issue and a real need. I think there's a lot of discussion at the Board, at the public hearing with the adoption of the ordinance in regard to the traditional communities. We have 29 traditional communities in Santa Fe County. We've got 13 community district overlays. Of those 13 community district overlays there's nine traditional communities.

Traditional communities were established in the County code originally because they had systems in place. Again, they were communities that existed for over 100 years when they were created. And they have systems. They may have acequia systems and water systems and facilities and structures that make them a traditional community. So those traditional communities may have the infrastructure and they may have a desire to review the cannabis regulations for maybe outdoor growing, for instance.

But we currently do not have a process for new communities. Or again, this proposal does not address communities that do not have a community plan and an overlay, but that is an important issue.

CHAIR ROYBAL: Okay. Great. Thank you, Commissioner Hamilton. Any other questions? Thank you, Mr. Griego. Great presentation.

MR. GRIEGO: Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you for all your hard work.

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

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

CHAIR ROYBAL: These are non-action items. I'm going to go to

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Commissioner Hansen first.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I'll start with I had a very good meeting of Under the Trees at my last Coffee and Tea under the Trees at Reunity Resources. It was very well attended and many different questions and issues came up but a lot of them were to do with the river trail and everyone is happy that the river trail is going forward.

The other item is that I had mentioned that I had been appointed as a vice chair on the NACo Arts and Culture Committee but yesterday I found out that I will continue on the EELU leadership team. I have been appointed as a vice chair on the Energy Subcommittee which I am happy to serve on the I've also been very encourage by this time on the EELU of how much more progressive the body has become in the appointments of leadership on that body, and I'm grateful for that because I feel like with the climate emergency happening we really need national leadership from NACo pushing that forward.

And then I also had the opportunity through NACo to sit on a briefing from EPA on WOTUS. In short, it will be a two-part rule making. The first part will be to repeal and replace the Navigable Water Protection Rule with the pre-2015 definition, including the Supreme Court cases. The second rule making is crafting the new definitions. As we all know that's probably going to take a number of years. It was very nice to meet with our congresswoman, Theresa Leger Fernandez at the housing unit and for her to see one of the brand new housing units that we had completely refurbished, and she saw how important it was that the money that she had brought to the County to do roofs on our County housing facilities and how important it is.

And I think that's all I have, so thank you, Mr. Chair.

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

COMMISSIONER HUGHES: Thank you, Mr. Chair. Just a couple things. Manager Miller did mention the good turnout at the nuclear waste transportation townhall. Obviously, that's a very important issue to people who live along 285 and also other parts of the county. Not everybody there was from along 285. We had people from other parts of the county that are also affected and it was a good discussion and it will continue.

I also went to the County fair because I realize I hadn't been in many years and got to enjoy looking at the goats being judged and that was lots of fun, because they're very cute. And also it was nice to see the 4-H families presenting their animals.

And finally, I think we've all noticed the terrible air quality in Santa Fe that we've had over the last few days and I think that, along with the UN's report on climate change just makes me think that when we do get around to finishing our strategic plan we really need to – we've already prioritize the climate crisis but we may need to even look at how we can move more quickly on some of our projects in that regard. Just because it's affecting life here. It's affecting life everywhere. Thank you, Mr. Chair. That's all I have.

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

COMMISSIONER HAMILTON: Thank you, Mr. Chair. So more on the townhall, I really wanted to express my appreciation certainly to Commissioner Hughes

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for doing that. Since it was well attended there is obviously quite a bit of interest and we had some notable attendees, including the County Manager, who did get a round of applause, Senator Peter Wirth and Speaker Brian Egolf, representatives from Senator Heinrich's and Representative Leger Fernandez' office, which was very cool, and I wanted to in particular thank Assistant Chief Martin Vigil for his good presentation and answering of questions, and Cynthia Wheeler from 285 All for their support and sharing information.

And then moving right along, we had a Coffee with the Commish Saturday morning which was well attended and there was, in addition to the nuclear transportation issue and follow-up on that there was quite a bit of interest in getting community support for doing more fire-wise things, including chipper days. So the interest in that activity is clearly taking an uptake, and water issue, and even road issues, which is pretty typical.

And Commissioner Hughes mentioned the air quality issues, and I just wanted to mention, there are huge fires in California and some of our surrounding states. Last week we actually had two new fire starts. They are important. One of them certainly hit the state news in northern New Mexico. And then a smaller one out by where I live on the way to Las Vegas.

So as much rain as we're having and as much as that has improved our drought conditions, we still have drought conditions. If you're 24 hours out from a rainstorm fires start really easily. So I just want to encourage continued care on that as well. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I think Commissioner Garcia is gone. I just wanted to bring up that we'll be having another community meeting in my district on the 26<sup>th</sup> of August. We had a really good discussion in our last meeting where we talked primarily about internet, broadband and infrastructure, so I look forward to continuing that conversation on the 26<sup>th</sup>, and that will be at the El Rancho Community Center at 6:00 pm. Thank you.

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

CHAIR ROYBAL: I know we have our County Clerk, Ms. Katharine Clark.

KATHARINE CLARK (County Clerk): Thank you, Mr. Chair. First I would like to thank our County staff for putting on this County Fair. We had a booth out there and registered voters. This past week we went to the elections school. We have a goal of certifying all of our election staff to be 100 percent election certified by the Secretary of State, and we are just about at that goal.

And we are preparing for our elections, so as a reminder, August 24<sup>th</sup> is the date to declare candidacy. So if you're thinking about running for office, we're encouraging folks to make an appointment with all your paperwork to make the traffic flow a little easier in our office. You can email us at [clerk@santafecountynm.gov](mailto:clerk@santafecountynm.gov) to set up an appointment.

And then finally we had a summer intern who is a high school student and she

worked with us to create a contest for high school students, ages 14 to 18. It's going to be an I voted sticker contest. So instead of those standard I voted stickers we're going to have County staff vote – actually ranked choice voting – vote on Spanish and English I voted stickers. We're working with all of the county high schools, and anyone who lives or goes to school in Santa Fe County, ages 14 to 18 can send in a design. There is an online form but you can also email us again at [clerk@santafecountynm.gov](mailto:clerk@santafecountynm.gov) if you have questions or what to participate in our sticker contest. Thank you so much.

CHAIR ROYBAL: Thank you, Clerk Clark. We appreciate that. I did want to bring up your point about you saying being pro-active and getting out there to get that completed. Can you show the name of the summer intern that brought this forward.

CLERK CLARK: Okay. So she asked us to call her Isa, but her name is Isabella Tetreault Saez and she goes to, I believe, the School of Art and Design.

CHAIR ROYBAL: Okay. Awesome. And it's really refreshing and great to see these summer interns bringing things like this forward. So we really appreciate you sharing that with us.

CLERK CLARK: We were very happy to have her. I think the County had decided very last minute to have interns and we snapped her right up. She was very interested in design and so we wanted to incorporate her interest into something that she could develop as a project in the office.

CHAIR ROYBAL: Great.

CLERK CLARK: Thank you.

CHAIR ROYBAL: I think instead of going into executive session we'll just go ahead and start with our public hearings and get those out of the way. I know we do have people from the audience that are here today and it would be a little more efficient instead of having them wait.

## 11. PUBLIC HEARINGS

- A. **CASE # 21-5110 Fiasco Fine Wine, LLC Wholesaler Liquor License for Spirits, Beer, and Wine. Fiasco Fine Wine, LLC (D/B/A Fiasco Fine Wine), Applicant, Mark Rhodes, Agent, Request Approval of a Wholesaler Liquor License for Spirits, Beer, and Wine. The Property is Located at 20 Bisbee Court, and is Zoned as Employment Center (EC) within the PD-1 Community College District (CCD-EC), within Section 24, Township 16 North, Range 8 East [Exhibit 5: Boyle & Freudenheim Letter, 8/9/2021; Exhibit 6: Chronology of Events; Exhibit 7: Designation of Resident Agent]**

CHAIR ROYBAL: So our first public hearing is 11. A.

JOSE LARRAÑAGA (Case Manager): Thank you, Mr. Chair. The Applicant is requesting a Spirits, Beer, and Wine Wholesaler Liquor License. The current business has been operating for over 16 years at this location under several different owners. Mr. George Vanderman purchased Fiasco Fine Wine from Mr. Greg G. Lindberg, who relinquished his interest in Fiasco Fine Wine due to circumstances outlined in Exhibit 1 of this report. Due to the fact that a New Mexico wholesaler liquor license is non-transferable per NMSA §60-6A-19, Mr. Vanderman is requesting a

Wholesaler Liquor License to operate Fiasco Fine Wine at this location. No alcohol will be served on premises.

The zoning for this property is regulated by Ordinance No. 2016-9, the Sustainable Land Development Code, Chapter 8, Section 8.10.3, Planned District Santa Fe Community College District. The site is zoned as Employment Center within the PD-1 Community College District. Table 8.44 illustrates the uses allowed within the above-mentioned zoning district subject to all other applicable standards of the SLDC.

The CCD Use Table identifies the following uses as permitted uses within the Employment Center subzone: warehouse or storage facility; wholesale trade durable goods; wholesale trade non-durable goods; refrigerated warehouse or cold storage; and beer, wine, and liquor store with no off-premises consumption of alcohol.

The State Alcoholic Beverage Control Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. The Liquor Control Act requires the Board of County Commissioners to conduct a public hearing on the request to grant a Spirits, Beer, and Wine Wholesaler Liquor License at this location. In accordance with the Liquor Control Act, the BCC may disapprove the issuance of the license if: the location is within an area where the sale of alcoholic beverages is prohibited by state law; the issuance would be in violation of a zoning or other ordinance; or the issuance would be detrimental to the public health, safety or morals of the residents of the local option district.

Growth Management staff has reviewed this request for compliance with pertinent Code requirements and finds the following facts to support this submittal: CCD Use Table 8.44 allows the requested use; the Applicant has met the State of New Mexico requirements for noticing; the site is 0.2 miles from the nearest church and 3.8 miles from the nearest school.

Staff recommendation: Approval of a Spirits, Beer, and Wine Wholesaler Liquor License to be located at 20 Bisbee Court. Mr. Chair, also Vicki passed out some documents. The first one on top was from Gary Boyle on behalf of Thomas Wolinski and the other two items came from Mark Rhodes on behalf of Fiasco Fine Wine. And the applicant, Mr. Rhodes is here to answer any questions on those documents. And I stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Larrañaga. Do we have any questions? I think we'd like to hear from the applicant first and then we'll go ahead and ask questions. Thank you, sir. If you can state your name for the record and I believe you need to be sworn in.

MARK RHODES: My name is Mark Rhodes. I'm an attorney who has been retained by Fiasco Fine Wine, LLC. If you allow me I'll give you a little background.

CHAIR ROYBAL: Please proceed, sir.

MR. RHODES: As Mr. Larrañaga correctly stated this has been operated at the location it's at right now for about 16 years. In December of 2016 Mr. Wolinski, who was then the owner of Fiasco Fine Wines, Inc. sold the assets individually along with Fiasco Fine Wine, Inc. to Fiasco Fine Wines, LLC. Fiasco Fine Wine, LLC was indirectly owned completely by a gentleman named Greg Lindberg. And since Mr. Lindberg is in fact the elephant in the room I'm going to

just address it head-on. Mr. Lindberg was convicted in North Carolina of a felony. Under New Mexico law, a felon cannot hold a New Mexico liquor license. Therefore Mr. Lindberg, after exhausting his post-verdict arguments, relinquished his interest to Mr. Vanderman. Mr. Vanderman cannot transfer a license and the department wants no transfers because they don't want to have a situation where the convicted felon basically transfers the license and then at one point in the future steps back in.

So what happened here is what is required. Mr. Vanderman must come in and get a brand new liquor license. So you have an operation that's been there, is still there, is operating as we speak today. And we've gone through all of the steps and again, I will bring up a second elephant in the room. There's been allegations about the difference in opinion on the floor plan. And it's not an opinion. What happened factually is that on December 16<sup>th</sup> when Mr. Wolinski entered into his asset purchase agreement he also signed a document – well, Mr. Lindberg actually signed it, appointing him as his agent, because Mr. Wolinski was going to stay on as the president of his own company.

Once that was signed it was then accepted by Mr. Wolinski on January 6, 2017. The reason that date becomes important is that on that very date Mr. Wolinski submitted an application on behalf of Fiasco Fine Wine, LLC with Alcohol and Gaming. When the application was submitted as is the practice with Alcohol and Gaming, now called ABC, Alcohol Beverage Control, they date-stamped every page. So what you have is a date-stamp of the application. You have a date stamp of the designation and resident agent would be Mr. Wolinski, you have a date stamp of the floor plan. The floor plan was a 10,000 square foot floor plan which showed the entire area of the warehouse, which is still the entire area of the warehouse.

What happened subsequently, however, was that Mr. Wolinski formed two competing entities while he was president of Fiasco Fine Wine and I didn't want to get too deep into the weeds in terms of the litigation that is pending between these parties. Long story short is that Mr. Wolinski's business – he owned half of Wayward Son – Mr. Wolinski has his fingers in many pies. He is one of the landlords on the building they're renting. He was the president of Fiasco Fine Wine, LLC, the applicant here today, although through a different ownership. He was a 50 percent owner of Wayward son which is the auxiliary company.

He carved out the southwest corner of the approved floor plan premises. What I did was I gave you, one, a synopsis which I tried to make simple, and two, some key pages that were date-stamped, including the floor plan. The problem that evolved in the course of this case is that when I applied on behalf of Mr. Vanderman and his new ownership of Fiasco Fine Wine, I submitted the only approved floor plan that was in existence, and it was a 10,000 square foot floor plan. That is date-stamped, approved by the department.

In the course of this proceeding, and I had the pleasure of meeting Mr. Larrañaga. I say pleasure because this was not a generic sort of we just rubber stand this kind of situation. We had to walk through this because the County had been – without their knowledge, sort of drawn into this problem on the floor plan, and I

say that because to construct Wayward Sons' space they had to get permits from Santa Fe County. So when we arrived, and when I had the opportunity to meet Mr. Larrañaga, Mr. Larrañaga said, what we have is assume a 10,000 square foot and essentially a rat has eaten the southwest corner out. The rat being 664 square feet of Wayward Son.

And he said, well, we've got inconsistencies here. I'm in a sort of difficult position from a legal standpoint because I've been asked through Mr. Boyle to concede, stipulate, to the floor plan that has Wayward Son's rat plant. I can't do that. I, however, also understand that I am not going to put the County in the position where they have to make a decision on this. My client will accept the floor plan without stipulating that it's accurate, because to not do so puts the County in the position where they've issued a building permit inside of a space that is supposed to be the operating space for Fiasco Fine Wine, LLC. That's an unconscionable position for the County.

We simply want to continue operations with Mr. Vanderman. We're not looking to sort of roll back the time, and we can't do it. And how did this happen? It certainly didn't happen because anyone within the County's Planning Department was asleep. The only way I found it is I did a public records request on all of the applications on this and did an overlay. Because when you look at what was submitted to the County, you see a 664 square foot place. Now how in the world did Mr. Wolinski get that through Alcohol and Gaming?

It's real simple. He was one of the owners of the landlord. So he gave himself through Kimo Sabe, which is the owner of the entity that owns the building a lease saying Wayward Son rented 664 or some approximate amount of square footage at 20 Bisbee Court, called it Unit D, and Alcohol and Gaming, much like I assume, and I don't know, because I wasn't around when Mr. Larrañaga looked at it and said, Okay, it's Unit D at 20 Bisbee Court. We're all good.

So there's how we got to where we are. That's the second elephant in the room. Now having said all that, as I said, I'm not going to renege on what I said, it's not the County's problem. I won't make it the County's problem. If the County moves to move forward and say we're going to accept the floor plan with what I will call a rat bite in the southwest corner, so be it. We get to continue our business. And that is essential. Because we've been there for a long time. We pay a lot of money to buy it and there's a lot of employees in the county that work there.

I hope that didn't more confuse things more than it clarified them but I'd be happy to stand for any questions that anyone has. And by the way, I appreciate the indulgence. And while I'm – before the questions come I really would like to thank Mr. Larrañaga. He's a great representative of the County. This was not an easy thing to work through.

CHAIR ROYBAL: Okay, sir. Thank you for your comments. I'm going to go to Commissioner Garcia. Are there any other Commissioners that have questions or comments? Then I'll go to Commissioner Hughes.

COMMISSIONER GARCIA: Mr. Chair, I'm ready to make a motion but – thank you, Mr. Chair. Thank you, Mr. Rhodes. Good to see.

MR. RHODES: It's nice seeing you as well.

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COMMISSIONER GARCIA: Very good civil arguments as you brought forward and you actually did study this and brought this forward, and fortunately, I'm not the gentlemen or the lady up there with the black robe. But very good job and I'm sure our staff actually did check with our Legal Department to make sure that this civil stuff stays out of what the request is for today. If there's no questions, Mr. Chair, I'd like to make a motion for approval based off of staff's recommendations.

CHAIR ROYBAL: Okay. We're going to go to Commissioner Hughes. I believe this is Commissioner Hughes' district. I'll defer to Manager Miller.

MANAGER MILLER: Mr. Chair, this is a public hearing so we do have the have the public.

CHAIR ROYBAL: Public hearing first. So I'm going to go to Commissioner Hughes.

COMMISSIONER HUGHES: Yes. This is all – I did look at what was in the packet but this is some new stuff and I'm having a little trouble following what the controversy is. First of all, who is the person who has the felony that can't have a liquor license? Which one of the people you've talked about, what's the name of the person?

MR. RHODES: Is that a question directed to me, sir?

COMMISSIONER HUGHES: That was a question directed to you, yes.

MR. RHODES: If the question is who is the individual who is now owner of Fiasco Fine Wine, it's George Vanderman.

COMMISSIONER HUGHES: And is he the person who has the felony?

MR. RHODES: No. That is Greg Lindberg.

COMMISSIONER HUGHES: Okay. How is Mr. Lindberg involved in anything we're talking about today?

MR. RHODES: He is not. He has specifically relinquished his interest 100 percent. And that was provided to ABC along with the application. Or maybe not with the application but it was provided contemporaneously with the application. Mr. Lindberg has no interest, has relinquished 100 percent. I have a letter with me wherein Mr. Lindberg relinquishes his interest in Fiasco Fine Wine 100 percent.

COMMISSIONER HUGHES: Okay. And then it seems like there was an approval from the alcohol department for a 10,000 square foot space, but it's actually not a 10,000 square foot space because of this little piece that's been cut out. Is that right?

MR. RHODES: That's correct. It's now 9,336. And so that I have a complete disclosure in the event that Mr. Wolinski is watching, or his attorney. Mr. Wolinski has today, I understand, or yesterday, submitted a letter attaching what he says is an addendum to the lease wherein my client allegedly consented virtually. However, here's what the signature page shows in the event that you have that addendum. It shows that Fiasco Fine Wine is signed off by Mr. Wolinski and his

general manager, and the date is March 2, 2021. The significance is that Mr. Wolinski as was the general manager was no longer working after June of 2020. So nine months later.

Now the other sort of interesting twist is that the landlord who signed off on this alleged addendum to the lease is also signed by Mr. Wolinski, because he is an owner of Kimo Sabe. So it's an addendum signed by an individual who is no longer an employee or officer of the tenant and is approved by Mr. Wolinski in his capacity as an owner of the landlord. I can unequivocally state for the record that I have talked to my client. At no time did they approve an addendum. I would not have submitted what did in terms of the floor plan if there was an existing addendum.

COMMISSIONER HUGHES: Okay. So could you summarize real quickly what we're being asked to do today and how that fixes something?

MR. RHODES: What you're being asked to do is approve Fiasco Fine Wine, LLC's new wholesale liquor license application with the owner being George Vanderman and as an officer of the court I can assure you that before I file the application I'm the one who required Mr. Lindberg to put in writing that he 100 percent relinquished his interest in Fiasco Fine Wine.

COMMISSIONER HUGHES: Okay. And so the reason we need to approve a new application is because of the withdrawal of the person who has the felony?

MR. RHODES: Yes and no. And I don't mean to sound like a lawyer there. You have to apply for a new license. There is no ability to transfer a New Mexico wholesaler license. A restaurant license, wholesale license, as a rule of thumb if you don't mind telling you, if they're free you must apply for a new one every time you want one. If someone wants to transfer a restaurant license they can't do that either. If someone wants to transfer a wholesale license they can't do that. If someone wants to transfer a brewery license they can't do that either. Any license that the State allows you to apply for free is non-transferable. That may change but that's the way it sits now. So specific answer to your specific question, in order to continue operating the business where it's operated for 16 years, we need approval of the new license.

COMMISSIONER HUGHES: Okay. Sorry to make you go over everything you said before but I'm trying to get this clear in my head. Is the State going to have any problem with the fact that the space is instead of 10,000 square feet it's 9,000-some square feet now?

MR. RHODES: I'm glad you asked me that because, no, they're not. And the reason I know that is because Mr. Wolinski appeared specifically at the State preliminary hearing, made the same argument there and I believe you can assume by virtue of the fact that the State granted preliminary hearing or it wouldn't be here. They granted preliminary approval, and I provided them all the information that I have talked about today to ABC so they know how this arose. And the answer to you specific question is no, they're not.

COMMISSIONER HUGHES: Okay. I think that answers all my questions.

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CHAIR ROYBAL: Okay. Thank you, Commissioner Hughes.  
Commissioner Hansen, did you have any questions?

COMMISSIONER HANSEN: I'll wait until after the public hearing.

CHAIR ROYBAL: Commissioner Hamilton, will you wait as well?  
Okay. So I just want to remind the Commissioners that this is in District 5 so I'd like for Commissioner Hughes to go first to answer questions after public comments if there are any concerns. Okay, so next we're going to on to public hearing. Is there anybody from the public that would like to speak in favor or against this license? Tessa Jo, do we have anybody on line?

MS. MASCARENAS: Mr. Chair, we do not have anyone signed up.

CHAIR ROYBAL: Okay. Once again, is there anybody from the public –

MS. MASCARENAS: Excuse me. We do not have anyone who is signed up.

CHAIR ROYBAL: Okay. Thank you, Tessa Jo. Once again, do we have anybody from the public that would like to speak for or against this license that's being applied for? Okay, hearing none I'm going to close public comment and I'll go to Commissioner Hansen and then we'll go to Commissioner Hughes.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So my only question is is there any liability to the County if we pass this liquor license? I guess I'm directing that to Greg.

MR. SHAFFER: Mr. Chair, Commissioner Hansen, I believe the question is would the County face any liability, third-party claims against the County for approval of the license. If that's the question I can't readily think of any claim that could be brought against the County. Under the statute, as I understand it the preliminary approval by the State means that the applicant has made what the law says is a prima facie showing is that they're entitled to the license. So if the County, Board of County Commissioners is going to deny it that means that you have to have substantial evidence in the record that doing so would be contrary to the public health. I'm paraphrasing; I don't have that in front of me, but public health, morals and safety.

So that's the issue before you is do you have evidence in the record that shows that if you approve it it would be injurious to the public health, morals or safety. And if you conclude that there is no such evidence then you should approve the application. If you do so, then again I can't see any liability from that factual determination if you make it. I hope that answers your question.

COMMISSIONER HANSEN: Thank you, Mr. Shaffer. It does.

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

COMMISSIONER HUGHES: Did Commissioner Hamilton have a question?

COMMISSIONER HAMILTON: I have one small question.

COMMISSIONER HUGHES: Go ahead.

COMMISSIONER HAMILTON: I gather that all the information that was provided on the internal space dispute was provided to us sort of as a



disclosure so we didn't think that it was withheld, but that seems that that's an internal dispute and not really relevant to this application. Is that a good assumption? Who wants to answer that?

MR. SHAFFER: If I could, Mr. Chair, Commissioner Hamilton, I think it would be for the Board to decide whether or not that is relevant. What I understood the representative for the applicant to be saying, though I think you would be wise to confirm this with him, is that even if they lost that dispute as to the square footage so that their space to operate was reduced by the 600 square feet and change, if I got the facts generally right, that would not be material to their operations, that they would still be able to conduct their business as a wholesale licensee in the reduced space. That's what I understood. But if you could confirm that I think that would be helpful to the Board.

MR. RHODES: I thoroughly enjoy your County Attorney because his assessment and his analysis of the law is right on, and I've been doing this for 35 years. And his analysis or statement is exactly correct. I presented what I did because I was concerned that the statement presented by Mr. Wolinski through his attorney would muddy the waters and I wanted the County Commissioners to have an explanation. That's it. I agree completely with the County Attorney that independent – first of all, there should be no discussion about floor plans at the local option, which is you all, because that is one of the elements that is decided at the preliminary hearing. If you get preliminary approval the discussion about the adequacy of the floor plan and as in this particular case the irregularities of the floor plan were expressly discussed with ABC before they granted preliminary approval.

Having said that I learned a long time ago that there is no real ability to tell the local option district they can't do anything. You all will do exactly what you want. I provided you the courtesy of seeing what our response was to the floor plan issue and I agree completely with your County Attorney that I do not believe that even if you were to assume everything that was stated by Mr. Wolinski that it in any way, shape or form it presents testimony that the application and the approval of the application would be a detriment to the health, safety and morals of Santa Fe County.

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

COMMISSIONER HUGHES: I'll go ahead and make the motion that we approve the request for a wholesale liquor license by Fiasco Fine Wine, LLC.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hughes and a second from Commissioner Hansen. Under discussion. Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: I'm a little confused. Mr. Rhodes, in elementary terms, can you explain this to me? We have 10,000 square feet. 600 feet of this is questionable right now, right?

MR. RHODES: If you don't mind I'll give you the short history and

explanation.

COMMISSIONER GARCIA: No. We're talking about the 10,000 square feet minus the 600.

MR. RHODES: 664. Correct.

COMMISSIONER GARCIA: So I think that the local government – this is exactly what we look at for floor plans, because this is why the Alcohol and Gaming, in my opinion – sorry, Mr. Shaffer – but in my opinion, we look at [inaudible] sites, setbacks, how many cars, vehicles, health and safety, welfare, so if we have two different versions of this one building, and there's some sort of challenge, whatever's happening in between you guys, that we – so you admit that if you don't get that approved by the courts – correct me if I'm wrong, Greg, if I heard this right – is that your client has no use for that facility. Is that correct?

MR. RHODES: Again, that's a yes and no and I'm not trying to be cute. The area that is the 664 feet that is now the floor plan for Wayward Sons Distillery is physically separated from the rest. It's not like a floating 600 square feet. It is physically in the southwest corner. Before I came here, it's an old practice of mine, I always go to the site so I'm not in a position where you all live here and I don't know, so I inspected it today. It's physically separate. So what is going to happen is is that Alcohol and Gaming, should the Commission approve this, will tell us, regardless of what the approve floor plan, that the actual area that we can operate it in, because we can't push into Wayward Sons, nor I can tell you as a representative of the applicant, we're not interested in pushing into Wayward Son's space. We will end up in 9,336 square feet.

Now, in my mind the unasked question is well, why didn't you stipulate to that? Because Mr. Wolinski and Fiasco Fine Wines are in litigation. I do not want to make a statement that stipulates. Having said that, the reality is that's where we're going to operate: in 9,336 square feet. I don't know again if that clarified or confused.

COMMISSIONER GARCIA: Mr. Chair, Mr. Shaffer or Ms. Miller, if you could help me with this. I'm just a little bit confused as into the whole floor plan stuff. Whenever a brewery or a liquor store or some sort of project or proposal that Alcohol and Gaming is actually requesting the local government entity to approve, it, which they're asking us to look at the floor plan. In my opinion on this – I'm still a little confused as into we're going to have two liquor licenses in there.

MR. RHODES: Right now you have two liquor licenses in there, and you have since Wayward Son was approved in I believe it was 2018. But if you don't mind, I can clarify this to some extent. A local option district is never called upon to revisit issues that got preliminary approval. In other words, you don't have to visit fingerprints. You don't have to visit distances. You don't have to revisit whether there's a valid lease. You don't have to revisit floor plans. All of that is reviewed at the state level.

I meant the compliment I paid to your County Attorney because I've been doing this a long time. Not everyone does, quite frankly understand. What the presumption is under New Mexico law is that once the state has reviewed it and granted preliminary approval there is a presumption that the applicant is in fact

entitled to get the license. That presumption can be defeated based on personal, first hand testimony that is supposed to be specific to health, safety and morals. It would be unjustified to shift the burden on the local option district to completely do a *de novo* review of the entire application and that was not the intention but more fundamentally is not the law.

COMMISSIONER GARCIA: Okay.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: So, Commissioner Garcia, I think, if I understand this correctly, what happened and where the misunderstanding lies is in the beginning. This 10,000 square foot drawing was given to the state and then the other drawing was also designed and laid out with the cut-out, and that is what the dilemma, but that has nothing to do with us.

MR. RHODES: That is accurate in the context of what you're doing today and it's accurate overall, because, again, the local option district should never be placed in the position they have to review every element of the application. It's suppose to be – you should be able to rely and under New Mexico law, you can rely on the state, because there's a presumption, once they gave preliminary approval, which is the springboard before it even comes here, that they have reviewed the application and that the legal components required of the applicant and the premises meet muster.

And you are very close to being right on the money. I'll tell you how it happened, because it took me a while to figure out what happened. What happened is is that the original lease was relatively simple. It was like basically think of a rectangle of 10,000 square feet. It was simple. They submit they thing to Alcohol and Gaming. Alcohol and Gaming approves. What then happened is that Wayward Son wanted to build something within that 10,000 square feet. They did not submit a drawing with 10,000 square feet and show a 664 square foot. They submitted to the County a drawing that only showed the 664 square foot, plus a supporting lease. Now, they got the lease because Mr. Wolinski owned the building.

So what's the County supposed to do? We're not going to accept this? To look beyond the document that qualifies under ordinances for a construction permit, and ultimately, when they get the construction permit, they go to Alcohol and Gaming, do exactly the same thing, do not show that it's a carve out of an existing floor plant but rather show the 664 square feet. And Alcohol and Gaming does, in my opinion – I wasn't there – does exactly the same thing as the County Planning folks do. They say, well, we see the lease, we see the permission. There's permission from the owner of the building to build this. Why should we question it?

CHAIR ROYBAL: Okay. Thank you, sir. Mr. Larrañaga, I think Commissioner Hamilton has a question for you.

COMMISSIONER HAMILTON: Well, I think the questions on the square footage are pretty well answered but yesterday there was a letter sent to you from lawyers for Mr. Wolinski that mention a lawsuit. Do you have reason to think this is a concern relevant to our decision here, which otherwise seems pretty

simple?

MR. LARRAÑAGA: Mr. Chair, Commissioner Hamilton, yes, I received that letter. We read it, and we shared it with Penny and Greg. Also, today Mr. Wolinski emailed me with other questions, he and his attorney were planning to attend here to argue their point, and then right before I walked over here he emailed me again. I had emailed him the site plan that is Exhibit 4 in your packet material. He told me that that was a correct site plan. That's what the structure looks like, the interior of the structure looks like now. So he was in agreement that the site plan was correct for the purposes of this hearing, and that's what we're going to send over to ABC also. As soon as I get this, if this gets approved, I will get the preliminary approvals from the ABC signed by Vicki or Penny and I will create – we'll put the notice. I will put the site plan, pretty much everything that's in your packet will go back to ABC so they could finish their process with the license. So they will see that we, as an exhibit, this floor plan was viewed by the BCC.

COMMISSIONER HAMILTON: Okay. Great. Thanks, Jose.

CHAIR ROYBAL: Thank you, Mr. Larrañaga. And I think we have probably asked the question from every angle, so we have a motion and a second.

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

MR. RHODES: Thank you very much. I appreciate all your efforts and good questions.

11. B. CASE # 21-5100 Mesa Vista Development LLC. Mesa Vista Development LLC (Charles Goodman) **TABLED**

10. **MATTERS FROM THE COUNTY ATTORNEY**

- A. **Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in 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. **Real Property Interests for County Convenience Center**
  2. **Discussion of Easement Agreement No. 2022-0015-PW Between**

**Santa Fe County and the City of Santa Fe for Photovoltaic Facilities**

- 3. Rights-of-Way for County-Maintained Roads Within Exterior Boundaries of Pueblos**
- 4. In Re: National Prescription Opiate Litigation, U.S. District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-md-2804**
- 5. Collective Bargaining Negotiations with AFSCME 1413-M**

CHAIR ROYBAL: So we're going to entertain a motion to go into Matters from the County Attorney. Attorney Shaffer, can you give us a summarization of what we're going into executive session for?

MR. SHAFFER: Mr. Chair, Mr. Chair, Commissioners. Executive session is needed for the 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), 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 the following specific items: one, real property interests for county convenience center; two, discussion of easement agreement No. 2022-0015-PW Between Santa Fe County and the City of Santa Fe for photovoltaic facilities; three, rights-of-way for County maintained roads within exterior boundaries of pueblos; four, in re: national prescription opiate litigation, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-MD-2804; and five, collective bargaining negotiations with AFSCME 1413-M.

CHAIR ROYBAL: Thank you, Attorney Shaffer for that summarization. Can I get a motion to go into executive session?

COMMISSIONER HANSEN: So moved.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen and a second from Commissioner Hughes. Madam Clerk, can we get a roll call?

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

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

[The Commission met in executive session from 6:25 to 7:55.]

CHAIR ROYBAL: Okay, Commissioners. We're coming out of executive session. Can I go to Commissioner Hamilton for a motion?

COMMISSIONER HAMILTON: Yes, Mr. Chair, I'd like to move that we come out of executive session and assure that the only things that were discussed in executive session were those things that were listed by Attorney Shaffer in the motion to go in and no decisions were made.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hamilton. Do I hear a second?

COMMISSIONER HANSEN: Second.

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

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

**10. B. Request Approval of Easement Agreement No. 2022-0015-PW Between Santa Fe County and the City of Santa Fe for Photovoltaic Facilities**

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

COMMISSIONER HANSEN: I move to approve the easement agreement No. 2022-0015-PW contingent upon City Council approval of FSC agreement No. 2021-0141-PW-TVR, which provides an easement to the County for the Santa Fe River Greenway and other purposes on terms acceptable to the County Manager. The County Manager will inform the County Clerk when this contingency has been met, at which time the County Clerk may obtain the Chair's signature and record easement agreement No. 2022-0015-PW.

COMMISSIONER HUGHES: Second.

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

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

**10. C. Request Approval of the Agreement Between the American Federation of State, County, and Municipal Employees (AFSCME), New Mexico Council 18 (Referring to the Bargaining Unit Known as Local 1413-M) August 10, 2021 to August 1, 2025**

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the agreement between the American Federation of State, County, and Municipal Employees, New Mexico Council 18.

CHAIR ROYBAL: I'll second. Under discussion, I believe that we may have somebody from the AFSCME 1415-M online that would like to address the Commission. Tessa Jo is there somebody online or on the phone? A representative from the AFSCME 1413-M that would like to address the Commission? You can unmute yourself, or if you're a call-in you can hit star 6. I was under the impression we may have had somebody who wanted to address the Commission in regards to this.

MARY ROMERO (Public Safety-appearing virtually): Hello. This is

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Mary Romero. Okay, Mr. Chair. Thank you for your time. So I am currently working at the Santa Fe County Adult Facility and I'm a member of the AFSCME 1413-M and I'm also the vice president for this local. Our negotiation team and membership supports the proposal being presented. The medical department is essential to the function and safety in our facility, and there is a high demand for nurses and medical staff everywhere. With the proposal that was agreed upon in negotiations we can not only bring in more much needed nurses but we can retain the nurses that are vested in the County and the facility.

CHAIR ROYBAL: Okay. Thank you, Vice President Romero. Thank you for those comments. Under discussion, are there any other comments from Commissioners. I just want to thank staff for working on these negotiations and also the union members that actually – the union board members, I should say, that worked with the County on coming to these agreements, so I just want to thank you all. With that being said we had a motion from Commissioner Hansen and second from Commissioner Roybal.

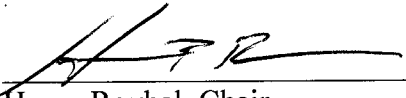
**The motion passed by unanimous [5-0] voice vote.**


**12. CONCLUDING BUSINESS**

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

Upon motion by Commissioner Hamilton and second by Commissioner Hughes, and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 8:00 p.m.


Approved by:

  
Henry Roybal, Chair  
Board of County Commissioners

ATTEST TO  
  
KATHARINE E. CLARK  
SANTA FE COUNTY CLERK



Respectfully submitted:

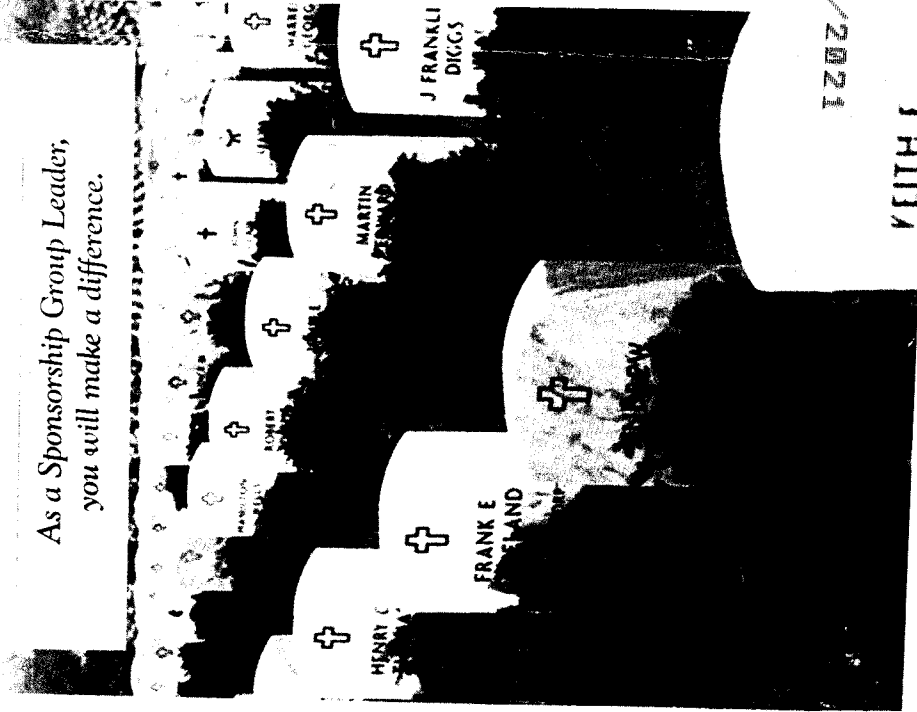
  
Karen Farrell, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501

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Each and every veteran deserves our solemn respect. It is our mission to REMEMBER, HONOR, and TEACH. Remember the fallen. Honor those who serve and their families. Teach the future generations about the value of freedom.

Invite your local community to join together in sponsoring veteran wreaths to be placed on the graves of your hometown heroes each December on National Wreaths Across America Day. Inspire your local community to volunteer at your local Wreaths Across America wreath-laying ceremony to thank each American Hero for their service and sacrifice. Unite your local community by doing good and honoring the veterans in your hometown.

As a Sponsorship Group Leader,  
you will make a difference.



14114

We don't know  
them all, but we  
owe them all.



Become a Volunteer Sponsorship Group Leader today and help further the mission of Wreaths Across America to REMEMBER, HONOR, and TEACH.

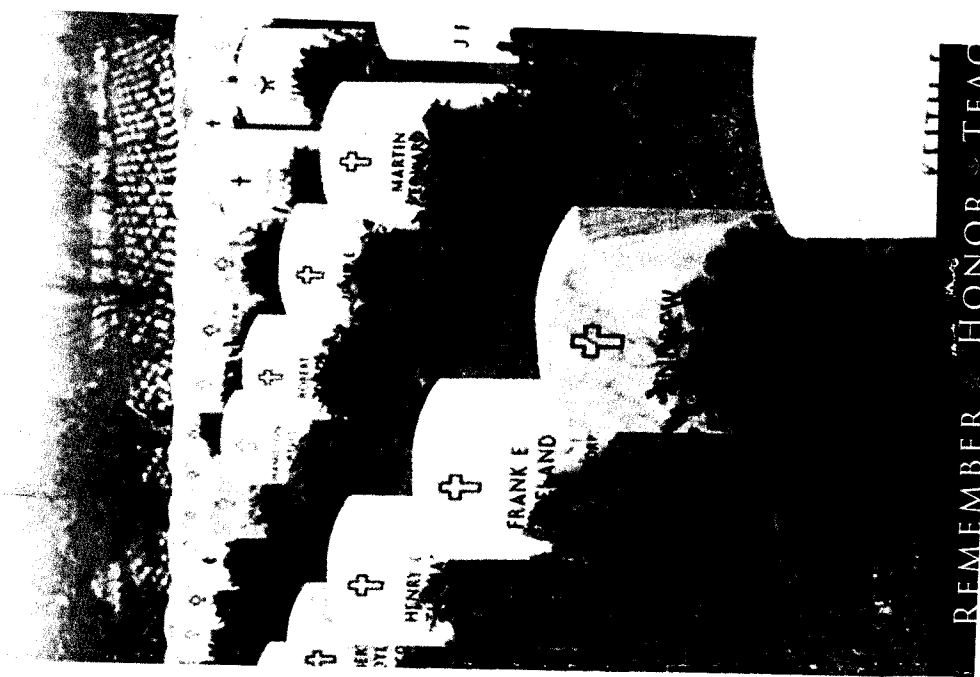
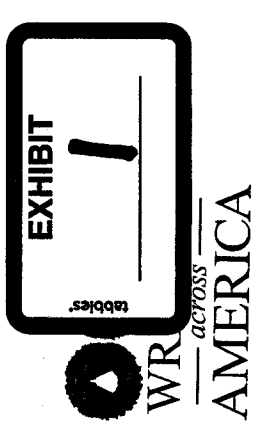


[www.wreathsassamerica.org](http://www.wreathsassamerica.org)

1202/22/2021  
SEC 10566480  
RECORDED 09/22/2021

We Need You!

Help us say THANK YOU to our American Heroes by becoming a Volunteer Sponsorship Group Leader for Wreaths Across America. We are the home of the free, because of the brave!



REMEMBER HONOR TEACH



## About Wreaths Across America

What started in 1992 as one man's annual gift to our veterans inspired a legion of volunteers and gave rise to the Wreaths Across America of today. In 2020, nearly 1.8 million veterans' wreaths were placed at more than 2,500 participating locations. More than two million volunteers nationwide joined in these efforts. National Wreaths Across America Day is held annually, on the second or third Saturday of December.

## Remember our Fallen Veterans.

When a volunteer places a wreath on a veteran's grave on National Wreaths Across America Day, we encourage them to speak that veteran's name aloud, thank them for their service and sacrifice, and reflect on that person and their life.



## Honor Those Who Serve.

Wreaths Across America honors our living veterans throughout the year by working with local veterans' organizations, as well as public outreach through Veterans Day and Memorial Day programs, public service announcements, press coverage and the WAA website.

## Teach our Children the Value of Freedom.

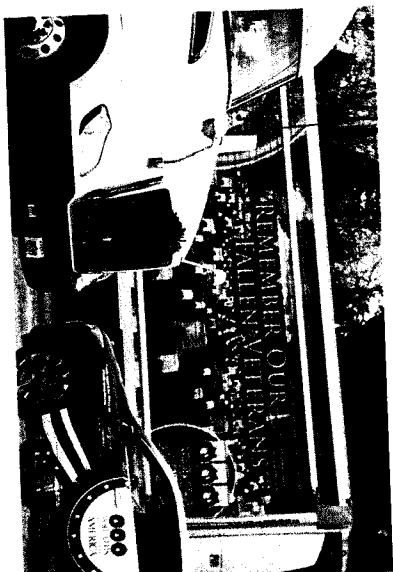
Wreaths Across America is committed to teaching younger generations about the value of their freedoms and the importance of honoring those who sacrificed so much to protect those freedoms. We offer learning tools, interactive media projects and opportunities for schools, 4-H, scouts, athletic clubs, and other youth groups to participate in our efforts.

*As a Volunteer Sponsorship Group Leader, you will bring your hometown together to further the mission of Wreaths Across America to REMEMBER, HONOR, and TEACH. You will invite, inspire, and unite your local community to sponsor veterans' wreaths to be placed on the graves of your hometown heroes on National Wreaths Across America Day this December.*

## Sponsorship Group Plans

Selecting the right plan for your sponsorship group is important. You know your local community better than anyone and can select whichever plan is the most beneficial for your hometown.

- A 3-for-2 Group receives three wreaths for every two paid wreath sponsorships. This is a great way for your group to help maximize the number of wreaths placed on veteran graves.
- A \$5 Payback Group receives \$5 back for every paid wreath sponsorship. This is a great way for your group to give back to your local community.
- A No Plan Group helps to cover the Wreaths Across America overhead. This is a great way for your group to support the behind the scenes work at headquarters.



## Support & Training

As a Volunteer Sponsorship Group Leader, you will have a large network of support! Your Regional Liaison, along with WAA headquarters, will provide 1:1 training, create engaging marketing materials for your use on a local level, connect you with other volunteers within your local area, keep you informed about upcoming events, and inspire you through monthly newsletters and webinars.

## Get started today!

Contact Wreaths Across America to start raising funds to support a ceremony in your local area today.

[www.wreathscrossamerica.org](http://www.wreathscrossamerica.org)  
(877) 385-9504

We have a duty to thank each and every one of our nation's veterans. No matter where they are located - in a large national cemetery or a small local plot or somewhere in between - we will remember and honor them all.

*"Where will you Remember, Honor and Teach?"*

# Santa Fe Watershed Association

PO Box 31160  
Santa Fe, NM 87594-1160  
(505) 820-1696; FAX 986-0339  
[sfwatershed@earthlink.net](mailto:sfwatershed@earthlink.net)



## Collaboration on the Santa Fe River Preserve: An Alternative to Continuing a Controversial Status Quo

The Santa Fe River Preserve project is at an impasse. It is endorsed by a number of environmental groups and agencies due to its demonstrated benefits in water quality improvement and creation of wildlife habitat. It is just as heartily opposed by many La Cieneguilla/La Cienega area residents. Some of the concerns voiced by local residents include the potential impacts of the project on reducing streamflows to which downstream water right holders are entitled; the possibility that the dense vegetation in the Preserve area may contribute to flooding; questions of the appropriateness of creating the Preserve where historically this kind of *bosque* may not have existed; and anger over the displacement of grazing that, whether or not it was formally permitted, was a long-standing practice in the area. But most of all, in the perception of this observer, there is indignation over the implementation of the River Preserve project without any attempt to hear or respond to these concerns on the part of the local community.

Under these circumstances, I submit that renewing the City's contract with Forest Guardians to manage the River Preserve would perpetuate a situation where positions are hardening in opposition to ANY wetlands or riparian restoration project, whatever the demonstrated benefits to traditional water uses.

I propose the following alternative:

1. The City assume the Project Management responsibility for the River Preserve.
2. A collaboration be developed between, at a minimum, the following entities:
  - ✓ City of Santa Fe, as landowner;
  - ✓ Santa Fe County, as local regulatory authority, as well as having an interest in public works in the area;
  - ✓ Forest Guardians, as initiator of the project, with the history in managing it to date;
  - ✓ Santa Fe Watershed Association, as convenor of the collaborative effort, bringing hydrologic expertise and restoration experience to the table;
  - ✓ Citizens for Environmental Safeguards, representing local residents that are supportive of the River Preserve as managed by Forest Guardians;
  - ✓ La Cienega Valley Association;
  - ✓ Representation from acequia *parciantes* downstream of the River Preserve.

SEC CLERK RECORDED 09/22/2021

These entities would create a formal collaborative with the intention of developing a list of issues that are unresolved between the represented entities with regard to the Preserve, and developing a plan for resolving those issues and potentially adjusting management of the Preserve as an outcome.

Collaborations of this kind are increasingly common, and there are a number of resources to support the design and management of such a collaborative, ranging from recommended "table manners" – how to conduct business in such a way that all are heard and resolution can be achieved – to the kind of contract the groups may want to develop to frame their participation and have a clear understanding at the outset of what will result from the collaborative effort.

3. I propose that the proposed Memorandum of Agreement between the City and Forest Guardians be tabled for 6-8 weeks to allow meetings between the potential participants in such a collaborative. The Santa Fe Watershed Association will commit to developing a draft agreement defining the River Preserve Collaborative, to be circulated to Councilors and staff within one month of this date (August 29<sup>th</sup>).

Respectfully submitted before the City of Santa Fe Committee on Public Works,

Paige A. Grant, Executive Director  
July 29, 2002

SFC CLERK RECORDED 09/22/2021

January 28<sup>th</sup>, 2000

<https://www3.epa.gov/npdes/pubs/emsrepor.pdf>



In May 1997, the US Environmental Protection Agency's Office of Wastewater Management and Office of Compliance launched a unique pilot program to test the value of an EMS for improving environmental performance and compliance in local government entities. Nine local government entities participated in the two-year initiative. Each developed and implemented an EMS (using the ISO 14001 International standard as a starting point) .

Participants included:

Town of Londonderry, New Hampshire Department of Public Works  
City of Lowell, Massachusetts Wastewater Treatment Facility  
Wayne County, Michigan Wastewater Treatment Facility  
City of Indianapolis, Indiana Department of Public Works  
Massachusetts Department of Corrections - Power Plant, Wastewater Treatment & Industries  
City of Gaithersburg, Maryland Department of Public Works  
Lansing Board of Water & Light, Michigan Electric Generating Facility  
New York City Transit Authority Capital Programs Management  
City of Scottsdale, Arizona Department of Water Resources & Department of Financial Services

US EPA wanted to determine if the EMS approach for managing environmental activities was relevant to local government organizations and could provide the basis for a positive effect on environmental performance, compliance, pollution prevention and stakeholder involvement in local government operations. Implementation of voluntary EMSs date focused primarily on private sector organizations, but it was becoming increasingly clear that they might provide significant benefits to the public sector.

EPA believes EMSs, if implemented properly, are valuable tools to help organizations improve their environmental performance, increase the use of pollution prevention activities, and improve compliance. Action 2 of the report Aiming for Excellence-Actions to Encourage Stewardship and Accelerate Environmental Progress published in July 1999, states that "as a matter of policy, EPA will promote and encourage the use of Environmental Management Systems that help improve compliance, pollution prevention, and other measures of environmental performance 2 ." The EMS Pilot Project for Local Government Entities project reflects the growing awareness and support within EPA for voluntary adoption of EMSs. As a result of the agency's position on promoting EMSs and also as a result of the success of the first EMS initiative for local government entities, EPA announced its intention to sponsor a second EMS pilot initiative in the local government sector beginning in early 2000. EPA will continue to evaluate which EMS elements and applications are most effective and determine how these systems might be used to strengthen environmental programs and policies.

Local Government Objectives for the EMS Pilot Program: Counties, municipalities, towns, and townships typically oversee a number of separate facilities and operations. They are expected to satisfy a broad spectrum of citizens' environmental, operational, financial, legal, and social needs. Privatization is challenging aging municipal infrastructures to offer citizens cheaper, better, faster, and often greener services. State and Federal regulatory agencies are increasing compliance and enforcement scrutiny of municipal facilities in programs like the State of Massachusetts' Clean States Initiative. Many public sector entities, which ideally should be role models for their communities, are unprepared to address the complex environmental challenges that are confronting them. These realities make an EMS decidedly applicable to local government entities.

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<sup>2</sup> EPA Innovations Task Force, Aiming for Excellence, Actions to Encourage Stewardship and Accelerate Environmental Progress, EPA 100-R-99-006, July 1999, pp. 11-14.

SEC. CLERK RECORDED 09/12/2021

## Basic EMS

An EMS helps an organization address its regulatory demands in a systematic and cost-effective manner. This proactive approach can help reduce the risk of non-compliance and improve health and safety practices for employees and the public. An EMS can also help address non-regulated issues, such as energy conservation, and can promote stronger operational control and employee stewardship

## Costs and Benefits of an EMS

### Internal

- Staff/manager time (represents the bulk of EMS resources expended by most organizations)
- Other employee time

### External

- Potential consulting assistance
- Outside training of personnel

### Potential Benefits

- Improved environmental performance
- Enhanced compliance
- Pollution prevention
- Resource conservation
- New customers/markets
- Increased efficiency/reduced costs
- Enhanced employee morale
- Enhanced image with public, regulators, lenders, investors
- Employee awareness of environmental issues and responsibilities

### EMS under ISO 14001

An EMS encourages an organization to continuously improve its environmental performance. The system follows a repeating cycle. The organization first commits to an environmental policy, then uses its policy as a basis for establishing a plan, which sets objectives and targets for improving environmental performance. The next step is implementation. After that, the organization evaluates its environmental performance to see whether the objectives and targets are being met. If targets are not being met, corrective action is taken. The results of this evaluation are then reviewed by top management to see if the EMS is working. Management revisits the environmental policy and sets new targets in a revised plan. The company then implements the revised plan. The cycle repeats, and continuous improvement occurs.

---

NB: There is an opportunity within the current \$1 trillion Infrastructure bill to improve the Paseo Real Wastewater Treatment facility. City of Santa Fe Water and Wastewater Treatment Division could benefit from Federal funding for Environmental Management System driven facility remediation, augmentation, and watershed impact mitigation. Naturally, this could open further opportunities for drought resiliency as continuous improvement enhances the feasibility of other sustainable water supply options for the Lower Santa Fe River Watershed. – Pipeline Coalition Acequia & Mutual Domestic Membership Liaison

BOYLE AND FREUDENHEIM  
ATTORNEYS-AT-LAW

15 SPIRIT COURT  
SANTA FE, NM 87506  
(505) 989-5057

GARY.BOYLE.BOYLELAWOFFICE@GMAIL.COM

GARY W. BOYLE  
MARK D. FREUDENHEIM

August 9, 2021

Jose E. Larranaga  
Santa Fe County  
100 Catron St.  
Santa Fe, NM 87501-2061

Via email to joselarra@santafecountynm.gov

Re: Fiasco Fine Wine, LLC Request for Zoning  
20 Bisbee Court, Santa Fe, NM 87508

Dear Mr. Larranaga:

I represent Thomas Wolinski and Kenosabe, LLC both of which are referred to in a letter to you from Mark Rhodes, Esq. related to this matter and dated March 19, 2021, a copy of which we received today. As I understand that this zoning matter will be heard on August 10, 2021, the purpose of this letter is to correct for the record several false or misleading statements in Mr. Rhodes' letter.

Mr. Wolinski and his company Flask, Inc. have not received all of the consideration to which they were entitled for the sale of Fiasco Fine Wine's assets. Although Mr. Wolinski and Flask have received some of the compensation to which they are entitled, there is a balance due of greater than \$1,600,000 which is the subject of a separate lawsuit pending in the District of NM federal court.

Fiasco Fine Wine, LLC, through its President and General Manager agreed with the landlord, Kemosabe, LLC, to amend the Lease for the Fiasco space. I have attached a copy of the lease amendment. We believe that the County should assure itself that it has the latest and most accurate information concerning the terms of Fiasco's lease before it acts on this zoning matter.

The floor plan submitted to the County includes the changes agreed to by the parties to the Lease and the amended floor space has been in use by Fiasco for several years. Contrary to the implications in Mr. Rhodes' letter, Fiasco has fully amended the lease provisions and is using the amended floor space. **It appears to us that the floor plan that Fiasco submitted to the Alcoholic Beverage Control Division and the floor plan that Fiasco submitted to the County are two different floor plans. We believe this conflict should be resolved before the zoning request is considered.**

Mr. Boyle is admitted to practice in New Mexico, Texas, and Oklahoma.

Mr. Freudenheim is admitted to practice in New Mexico and Oklahoma.

SFC CLERK RECORDED 09/22/2021

**Warehouse space and history of Unit A of 20 Bisbee Court, Santa Fe, NM  
Leased to Fiasco Fine Wine LLC from June 1<sup>st</sup>, 2017 – present.**

**June 1<sup>st</sup> 2017** Fiasco Fine Wine LLC signs lease with landlord Kemosabe LLC, for Unit A of this building, located in Turquoise Trail Business Park. Attached is the floor plan as submitted to the Alcohol & Gaming Division of NM, as well as to the County of Santa Fe Zoning Department, at the beginning of 2017. Estimated square footage of the leased spaces was approximately 10,000 square feet, though actual square footage (as done on the laser footprint of the space done in 2020) is 9,701 square feet. Rent is \$10,912 per month, equaling \$1.13 square foot.

**2017** Fiasco's sales grow 7.9% over 2016. 2017 is the largest sales year in Fiasco's history. (Fiasco has been in operation since 2003).

**2018** Fiasco's sales grow 1.9% over 2017. 2018 is now the largest sales year in Fiasco's history.

**2019** Fiasco's sales grow 5.24% over 2018. 2019 is now the largest sales year in Fiasco's history.

Fiasco's sales at the beginning of 2020 are 15.04% larger than they were at the beginning of 2017, when the original floor plan were submitted. During these years the warehouse has been stretched and pushed beyond capacity. Adding to the difficulty of a lack of usable warehouse space is that Fiasco, in an effort to increase growth and provide stability to sales, wants to add local and regional craft brewers to their sales portfolio. Craft beers, unlike any other product in Fiasco's portfolio, require continual refrigeration in a walk-in cooler.

Fiasco President, Thomas Wolinski, and Fiasco General Manager, Jeffrey Perner, come to an agreement with landlord Kemosabe LLC, owned by Steve Begg and Thomas Wolinski, on a plan to create more usable square footage warehouse space for Fiasco, as well as a refrigerated space for craft beer. The plan is removing the kitchen to add additional warehouse space, as well as purchasing, constructing, installing, and implementing refrigerated space for the craft beers.

Over the course of 2017/18/19/20, several courses of actions were implemented.

- The downstairs area on the original lease footprint marked as "kitchen" is completely removed. There is no charge to Fiasco LLC to remove the kitchen space. Additional warehouse racking is installed in this area, again at no cost to Fiasco LLC. Thus warehouse space is increased substantially.
- A refrigerated 175-square foot walk-in cooler is purchased, again at no cost to Fiasco LLC. This walk-in cooler is constructed and attached to the existing building, again at no cost to Fiasco LLC. This is followed by the purchase of a second, larger, 386-square foot walk-in cooler, again at no cost to Fiasco LLC. The second walk-in cooler is constructed and attached to the exterior of the building, (Fiasco LLC pays for the installation). A total of 561 square feet of refrigerated space has now been added to the footprint of Unit A, (please see attached laser foot print).

- Tenant and Landlord agree there will be no increase in rent for the additional space. Rather, Tenant agrees to relinquish 550-square feet of little-used space on the west corner of the building back to the landlord. Tenant gains additional warehouse space, and 561 square-feet of new refrigerated space, at very little cost to themselves, and at no extra rent. Fiasco adds two new craft brewers to their portfolio; Canteen/Il Vicino Brewing (the oldest brewery in Albuquerque), and Eddyline Brewing (from Buena Vista in southern Colorado).
- The landlord then leases the 550-feet of relinquished space, now unit D, to Wayward Sons Craft Distillery. This is not only a benefit to the landlord in exchange for their substantial cash outlay in the plan thus far, but also a huge benefit to Fiasco Fine Wine LLC, as they become the exclusive avenue of sales for all Wayward Sons craft spirits.

---

Growth at Fiasco continues, and shows no signs of abatement. Though the warehouse space for Fiasco has been increased, the warehouse is once again approaching full capacity. The Tenant and the Landlord again come to an agreement to create additional usable space. The plan is to build a second floor, above the existing office space and reception area. They knew the second floor would be structurally sound, as the original blueprints of the warehouse at the time of construction show a second floor in this area in the designs.

Tenant and Landlord agree the Landlord will pay for the purchase and installation of a staircase to the second floor. Tenant will pay the costs necessary to convert the second floor into a usable space, in lieu of any increase in the amount of rent paid. MH Services estimates \$39,500 to complete the renovation of the upstairs, (estimate attached). Fiasco LLC hires MH Services in December 2018, and over the course of the next six months, the upstairs renovation was completed. The foundation for the upstairs floor was reinforced and finished, a small kitchen plus dining area for employees was created, a large storage area for Fiasco supplies was constructed, 2 additional office spaces were created, a large overflow area was created, plus a safety railing was installed, with the ability to access the overflow area if necessary, with the forklift. In addition to the renovation of the second floor, Fiasco also installed in the downstairs area a new dishwasher, refrigerator and racks for glassware.

In all, 1,890 square feet of new additional footprint space was created on the second floor, (see attached laser footprint). If Landlord was to charge rent for this additional square footage, (at the current cost of \$1.13 square foot), the cost of the rent would have increased \$2,135.70 month. It was determined by Tenant and Landlord that it would be much more financially beneficial for the Tenant to pay the cost of the construction, then it would to pay additional rent. IE – to pay the cost of the estimate of construction of \$39,500, would be the equivalent of 18 ½ months rent savings. It was concluded it would be a wise investment of the behalf of Fiasco to undergo the necessary construction to create the additional space.



**Tenant; Fiasco Fine Wine LLC**

**Thomas Wolinski**

Signature: Thomas Wolinski  
President 6/1/2017 – 6/30/2020

Date: 03/02/2021

**Jeffrey Perner**

Signature: [Signature]  
General Manager 6/1/2017 – 6/30/2020

Date: 3/2/21

**Landlord; Kemosabe LLC**

**Thomas Wolinski**

Signature: Thomas Wolinski  
Owner: 2006 – present

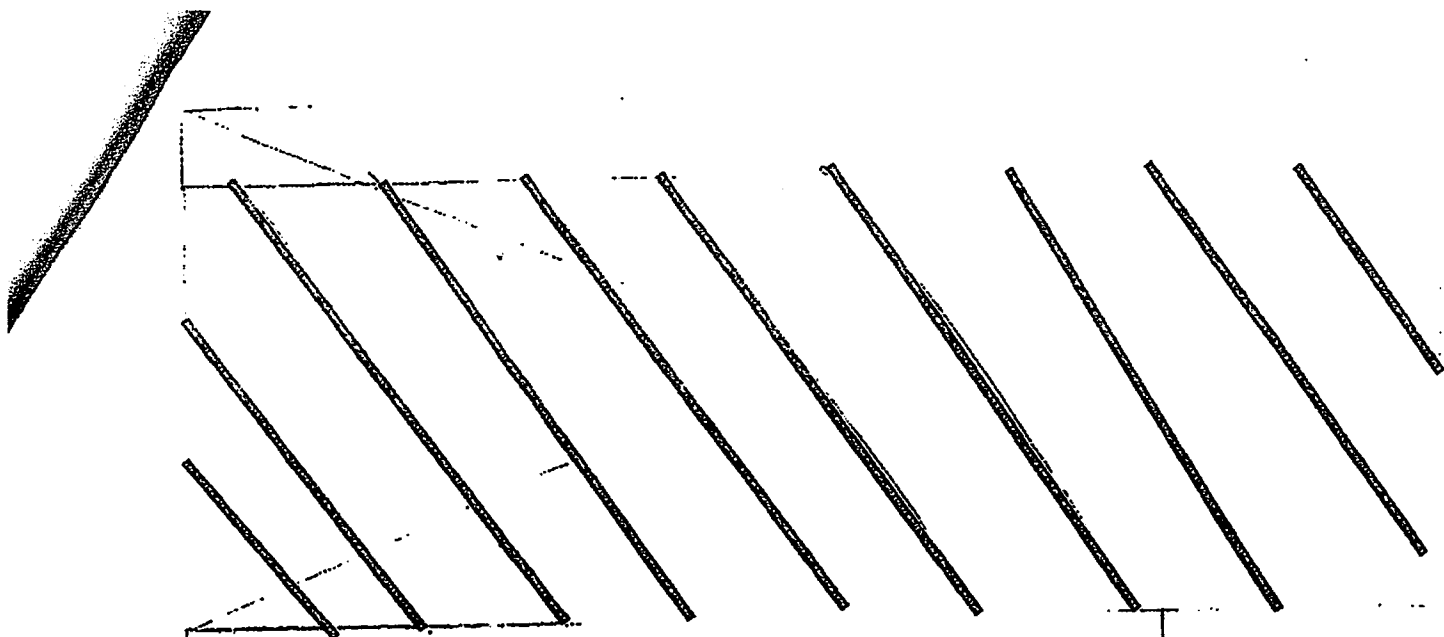
Date: 03/02/2021

**Steve Begg**

Signature: [Signature]  
Owner: 2006 – 1/1/2021

Date: 3/2/21

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2017 FLOOR PLAN

Bay Door



Kitchen

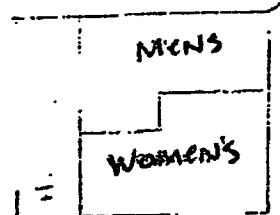
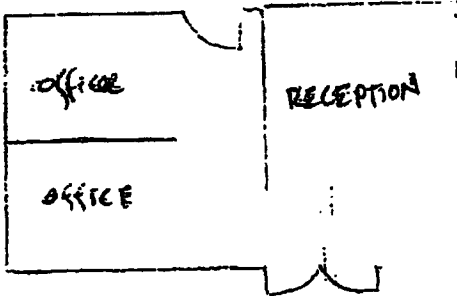
WAREHOUSE SPACE

10,000 sf

Parking Area

Bay Door

Bay Door



SANITOR

MECH

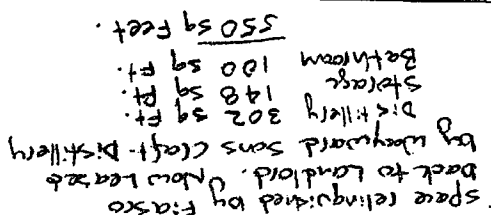
Bisbee Court



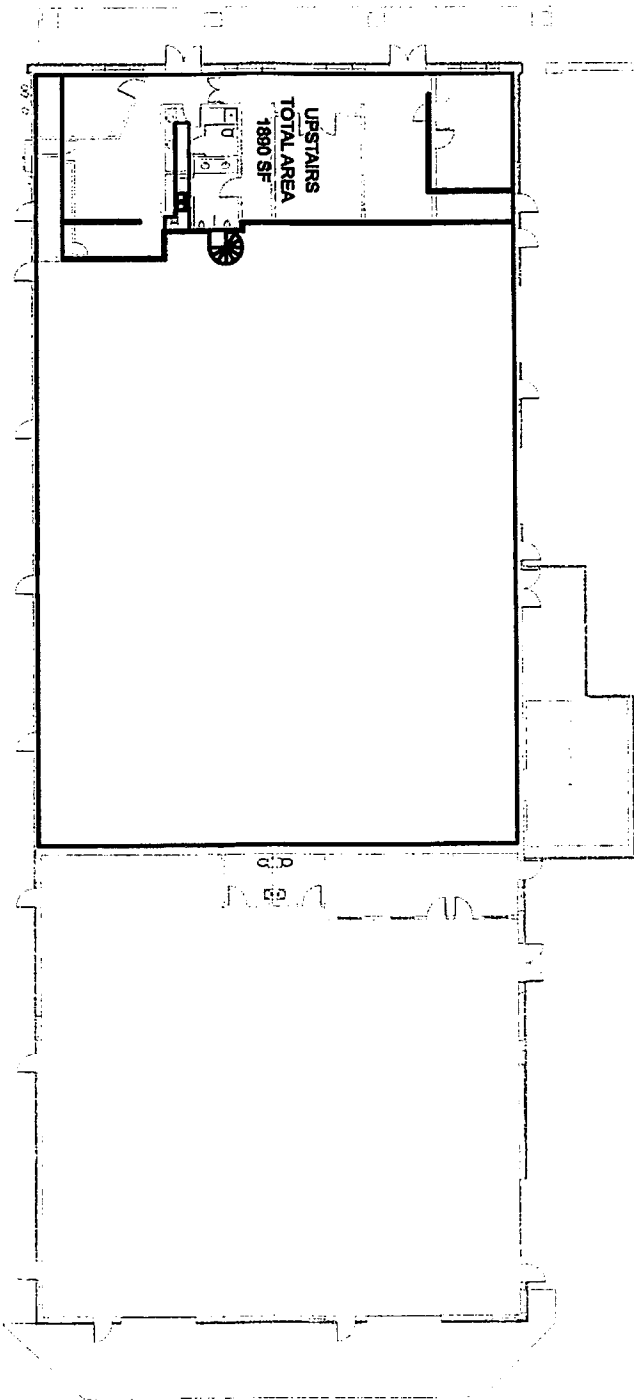
Fiasco Fine Wine, LLC  
20 Bisbee Ct  
Santa Fe, NM 87508



Footprint of Fiasco LLC, as  
submitted to ABC in 2017 and 2020.

Laser foot-print, done in 2020



4  
NORTH



<b>20 BISBEE CT DOWNSTAIRS</b>	<b>DRAWN BY:</b> <b>SCOTT ERNST</b> 11/8/20	<b>SCALE</b> 1" = 30'-0"	 <b>NORTH</b>	
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## CRONOLOGY OF FIASCO FINE WINE, LLC EVENTS

12/12/2016: Fiasco Fine Wine, *INC* joined by Thomas Wolinski entered into an Asset Purchase Agreement to sell assets of a Santa Fe based New Mexico liquor wholesaler dba *Fiasco Fine Wines* to Fiasco Fine Wine, *LLC*

1/6/2017: Thomas Wolinski in his capacity as President of Fiasco Fine Wine, *LLC* submitted a Liquor License Application to the New Mexico Regulation and Licensing Dept to obtain a new New Mexico wholesaler liquor license for Fiasco Fine Wine, *LLC*, the purchaser of Fiasco Fine Wine, *INC and Mr. Wolinski's assets*. A component of the aforementioned application that Mr. Wolinski submitted was a Floor Plan showing that Fiasco Fine Wine, *LLC would be occupying 10,000 square feet of space* in the warehouse building located at 20 Bisbee Court. The warehouse at 20 Bisbee Court was owned by Kemosabe, LLC, an entity in which Mr. Wolinski was a member and signator. In fact, Fiasco Fine Wine, *LLC* its 10,000 square foot space from Kemosabe and continues to occupy and pay rent on at the time of this August 10, 2021 hearing.

2/28/2017: On or about this date, the Asset Purchase Agreement closed.

5/16/2017: Charmaine Martinez, an employee and hearing officer of the Alcohol and Gaming Division signed off on Fiasco Fine Wine, *LLC's 10,000 square foot Floor Plan*. In so doing, Fiasco Fine Wine, *LLC* was authorized to conduct its business within the 10,000 square foot approved Floor Plan space. At no time has Fiasco Fine Wine, *LLC* amended or changed its Floor Plan nor consented to anyone else amending its Floor Plan. The approved 10,000 square foot Floor Plan was, in fact, the same Floor Plan that Fiasco Fine Wine, *LLC* submitted in support of its application which is the subject of this Local Option District hearing.

7/7/2018: Unknown to Fiasco Fine Wine, *LLC and while serving as its President*, Thomas Wolinski formed or authorized the formation of Wayward Sons, LLC. Mr. Wolinski was a 50% owner of Wayward Sons LLC.

1/6/2019: Again without the knowledge nor consent of his employer and tenant, Fiasco Fine Wine, *LLC*, Mr. Wolinski, on behalf of Wayward Sons, LLC, submitted an application with the New Mexico Alcohol and Gaming Division, now known as the Alcoholic Beverage Control Division or ABC, for a new liquor license. In support of that application, Mr. Wolinski submitted a lease and Floor Plan between Kemosabe, LLC and Wayward Sons, LLC stating that Wayward Sons would occupy approximately 664.15 square feet at 20 Bisbee Court, Unit D. *What Mr. Wolinski failed to tell either the Alcohol and Gaming Commission nor Santa Fee County when he sought permit(s) was that all of Unit D and, in turn, Wayward Sons, LLC*

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*operation was located in the southwest corner of the Fiasco Fine Wine, LLC approved Floor Plan , a space that Fiasco Fine Wine, LLC continues to pay rent on.*

The issue that Mr. Wolinski, through counsel, wishes to interject into this Local Option District hearing is an apparent attempt to claim that Fiasco Fine Wine, **LLC** is making an erroneous statement about its Floor Plan. In effect, Mr. Wolinski appears to want Fiasco Fine Wine, LLC to concede that Fiasco Fine Wine, **LLC** smaller post Wayward Sons, LLC usurping part of its space and rental area is, in fact, the “*proper*” Floor Plan. While Fiasco Fine Wine, **LLC** appreciates the problems that Mr. Wolinski actions with regard to Wayward Sons, LLC have created for ABC and others, it will respect the decision regarding the Floor Plan space. It should be noted that this issue was previously presented to ABC in Fiasco Fine Wine, LLC’s Preliminary Hearing on **this current application and ABC granted Preliminary Approval to allow this application to move forward to this Santa Fe County hearing.**

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SFC CLERK RECORDED

EXHIBIT

2/22/2021



New Mexico Regulation and Licensing Department • Alcohol and Gaming Division  
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

JAN 06 2017

Page 5

DESIGNATION OF RESIDENT AGENT

Fee \$50. (Excludes non-profit organizations.)

Name of Corporation/LLC/Partnership/Trust (print) Fiasco Fine Wine, LLC  
D/B/A Name Fiasco Fine Wine LLC

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JAN 06 2017  
ALCOHOL & GAMING DIVISION  
50-1910350  
Liquor License #

KNOW ALL MEN BY THESE PRESENT that the company named on this form hereby makes, constitutes and appoints Thomas Woliński to act as Resident Agent on behalf of the company and accept service of process for all purposes relating to the sales and service of the alcoholic beverages, including orders and notices of the Director and/or the Division, and to have power of attorney to exercise full authority, control, and responsibility for the conduct of all business transactions of the company within the State relative to the sale of alcoholic beverages under authority of this license. Please check the correct box ☒ Initial or Replacing Resident Agent

You must sign and date this form in the presence of a notary public.

Signature of Officer of Corporation/LLC/Partnership/Trust

☐ Adding another Resident Agent

Title Chairman

ACKNOWLEDGEMENT FOR COMPANY

State of North Carolina County of Durham  
SUBSCRIBED AND SWORN TO before me this 29th Day of February 2016 by (appointing officer print name) Geeg Even Lindberg  
Notary Public Geeg Even Lindberg My Commission Expires May 11, 2019  
NOTARY PUBLIC  
Durham County  
North Carolina  
Commission expires RECOGNIZANCE

I, (print name) Thomas Woliński

, hereby accept the appointment as Resident Agent. I am a resident of the State of New Mexico. I am the Resident Agent for the following numbered New Mexico Liquor License(s): 7123

Residence Address: 4250 River Song Lane City Santa Fe State NM Zip 87507 Phone # 505 310 0545

You must sign and date this form in the presence of a notary public.

I certify that I am a resident of the state of New Mexico ☒

Signature of Resident Agent Thomas Woliński

Expiration Date of Servers Certification

ACKNOWLEDGEMENT FOR NATURAL PERSONS

State of New Mexico County of Santa Fe  
SUBSCRIBED AND SWORN TO before me this 6th Day of January, 2017 by (accepting RA print name) Thomas Woliński  
Notary Public Thomas Woliński My Commission Expires 2/9/2020  
NOTARY PUBLIC State of New Mexico  
OFFICIAL SEAL  
Rebecca Roibal

Approved ☒ Disapproved ☐ Director's Signature Thomas Woliński Date 5-16-17  
For Alcohol and Gaming Division Use Only  
Return this form to the Alcohol and Gaming Division, PO Box 25101, Santa Fe, New Mexico 87505-5101.





*State of New Mexico*

REGULATION AND LICENSING DEPARTMENT  
ALCOHOL AND GAMING DIVISION

Susana Martinez  
Governor

Mary Kay Root  
Director

LIQUOR LICENSE NO. 70037

## RESIDENT AGENT LICENSE

Thomas Francis Wolinski

Fiasco Fine Wine, LLC

Business Location

20 Bisbee Ct.  
Santa Fe, NM

Owner

Fiasco Fine Wine, LLC

LESSEE

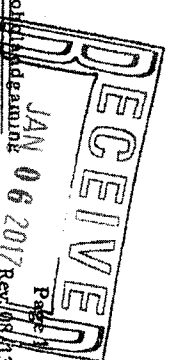
*Mary Kay Root*  
DIRECTOR





SFC CLERK RECORDED 09/22/2021

Box 20802 Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rid.state.nm.us/alcoholgaming



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ALCOHOL & GAMING DIVISION

# LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # 7133

Application Number 1032886

Local option (AGD use) \_\_\_\_\_

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JAN 06 2017  
ALCOHOL & GAMING DIVISION

RECEIVED  
JAN 06 2017  
ALCOHOL & GAMING DIVISION

Record Owner of Existing License \_\_\_\_\_

Current D/B/A Name Fiasco Fine Wine, Inc

Current Premises Address 20 Bishbee Court, Santa Fe, NM 87508

Application is for: Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_

Issue New License ☒ Type of License being applied for Wholesale

Applicant is: Individual \_\_\_\_\_ Corporation \_\_\_\_\_ Partnership (General or Limited) \_\_\_\_\_

Limited Liability Company ☒

NAME OF APPLICANT (company or individual)

Fiasco Fine Wine, LLC

ADDRESS (including city, state, zip)

2222 Sedwick Road, Durham, NC

TELEPHONE NUMBER

919-281-6474

D/B/A name to be used: Fiasco Fine Wine, LLC

Phone number for licensed premises: 505-438-2500

Physical location where license is to be used: 20 Bishbee Court, Santa Fe, NM 87508

(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 5 Bishbee Court #109, Box 317 Santa Fe, NM 87508

Are alcoholic beverages currently being dispensed at the proposed location? Yes ☒ No \_\_\_\_\_ If yes, give license number and type Wholesale license 7123

I, (print name) Thomas Wolinsky, as (title) President

being first duly sworn upon oath

deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that

if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

you must sign and date this form in the presence of a notary public.

Signature of Applicant Thomas Wolinsky

Date 1/6/2017

OFFICIAL SEA  
Rebecca Rotbal

SUBSCRIBED AND SWORN TO before me this

6th

day of

January

Notary Public Use Only

20 17

by

Rebecca Rotbal

My Commission Expires 2/9/2020

NOTARY PUBLIC - State of New Mex

My Commission Expires 2/9/2020

Notary Public

Local Governing Body of: Santa Fe County

(City or County). Hearing held on April 11

20 17

Check one: Approved ☒ Disapproved \_\_\_\_\_

City/County Official

Henry Soto

Growth Management Director

(Signature & Title)

For Alcohol and Gaming Division Use Only

Approved ☒ Disapproved \_\_\_\_\_

Director Approval

May Day 2017

Date 5/16/17