

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

**June 11, 2024**

Hank Hughes, Chair - District 5  
Camilla Bustamante, Vice Chair - District 3  
Justin Greene - District 1  
Anna T. Hamilton - District 4  
Anna Hansen - District 2

**SANTA FE COUNTY**

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1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Hank Hughes in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

**B. Roll Call**

Roll was called by Deputy County Clerk Jennifer Wilson and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Hank Hughes, Chair  
Commissioner Camilla Bustamante, Vice Chair  
Commissioner Justin Greene  
Commissioner Anna Hamilton  
Commissioner Anna Hansen

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. O'ga P'ogeh Owingeh Land Acknowledgement**

**F. Moment of Reflection**

The Pledge of Allegiance and the State Pledge were led by Chair Hughes, who acknowledged that this building and Santa Fe County as being in the original homeland of the Tewa people also known as O'ga P'ogeh Owingeh, "White Shell Watering Place." The moment of Reflection by Derek Turner of Clerk's Office.

**G. Approval of Agenda**

CHAIR HUGHES: Are there any changes to the agenda?

GREG SHAFFER (County Manager): Thank you, Mr. Chair and Commissioners. Two changes to the agenda as presented. First, is to note that item #6. G concerning the Local Emergency Planning Committee has been withdrawn so as to allow time for further consultation and guidance from the State Emergency Response Commission relative to some unclear issues of statewide import and administration.

SFC CLERK RECORDED 08/02/2024

Secondly, we do request that item 4. F be removed from the Consent Agenda to Miscellaneous Action items since one Commissioner was unable to actually attend the inspection of the Adult Detention Facility so that will avoid any issues relative to voting on that item when it comes up. Otherwise, I would just note for our meeting minutes that the initial agenda for today's meeting was posted last Tuesday at approximately 6:33 pm, and the amended agenda was posted on Friday at approximately 5:00 pm, which is more than 72 hours in advance of today's meeting as required by the Open Meetings Act. Thank you, Mr. Chair.

CHAIR HUGHES: Thank you.

COMMISSIONER HAMILTON: Mr. Chair, move to approve the agenda as amended.

COMMISSIONER GREENE: And I'll second that.

CHAIR HUGHES: Okay. Motion by Commissioner Hamilton, seconded by Commissioner Greene.

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

**2. Approval of Meeting Minutes**

**A. Request Approval of the May 3, 2024, Board of County Commissioners Special Meeting Minutes**

CHAIR HUGHES: That moves us on to approval of minutes. I guess we've got to do each of these separately.

COMMISSIONER BUSTAMANTE: Chair, I motion to approve minutes from May 3, 2024.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay. Motion by Commissioner Bustamante, seconded by Commissioner Hamilton.

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

**B. Request Approval of the May 6, 2024, Board of County Commissioners Special Meeting Minutes**

COMMISSIONER BUSTAMANTE: Motion to approve the minutes from May 6, 2024, the Commissioners' special meeting.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay. Motion by Commissioner Bustamante, seconded by Commissioner Hamilton.

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

**C. Request Approval of the May 8, 2024, Board of County Commissioners Special Meeting Minutes**

COMMISSIONER BUSTAMANTE: Motion to approve the minutes from May 8, 2024, Commissioners' special meeting.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Motion by Commissioner Bustamante, seconded by Commissioner Hamilton.

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

**2. D. Request Approval of the May 10, 2024, Board of County Commissioners Special Meeting Minutes**

COMMISSIONER BUSTAMANTE: Motion to approve the minutes from May 10, special meeting or Commissioners.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Motion by Commissioner Bustamante, seconded by Commissioner Hamilton.

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

**E. Request Approval of the May 14, 2024, Board of County Commissioners Meeting Minutes.**

COMMISSIONER BUSTAMANTE: Move to approve the minutes from May 14, 2024 for the Commission's regular meeting.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay. Motion by Commissioner Bustamante, seconded by Commissioner Hamilton.

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

**3. Consideration Proclamations, Resolutions, and/or Recognitions**

None were presented.

**4. Consent Agenda**

**A. Request (1) Approval of Amendment No. 6 to Agreement No. 2021-0113-FIN/CW Between Santa Fe County and CliftonLarsonAllen, LLP, Increasing the Compensation an Additional \$95,435, for a Total Contract Sum of \$852,391.60, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Orders (Public Works Department/Brian Snyder and Finance Division/Bill Taylor and Yvonne S. Herrera)**

**B. Request (1) Approval of Amendment No. 9 to Agreement No. 2016-0183-CORR/IC Between Santa Fe County and Securus Technologies for the Jail Management System at the Adult Detention Facility,**

- Increasing the Compensation by \$121,388, for a Total Contract Amount of \$806,614.13, Exclusive of NM GRT, and Extending the Term to December 31, 2025, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Orders (Public Safety Department/Derek Williams and Purchasing Division/Bill Taylor)**
- C. Request Approval of Service Agreement No. 2024-0295-CSD/JL with the University of New Mexico Prevention Research Center for the Provision of Evaluation of the CONNECT Program for a Total Contract Sum of \$449,085 Inclusive of NM GRT, and Grant Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero)**
  - D. Request Approval of Amendment No. 3 to Agreement No. 2021-0158 CSD/CW with Behavioral Health Services, dba, New Mexico Solutions Increasing the Compensation Amount an Additional \$1,200,000, for a Total Contract Sum of \$5,612,806.20, Exclusive of NM GRT, and Delegation of Signature Authority to the County Manager to Sign the Purchase Order (Community Services Department/Alex Dominguez and Purchasing Division/Bill Taylor)**
  - E. Resolution 2024-075, a Resolution Requesting a Budget Increase to Various Funds in the Amount of \$1,781,569 for the Public Works Department (Finance Division/Yvonne S. Herrera and Public Works Department/Brian K. Snyder)**
  - F. ISOLATED FOR DISCUSSION [See below]**

CHAIR HUGHES: Would anyone like to remove anything beside item F which has already been removed?

COMMISSIONER HANSEN: I'd move to approve the Consent Agenda as presented with the removal of item F.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay. Motion by Commissioner Hansen, seconded by Commissioner Hamilton.

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

[Deputy Clerk Wilson provided the resolution numbers throughout the meeting.]

- 4. F. Request Approval of April 12, 2024, Inspection Report of the Santa Fe County Adult Detention Facility Pursuant to Section 33-3-4, NMSA 1978**

CHAIR HUGHES: Manager Shaffer, are you going to say a few words about that?

MANAGER SHAFFER: Mr. Chair, Commissioners, with regard to the jail

inspection report, two things have to happen by state law. One, the Board of County Commissioners has to annually conduct a site visit and inspection of its Adult Detention Facility, and then secondly, a report of that inspection has to be entered into the record or minutes of the Board of County Commissioners. And so this report does that. It was prepared by our Legal Department and was meant to capture the areas that were inspected and observations that were made during the April 12, 2024 inspection of the Adult Detention Facility.

As noted in the cover memo that accompanied the report, the inspection is a very important part of the Board of County Commissioners oversight but it shouldn't be misinterpreted as being a full-blown compliance audit of the Adult Detention Facility's operations. That's conducted through other means, both internally as well as throughout external accreditation process. So with that I'd be pleased to answer any additional questions.

CHAIR HUGHES: Anybody have any questions? Commissioner Greene.

COMMISSIONER GREENE: Mr. Chair, thank you very much. Thank you for going all visiting. I wasn't able to attend for a variety of reasons, but I did review the report, so I will not vote on it, but it seemed like it was a thorough review and I did attend a couple things at the jail over the year, so it seems to be a well run operation. Thank you for taking the time and being my eyes and ears on the ground.

COMMISSIONER HAMILTON: Mr. Chair, move to approve the report.

CHAIR HUGHES: Thank you. Second?

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: Okay. Motion by Commissioner Hamilton, seconded by Commissioner Hansen.

**The motion passed by unanimous [4-0] voice vote with Commissioner Greene abstaining.**

**5. Appointments/Reappointments**

**A. Request Appointment of a Member to the Water Policy Advisory Committee**

CHAIR HUGHES: Sara.

SARA SMITH (Operations Manager): Mr. Chair, Commissioners, I'm here to request appointment of a member to the Water Policy Advisory Committee. On May 14<sup>th</sup> the Board approved appointment of ten members to the WPAC. At the May 20<sup>th</sup> special WPAC meeting Mr. Carl Dickens expressed his desire to step down as a voting member. He assured the committee that he'll continue to participate as an ex officio member. Staff has reviewed the letters of interest and résumés from the most recent pool of applicants from April and staff recommends appointment of Mr. Laird Graeser. Laird is a member of the San Marcos Association and Galisteo Planning District. He has experience analyzing state revenue policy and his full application is included as Exhibit B in your packet material. If appointed, Laird will serve a three-year term from June 12, 2024 to June 12, 2027. And I stand for any questions.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: I just want to say that I like that he uses our water filling station at the Public Safety Complex. That's probably the one seat that needs to be represented, probably. So even though he represents a different district he wears two hats. So, great.

MS. SMITH: Excellent.

CHAIR HUGHES: Okay. Care to make a motion, Commissioner Greene?

COMMISSIONER HANSEN: I will move to approve.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Okay. Commissioner Hansen made the motion, seconded by Commissioner Bustamante.

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

**6. Miscellaneous Action Items**

- A. Request (1) Approval of Agreement No. 2024-0174-A-CORR/BT with Keefe Commissary Network for Commissary Services at the Adult Detention Facility (ADF) for an Estimated Total Contract Sum of \$1,500,000, Exclusive of NM GRT; (2) Approval of Agreement No. 2024-0174-B-CORR/BT with Summit Food Services for Food Services at ADF for an Estimated Total Contract Sum of \$4,200,000, Exclusive of NM GRT; and (3) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)**

CHAIR HUGHES: Bill Taylor, I think you're going to be doing it.

BILL TAYLOR (Purchasing Director): Good afternoon, Mr. Chair, Commissioners. Purchasing and Corrections Department are before the Board. We have two contracts for approval, one for commissary services and one for the food services at the Adult Detention Facility. We did issue an RFP. There were two responses which was Keefe and Summit, where the two, and the two contracts before are contracts A and B. A being for commissary services from Keefe, and the other from Summit, which is contract B for – we have an estimated total amount in the memo based on the expenditures depending on population at the facility and inmate funds that are used to pay for those services.

With me is – introduce yourself.

WADE ELLIS (Deputy Warden): Yes, Chair, County Commissioners, I'm the Deputy Warden at the jail, Wade Ellis.

MR. TAYLOR: With that, Mr. Chair, we'll stand for any questions.

CHAIR HUGHES: Okay. Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. If I remember correctly, inmates prepare the food over there. Is that correct?

MR. ELLIS: Yes, Commissioner.

COMMISSIONER GREENE: That's wonderful. Does this budget, these services that the folks provide is just the ingredients for them and some guidance and oversight of the kitchen, or how hands-on are these providers?

MR. ELLIS: That kind of depends on the circumstances within the jail.

For the majority of the time, probably 98 percent of the time, if we don't have anything going on that we have inmates maybe locked down for shake-down or some security situation, yes, they provide the oversight. They contract with vendors in the area to get the food in. Make sure we've got the rotation. They provide the menus that have to be pre-approved by a dietician to ensure that we're getting the proper nutrition and calorie count daily. And then they oversee the cooking process to ensure that the food is prepared properly and then they provide oversight to make sure that the portions are correct.

COMMISSIONER GREENE: Thank you. How much food is being sources locally or in from New Mexico? Do we have any incentives for that?

MR. ELLIS: I do know that they do have contracts with vendors like Sysco out of Albuquerque, Creamland. I wouldn't know all the vendors that they contract through. They set up those contracts. I could get a list for you is you'd like one.

COMMISSIONER GREENE: Just in the future, how we can source and support our local agriculture. Creamland is probably New Mexico dairy at some level. At some level Sysco is sourcing globally. So it would be good to see if there were incentives that could be built into this to get local agriculture, even if it isn't local Santa Fe County agriculture. The less traveled the better. But thank you.

And then do we use these cooking – when the inmates are cooking here, are we using this as a teaching experience? Is this – I know that Commissioner Bustamante has a program that's at the pen to work for post-incarceration opportunities. Are we using that as an opportunity to – when they get out, hey, maybe let's go work at a restaurant?

MR. ELLIS: The inmates there that do work in the kitchen, obviously they have to go through a food preparer education course so they should come out with those types of certifications that are working within the kitchen. We do have some other programs that we're starting, that we are actually working on starting up that actually will have chefs from the community come in and teach inmates to cook, but that isn't necessarily the primary function of this contract.

COMMISSIONER GREENE: I understand it isn't the primary, but just thinking of the other incentives to sort of get that value add out of that.

MR. ELLIS: But they do go through all the courses. Sorry. Didn't mean to interrupt you, but they do go through all the courses to properly be educated to prepare food, wash ingredients, wash hands, PPE, things like that.

COMMISSIONER GREENE: Wonderful. Thank you.

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

COMMISSIONER GREENE: I will make a motion to approve item 6. A, request for approval of Agreement No. 2024-0174-A-CORR/BT with Keefe Commissary Network, etc., and for approval of Agreement No. 2024-0174-B-CORR/BT with Summit Food Services for the other part of this.

CHAIR HUGHES: Okay.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Motion by Commissioner Greene, seconded by Commissioner Hamilton.

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



**6. B. Request (1) Approval of Agreement No. 2024-0192-PW/DK with TLC Company, Inc. for Construction Services to Complete Phase II of the Agua Fria Waster Water Infrastructure Project in the Amount of \$1,738,143.10, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign Purchase Order(s)**

CHAIR HUGHES: Bill and Mike.

MR. TAYLOR: Thank you, Mr. Chair and Commissioners. Once again we're before the Board for approval of award of a contract for construction for Phase 2 of the Agua Fria wastewater infrastructure, awarding the contract to TLC Construction. We went out to bid. We received one bid. There were several bidders at the site pre-bid, but we only received the one cost proposal. The engineer of record is recommending award of the contract to TLC. With me is Mike Hart with Public Works that will be managing the project and we'll stand for any questions.

CHAIR HUGHES: Any questions? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Thank you, Bill. Thank you, Mike. So you only got one bidder. I believe you're going to have to spend some time having more oversight because there was some issues last time with this company. And so that concerns me. I know that William and Charlie both presented and gave oversight from the village. I'm just speaking about William Mee and Charlie Gonzales and I think you need to engage them again because there were some problems with the way that TLC did the installations, from what I have heard in the past and so I don't want to see that happening again. Can you reassure me?

MIKE HART (Public Works): I can reassure you that we will have onsite supervision. We have two new construction inspectors that are spending full time in the field right now.

COMMISSIONER HANSEN: Okay. That's helpful. And I see from the map that we'll be doing the red lines; is that correct?

MR. HART: No. This phase will actually incorporate the orange. The red has been completed.

COMMISSIONER HANSEN: Okay, the red has been done and the orange is next.

MR. HART: Correct.

COMMISSIONER HANSEN: It looks like there's two roads, or three to finish. The end of Del Ross and Paseo Mel Senaida and Terraza Lane. Is that it?

MR. HART: That is correct. The yellow is the Phase 3 which is under design currently, which is 12 roads.

COMMISSIONER HANSEN: Okay. And we have not gotten the \$4 million yet from the legislature, or \$5.1, \$5.2 or how much ever million it is.

MR. HART: The MMO has not been processed yet. We expect that this summer and part of Phase 3 construction.

COMMISSIONER HANSEN: Okay. Okay. Thank you very much. I'm happy to hear you're going to have oversight because I think that's really important. Thank you, Mike and thank you, Bill.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. So is the goal of this to have one phase a year going forward?

MR. HART: The goal is to have as much construction underway as funding will allow. That's why we're going for the design of the next 12 streets so we can phase construction appropriately.

COMMISSIONER GREENE: So the design is to take it all the way through all five phases? Or the design is just per phase?

MR. HART: So we have currently three phases. Phase 1 is completed. Phase 2 is completed, will be completed this summer. Phase 3 is under design, will go under construction as funding allows it next summer.

COMMISSIONER GREENE: And these are on our ICIP list for future upcoming funding?

MR. HART: I believe so. Yes.

COMMISSIONER GREENE: And so we will be advocating on behalf of Commissioner Hansen in her glorious retirement to get the next phase funded. Actually, a question is do we have a scope to know how much we should be asking for or is that all dependent on the design work?

MR. HART: It's design-dependent. We have good guidelines as to how much we can do based upon our current bid, so we can extrapolate that.

COMMISSIONER GREENE: Is there a way for us to just start putting sort of a big blank number for as much as \$2 million gets us, and then we start asking for \$2 million a year until we're done? Or whatever that number is?

MR. HART: We have the ability to extrapolate that. Currently, most of this is dependent upon property acquisition. That's somewhat of an unknown right now.

COMMISSIONER GREENE: Okay. That's another curve ball. Thank you.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Yes.

COMMISSIONER HANSEN: So there's approximately around 38 streets that need to be included. That does not include all of the 38 streets, this map, but I think in the future, if you can continue to ask for \$2 to \$4 million every year that will keep the mechanism and the momentum going.

COMMISSIONER GREENE: If I may ask, if any houses are built in this area – first off, are people required to tie in if they live adjacent to this?

MR. HART: They are currently not required to tie in. Once we complete this project it will be turned over to the City for maintenance and operation and those permits and connections will be done through the City.

COMMISSIONER HANSEN: But if they live within 200 feet they have to pay the service fee of the connection.

COMMISSIONER GREENE: Regardless of whether they use it.

COMMISSIONER HANSEN: Yes.

COMMISSIONER GREENE: Okay. And then will all new construction in this area be required to tie in?

MR. HART: That's apparently going to be up to the City.

COMMISSIONER GREENE: What's in the county?

COMMISSIONER HANSEN: No. So what happens here is this is in the county but we do have an agreement with the City that they will accept all sewers from Agua Fria, and I believe that that would cover any new construction because Ms. Jenkins is in the – was in the audience. I don't know if she's still here, but she just is building a new subdivision and I believe they are tying in because otherwise they couldn't build.

COMMISSIONER GREENE: They couldn't get a septic permit or whatever?

COMMISSIONER HANSEN: Yes.

COMMISSIONER GREENE: Okay.

CHAIR HUGHES: Any questions?

COMMISSIONER HANSEN: I make a motion to approve Agreement No. 2024-0192-PW/DK with TLC Company, Inc. for construction services to complete Phase II of the Agua Fria wastewater infrastructure project in the amount of \$1,738,143.10

COMMISSIONER GREENE: And I'll second that.

COMMISSIONER HANSEN: And delegation of signature authority to the County Manager to sign purchase orders.

COMMISSIONER GREENE: I still second it.

CHAIR HUGHES: Okay, we have a motion by Commissioner Hansen, seconded by Commissioner Greene.

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

6. C. **Request (1) Authorization to Apply for the FY25 Firefighter Recruitment Fund for Six (6) Firefighter/EMT Positions with a Possible Grant Award of up to \$390,000 to Increase the Number of Full-Time Firefighters/EMT-Basics in Santa Fe County, and (2) Approval for the County Manager to Sign All Grant Applications.**

CHAIR HUGHES: Jacob Black – no, this is actually –

JEFFREY CARROLL: (Deputy Fire Chief): Mr. Chair, Commissioners, the Fire Department is seeking Board approval to apply for a new grant through the New Mexico Department of Finance, the DFA, FY25 recruitment fund. The grant is new this year as the state has allocated \$25 million to fund new firefighter and EMT positions across the state. The department is applying for six additional firefighter/EMT positions and if awarded the Fire Department could receive – and we just found this out – between \$65,000 and \$75,000 for salaries and benefits for each of the new six firefighter positions.

As this is a new grant this funding is subject to change. Currently the DFA indicates this funding is available for the first year. However, additional costs, if additional funds become available additional funding may be awarded in subsequent years. The firefighter recruitment grant is a good opportunity for the Fire Department to explore some additional revenue sources to address growing needs of the emergency services here in Santa Fe County.

This grant opportunity is new and numerous factors are subject to change. Today we are only seeking approval to apply for the grant and this application does not commit the County to accepting it. If we do, if we are awarded the grant, we would come back before the Commission after reviewing what additional future expenses the County would be committed to and ask for approval to accept the grant. With that I stand for any questions.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. So my understanding is we've already started to look at this as a needed staffing level, but this grant is only for one year. Is there a match requirement on our part? Or we don't know that yet?

MR. CARROLL: So there's been some talk between some other departments across the state with the DFA. We're trying to work out – everybody's trying to work out what this grant really has, and that's why we're asking only to apply for it and then we would come back after we've reviewed it and saw what our obligations were, whether we would accept or not. So there's been some questions between other departments and the DFA too about what this grant actually entails.

COMMISSIONER GREENE: Thank you. Is the goal of this to bring on frontline firefighters? For paramedics? For somebody like the MIHO or COOP sort of officer?

MR. CARROLL: Currently we are looking at trying to use this funding toward the six FTEs that we had requested, which would help us hopefully be able to staff the La Puebla station that we've already built. And then we could meet that need in that northern region. We will additionally in the future years probably – we're seeing more call volume out in the east and the west. We will at some point need more firefighters and EMTs in those regions too.

COMMISSIONER GREENE: Thank you. And so the La Puebla station will become a manned station? Is that correct?

MR. CARROLL: That is the hope.

COMMISSIONER GREENE: Okay. Wonderful. Thanks.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. That was my first question. Presumably, instead of having like the federal situation where they would make a commitment for three years, you would have to apply?

MR. CARROLL: Yes. So initially these are positions we've already requested and we've already planned to fund. This would just help us fund those positions. So whether it's for the first year or whether they continue to fund for subsequent years it would just be a benefit to the County.

COMMISSIONER HAMILTON: And I think it's a great idea to apply for both, cover bases and see what you get. Do you happen to know about the timing, when you find out about the federal one and when you find out about the state one? If you don't know, that's fine.

MR. CARROLL: I actually don't know.

COMMISSIONER HAMILTON: I was just wondering if it was going to turn into a conflict where, like you get offered the state grant and you don't know

whether you have the federal one. You don't know whether to turn it down or not in a timely fashion.

MR. CARROLL: I honestly cannot answer that question.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So I definitely think it's a good idea to apply for both of these grants, but what I'm concerned about is the Agua Fria stations and them being fully funded or supervised or staffed, and how much time it's been providing services to the City of Santa Fe from the Agua Fria station on Calle del Oro Grant Road.

MR. CARROLL: So your question is how much time we're spending in the city?

COMMISSIONER HANSEN: Yes.

MR. CARROLL: I would have to actually look at our call volume and do some research on that, but I can definitely get that to you.

COMMISSIONER HANSEN: I think that would be very helpful.

MR. CARROLL: Okay.

COMMISSIONER HANSEN: Thank you.

CHAIR HUGHES: Any other questions?

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

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Okay, motion by Commissioner Hamilton, seconded by Commissioner Bustamante.

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

6. D. **Resolution No. 2024-076, a Resolution Amending Resolution No. 2018-12, a Resolution Establishing a Water Rights Fee for Purposes of County Resolution No. 2006-57 and Delegating Authority to the County Utilities Director to Approve Payment of the Water Rights Fee in Lieu of Providing Water Rights in Certain Instances, to Increase the Water Rights Fee Effective September 1, 2024**

CHAIR HUGHES: And this is Paul.

PAUL CHOMAN (Utilities Director): Good afternoon, Chairman Hughes, Commissioners. It's my pleasure to bring before you this memorandum requesting that the County adjust its fee in lieu of price. That's the price that we charge to developers or anyone applying for water rights through the County through the fee in lieu of process, from \$19,000+ it is right now to \$36,000. That new price is based upon the recent transaction we closed with Suerte del Sur for \$36,000 per acre-foot. It's approximately 44 acre-feet of water that we purchased. We are requesting that the effective date of this change in this price be established as September 1<sup>st</sup>. The reason for doing so is to be fair to developers, individuals and such that they're aware of the fact that this price is in fact going to increase.

We've had several ULEDAs in process and we want to give those who have been

in process kind of like a kick in the you know what I'm saying to allow them to respond and get going to take advantage of the lower price, and at the same time perhaps bring some mix of water they may be bringing on their own or some fee in lieu of or some mix to that extent. And I stand for any questions.

CHAIR HUGHES: Any questions? Commissioner Hamilton.

COMMISSIONER HAMILTON: Thanks for that, Paul. Are some of the people who are in process now – it's good to think of fairness in this case. Are some of them indeed bringing water rights or are they all paying fees.

MR. CHOMAN: It depends on the day of the week and the time of day. Some say they will. Some say some mix and some are going to take advantage of this lower price, but it will certainly prompt some to be active and to get the ULEDAs going.

COMMISSIONER HAMILTON: Are we talking about so many water rights of these particular projects that it's going to put the County in a bad situation of – there's a big difference between 16 or 19 and 36.

MR. CHOMAN: Yes.

COMMISSIONER HAMILTON: So that could put the County in a fairly bad position. We don't even always buy water rights right away, so we're banking this money and in the future it's worth less anyway.

MR. CHOMAN: Correct.

COMMISSIONER HAMILTON: So we already have that kind of – is this going to compound that problem?

MR. CHOMAN: No. We have sufficient inventory that we can handle what we have in process. There's no telling what might come in the future. We're hoping this does not stifle development. We want to be fair and friendly to all developers and such but we do believe that this will bring it to market rate. This is a long overdue process that we are in the middle of. I hope that answered your question.

COMMISSIONER HAMILTON: Thanks.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: I like that you said a long overdue process, and yet we're extending this by three months potential to sneak in below the line. I wonder if my fellow Commissioners think that that is the right answer. Is that going to spur growth and cost us money, or whether we want to bring it faster.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen first.

COMMISSIONER HANSEN: Thank you, Commissioner Greene. I agree with you. I think we should raise it actually in 30 days from the day we pass this resolution. So that's my feeling. Because we're already accepting and buying water rights for \$36,000 and it doesn't seem right to be turning them around for less money than that.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: I wonder if there are a few developments that you're already in process with and you can identify them and if there's a process for – if we've already done enough, like they're sufficiently far along, they have been penciling their work based on the old rates that they can be grandfathered in and then the rates apply to all new negotiations. Because that would kind of address the concern. In other words it wouldn't encourage people to start new negotiations July 31<sup>st</sup>.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: I believe that one of the first things that a development needs to do is bring water rights to the table, or water to the table. So anybody who is already in line would have done that.

COMMISSIONER HAMILTON: I guess that's what I'm asking. If they're at a point with a certain – with one or two, some developers that they've already made some commitments and haven't closed the transactions, it seems fair, it would be fairer to the people we're dealing with as opposed to, oh, yeah, we were talking to you, but we're upping the prices after we committed. Being predictable is kind of an ethical obligation of the government. But I would agree that if there are others – do developers come in on a monthly basis? A weekly basis? A yearly basis?

So I can see a problem leaving this open till September 30<sup>th</sup> but I'm sure you guys discussed this, just because water rights are really expensive and like I said, I feel like it already requires a real analysis of tradeoffs to bring that money in and be actively looking for water rights but we often aren't doing that. You had to come in and do that whole assessment of where we stood with water rights, so we should do that first. And so now we might be more in a position to more aggressively go after them, but there's already a delay in accumulating fee in lieu of funds and actually purchasing water rights. You can't always get appropriate water rights that are senior and from the Rio Grande. There are a lot of issues. I can see where waiting till September might be very costly for the County. We don't want to be unfair to the people we've already made commitments to.

MANAGER SHAFFER: So I think if – Mr. Chair, Commissioners, and Paul, if I'm getting this wrong you'll correct me. I believe in the standard form ULEDA agreement the key is you have to pay the fee before your price is locked in. So in other words, the way the agreements are written it's that you'll pay the then applicable fee if it increases before you record your final plat. I don't want you to think – and again, I might be thinking about it wrong, Paul, that there are a lot of agreements that are coming through and that if someone gets an agreement approved between now and September 1<sup>st</sup> they're grandfathered in, that doesn't protect them. It's the actual payment of the fee, which they have to do before they record the final plat and I'll stop there and Paul can probably give greater details in terms of the number of agreements that are out there but I just wanted to make sure that you understood that was the key point of it was when you actually pay the fee, not when you entered into your agreement.

MR. CHOMAN: Thank you very much, Manager. Chair Hughes and Commissioners, the level of activity has not been spurred tremendously by the announcement a few months ago that we were going to be making this change to the fee. There were about four or five ULEDAs. We're expecting to present several today. However, we only have one which I'll be presenting next. Another one, just off the top of my head was due to a quiet title issue that was not identified till just last week and we had to pull it from the agenda and the others just are in various stages of completion. So I expect they will be on the next agenda.

COMMISSIONER HAMILTON: Mr. Chair, just for clarity. If they give you a check between now and September 30<sup>th</sup> they're good at the old rate and if they don't they're at the new rate or whatever date the Commission decides is fair?

MR. CHOMAN: Mr. Chair, Commissioner, that is correct. September 1<sup>st</sup>

is the date that's on this document and that's correct. They have the opportunity to pay for that any time between now and then, subject to the Board approving the ULEDA of course.

COMMISSIONER HAMILTON: I don't have a problem with that.

CHAIR HUGHES: It seems fair to me to give them a little time.

COMMISSIONER GREENE: These folks have had a bunch of time. This is not the first time we've heard this. We've announced it. It's just the resolution is coming forward now. I'd like to propose splitting the difference and making it August 1<sup>st</sup>. So it's two extra weeks, one extra meeting on our part, but not all the way to the September 1<sup>st</sup> date.

COMMISSIONER HANSEN: I'll second that.

COMMISSIONER BUSTAMANTE: For discussion.

CHAIR HUGHES: Sure.

COMMISSIONER BUSTAMANTE: So what is the advantage to the County to do it sooner?

COMMISSIONER GREENE: We've been paying much more for water rights. We know we're going to probably be paying even more, and so we need to get these projects moving and encouraging them to process through. If they can get it through within the next three meetings of our meetings, one more in June and two more in July, they could sneak in under the wire and save themselves a little bit of money potentially, but we don't want to leave it out there for a big project to come through and really cost us a lot of money.

COMMISSIONER BUSTAMANTE: But those entities have been –

COMMISSIONER GREENE: Putting it off or might say I need to get this thing – my concern isn't necessarily with a five- or ten- or fifteen-lot subdivision. It's more of these larger ones that might be lingering on the side and I don't want to add the risk to the County for much more time than is necessary.

COMMISSIONER BUSTAMANTE: Understood. Thank you.

CHAIR HUGHES: I just want to ask Paul, does August 1<sup>st</sup> make much difference to you than September 1<sup>st</sup>?

MR. CHOMAN: No. Again, I didn't see any flurry of activity of the announcement we're going to \$36,000 per acre-feet. I don't expect much difference. We wanted to accommodate the July 4<sup>th</sup> holiday and catch it before the Labor Day holiday. So that's why we came up with September 1<sup>st</sup> but again, at the Board's discretion we're open to any suggestion.

CHAIR HUGHES: Any more discussion? Yes.

COMMISSIONER HAMILTON: Just to clarify that the motion wasn't just to change the date but was to approve this with that date change.

COMMISSIONER GREENE: Yes. Approve this with the date change of August 1<sup>st</sup> effective date. Yes, ma'am.

COMMISSIONER HANSEN: And I second that.

CHAIR HUGHES: So I have a motion by Commissioner Greene, seconded by Commissioner Hansen.

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



**6. E. Request Approval of County Utility Line Extension and Delivery Agreement Between Santa Fe County and Las Campanas Residential Holdings, LLC**

CHAIR HUGHES: This looks like Paul again.

MR. CHOMAN: Yes, it is, sir. Chairman Hughes, Commissioners, surprise, surprise we have a ULEDA before us at the current time. Again, it's between the County of Santa Fe and Las Campanas Residential Holdings, LLC, aka Calle Monte Vista. In the packet you were provided with you'll see the 14-page ULEDA and a rather crude vicinity map which I apologize for it, as well as an accounting. It's showing the impact that this particular ULEDA will have to our water inventory. The total amount of this ULEDA including a 20 percent fee which we add, is 3.9 acre-feet. So we're requesting approval today for this ULEDA, total 3.8 acre-feet.

CHAIR HUGHES: Any questions? Does anyone want to make a motion?

COMMISSIONER HAMILTON: It's Commissioner Hansen's district.

CHAIR HUGHES: Commissioner Hansen, it's your district.

COMMISSIONER HANSEN: Thank you. Thank you very much. I appreciate it. Okay, request approval of County Utility Line Extension and Delivery Agreement between Santa Fe County and Las Campanas Residential Holdings, LLC.

COMMISSIONER GREENE: I'll second that.

CHAIR HUGHES: Okay we have a motion by Commissioner Hansen, seconded by Commissioner Greene.

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

**6. F. Request Approval of Memorandum of Agreement Between the City of Santa Fe and Santa Fe County (Agreement No. 2024-0236-PW/BT) Regarding the Investigation, Modeling, and Planning for Known PFAS Contamination at the Santa Fe Regional Airport**

CHAIR HUGHES: This is you too, Paul

MR. CHOMAN: Yes, sir. So this particular item is an MOA or a memorandum of agreement between Santa Fe County and the City of Santa Fe which I'll read from here, regarding the investigation, modeling and planning for known PFAS contamination at the Santa Fe Regional Airport. This is a long awaited agreement, much welcomed. We appreciate all the efforts that were put in by the City to get us to this point. As you'll notice in the package it's completely signed off by everyone from the Mayor, the City Clerk and such, and I'll just give you a highlight of responsibilities.

The City will cooperate with the County and its contractors in the characterization of the PFAS plume. The City will permit access to the County and its consultants at the airport for the collection of groundwater sampling if necessary. And if any monitoring wells are required they will cooperate with that, and then as importantly is the City agrees to share any groundwater data that it possesses necessary to characterize this plume. This will be immensely helpful to the consultant in the process retained to do this work under

the grant.

CHAIR HUGHES: Okay. Any questions? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I don't have questions. I do believe that this is a step in the right direction and I'm grateful to everyone, both on the County side and the City side who pulled together to make sure that the County would have access to both the information and the property in order to identify the plume or the sources of contamination of PFAS. So I just want to thank you all for moving in this direction. I was happy to hear that the City had passed it last week.

MR. CHOMAN: Chairman Hughes, Commissioners, I will pass that on. Thank you very much.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. Thank you, Paul. I too am in support of this and am appreciative of the City that they are working collaboratively with this. One of my concerns was how this was presented to us and in the memo it did not state that it would include, or that it was to focus on the Santa Fe Regional Airport, which I think is a potential hotspot, but also I was happy to see that in the actual MOA it does speak of the wastewater treatment facility. So my concerns were in the memo but not in the MOA. So I'm in support of this and happy to see that it does extend to the wastewater treatment plan.

MR. CHOMAN: Thank you.

CHAIR HUGHES: Okay, do we have a motion?

COMMISSIONER HAMILTON: Mr. Chair, move to approve.

COMMISSIONER GREENE: And I'll second.

CHAIR HUGHES: Okay. Motion by Commissioner Hamilton, seconded by Commissioner Greene.

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

6. G. Resolution No. 2024-\_\_\_, a Resolution Adopting Bylaws for the Local Emergency Planning Committee **ITEM WITHDRAWN**
- H. **Resolution No. 2024-077, a Resolution Declaring the Intent of Santa Fe County, New Mexico, Subject to the Satisfaction of Certain Conditions, to Consider for Adoption an Ordinance Authorizing Issuance of Multifamily Housing Revenue Obligations in a Principal Amount Not to Exceed \$60,000,000 in Connection with a Proposed Project Located Within the County, for the Purpose of Financing the Acquisition, Construction and Equipping of a 240-Unit Multifamily Affordable Housing Complex to be Known as Cresta Ranch Apartments, through the Development of the Project Site and the Operation of the Project in the Manner Set Forth in the Project Plan**

PAUL OLAFSON (Community Development Director): I'll be presenting today and I also have with me our bond counsel, Peter Franklin, with Modrell Sperling, and also a representative of the affordable housing group which is Ben Taylor and we can

all provide answers as available. The presentation will be an overview of the memo which outlines the bond request, and then I'm going to ask Mr. Franklin to help us review the resolution.

So in summary, the Cresta Ranch Apartments, LLP, the applicant, has applied for by Santa Fe County of up to 61 multi-family revenue housing revenue obligation financing to acquire, design, construct and equip a 240-unit multi-family affordable housing complex located at or about 4585 Highway 14, Santa Fe, New Mexico, 87508. The subject site is approximately a 17-acre lot situated between Highway 14 and I-25 of which ten-plus acres being proposed is multi-family affordable housing development.

The development will include ten buildings each with 24 units and roughly 39 percent of the total site reserved for open space. The development will serve residents with incomes ranging from 30 percent to 80 percent of the area median income with an average set-aside of 60 percent AMI. The complex will consist of two and three-bedroom apartments, with several community amenities and common space. The applicant currently has 3,313 units under construction across 10 states and 18 projects. There is a project site location presented in the memo and an attachment with the site plan.

Pursuant to Ordinance No. 1998-1, the County Manager appointed a Project Review Team, consisting of the Deputy County Manager, County Attorney, Assistant County Attorney, Growth Management Department Director designee, Finance Department designee, and Economic Development Manager, along with advisory members from the Community Development Department, the Public Works Department, and the Growth Management Department along with the Affordable Housing Division.

The Project Review Team submits this initial economic and fiscal analysis of the project to the Board and pursuant to Ordinance No. 1998-1, the Review Team conditionally recommends approval of the inducement resolution for the project.

So I'm going to go over some of the elements that are involved in the analysis, economic and fiscal. This is as required by Ordinance 1998-1 in Section 4. The land use criterion of the project must conform to the provisions of the Santa Fe County Sustainable Land Development Code, as adopted in Ordinance No. 2016-9 and the Review Team determined the project conforms to the SLDC and the SGMP. That's the Sustainable Land Development Code and the Sustainable Growth Management Plan. The applicant has obtained two variances for the project. These were previously approved. One is for building height and the other is for the number of dwelling units contained in a single building.

The applicant has also entered into an affordable housing agreement which complies with Chapter 13 of the SLDC. The applicant and owner of the parcel abutting the project site also need to enter into an access agreement to provide ingress and egress as part of the requirements of the SLDC. Additionally, the vertical construction will not be allowed until utilities infrastructure are in place and functioning.

The SGMP identifies three specific affordable housing objectives to effectively and efficiently provide adequate affordable workforce housing for county residents, support the development of affordable housing in appropriate locations, with adequate public facilities and services, and support long-term housing affordability and occupancy through the public and private partnership. The project will be a significant step in the pursuit of these affordable housing goals for the County.

Water use criterion: Water use conservation or reuse strategies are encouraged and are looked upon favorably. The applicant's approved water budget is approximately 40.32 acre-feet per year and is the equivalent of 0.168 acre-feet per dwelling unit. Additionally, all irrigation needs will be met with using cisterns and the project will be installing water meters to monitor consumption and look for potential leaks. Additionally, the project has received and executed a ULEDA – utility line extension and delivery agreement with the County.

Item C, environmental impact criterion: The project's environmental criterion must be in compliance with all local, state, and federal environmental regulations. The review team has determined that the project is in compliance with all local, state and federal regulations based on the information provided and it is not anticipated to have a negative environmental impact. The County has also consulted with the New Mexico Environment Department and they concur. Additionally, the project is proposing to construct high efficiency building envelopes, 100 percent LED lighting, high efficiency Energy Star appliances, high efficiency HVAC systems, and the apartments are going to have low HERS ratings and will be 100 percent electric. Additionally, the developer will provide PV solar to offset the common area electric consumption.

Infrastructure Criterion D: If the County must legal provide infrastructure a cost sharing with the developer will be viewed more favorably. This requirement does not require the County to provide any infrastructure and a subdivision improvement with the County will ensure that all appropriate infrastructure, both on and off site will be accomplished by the applicant. Additionally, the applicant will be responsible for a utility line extension, a roundabout on Highway 14, onsite multi-use trail that will connect to the County trail system, and the construction of Cresta Ranch Road. And this will be a County dedicated road that runs parallel to Highway 14.

Design criterion, E: The project's scale and general design must comply with the SLDC. The project review team has found that aside from the two variances mentioned above and in accordance with the SLDC and those variances the project needs to respond to the SGMP and the SLDC.

Criterion F, Demolition criterion: A project that plans to demolish viable or historic buildings is viewed less favorably. This project is not involved in demolition of any existing buildings.

Relocation criterion: Projects that require relocation of individuals or businesses are not viewed as favorably. This project does not require the relocation of individual businesses.

Now, under item 2, economic benefits. A, Competition criterion: This criterion states this criterion states the County does not provide bonds that would give one project an inequitable advantage over competitors using conventional financing. The project review team has determined t he proposed development is not anticipated to lead to increased competition with other like apartments in this area. The County currently has no 100 percent low-income housing tax credits.

Next is jobs criterion. It states that all or in part the applicant must demonstrate a genuine effort to hire from the local job pool. The applicant has ascertained that 25 to 30 percent of the construction labor will be sourced from local subcontractors, which translates to approximately 133 to 160 jobs and the applicant anticipates that six new full-

time positions will be filled from the Santa Fe area once the project is completed. Those positions include property manager, two leasing associates, a maintenance supervisor, and a maintenance technician.

And then criterion C, impact on Santa Fe County economy, which states in part the applicant must demonstrate an overall positive contribution to Santa Fe County. The project review team has determined that an economic analysis prepared for the County by Impact Data Source and is dated May 29, 2024, concludes that the economic impact of the project over the first ten years in terms of job creation, salaries paid to workers and taxable sales in Santa Fe County is calculated to be approximately \$21,836,434. The net fiscal benefits to Santa Fe County are estimated to be \$1,816,783 over the next ten years. And the net benefits to the County over that time frame to the County, Santa Fe Public Schools, and the State of New Mexico are calculated to be approximately \$4,796,141.

Additionally, the project site also contains commercial sites which will be fronting Highway 14 and these lots will generate GRT once developed. In property tax, I should say.

The next criterion is commitment to Santa Fe County. In part it says the applicant must commit to remaining in Santa Fe County for at least the term of the bonds. The applicant will sign a long-term lease with the County for at least the term of the bonds and the affordability period. So they will commit to staying in the county.

The next criterion is local ownership, import substitution criterion. The project that retains capital in Santa Fe County or have products that decrease the net importation of goods and services in the county, that will be looked on favorably. The review team examined this and determined that this criterion is not applicable as to the goods and services, but the project will provide new decent, safe and sanitary apartments to be used as affordable living accommodations for persons of low and moderate income. The affordable housing units will be used by Santa Fe County residents and the capital assets will be permanently located in the county.

Criterion F, economic incentives, the applicants that can provide reasonable revenue alternatives or tax abatement affect the County are looked on more favorably. The project review team looked at this and the applicant requests a real estate tax exemption through a ground lease with the County. The ground lease will only apply to the affordable lots and the commercial lots will continue to pay real estate taxes and generate gross receipts taxes once the businesses are established.

The next criterion, project feasibility and financing criterion: The criterion states the project must present convincing evidence that the project will generate sufficient cash flow to service its project debt and any other debt. This criterion also says it will maintain a solid business and to retire the bonds in a timely manner. The project review team has determined that the applicant is expecting to partner with a financial institution to directly purchase the issuance of tax using bonds in order to provide tax-exempt construction and permanent loan structure. The applicant will utilize four percent non-competitive federal low income tax credits that will be allocated by the New Mexico Mortgage Finance Authority to generate equity in the project.

Also, the applicant anticipates that they will apply to the New Mexico Housing Trust Fund for an award of up to \$2 million. In addition, Lincoln Avenue Communities, the sponsor of the applicant and proposed development is backed by Bronfman Family

Office which allows the applicant to be a well capitalized and innovative development group. The terms of the anticipated financial agreement have not been finalized by the review team's favorable evaluation is based on the assumption that these final agreements will be in the County's best interest.

Next criterion is the cost criterion, and it states bond amounts will be no more than required to complete the project. The project review team has evaluated that the actual costs of the projects are expected to exceed the bond amounts and the current projection for the development costs are approximately \$102,500,000, with an estimated appraised value of \$45,000,000.

And then the next criterion is the project applicant's record criterion. The applicant must have a good record with projects of this type. The review team has determined the sponsor of the applicant has successfully constructed several multi-family affordable housing projects in several states, and as I stated before, they currently have 18 projects under construction in ten states with 3,313 units under construction. So the project review team determined they meet this criterion.

The equity criterion: Projects that have an equity investment will be viewed more favorably. The applicant will utilize the four percent LIHTC tax credits I mentioned earlier, allocated through MFA to generate equity for the project, totaling approximately \$47,500.

The next criterion is the management criterion. Applicants that plan to manage their project will be viewed more favorably. The applicant in this project plans to have a third party, a company named Seldin, manage the project once completed. Seldin has experience operating and managing multi-family affordable housing projects with the applicant.

So that's the list of the criteria and the evaluation from the committee. The next steps for the project, if the Board adopts the inducement resolution and is subject to other conditions, i.e., the developer and owner of the parcel abutting the project site entering into an agreement to provide a point of ingress and egress for residents of the project that satisfies the requirements of the SLDC, and resolution of any other issues concerning permitting, water availability or otherwise identified by County staff, County staff will one, publish title and general summary of an ordinance authorizing the issuance of the IRBs, and two, work with the applicant to develop the ordinance and other documents necessary to implement the IRBs.

Additional steps anticipated for the project's development include but are not limited to the following: Work on an application to the State Board of Finance for an allocation with the multifamily tax-advantaged volume cap; the bonds are anticipated to be tax-advantaged; ground lease between the County and the applicant; project-based vouchers may be considered through a formal solicitation process conducted by the County Housing Authority pursuant to HUD requirements; developer assistance may be considered through a formal solicitation process conducted by the County; and all land use entitlements will be finalized via administrative processes.

The recommended action from staff and the review team: Subject to one, confirming the feasibility of the project after the final terms of the bank loans are known; and two, preparation of mutually agreeable project documents, the project review team

believes that the project meets the criteria in Ordinance No. 1998-01. Accordingly, it conditionally recommends approval of the inducement resolution and the project.

And along with this memo, there are four exhibits. One is the inducement resolution. Exhibit B is the Ordinance No. 1998-1. Exhibit C is approved preliminary site plan, and Exhibit D is an economic impact analysis.

Okay, so that was a lot of talking. So in general, I think the project as the review team looked at it is a flow-through mechanism to allow for the applicant to then receive additional funding support to then build the multi-family affordable. And this is 100 percent affordable. It's 240 units, and I would like to ask our bond attorney to go over the resolution and what it contains and then we could stand for some questions.

CHAIR HUGHES: Questions?

COMMISSIONER BUSTAMANTE: Mr. Chair.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: So the question I have, it's my understanding then, upon approval of this inducement resolution, that's going to help move this forward in investigating some of those questions that we would normally have a regular development, right? This just gets us the opportunity to initiate the process.

MR. OLAFSON: What it really does is it allows the applicant to then initiate the funding process, so they can get their funding together, and we will return to you with a final ordinance that would spell out all the elements of the ordinance.

COMMISSIONER BUSTAMANTE: It's not a guarantee of approval of the project per se, and I see it in here that everything else, with regard to drawing, etc., etc. All of the detailed implications, if you will, would have to be further approved, brought back to us, this just allows the applicant to, again, for the whole process to move forward.

MR. OLAFSON: Yes, with the caveat that this allows the applicant to move forward with the financing end of the project. The land use entitlement process will be done through our Growth Management Department, and that is administratively conducted, because the Board has already approved the two variances and the subdivision.

COMMISSIONER BUSTAMANTE: I understand. Thank you.

CHAIR HUGHES: Other questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Paul. So one of the earlier – in your litany of things, one of the things that was brought up was the preference by staff to have utilities done before verticals. Is that not a condition that we should be putting into this now or is that – if staff was making that recommendation, I heard you. I read it. Where is that?

MR. OLAFSON: Mr. Chair, Commissioner Greene, I may have misspoken. It would be required to complete the initial utility installation prior to going vertical.

COMMISSIONER GREENE: So is that a condition that's in this? Or is that something –

MR. OLAFSON: It's a condition of the SLDC, to my understanding. We can ask Jordan to address it more directly, but I'm pretty sure that's correct.

JORDAN YUTZY (Building & Development Manager): Mr. Chair, Commissioners, this will be a condition on a site development plan when that gets done. So essentially, we want to ensure that water and sewer is to the site. Not necessarily the

road is completed yet, so that we have fire protection and everything else as they start to go vertical with these structures.

COMMISSIONER GREENE: Okay, as well as potential for dust mitigation and stuff like that.

MR. YUTSY: Yes. That's correct, sir.

COMMISSIONER GREENE: Okay. And then the fee in lieu, as I read this, the fee in lieu with the developer assistance program, we would be coming up with the fee in lieu for water rights. We just raised that rate on ourselves, potentially.

MR. OLAFSON: Mr. Chair, Commissioner Greene, I believe, and I'll ask Paul or Brian to speak to this, that the ULEDA already spells out their process for the water rights and the acquisition, if that's your question.

COMMISSIONER GREENE: So I was just wondering if they can go pay that, or they can process enough on our part so that we're not coming out of pocket for \$36,000. We just gave ourselves a couple extra week, so they go apply for this by July 31<sup>st</sup>.

MR. OLAFSON: Mr. Chair, my understand is that if the applicant is able to process prior to that date but I didn't write that resolution nor did I look at it closely so I would maybe defer to Paul or –

LEANDRO CORDOVA (Deputy County Attorney): Mr. Chair, Commissioners, the ULEDA was already approved by the Board when the site development plan was approved and the ULEDA had the previous amount, I think \$19,500. If I'm incorrect – so that has already been approved prior to this today.

COMMISSIONER GREENE: So as we were told on an earlier resolution that it doesn't matter when it's documented; it matters when it's paid. So if this is something that we need to process as a developer assistance program, that means the onus is partially on us, not the developer.

MR. CORDOVA: So Mr. Chair, Commissioner Greene, the developer assistance program will have to be solicited through an RFP. We'll put that RFP out in the coming month or so. They can request a number of different opportunities for developer assistance, including that water. It's not predetermined at this time. It still has to be solicited and approved.

COMMISSIONER GREENE: Also, one of the criteria was very specific is that it fits the size, scale and otherwise, and yet this project – this was one of my concerns when we had the variances, is that they had to receive two variances. And so it seems like that would be something that should have said, although they did not pass this – anyway, it's just a comment on how rigorous we're getting with our analysis of this, and so on.

Another question: Do we audit the performance on some of these I will hire locally and there will be some economic return to our community?

MR. OLAFSON: Mr. Chair, Commissioner Greene, honestly, this is my first process going through this. I would imagine that we would and we certainly should.

PETER FRANKLIN: Good afternoon, Mr. Chair, Commissioners. Commissioner Greene, we often see those kinds of performance monitoring criteria in standard industrial revenue bond leases. To the extent there is a ground lease here, those are provisions that could be negotiated between the County and the developer. I'm not sure I've seen them in affordable housing project financing per se. What's usually audited



in those types of transactions is compliance with the affordability requirements. But I'm not saying those could not be added.

COMMISSIONER GREENE: Thank you very much. It would seem like that would be something, especially if this is our first time down in this rodeo that we start collecting data. This is a pretty large project. It would be great to see, hey, did you hire local people? Local subcontractors is one thing, but actually getting the local workforce. So you can hire a local subcontractor that hires lots of people from Albuquerque. So really tracking our performance metrics along there.

One of the other aspects that you brought up was that there would be \$4 million worth of value to the County, the public schools, the State of New Mexico. Is that based on property tax? And it could be argued that that pays for schools, which are a cost.

MR. OLAFSON: Mr. Chair, Commissioner Greene, again, the economic impact analysis did look at property tax as well as gross receipts tax and availability of residents to live in the county and not move to Rio Rancho, etc. So I'm not an economist. I can't explain exactly how they calculated, but I believe it's a combination of all of those economic factors.

COMMISSIONER GREENE: Who produced the economic analysis?

MR. OLAFSON: I have the name of the company here.

COMMISSIONER GREENE: Do they work for us or do they work for the developer?

MR. OLAFSON: Both. We hired them jointly, so we agreed on it. It's Impact Data Source is the name of the firm.

COMMISSIONER GREENE: And if we are seeing this \$4 million and if we're giving basically a property tax abatement with some sort of mechanism in this agreement, has that been cooked into these numbers, or does that \$4 million suddenly go down to \$700,000 because it's – how did we get to those numbers?

MR. OLAFSON: My understanding is it is considered into it. And the only abatement is for the property of affordable units, right? Then there's the other lots along the same that are not subject to the abatement.

COMMISSIONER GREENE: And so if we are – I don't know where we fit into this. Maybe we can give a property tax abatement but this affects the school district. So this is potentially 240 units with school age kids because they're almost all affordable units. Is this going to take money out of the school district's pockets, and yet they are supplying a lot of [inaudible]

MR. OLAFSON: Mr. Chair, Commissioner, again, I'm not an economist but my understanding is currently the property is vacant, right? So they're not getting very much at all. The abatement would impact both the schools and the Community College and the County, but the concept is the offset of having that much affordable units and having people living in the community is a benefit, and that's large.

COMMISSIONER GREENE: But it's a burden to our school district.

MR. OLAFSON: And it wouldn't impact their state allotment. It would impact their property tax collection.

COMMISSIONER GREENE: The mill levy for the – right. So I get it. It would be great to have a letter from the school district saying we're all for this. This is what the impact to us would be. We're cool without getting that money. But if we're

going to be the ones allowing this abatement to happen, we may be the deciding body but they're the impacted body in this. Yes, we've got room for the schools too, we can deal without the money. But thanks.

Is there a completion date on this? Is there like a date that this project has to be opened by? Do we have a timeline for that?

MR. YUTZY: In the last communication with them they're looking at starting in the fall, and then it will be a 30-month construction process.

COMMISSIONER GREENE: Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Paul, for the long presentation.

MR. OLAFSON: I'm sorry.

COMMISSIONER HANSEN: What I'm wondering, you briefly mentioned PV solar. Are they installing solar on the buildings, or are they connecting? Because I know that area, I believe from Commissioner Bustamante, people have not been able to connect to PV. I don't know if this area is affected. So how are they going to get solar energy to this project?

MR. OLAFSON: Mr. Chair, Commissioner Hansen, my understanding is they plan to use solar to offset the community space uses and I don't know if they've gone to the extent of connecting and contacting PNM. So in short I can't answer that.

COMMISSIONER HANSEN: So basically you're telling me the apartments are not going to have solar on them. They're going to meet all our other criteria of energy efficiency, but only the community space is going to have it. I'm just trying to hear it.

MR. OLAFSON: That is what has been proposed by the applicant.

COMMISSIONER HANSEN: Okay. And also, is there EV charging stations?

COMMISSIONER GREENE: That is a state requirement now.

MR. OLAFSON: Yes. The applicant has indicated yes.

COMMISSIONER HANSEN: Okay. So they're going to have EV charging stations but they're not going to have solar. Or they're going to have solar off set for the community. But I need some reassurance that we're not using oil and gas to provide solar.

BEN TAYLOR: Commissioner Hansen, so we explore solar on every development that we do and specifically here for Cresta Ranch, we would love to have as much solar as we can. For example, in a development in Arizona we are putting on a solar field on the property that offsets 70 percent of the consumption of the entire property. Here, we would love to do that but in our workings and early discussions with solar consultants as well as PNM that is very difficult in the area it's located, as well as the timing and development process that PNM has to do with this. So with that said, our current and best plan to offset as much electricity on the site is to simply provide photovoltaic offset for the community and house meters at the property.

We will have to install EV chargers at the property itself. There's a minimum requirement, I believe of about ten percent of all parking spaces will have to have EV charging available. Those will be likely on a house meter that is paid for by the owner, but those EV chargers may – and again, this is very new for us, it's going to have a

charging system and a payment system attached to it. So instead of paying for gas at the gas station you can pay for electricity at the property to charge your car.

COMMISSIONER HANSEN: So since we have this shortage with PNM of them not being able to provide facilities or solar, what can you do to make that happen.

MR. TAYLOR: If I knew, we'd be doing it, to be frank. In working with them, one of them – and this is a PNM issue that we have encountered many times here in talking with them is that we cannot have our system designed or approved by PNM until a transformer is placed on the property. That is an unheard of requirement for anywhere else that we're working and installing PV systems. So that means we have to – those systems, what we could build here would be a \$5 million PV system. It could offset 75 percent of the consumption of the entire property. But we can't structure our deal, close on our financing and begin construction hoping that PNM will approve that system. They won't even look at our designs of our solar until we start construction. So there's no way we can build that into our financing models or underwriting and get lender and investor approval to start construction without knowing if it will even be approved.

So I wish we could. That is a very large part of our developments that we are doing everywhere that we can, especially on affordable housing, but here structurally with PNM we cannot today.

COMMISSIONER HANSEN: That's very disappointing.

MR. TAYLOR: I agree.

COMMISSIONER HANSEN: I think this Board needs to start doing something in the direction of providing that because it seems quite antiquated.

MR. TAYLOR: We would agree. Like I said, in Arizona alone we have about five megawatts of solar production getting built onto our properties and I wish we could do the same here in New Mexico.

COMMISSIONER HANSEN: Thank you. That's incredibly disappointing.

MR. TAYLOR: For the record, my name is Ben Taylor, Lincoln Avenue Communities.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you. So you spoke about EV chargers being tied to individual units, so there would not be any community sharable?

MR. TAYLOR: It would be a community amenity available to all the residents. The EV chargers themselves, to use the charger and charge your car, anyone deciding to charge their car there. The charging would not be free.

COMMISSIONER GREENE: Sure. Okay. You would not be saying they would only be exclusive to a certain apartment.

MR. TAYLOR: No. They are available to the entire community.

COMMISSIONER GREENE: Okay. Thank you for clarifying that. Another aspect of the criteria was local ownership and local substitution. You're not local, correct?

MR. TAYLOR: Correct.

COMMISSIONER GREENE: The Bronfman family is Seagram's Bronfman, is that correct?

MR. TAYLOR: Correct.

COMMISSIONER GREENE: Great. The affordable housing that alcohol built. That's great. Thank you for investing here. Of course it would be great if the value was retained here but just to be clear. And then I have one last question about the appraised value versus the development cost. The appraised value as stated here at \$45 million, but the development cost is \$120 million.

MR. TAYLOR: Correct.

COMMISSIONER GREENE: Explain that difference.

MR. TAYLOR: Well, the way affordable housing works is – stop me if you are familiar, but we have to – we in effect produce and build and develop, manage and occupy for 30 years affordable housing. Those rents are restricted. And so in order for anyone to develop housing it costs \$100 million to build this, but it's only worth \$50 million, right? So we are able to generate tax credits, which is what this bond inducement will allow us to do through the issuance and utilization of those private activity bonds, allows us access to that federal low income housing tax credit. And that federal low income housing tax credit will effectively bridge the difference between what the project is worth and how much it costs to develop.

If this was a market rate development our rents would be \$700, \$1,000, \$1,500 higher than what we are able to charge under the affordable program and value is determined by the amount of income the property generates. So by our rents – and our expenses are going to be exactly the same as any other market rate development. Their rents are significantly higher; ours are significantly lower. So your value is going to be really compressed to other values for apartments in the area.

COMMISSIONER GREENE: Okay. That sort of explains it. My understanding is the subsidies make you whole as a landlord. It just is affordable for the tenant.

MR. TAYLOR: For the 30 years.

COMMISSIONER GREENE: Yes. So you're saying that even with that subsidy that is given to you between somebody that's paying \$250 a month out of their pocket. Whatever the market rate that we approve here at the affordable rates for Santa Fe County. Let's say it's \$1250. So that thousand dollars that is made up between by some federal program –

MR. TAYLOR: Slightly the other way around. So the rents are reduced and it's treated as if it's a market rate property to the residents. So instead of being able to charge market rents for our community in our units, they're restricted to an area median income. Which here the average is 60 percent. So we are subsidized, the federal low income housing tax credit program subsidizes the construction of the affordable community.

COMMISSIONER GREENE: But not the rents.

MR. TAYLOR: Correct. I mean in a way it does because it subsidizes the construct. We commit and are obligated to hold rents affordable.

COMMISSIONER GREENE: You don't get subsidies on rent, you just get subsidies on construction.

MR. TAYLOR: Correct. All residents are required to pay their rent as if it's a market rate community but with lower rents.

COMMISSIONER GREENE: With low rents. Not market rate. Subsidized based on their income, not market rate.

MR. TAYLOR: Correct.

CHAIR HUGHES: Any other questions?

MR. OLAFSON: Mr. Chair, I'd like to ask Mr. Franklin to briefly go over the resolution and the contents of it.

CHAIR HUGHES: Okay.

MR. FRANKLIN: Mr. Chair, Commissioners, I'm Peter Franklin with Modrell Sperling. We're the County's bond counsel. I'm only going to hit – I'm going to summarize the resolution as quickly as I can. I suspect you already know what's in it for the most part. This is a non-binding resolution of the County expressing its intent to consider a bond ordinance for adoption. The non-binding feature of it, that's shown in the last recital above the resolution itself on page 3. So Section 1 ratifies any prior action taken by the County and its staff, primarily reviewing the application and asking questions of the developer and so on. Section 2 describes the proposed project which you've already heard about. Section 3 indicates the County's intention to issue the bonds on a tax-exempt basis. That ties into some other provisions in the resolution which I'll get to as the summary finishes up.

Section 5 provides that the bonds are payable solely from revenues of the project and provided by the developer. This is not going to be an obligation for which the County is in any way financially responsible. That's what we refer to as a conduit transaction. So in no way would debt service ever be a monetary obligation of the County itself. Section 6 specifies several conditions which would need to be satisfied before the Board of County Commissioners considers the ordinance for approval. The first one is provision of a satisfactory economic impact study. I think that condition may already have been satisfied. I'm not sure. The second is an agreement between the developer and the owner of the adjoining land to provide a street access that's in compliance with the Sustainable Land Development Code. I think that remains to be satisfied as far as I understand. The third condition is a satisfactory water availability, and then there's sort of a catchall, any other issues identified by the County staff prior to the hearing on the bond ordinance.

Sections 8, 9, and 10 relate to issuing the bonds on a federally tax-exempt basis. Section 8 provides a statement, what we refer to as an official statement of reimbursement intent to the effect that the developer intends to be reimbursed from proceeds of the bond for capital expenditures made before the bonds are actually issued. Section 9 authorizes a request of the State Board of Finance for an allocation of what's referred to in New Mexico as the state ceiling. It's basically the amount of private activity debt that can be issued in the state based on basically the population of the state year to year. And Section 10 provides for a public hearing. It's called a hearing on project approval. This is another federal tax requirement. It's a hearing conducted on behalf of the County. It is seldom conducted by the Board of County Commissioners itself. It's really just a hearing to gather public commentary on the project itself as opposed to the financing.

That's all I have on the resolution itself. If there are questions I'm happy to try to answer them.

CHAIR HUGHES: Okay. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Mr. Franklin. The project is responsible for the bond proceeds or for the repayment or the owner/developer, or if they flip it and sell it to somebody else, who is responsible?

MR. FRANKLIN: So the revenues that are pledged for repayment of the bonds are the revenues generated by the project as identified in the financing documents. Those could include lease payments made under the ground lease. They could include housing subsidy payments made by the federal government, if any. They would include the rents paid by tenants. But I think the important point is the County is not responsible for those payments and in fact is not legally able to make any of those payments should the project get into trouble.

COMMISSIONER GREENE: If the project does get in trouble, what remedies?

MR. FRANKLIN: Well, we hope that day would never come. Basically, the bond holder may have a mortgage on the project subject to the land use restrictions, the affordability restrictions, and there could be a foreclosure remedy.

COMMISSIONER GREENE: But we're not in first position. We're way down the line. Or we're in zero position.

MR. FRANKLIN: I think that's a fair statement. I don't think the County has – the County will have enforcement rights with respect to the federal tax compliance requirements and will have some basic enforcement rights with respect to the ground lease, but the County's not the real party in interest, as far as payment of debt service on the bonds. The County's not responsible for paying debt service on the bonds. So it's really going to be the bond purchaser and its rights under the bond indenture or other financing agreement. That agreement would provide what remedies are available to the bond holder.

COMMISSIONER GREENE: Does the County have any ability to require maintenance on this project?

MR. FRANKLIN: Well, the County has all its ordinary land use and nuisance enforcement rights. To the extent that the ground lease – the ground lease may include certain rights to inspect and enforce otherwise applicable County ordinances, but it's really not a project that the County would own in the sense of a commercial landlord or that sort of arrangement.

COMMISSIONER GREENE: I bring this up because about a year ago we had the Vista del Rio project, you may or may not have read about, but it was a USDA project that way pre-dates us but somebody 30 years from now will be looking back at us and saying why didn't you put some protections in there to make sure that this is maintained. Whether the developers decide to flip this or it changes hands four or five times, there's no guarantee that they're as benevolent as the developers and it could just degrade into something that – a death spiral. If somebody doesn't maintain it, nobody wants to live there, regardless of how affordable these units are and the value falls out and then it's – if it's not maintained they don't pay the thing, it doesn't necessarily hit our bond rating but it becomes a project that we were somewhat responsible for and I would love to see some level of maintenance agreement to require that inspections – whether it's once a year, once every two years or whatever, a project like this.

Like if it was a USDA project it would have an every two-year inspection and review. That would be great. I don't know if that's something that we can require.

MR. FRANKLIN: Mr. Chair, Commissioner Greene, this is not something – well, I can answer it this way. In a traditional industrial revenue bond project, which would involve a commercial operation as opposed to affordable housing, the County would have explicit rights of inspection and the tenant, the conduit borrower under the IRB would have covenants in the lease agreement to maintain the property, to maintain the project in appropriate good working order, and to the extent that the tenant violates those covenants the County would have authority to enforce those covenants.

Now in the IRB context, what that typically means is that the County terminates the lease and the property goes back on the tax rolls. It doesn't get to kick the tenant out like a commercial landlord would be able to do, but that's the leverage that the County has is to make the project pay property taxes at that point. I don't see a reason why the leases agreement and the other agreements between the County and the developer could not include those types of covenants but I don't want to speak for the developer. They will have their own thoughts about that.

COMMISSIONER GREENE: So we're not approving the lease agreement but we could give a little bit of direction for the lease agreement to say we want to make sure that this property is maintained. We want to make sure that you build it, you maintain the landscaping. You make sure it all looks great. You make sure that the streetlights are on. It's safe. All those things. But that's something for us to be able to do. Now, they don't have to do the lease agreement because at the end of the day they could decide they don't want to do that. But that is the next bite at the apple that we have to sort of maintain this. This is the next inducement or the next motivational agreement that we're entering but there's still one more, maybe two.

MR. FRANKLIN: So, Mr. Chair, Commissioner Greene, At the time the bond ordinance is adopted within the ordinance there is an approval of the forms of the lease agreement, the indenture, whatever other financing agreements there are. If there's a bond purchase agreement, that's approved, and prior to the adoption of the ordinance, I think all those types of things can be discussed and negotiated with the developer.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair. I appreciate the length and the brevity in the presentation. Thank you. The one thing that was in the brevity part of it, in the design, and I'm thinking, this is a question that it's not now when question. One of the things that we've seen with a number of these affordable housing projects that are going up, specifically more around the city are out of line or out of scene with some of the design standards. I've heard a lot of complaints. People say, that doesn't even go here. This isn't what it's like. In the SLDC, in the section that says the design must comply with the SLDC. When we look at Title 15 and it says it will meet the design standards for Santa Fe, can we be assured – because this is in a corridor. And we do just have these structures that are popping up, multiple story that just look like they were brought in from St. Louis or something, and they don't really necessarily comply to the aesthetics that we have in the city and in the county now.

So because this is a corridor where these are, they're going to be visible from two approaches, both off of I-25 and off of Highway 14 into that district there, can we be

assured that these will be – when I hear Commissioner Greene talking about we want to make sure that these things are kept up, etc., etc. But the design – and I recognize and that’s why I asked the question before about moving forward, but we will be assured that the design is going to be commensurate to what we’re used to seeing around here, not necessarily something that because it was a lot more affordable to do it a different way it doesn’t look like anything that will be SLDC Santa Fe aesthetic compliant, if you will.

MR. OLAFSON: Mr. Chair, Commissioner Bustamante, I want to ask the developer to speak to it, but in their entitlement process they did make a commitment to working with local aesthetics and making it be a good part of the community. And also I would just note, I don’t know if any of the apartment complexes, especially in the city are affordable. I think this is one of the first fully affordable projects we’ve talked about ever in the county, and I’m not sure there are any in the city either.

COMMISSIONER BUSTAMANTE: Thank you.

COMMISSIONER GREENE: Siler Yards is fully affordable, but to your point, if I may. We approved two variances. This will be taller than our normal code, and we will hear from people. I know it.

MR. YUTSY: Just to add to his statement, this one actually had a double check on it because they are in a Community College overlay district. So not only do they have to follow SLDC but they have to follow the Community College overlay distinct when it comes to design. And a variance was actually based on the Community College overlay district, not necessarily the SLDC but because it was in the district. And so the height requirements were actually lower in that district.

COMMISSIONER GREENE: Thank you.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Well, I have a question and a comment. One of the agreements – one of the things, one of the commitments that is stated here is that the applicant commits to remaining in Santa Fe County for at least the term of the bonds. I assume that impacts the concerns about this being sold before. While we have a financial stake in this that they’re going to – am I misunderstanding that? What does it mean to remain in the Santa Fe County?

MR. TAYLOR: Commissioner Hamilton, this may address Commissioner Greene, your question as well. So affordable housing is one of the most regulated and compliance driven building products out there in general. So in terms of inspections and ongoing compliance and maintaining the properties themselves in terms of who we’re renting to, the physical condition, etc. We are soliciting and we hope to obtain the low income housing tax credit from New Mexico MFA. They have annual inspections where they review all tenant files. They do onsite inspections. They provide us inspection reports for stuff to fix. We also have that with our lender and our investor who are insuring that we are providing affordable housing that’s safe, secure and habitable. If we do not we are at risk of losing those tax credits, which are delivered over a ten-year period. And so it is very regulated and highly – we are highly motivated to ensure the physical wellbeing as well as the compliance with affordable housing in general.

So to your question though on the long-term nature of this, affordable housing is also very unique and I want to hopefully distinguish ourselves from maybe other conventional apartment developers. Affordable housing has a 30-year commitment to



affordability, which I have mentioned before, but there is a secondary commitment where in the first 15 years is considered the compliance period. We are unable to sell, dispose of, refinance, transact that property for 15 years. So we are going to be here for 15 years making sure that it is a safe, habitable, affordable housing complex.

We cannot build it, fill it up and flip it. That's just not how affordable housing works. So we are committed to affordable housing – how it's built, how it's designed, how it fits into the community. If we design something that is underparked, we have to take that burden and deal with it. If we design something and install poor appliances, low quality materials, we end up paying for that. So I want to make that distinction that affordable housing is not just good for the community in the sense we're providing affordable housing but we have to provide quality affordable housing for a long time. So hopefully that answers your question regarding our long-term commitment to this community.

COMMISSIONER HAMILTON: It does, and I really appreciate it. And my comment is, I see this as a mechanism for encouraging responsible and highly needed and a large quantity of affordable housing which we have otherwise found it incredibly difficult to do. I find this to be a new approach, an additional tool in the toolbox if you will, for something that we've been trying very hard to do for quite a while. I think that's an important consideration.

MR. TAYLOR: For what it's worth, if we're ever, once we get done with this project, I'm more than happy to talk to the Commission about how we can do more, faster, and more efficiently.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I too think that this is an important project to move forward, and I thank you, Mr. Taylor for your commitment to affordable housing because clearly that's something you're doing around the country. But on the other hand I think it is paramount for the County to put pressure on PNM to provide solar. There are numerous people throughout the southern part of Santa Fe County who cannot get solar. And so I think that it is our responsibility as a leader in renewable energy to put pressure on PNM. And I don't know what that looks like but something has to happen.

MR. OLAFSON: Mr. Chair, your comments are well received and we understand the frustration. You can see on the applicant here is also frustrated and many others. And so we actually had a discussion this morning on another project about how workarounds that we might possibly do with PNM. However, as we all know, PNM has a very strong position in the state and it's hard to move them very quickly. But I think we can look at different avenues that we might be able to help support making better changes.

COMMISSIONER HANSEN: Do we need to bring somebody else in? Or do we need to buy PNM? Really, something else? I know it's a big comment but at the same time I am voicing the frustration of myself and maybe people are laughing, but also of developers who want to do the right thing and they can't. And that is to me incredibly frustrating.

MR. OLAFSON: Mr. Chair, Commissioner, we can certainly look at the toolbox, and to Commissioner Hamilton's point, this kind of project was envisioned in

our affordable housing plan that was adopted last year. This is the first one. We know there's another one coming around the corner, and it's one of many tools in the toolbox and we definitely want to support it. And as Mr. Taylor said, make it as easy and flexible as possible, while maintaining standards and maintaining quality, and really providing for our community.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. And I actually just wanted to add the additional voice to what Commissioner Hansen is saying because in this case, not only would the developer otherwise be able to do solar, this is a big affordable housing project. So it would positively impact a lot of people. So it seems like even more valuable if we could do it. I think everybody is stymied on what the next steps could be. But it was well said and it was a little humor to something that's very serious but I think it was a very important comment.

COMMISSIONER HANSEN: Thank you, Commissioner Hamilton. I'm just frustrated, and I can see the developer is frustrated. And why aren't we getting anywhere. This has been going on for years and PNM doesn't seem to think that it's important, I guess. Somehow maybe they need to be taken to court, or they need something. I don't know the answer of how to move them, but somehow they need to be moved.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, Commissioner Hansen, on May 28<sup>th</sup>, after our meeting, I sent a letter to the PRC, copied the County Manager in the interest. PRC oversees PNM. The opportunities are to identify either to, I will say set PNM free from their commitment to being the sole energy provider in our area, but allowing other entities who have had interest in providing the utility. Almost my entire district post-Airport Road is in a red zone. So what would need to happen would be that the pressure from the PRC. I've asked that the appropriate people from Santa Fe County and the appropriate people from the PRC convene to meet to discuss what the options are, because if we're going to move forward at all with anything like micro-grids, like – even just household solar is at a standstill in the red zones and we're hearing about it in development. So the wheels are turning in that regard though we have not heard anything back since May 28<sup>th</sup> and I will work to follow up on that, but this has been an issue, as you've said, for a long time and we have the County that can move forward and ask that the PRC make some movement there in our interest.

COMMISSIONER HANSEN: I would request that your letter be brought to the Board so that it's sent from the entire Board so that the PRC understands that it's not just an issue for one Commissioner but an issue for the entire Board.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: I think if we could get back to the resolution perhaps.

COMMISSIONER GREENE: If I may, just one little ironic comment.

CHAIR HUGHES: A little thing, Commissioner Greene.

COMMISSIONER GREENE: Do you know who's next door to your project? PNM. You can just go over there every day and knock on the door. The PNM engineers are right there. Right, they don't really have a door. But if you can get past

security, the engineers are over there. Knock on their door every day. Anyway, I would love to be a part of that letter as well, so thank you.

CHAIR HUGHES: Okay. I've move the resolution declaring the intent of Santa Fe County, New Mexico, subject to the satisfaction of certain conditions, to consider for adoption an ordinance authorizing issuance of multifamily housing revenue obligations in a principal amount not to exceed \$60,000,000 in connection with a proposed project located within the county, for the purpose of financing the acquisition, construction and equipping of a 240-unit multifamily affordable housing complex to be known as Cresta Ranch Apartments.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Thank you. Through the development of the project through site and operation.

COMMISSIONER HAMILTON: I didn't mean to jump the gun on you there.

CHAIR HUGHES: In the manner set for in the project plan. Thank you for the second.

COMMISSIONER HAMILTON: I didn't realize I had jumped the gun on you. I'm so sorry.

CHAIR HUGHES: Any more discussion? Okay, I made the motion, Commissioner Hamilton, seconded.

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

CHAIR HUGHES: Congratulations.

MR. OLAFSON: Thank you very much.

CHAIR HUGHES: It's time for our 3:30 break, so we will take a ten-minute break and then we'll have public hearing after that.

[The Commission recessed from 3:57 to 4:06.]

**8. Matters of Public Concern**

CHAIR HUGHES: Does anybody in the room want to make public comment? Anyone online, raise your hand so Daniel can see you.

DANIEL FRESQUEZ (Media Specialist): Mr. Chair, nobody online is indicating that they'd like to speak.

CHAIR HUGHES: Okay. Well, so much for public hearing.

**7. Presentations**

**A. Mid-Year Update on the Strategic Plan**

CHAIR HUGHES: Cindy Mckee.

CINDY MCKEE (County Manager's Office): Mr. Chair, Commissioners, I'm glad to be here today. I'm Cindy McKee, Director of Strategic Planning and Operations for the County. We're about to have a presentation here. It's been six months

since you all adopted our updated strategic plan so I'm here to give you a short mid-year update.

The goals of today's presentation are to introduce our public dashboard, to review our monthly report format, to review our annual planning cycle, and to talk about our upcoming strategic planning summit.

The first thing that I'm thrilled to share with you is our public dashboard. Having a public-facing dashboard for the strategic plan has been part of our thinking since I took this position 2 ½ years ago, and we're finally there. If you've looked at our website recently you'll see that we've added a button up at the top that says strategic planning right there. Thank you, Daniel. And when we click on that button what we get is a front-facing dashboard for the public to understand at a high level our strategic plan and the progress we're making on it. So the page looks like this. It's driven by Envisio, and then if you guys could scroll down for me just a little bit. Oh, I have a mouse. I apologize. You can click on any of our population goals and it will take you to the objectives and show you the progress we're making on those objectives. And then if there's a particular objective that you as a public stakeholder is interested in you can click on that objective and it will show you, again, at a high level, the progress that we're making on each of those individual strategies. What this really does is it communicates to our constituents and stakeholders our values and our work plan and how we're doing toward achieving that.

So again, I'm just really pleased that in addition to our strategic plan prioritizing the work that we do internally, we're now in a position to communicate that externally.

The next thing I want to share with you is a sample monthly report that I'm going to begin submitting to you every month. As you all probably very well remember, we spent a very intense and full day bringing you up to date on each department's strategies. You will now receive a strategy report every single month when you receive department reports that shows you what's been done on each strategy. And I just want to show you what to expect when you get those.

This is very difficult to see but what I want you to see is the format of this. And Daniel has some printouts in case it's easier to look at them on paper. So you will receive at the second meeting each month a strategic update report that will show the strategy, the owner of that strategy, and then either a checklist or a work plan, or in a few cases, both. Primarily it is Public Safety that is using a checklist format, but essentially what you're going to see is here's what we're going to do in order to achieve this strategy. And then at the bottom, each month, you'll see what's been done in the last month toward achieving that work plan.

So sometimes that will change every month. It will look a little bit different. And sometimes it won't look different because something will still be in a little bit of a holding pattern. We've put out an RFP, but we haven't completed it. So certainly, if you're looking at it doesn't look like it's changed from one month to the next, we would encourage you to ask and to know that it hasn't been forgotten. It just may not have changed in those four weeks.

So let me just show you how that works. The monthly reports are updated every single month and we've now really got a nice cycle going where staff from the first of the month until the seventh of the month engages in updating their strategies in Envisio.

During that time I hold a one-hour office hours in which I'm just on Webex in case anybody has a technical question, has a writing question, isn't sure how to format it. I'm just available. People pop into that Webex. I help them get it done. I have a couple of kind of gold star updaters who call me every single month and say, okay, let's talk this through. We make sure we get those updates in.

And then on the eighth of the month I run the report. So we give people a full week to update their previous month's progress, and then I run a report for you all. And that really should give you a very good picture of what it is that's been done towards the strategies that you all prioritized. And then of course you guys can always go directly to Envisio and look at those same things, because that update is available to you in Envisio as well. And if you can't find it you can ask your liaison and you can always call me.

The other thing that's really finally arrived in this process for all of us is that we have a strategic planning annual cycle. We've really worked together enough. I've been here long enough, that we have a cycle that feeds the progress of each step, and I wanted to represent it cyclically but then I also want to talk to you about it. I think what's really essential is the fact that each element of this feeds the next, and that we're always looking at our progress. It's a way to keep us from getting stagnant or forgetting about something, that we're always looking back and saying what have we gotten done towards this strategy.

So as we think about that cycle, back in September of 2023 we had our summit, and then we really spent the month of October scoping new projects that we would add to the plan. In November you all met again and prioritized all of the old plan and the new ideas, came up with how we wanted our new plan to look. I did some editing and writing and then in December that plan was adopted with its updates.

In January and February the staff worked really hard to learn how to build those work plans, to figure out how they would begin to achieve those strategies, and they worked really hard to realistically update their progress. So it was a big work in progress in January and February. March, April and May, we really saw the strategic plan feed the budgeting progress and that really flowed right into it. I think we're getting better and better at those processes informing one another, and now here we are in June with a mid-year update, and what you can look forward to from here, in July and August we're going to invite you all to do important things.

One, any project that you're beginning to think about, request that scoping now. So last time we said let's have a summit, and then we frantically ran around and scoped things for you and there was a lot of pressure for you to bring those ideas to us. We're inviting you to begin that scoping process right now. I sent slightly updated scoping shoots to all of your liaisons. I also have them, Sara has them, but as things come to you we can begin that scoping process right now.

The other thing that we would absolutely encourage you to do as you go through your monthly updates is if you want some more information and conversation about any of those strategies, reach out to me, reach out to Sara, or reach out to the department and ask for a short presentation on that strategy. So if there's something you're saying, well, I see what you've updated here but I have some questions about that. We like to keep you updated in this process at the BCC meeting, so that when we get to the summit you all have all the information that you need.

We're proposing September 26<sup>th</sup> and 27<sup>th</sup> for the summit. For some of you, and I won't call you out by name, but for some of you, I'm very aware that that is Wine and Chili, but we're also proposing half-day meetings, because one of the things that we all experienced, and I really heard from the feedback that I received from you was nine hours together doing that intense work was exhausting and difficult to really bring our best energy for that full 18-hour process. I think if we're keeping you all up to date and answering your questions as we go, we won't need that intense time. And so again, I'll reach out to make sure those dates work but what we're proposing is a late September summit with two half-day sessions, and then a December adoption. That allows the time to take the information we put together at the end of September, turn it into a new updated plan, and then we re-engage in that cycle, eventually feeding the budgeting process again.

So really we have moved from trying to make sense of a plan that lived in Excel to a pretty nicely flowing strategic planning cycle.

I just want to remind you all that any scoping that you all are thinking about now I'm always available to help with that, to answer any questions. I want to do as much as I can to support you all as we move towards September which of course we know will be here in the blink of an eye, so that you have all the information that you require.

And then – and that is all. I stand for any questions that you all might have.

CHAIR HUGHES: Questions, anybody? Commissioner Hamilton.

COMMISSIONER HAMILTON: First of all, thank you. That was great information, and I'm thrilled and impressed that I stated 2 ½ years ago we wanted to develop this process and it's gotten to where it's actually a cycle and it's integrated with the budget. It's kind of the ideal, and I'm so happy to see that. I have a qualitative interest question.

MS. MCKEE: Absolutely.

COMMISSIONER HAMILTON: You said, which may not be answerable, in the turnover at the year the cycle goes from us adopting to staff developing work plans. And I wondered how that went. Because to a great extent a strategic plan changes some things but it doesn't wholesale make 180 degree turns. Right? There are things that are ongoing. And obviously, a strategic plan notwithstanding, the County has obligations. So those two things are integrated. Has staff – has it fill well positively in managing the departments and doing the work? Has it helped that? Or are there things that still are sticking points?

MS. MCKEE: Mr. Chair, Commissioners, I appreciate that question so much and it really indicates what a good understanding you have of this County and the work we do. There are several answers. The first answer is our strategic plan really represents continuous improvement, new initiatives, change. It doesn't represent our operations. And so just as you said, we have departments that are deeply engaged in their operations, and we have our strategies and those strategic activities we're engaged in. That's a balance. And I feel that balance a lot when I'm nudging people to engage on the strategic side and they are working very hard on the operations side. So that is part of the answer.

But the other part of the answer is once we made the time together to say, what do I need to do and how am I going to do it? And how am I going to work to hold this

process accountable? I think for most people it's been very valuable. It's hard to stop and to use a Steven Kubby line, it's hard to stop and sharpen the saw, but once you do it makes the job easier. And so I have tremendous respect for all the folks who are engaged in their operations giving me their time to create these work plans, to keep them updated, to drop into my office hours and really make sure they're getting it right. And I too feel such gratitude and a little surprise at the fact that in 2 ½ years we gotten this where we are. And it's because we really don't have anyone who's unwilling to engage, and that's incredibly fortunate.

COMMISSIONER HAMILTON: Well, I definitely think one of the benefits is that it's really integrated the intentions and desires of the Board with the staff which at Santa Fe County is fabulous, right? We do a good job but I feel like it's really integrated at a higher level. Thank you, Mr. Chair.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: If I may, and I don't really have any questions because I'm just grateful, and when we first started talking and you were sharing how this was going to roll out, and I'm excited to see how it's rolling out and what's really telling is your enthusiasm. This doesn't sound like you're trodding through something; this sounds like something that you feel is on a good trajectory. So I appreciate your effort and I'm looking forward to seeing your reports and seeing how well they're received. And then hearing from staff on how they feel it has helped work flow. So thank you very much, Cindy.

MS. MCKEE: Thank you.

CHAIR HUGHES: I agree with that. Commissioner Greene.

COMMISSIONER GREENE: I agree with that. You give a lot of enthusiasm and it's infectious both to us I think up here, but also I think that you are a leading example of that in Santa Fe County to bring staff along and to get them excited about things. I've only heard great things, so thank you very much.

MS. MCKEE: Thank you. I appreciate that. I do love this work.

COMMISSIONER GREENE: I believe it. It shows.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Yes, thank you, Cindy, for the presentation and for working so hard on this, because it's something that Commissioner Hamilton and I started the strategic plan a long time ago, at the beginning of our terms, and to see it come this distance is great. So thank you for your work and your enthusiasm.

MS. MCKEE: Mr. Chair, Commissioners, when I received that really big and somewhat unwieldy spreadsheet, I often make jokes about how hard it was to manage. But when I figured out how to manage it the content was there, and I did inherit from the work that you all did many years before I got here, a lot of very solid content, and that's why we've been able to take it to where we are not. So thank you.

CHAIR HUGHES: Thank you.

**7. B. Presentation on Proposed Senior Services Partnership with Rio Arriba County.**

CHAIR HUGHES: Anne Ryan and our report on Senior Services.

ANNE RYAN (Senior Services): Chairman, Commissioners, good afternoon. Present with me, several of our sensational Senior Services staff. We are here to provide you with some information we were asked to share so that you could provide us with potential guidance about this possible partnership and if it proves wise to explore it further.

We'd like to start with some background about where we're going to focus which is the northern part of the county and the senior services that exist there. Presently, the Community Services Department operates three senior centers in the northern part of the county. One is in Santa Cruz, one is in El Rancho, and the third is in Chimayo, also known as Bennie J. Consistently, those three senior centers provide four core services: congregate meals, congregate activities which can occur in the center themselves or for example on field trips, or dances or art museums. And then we have the other core services of transportation and home delivered meals. And the reason I somewhat bifurcate those twos, congregate versus home-based, is because we in Santa Fe County also the state and throughout the nation have seen a growing trend for a higher demand of those home-based services.

And it's pretty obvious as to why. As we age we are wanting to age in place, but we're also living longer. And so that creates a greater demand for those particular services. And within the Community Services Department when I say transportation services, we prioritize medical transportation to doctors' appointments, dialysis, etc. But we also know that many very active seniors simply can't drive anymore and they really just need help meeting some basic essential needs – grocery shopping and related.

Government is always in the position of needing to be very wise with resources in ways that meet community needs, which frequently are competing, and that is potentially no different here. So we've got three senior services in the northern part of the county operating those four core services, and in the beloved, blessed community of Chimayo, in addition to the County's Bennie J Center there is also, located just a mile and half away, the senior center that's operated by Rio Arriba County. So it's literally just a stone's throw away.

It takes about two miles to drive by car, and when we reflect upon the example, the pretty radical statement that the Surgeon General submitted, I don't know – maybe two years ago about loneliness as being the number one factor. What we really have an obligation to do is to increase the opportunities for socialization. And so when you have very small communities with frankly duplicate services, if we were to take those congregate services and partner with Rio Arriba County for just the congregate, so we are not eliminating services. We're not even necessarily changing those services, we are more than anything strengthening that safety net and creating greater opportunities for seniors to congregate within their own community, have new experiences, which would then potentially allow the County to redeploy some of those existing staff in order to better meet this demand that we've seen for home-based services, and in our case that's home delivered meals and transportation services.

So if the Commission were to have a discussion and feel this worthy for us to continue to explore, and again, at this point it is simply exploratory, one of the first and last things that we always want to do is ensure that we are being very sensitive to the community's needs. And so this is just to get an indication from the Commission if it's



worth exploring, and if it is, the County wants to provide the community with every reassurance that we want to hear from them and we will do that properly and appropriately in their community and break bread with them.

That said, there are a number of considerations for both the Commission and the County prior to giving any of those indications. And so we're going to start with some of the benefits. In no particular order, some of the benefits include the ability for us to help better meet the growing demand for some of those home-based services, home delivered meals and transportation services; the opportunity to leverage resources with our neighbor county so that together we can really create that stronger safety net; wiser use of resources; creating greater opportunities for seniors; increasing participation at the surrounding centers as well; reduction of duplication of services provided in that particular area; reduction of overall operations and maintenance costs.

We know that the plan is potentially agreeable to Rio Arriba County. We also know that our funders, or shall I say partial funders of AAA also have given their nod of approval if we were to explore this further. And finally, a point that I will defer to Deputy County Manager Cordova on whenever he feels it appropriate to address, but the community itself has expressed other needs that are occurring present day that the County could potentially help with if that particular building were to be repurposed.

All of this said, there are some additional considerations. We want to acknowledge that most of you are aware that the County is in the process of procuring a senior services study for a gap analysis. That presently is with Procurement. We hope that that contract will be fully executed with UNM by the commencement of the new fiscal year. All of that said, irrespective of the conclusion of that study, we know it is going to verify what we have seen locally and on a state level and on a national level for the greater demand on a number of those home-based and transportation services.

There would also be some loss of capital funding. As you are aware, the ICIP process for senior facilities is independent and apart from the general ICIP. The state is very strict about apples to apples in terms of reallocating funds. We have earmarked for Bennie J. through state capital outlay about \$1.5 million to be distributed over the course of the next four to five years and the state has indicated that they would assist with that process provided it is apples to apples.

So for example, where specifically in that application, part of those funds are for example, kitchen upgrades, they would let it apply it to kitchen upgrades in some of our other centers. It is a process. It could not commence until January and it's not guaranteed but it is something that you need to be aware of.

And then finally the last point that I want to make, although one quick piece. If the building were to be repurposed, there could be some mitigation of lease-based revenue. So just to potentially offset that. But that is again quite premature. And lastly, if there is an indication from the Commission today that this feels wise to at least continue to explore at this point, we again just really want to reassure the community that we will do right by them. We want to reassure them and we want to break bread with them in their community so that they can voice their concerns or enthusiasm with us directly.

So with that, I just want to check to see and otherwise we will hang back for questions. Thank you.

MR. CORDOVA: Mr. Chair, Commissioners, I'd just add a couple

comments. One, first of all, thank you very much for the presentation and for providing some of the context for the discussion. One thing I'll mention, we did start talking about the community outreach process with Olivia our Public Information Officer, Commissioner Greene is willing to attend these meetings with the seniors in person. We hope to be able to start as early as next week, sitting down talking to them, explaining to them the value that we see in this opportunity. What I would like to also say is we've had a couple opportunities to tour the County assets within the Chimayo area, Bennie J. being one of them, the other being a building on the other side, closer to the Santuario, near our fire department that used to be a Head Start. That building has ceased being a Head Start about a decade ago and it's been sitting vacant for about ten years. It's still a pretty good building. It has a lot of potential and opportunity for the community and during our touring we realized there's potential in that building and we'd like to also look at how we can – just some investments to keep that asset viable.

And so this same exercise was taken with Bennie J. and I really appreciate the senior center staff and Community Services staff looking at all these potential opportunities and working with Rio Arriba to try to move towards a potential beneficial partnership as described, really at the end of the day help spread our dollar and spread our impact over the county and our neighboring county. Now we'll stand for questions. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So my first question is the services that will be provided by Rio Arriba? Similar? The same as what we're providing in Santa Fe County?

MS. RYAN: Mr. Chair, Commissioners, exactly the same. And so as you know it's a checkerboard area and in fact the head of our Senior Services and head of operations used to run that center so they know the people very, very well and the community quite well. And we would still be incredibly involved. More than anything it's about leveraging resources and streamlining services and doing a lot more government to government so that we can be wiser with our use of resources. But they've got a fleet; we've got a fleet. We look forward to potentially joint outings, joint field trips. Yes. Sharing quite a bit.

COMMISSIONER HANSEN: And thank you for your excellent presentation.

MS. RYAN: Thank you.

COMMISSIONER HAMILTON: Definitely, thank you for the presentation and I appreciate the fact that you're looking at these things critically for how we can get maximum provision of services and at a level and manner that we like to at least try to hold ourselves to high standards but doing it efficiently and working with another government. I'm assuming that you're looking for feedback. Given from what you find out from talking to people in person and I'm glad to hear that you guys were planning to do that as well. Obviously that's really, really important. I think considering something like this makes a whole lot of sense if it's amenable to the community and amenable to your judgment. So I just wanted to provide that as some feedback in case you were looking for it. Or even if you weren't. Thank you.

MS. RYAN: Thank you.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Anne and thank you, Leandro, and to the team that is facilitating this. This is going to be exciting because not only to address some of the concerns here. One of the things in our outreach is to ask the seniors what they love about the facility and what we're doing up there and what they wish we could do. And so we want it to be what we do plus. We don't want to take anything away. If there's something that they hate, that's fine. But if there's something that they miss – so an example of that is something that they love. It's Chimayo; they have a weaving, looms. Rio Arriba County doesn't have looms; we do. So we would bring them over. It's not like we're going to say, oh, we're done with that. No. This is something that they find near and dear. Leandro has offered to teach weaving on Saturdays, an old family tradition.

But there's also other senior centers that have said, look, we really wish the County had an internet course. Right? Basic internet for seniors. How to talk to our grandchildren who live in California. And they feel like they don't know how to do that, and it's not like we're going to teach them how to code, but we are going to actually teach them how to use Facetime and feel confident on a phone and do these things. If that's what they want. So we're going to go up there in the next week or so and start to discuss these things and really offer, what can we do more? Part of the quid pro quo of this is there is something that is the more for this community that is a desperate need right now, that this facility potentially has the opportunity to serve as.

We're in those discussions but we can't really speak openly about them. But thank you, and I look forward to your support and if anybody wants to go up there with me, standing before the seniors and discussing this is a little nerve-wracking some come on up and have lunch with us.

CHAIR HUGHES: Maybe I'll come along. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you for the presentation. This is very good. I do have a question about the role of AAA. You said this was minimal. What do they bring to the table? What does the Area Agency on Aging bring to what can happen?

MS. RYAN: So they are our funding source as you well know, and under the COVID conditions they actually changed their billable model to eradicate fee for service, which was kind of creating a bottleneck. They're going to be returning to that. So they don't bring anything to the table other than their knot of support, but for the seniors for whom we are currently getting reimbursed by AAA for just the congregate meals would then be reimbursed to Rio Arriba County. I hope that –

COMMISSIONER BUSTAMANTE: That absolutely answers it. Thank you.

MS. RYAN: Great.

MR. CORDOVA: Mr. Chair, if I could just add one more point that I forgot to mention. The Arboleda Center that Rio Arriba County operates is only about ten years old. It's a brand new facility. It's really a good facility for the community. It has a park where I know my kids really spend a lot of time. And so just another opportunity to provide the seniors with a more modern facility that meets all ADA and all of those other important factors.

CHAIR HUGHES: Okay. I would be interested to hear what people think,

the people that actually go to the Chimayo Senior Center, whether three miles down the road seems reasonable or seems totally bizarre to them. So thank you.

MS. RYAN: Thank you.

**9. Matters from the County Manager**

**A. Miscellaneous Updates**

MANAGER SHAFFER: Thank you, Mr. Chair and Commissioners. I only have two brief updates. First we have scheduled a special meeting of the County Canvassing Board for this Friday at 2:15 pm, and the purpose of that meeting is to canvass the election results of the June 3, 2024 primary election.

Secondly, I wanted to remind the Board that next week is the annual conference of New Mexico Counties. That will be held in San Miguel County. I look forward to seeing many of you there as well as County employees. It's a great event to both learn from our peers throughout the state but also incorporate new ideas and best practices into what we do. Thank you, Mr. Chair.

CHAIR HUGHES: Okay. Thank you.

**10. Matters from County Commissioners and Other Elected Officials**

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

CHAIR HUGHES: I forget which way I started last time so I think I'll start with Commissioner Greene.

COMMISSIONER GREENE: Okay. Just really going to focus on one thing that has come up recently in my district and a request to seek support for the community in understanding the impact of how the County can play a positive role in this. So that item, if you haven't been seeing either in the paper or on Next Door or on my telephone at 6:00 in the morning is that the Bishop's Lodge Resort is in the process – it has an EPA and Environment Department permit and we are in the comment period for a solution for their wastewater treatment plant.

In general, they've been out of compliance with a relatively over capacity facility over the last few years and the County has worked on a few solutions and those deals fell through, and so now they're taking it on themselves to figure this out. There's a lot of concern in the Tesuque Valley and I've heard a lot of this concern and so I'm hoping that we can alleviate a lot of the fears and maybe bring some best practices to bear with an analysis of the proposal, as well as maybe some public meetings. So I plan to have a public meeting, a community meeting in the valley, some time before the end of the month. July 1<sup>st</sup> is the end of the comment period so hopefully we will be able to address the concerns of the community and have some recommendations before that so that we can present a unified front in support of a solution that remedies the problem that the resort is already having.

Besides that, if you all remember, we had all worked, we had put \$250,000 in our budget for this year to do a preliminary engineering report to do a regional sewer system,

wastewater system for the Tesuque Valley. And so I hope that that can be brought to bear sooner than later so that we can have a regional solution that everybody gets to take advantage of and make the groundwater better for everybody in the Tesuque Valley. Thank you, everybody. I will be at New Mexico Counties as well. Hope to see you there or staff or whoever is going to be there. Thanks.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So On June 8<sup>th</sup> we had Coffee and Tea under the trees and I had Jennifer Romero from the CONNECT program come and talk and I highly recommend other Commissioners, when they do a townhall or something have Jennifer come. It was a really good discussion about the CONNECT program and all of the residents and constituents were really happy to hear about the program.

It's also come to my attention once again, one of my favorite organizations, which is the Defense Nuclear Facility Safety Board, which is under DOE and reports to the president and is one of the most important boards that exists in the United States overseeing nuclear weapons facilities and nuclear facilities in general. They do not have a quorum on their board and they are not able to move projects forward or even come and meet with people, so I have written a resolution for NACo to have them lobby on behalf of the Defense Nuclear Facility Safety Board so that we can get appointments to this board. It is incredibly serious because the chair, Joyce Conroy, who I've worked with for the last six years, her term also is expiring and then therefore there will only be one member.

And what is happening is that the Armed Service Committee in the Senate will not move any nominations forward. There have been two nominations, a woman named Barbara Lee. She did get out of the committee but cannot get onto the floor to be confirmed and then the president also last week appointed Ike White, who has been the environmental manager for all of the facility sites throughout the United States and he came here and he was part of the townhall that I did last year in April. He would be an excellent person on this board.

So I just wanted all of you to know and the constituents to know how serious this is to not have an oversight board that reports the safety violations, all the things that we see in the paper that happen at LANL are because of this Defense Nuclear Facility Safety Board and they are the main oversight that is protecting the public throughout the country. I have reached out to Representative John Keaton who is a former representative here in New Mexico, a Republican from Carlsbad, and he recognizes how important this board is also, and was very happy to see that I had written this resolution.

So this is a really bipartisan issue that needs to be moved forward. And so I wanted to share that with the Board.

I'm also trying to work on my Protect the Pollinators resolution for NACo. I will be presenting it again but I'm also requesting that it be a platform addition to the platform of the American Counties of NACo so that when I'm no longer on the EELU my pollinators will continue to be protected.

And then also at NACo we'll be having a WAN meeting and then we're doing a joint WAN meeting – Women of NACo – with the Arts and Culture Commission of NACo and we've been working on that. I've been working with the chair of the Arts and

Culture Commission and as the president of the Women of NACo we have found a location and a space and so I'm excited that we can do art at NACo.

I too will be in Las Vegas for the New Mexico Counties and I do have – we had a Casa Alegre Neighborhood Association party for the 75<sup>th</sup> year and that was really fund.

And then I wanted to give a brief update on the shooting range out on the Caja del Rio. It is still with the Solicitor's Office and they are working through some issues but we do hope that the EA will be released in the next month or so.

One of the things that I hope that we can add and see on the strategic plan is not only just an arts and cultural center in Agua Fria but also I have asked in the past about a senior center in Agua Fria and I'm sorry they left before I got to ask this, but it would be nice to know if we ever did research on the fact of need for the village for a senior center and what we're doing to provide that. I know that there is a senior center in the city but it's quite a little ways away from the village. So I would I like to know if we've done some research on that.

But as far as an arts and culture center in the village, the traditional historic village has gotten a MainStreet grant to design a cultural center and they've been working with an architect, and part of the idea is possibly it could go at the area where the Nancy Rodriguez Center is, because that has – the master plan is designed to have more buildings there than just the Nancy Rodriguez Community Center, but then we could have an arts and culture center or a storytelling center, or some other items that the group that is working with MainStreet in New Mexico Tourism would be interested in.

So that's all I have at the moment. Thank you.

CHAIR HUGHES: Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I'm sorry to report that we keep having vehicular accidents off of the Los Pinos Road area and walls are taken out, as well as we just received another email about really pushing to get the Highway 14/Bonanza Creek area repaired, so I bring that up as top of mind, a lot of damage, and I'm just really hoping that we're seeing, now that the weather is improving that that will really be a priority in getting these areas that have already been planned for remediation taken care of.

Many years ago, with Commissioner Javier Gonzales, I told him the blood is on your hands, mister. You haven't done anything to fix this intersection. And I'm sitting in a position where he looked at me and said, I'll do what I can, neighborhood nuisance girl, and I really was pushing on this issue and it was a big problem. We were having lots of accidents at the intersection of the 599/West Frontage Road before it had lights or anything. And as we have developed, and I've said it from this dais before, as we've developed, we now have more traffic, more speeding. It really seemed as though it was going to make a difference to have the lights that let you know how fast you're going, but yesterday five calls about the accident that happened the night before at 9:00 pm that wiped out a wall. And someone's going to get killed, and I'm hearing in my head, this is going to be on our hands.

So I ask desperately for us to make whatever movement we can in those opportunities we have to address the problems with traffic, traffic safety, and dealing with problem speeders before they have an opportunity to speed. Looking for that engineering plan, community informed engineering plan in the La Cienega area was the

initial ask, given that we'd started that work with the La Cienega Valley Association a number of years ago, and now, what is happening off of Highway 14 and doing whatever we can as we see increased traffic in our county, and only following up with more accidents.

So that has been a priority more recently. And otherwise, nothing else big to share. Looking forward to the work that's being done with PFAS. Incredibly grateful for the County and the meetings that will happen. The next one is on the 20<sup>th</sup> of June, as well as the funding that's been made available by the County, and an opportunity that is coming up in the near future for some gap funding for those who may not qualify for the County funding. So thank you all and moving forward. Thank you.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Commissioner Hamilton is happy to speak. So I wanted to mention that I just returned from last week at some national – actually international meetings with the Society for Fresh Water Scientists, and one of the big plenaries was on exactly that topic of PFAS. They did an incredibly interesting job documenting the nature of the problems, the complexity of it, and some of the challenges that communities and regions are seeing in addressing it, which includes the way it cycles, including through sewage treatment plants and landfills where it gives a more complex frame that has to be dealt with. And I only bring it up to point out that we're dealing with something that is a really big issue but that's a national issue and hopefully maybe some of the things that came out there might be of help to the County when we're looking at this problem.

The other thing I wanted to mention is that tomorrow night, which is actually Wednesday already, halfway through the week, is Coffee with the Commish for District 4. It will be at Hondo Station #2 starting at 5:30. A lot of people know that increasingly in our communities and particularly in my district, threats of wildfires at the urban wildland interface may offer a lot of challenges and it turns out one of them is also getting homeowners' insurance, which many of my constituents are having increasing challenges with. I bet that's happening in many other states so I bet it's happening in other parts of Santa Fe County.

And so as one of the things for Coffee with the Commish, Assistant Chief Jaome Blay. Who's right here, is going to join us and the Fire Department has started to look at some of these issues and think about what things can be addressed and sort of defining the issues. And this is going to be an opportunity for all you guys in District 4 to come and share what your experiences are. Hopefully some of the information will help inform you and what you share with us is going to help inform the way the County Fire Department looks at things.

And if you come you'll also get a chance to meet the next incoming Commissioner. So I hope everybody can come.

CHAIR HUGHES: Thank you. For District 5, there was a lot of comments about as Commissioner Bustamante said, safety on Route 14. I hope that the repairs are made soon and we get that purchase order and go ahead with it. That's hoping that we also get the study because the study's been in the works for six months and it's a rather long wait for it.

The other thing that people brought up is that they're really concerned about the

Local Emergency Committee, and it's more than just the one person who complained about the structure of it. But people feel like Eldorado is in between the route in the building of a solar station and they want to have a lot of input on hazardous waste, or at least a good plan for response to emergencies.

And other than that, I think that's it.

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

CHAIR HUGHES: Are there any other elected officials online or in-house or from the Clerk? Have any comments? No. Okay.

**11. Matters from the County Attorney**

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

- 1. *Alicia Lindsey v. Board of County Commissioners*, United States District Court for the District of New Mexico, Case No. 1:23-cv-00271-JB-SCY**
- 2. *City of Santa Fe vs. Board of County Commissioners*, First Judicial District Court, Case No. D-101-CV-2023-01555**

CHAIR HUGHES: Jeff, do you want to give us an update of what we're going to talk about?

JEFF YOUNG (County Attorney): Yes. Thank you, Mr. Chair and Commissioners. So this afternoon I would ask that we go into executive session to discuss threatened or pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 10-15-1 (H)(7), NMSA 1978, and specifically including two items. Number one, *Lindsey v. Board of County Commissioners*. That's in the United States District Court for the District of New Mexico, Case No. 1:23-CV-00271-JB-SCY. And then secondly, the *City of Santa Fe vs. Board of County Commissioners*, in the First Judicial District Court here in Santa Fe, Case No. D-101-CV-



2023-01555.

COMMISSIONER HANSEN: I move that we go into executive session to discuss the issues that were mentioned by the County Attorney.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Commissioner Hansen made the motion; Commissioner Hamilton seconded. Can we have a roll call.

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

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Aye
Commissioner Hughes	Aye
Commissioner Hansen	Aye

[The Commission met in executive session from 5:06 to 6:06.]

CHAIR HUGHES: Could we get a motion to come out of executive session?

COMMISSIONER GREENE: I will so move to come out of executive session, and stating that we didn't make any decision and we only discussed what was on the agenda as reported by the County Attorney.

COMMISSIONER HAMILTON: I'll second that.

CHAIR HUGHES: All right. Motion by Commissioner Greene, seconded by Commissioner Hamilton.

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

**11. B. Potential Action on Items Discussed in Executive Session**

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Yes. Thank you, Mr. Chair. So I'm going to make a motion on the City of Santa Fe versus the Board of County Commissioners for its Judicial District Case No. D-101-CV-2023-01555. On that case, while we strongly disagree with the judge's decision, we will not go forward on appeal in this case because we really believe that we need to work and create a more stable community. We want to see resolution on all of these issues. We know that the residents of Area 1-B really do not care to be in the city, but that is something that will be decided as we move forward. But in the meantime we need to have resolution so that the constituents can continue to get permits and continue to have answers to their situation for their land use. So with that, that is my motion.

COMMISSIONER GREENE: Madam Commissioner, may I second that, but may restate your motion, since that seemed very long and probably not quite a

motion? Okay. That's fine. Then I'm fine with it. But for the greater good of the community, let's move on, and we have chosen not to do this, while we strongly disagree with the judge's decision.

CHAIR HUGHES: Okay, so we have the elaborate motion made by Commissioner Hansen, seconded by Commissioner Greene.

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

**12. Public Hearings**

**A. Resolution No. 2024-078, a Resolution to Proclaim Extreme or Severe Drought Conditions Within Santa Fe County and to Ban the Sale and Use of Certain Fireworks in the Unincorporated Portions of the County and Within Wildlands in the County [Exhibit 1: Drought Documentation, dated June 4, 2024]**

CHAIR HUGHES: First of all the hearing on banning fireworks and that will be Jaome Blay.

JAOME BLAY (Assistant Fire Chief): Mr. Chair, Commissioners, given that we've had a couple of rainy days lately I've put together some documents to help justify the Fire Department's request of the Board to proclaim a severe drought and to ban certain fireworks. So with your permission I'd like to present some of these documents.

I'm here before you as a representative of the Fire Department to respectfully request the Board of County Commissioners to proclaim extreme or severe drought conditions within Santa Fe County and to ban the sale and use of certain fireworks in the unincorporated portions of the county and within wildlands in the county. This resolution bans the sale and use of certain fireworks in the unincorporated portions of the County and within wildlands in the County. It shall take effect upon approval and remain in place for thirty days, and will expire after this time period unless renewed by subsequent action of the Board.

Approval of these restrictions is necessitated by persistent and severe drought conditions. Currently, there are two wildfires burning in the State of New Mexico including the Indios, which is now at 11,500 acres and 85 percent contained, and Blue 2, which is 7,600 acres and 85 percent contained. Due to the significant fire danger and prevailing drought conditions, the New Mexico State Forester has concurred with our decision to ban the use of fireworks because abnormally warm temperatures, low humidity, high winds, and the abundance of dry fuel material increase the chances of fire incidents. As indicated by the United States National Integrated Drought Information System drought conditions are forecast to persist and deepen throughout Santa Fe County and New Mexico in the coming weeks. Under these circumstances, this resolution will reduce the likelihood of an accidental human-ignited wildland fire, improve public and firefighter safety, and preserve property in Santa Fe County.

And with this I stand for any questions?

Cm: Commissioner Hamilton.

COMMISSIONER HAMILTON: Not really a question. I really appreciate

you bringing this forward. It's always funny to have the irony of it raining on the day you do it. I'm hugely grateful for the rain, but the fact of the matter is many of my constituents and volunteers that we're really close within the Fire Department, in addition to the fires that get big enough to be institutionalized and documented, everybody I know that comments to me is really happy to see this happen. If we're lucky enough to get enough rain to make it unnecessary, you can get rid of it at the appropriate time.

This is the really responsible thing to do. And there was a fire start right while I was out of town, just north of Pecos, right across the highway from me. And while it only – they contained it at 7+ acres, that could have gone really bad in the circumstances. All the guys at Hondo and Glorieta were talking about that. There's a certain amount of luck and benefit of quick response but a certain amount of luck in the conditions of it being windy and hot and dry. I'm very much in favor of this and very much appreciate that you guys watch this and brought it forward.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I appreciate it and I have to echo what Commissioner Hamilton said. I'm grateful for this. The big question is how will we let people know? Are there ways to put postings large enough? I think of the area near San Pedro. Of course, La Cienega and these areas that are more dense with foliage. I've mentioned before that even in winter conditions we've had fires sustained longer than they usually ever had, so there's a lot of dry fodder there. But to have postings and communicate with individuals, how could we do that?

MR. BLAY: Mr. Chair, Commissioner Bustamante, we will do a press release in collaboration with the PIO officer. We'll also post on the Fire Department website. We have a couple of marquee signs that we can post at a couple of fire stations. And we will also reach out to the governors of the pueblos and Rio Arriba County and neighboring jurisdictions to see if they can be on board also. But it only depends on them. They have to make that decision. But we will definitely get the word out.

COMMISSIONER BUSTAMANTE: Thank you.

COMMISSIONER HANSEN: Thank you very much. I completely support this. We also have a County Facebook page that once we pass this it could be put on.

COMMISSIONER HAMILTON: And the Fire Department has a Facebook page.

COMMISSIONER HANSEN: Right. So everybody can use and then we can spread it out also. But one of the things I've seen on Facebook that people say instead of buying fireworks, buy a couple cans or bags of dog food and take it to the shelter. I think people need to be reminded how damaging fireworks are to our four-legged friends and that we need to be respectful of their fear and their trauma that they are also facing. So I would encourage anybody who thinks that they didn't have – they wanted to spend money on fireworks, go buy some high end dog food and give it to the shelter. Give it to your neighbor. Help other people who know the trauma of what fireworks do. I hope this will do some good in the city and in the county, but this is only in the county and I hope the City will pass some similar resolution because even though it's raining, when it's not raining it's still really hot out there and the heat is much hotter than it used to be. I think we can all testify to that from our own personal experience. So thank you for bringing

this forward.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Marshal.

So first, my dog thanks you. Although we live in the city I promised him that I would show his support of this. But also a couple questions. First, the statement that we live in the desert and fire is a risk and as we've been discussing here and we've discussed in other meetings, the lack of insurance, we should just be minimizing our risk for our community all the time. And so that's the statement. And sort of the flip-side of that is is this possible, either through ordinance or something – so this would go to our Attorney and our County Manager, is it possible for this to be the default? No. Okay. Right on. So we could not ban fireworks in Santa Fe County unless we change and we allow it in a certain circumstance?

CHAIR HUGHES: State law says that we can only ban fireworks when there's a drought.

COMMISSIONER GREENE: Okay. That's fine. The fireworks industry is very powerful. I understand. But the other thing is, I'm not against fireworks in all manners. I think a controlled beautiful display is something that we should support. And so I don't know if there is going to be the potential for this to support the City's display with the Kiwanis done in Santa Fe Place Mall. Maybe it's not for next year, but to show that we're not just adamantly against this but that we're here for controlled and safe burns. We support Zozobra but we don't support burning effigies in your backyard. So everybody – we have our representative events that manifest a lot of what we want to do but don't put at risk our fingers and our houses.

So I'm in support of this. Thank you for bringing this forward. I think last year I brought this up probably a little too late for us to discuss it and I appreciate this and I hope that every year before the deadline that we have a good debate about this while I'm on this Board and that you're pro-active to say should we or shouldn't we, but our deadline is here and we bring it to the Board.

MR. BLAY: Mr. Chair, Commissioner Greene, during our dissemination of this information and press release we'll encourage people to attend display fireworks shows like in Albuquerque, Santa Fe, or Rio Rancho.

COMMISSIONER GREENE: Great.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes. I appreciate the thought of having something that could be more bigger picture if you will, and I did speak with one of our Native American communities about selling them, and I recognize that they have the right to sell them, but when we have a prohibition, if there is something that happens, and I recognize it's a sensitive thing to say, but people need to be held accountable, if they're being sold during a time it's prohibited, and if we were to have a fire, I would hope that people would be held accountable for actually putting them on the market. But I say that in the interest of saying it out loud. I understand the sovereign aspect of it but I also understand the overall social impact.

I have been the beneficiary of having bottle rockets shot into my goat corral on a regular basis. I don't know if it's funny. I don't know why anyone would do it. I find it really problematic and if they're being sold there's not a whole lot I can do. I went

around looking for whoever was shooting them in my area but I do think there's a certain level of accountability that needs to take place for those who are still going to make sure that people have them in their hands. They just wouldn't be allowed to use them in within the county. So that's my take on it. Thank you.

CHAIR HUGHES: Okay. I think we need to have a public hearing so let's see if anybody wants to speak to us on this. Nobody online? Anybody in the room? Nobody in the room. Okay. Closing the public hearing.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR HUGHES: Yes.

COMMISSIONER HAMILTON: I'd like to move that we approve this resolution.

COMMISSIONER HANSEN: Second.

CHAIR HUGHES: Okay. Motion by Commissioner Hamilton, seconded by Commissioner Hansen.

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

- 12. B. Case # 22-5020. Tierra que Canta Time Extension. Rembe Las Campanas, Applicant, Requests a Time Extension of a Previous Preliminary and Final Plat Approval for a 22-Lot Residential Subdivision on 12.23 Acres, More or Less, Located Within the Las Campanas Planned Development District, Within Section 15, Township 17 North, Range 8 East (Commission District 2)**

CHAIR HUGHES: Go ahead, Kenneth.

JOHN LOVATO (Building & Development Supervisor): Hello, Commissioners. Good evening.

Rembe Las Campanas, applicant, requests a 12-month time extension of the previously approved Tierra que Canta Preliminary Plat and Final Plat approval for a 22-lot residential subdivision on Tract B & Tract H of the Los Santeros Subdivision consisting of 12.23 acres, more or less. The property is located at 0 Calle Gonzales, within the Las Campanas Planned Development District, within Section 15, Township 17 North, Range 8 East, Commission District 2.

Summary: In 1992, the Board of County Commissioners approved the development known as Las Campanas, consisting of 1,419 residential lots to be developed in phases; two golf courses with a club complex; tennis courts; an equestrian center; and related accessory facilities on 3,549 acres. This approval did not include Las Campanas Estates I and II.

On February 8, 2000, the BCC approved the Master Plan, Master Plat, and Final Plat for the development known as Los Santeros at Las Campanas de Santa Fe. The development was comprised of a residential subdivision consisting of 68 lots to be developed in one phase, with an additional eight tracts to be developed in future phases. The total number of phased master planned lots approved for Los Santeros was 194 lots on 128 plus or minus acres.

The February 8, 2000, Los Santeros Master Plan and Master Plat approval

included Tracts B and H, which combined allowed for a total of 22 Master Plat lots on 12.23 acres.

On March 12, 2020, an application for conceptual plan approval was presented to the SLDC Hearing Officer together with the staff's recommendation of approval. The Hearing Officer's Recommended Order, recorded April 9, 2020, as Instrument No. 1913666 in the Santa Fe County Clerk's Office, recommended that the application be approved subject to the staff's proposed conditions and conditions, all of which were agreed to by the applicant.

On April 16, 2020, the application was presented to the Santa Fe County Planning Commission. The case was tabled until the applicant was able to address concerns raised by both the Planning Commission and neighbors who spoke in opposition to the application.

On February 18, 2021, the Santa Fe County Planning Commission voted unanimously to recommend approval of the proposed Conceptual Plan, as well as to grant approval for the three variances needed in order for the proposed Conceptual Plan of this project to become a reality. The three variances granted by the Planning Commission were: a variance of Chapter 7, Section 7.17.9.2.4 of the SLDC for steep slope disturbance in excess of thirty percent, with more than three separate areas exceeding 1,000 square feet each; a variance of Chapter 7, Section 7.17.9.2.1 of the SLDC, which prohibits structures on a ridgetop, ridgetop, or shoulder unless there is no other buildable area on the property; and a variance of Chapter 7, Section 7.11.12.1.4 of the SLDC to allow driveway separation of less 100 feet from the return radius of an intersection. The Santa Fe County Planning Commission upheld staff's recommendation that the three requested variances were also needed in order to ensure a safe and functional road network for the proposed Tierra que Canta Conceptual Plan Development.

On June 14, 2022, the Santa Fe County Board of County Commissioners voted unanimously to grant Preliminary & Final Plat approval to allow 22 residential lots to be developed in one phase in the development known as Tierra que Canta. At the same meeting, the BCC also approved the applicant's request for an amendment to condition #21 of the BCC's prior approval from the June 8, 2021, BCC meeting of the conceptual plan. The original order required roads within the subdivision to be built to collector road standards. The approved amendment allowed roads within the subdivision to be built to cul-de-sac standards. The order from the June 14, 2022 meeting has been recorded with the Santa Fe County Clerk's office on August 10, 2022.

for Tierra que Canta of 12.23 acres.

The applicant now requests an eight-month time extension of the Preliminary Plat and Final Plat approval for a 22-lot residential subdivision known as Tierra que Canta de Las Campanas on Tract B & Tract H of the Los Santeros Subdivision consisting of 12.23 acres, more or less.

Applicable law: The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9, which govern this application are the following: Chapter 5, Section 5.7.11 and Chapter 5, Section 5.8.7 address the expiration of Preliminary and Final Plats, respectively.

At Preliminary Plan and Final Plat stage the application was reviewed for the following: fire protection, water supply, liquid waste and solid waste.

Staff recommendation: Staff recommends approval of the 12-month time extension of the previously approved Tierra que Canta Final Plat approval for a 22-lot residential subdivision on Tract B & Tract H of the Los Santeros Subdivision consisting of 12.23 acres more or less, which must be approved by the Board of County Commissioners as per Chapter 5, Section 5.8.7, Expiration of Final Plat as per the SLDC. It is at the discretion of the BCC to approve or deny the 12-month time extension. The BCC may also consider the information presented by staff and the applicant to approve the request. Staff recommends that no further extension be granted.

Thank you, and I stand for any questions you may have.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you. Was there any reason for the delay of this project at this point?

MR. LOVATO: Mr. Chair, Commissioner Greene, what the applicant has responded to me with is that they had a contractor on board to help them out along with the process, but the contractor was currently working on a two-year project and it was unfeasible for him to get on board with the applicant, so the applicant has postponed it and decided to go on his own and pursue this.

COMMISSIONER GREENE: And seek another contractor and so on?

MR. LOVATO: Mr. Chair, Commissioner Greene, that is correct.

MR. YUTZY: Mr. Chair, Commissioner Greene, I would like to point out that they actually only asked for eight months. We went ahead and upped to 12 because that's the max allowed by SLDC. My fear was they came and asked for eight, they were to come at the six-month and say can we have the additional four, and we'd be right back up here again. And so in all reality they only asked for eight months but we're going to give them the max allowed by SLDC.

COMMISSIONER GREENE: Eight months to be completed, or the eight months is to start it?

MR. YUTZY: To record.

COMMISSIONER GREENE: To record.

MR. YUTZY: Yes.

COMMISSIONER GREENE: No, that wouldn't start work. This is to record it. So recording should have been the easiest part of this, right?

MR. YUTZY: They have to meet the conditions.

COMMISSIONER GREENE: The conditions. Okay. And the variances are all tied into this? If we give this extension there's no call-back of any of the – I just want to be clear, all the variances stick with this. Has the neighborhood said anything about this? Did they have to put out any communications to the neighborhood or anything?

MR. LOVATO: Mr. Chair, Commissioner Greene, mail-outs were sent out. It was posted on the property for 21 days, and the instance of the variances, I believe that's why he asked for eight months because he knows the variance will expire, and so he has to act on the case as soon as possible and have a final plat recordation.

COMMISSIONER GREENE: This hearing right now – we were the only body to advertise this? They had no obligation to advertise this or put a sign up on their property?

MR. LOVATO: Mr. Chair, Commissioner Greene, they did do the posting and they did send out mail-outs.

COMMISSIONER GREENE: Twenty-one days prior to today, there's been a sign up there and nobody's called to say don't do this? Okay. Thank you.

JAY REMBE: Mr. Chair.

CHAIR HUGHES: Yes.

MR. REMBE: [remotely] This is Jay Rembe. If you have any questions I'm happy to answer them.

CHAIR HUGHES: I was going to give you a chance to talk. Do you want to say anything to us?

[Duly sworn, Jay Rembe testified as follows:]

MR. REMBE: My name is Jay Rembe. My address is 9808 Bona Terra Loop, Albuquerque, New Mexico, 87114. I am under oath. So I've had this property under contract with another buyer/developer for two years and it wasn't until about two months ago that they notified me they are not moving forward for a variety of reasons. In order for me to record a plat I need to put a bond in place which means that I need to get all my infrastructure numbers in place. I need to have PNM further along. I have to have a loan in place. So there's really no ability for me to record a plat without getting a lot more information. Unfortunately, the buyer put me in a bind and so I do need as much time as possible to put this forward.

I personally did not request eight months. I requested the most amount of time to get me to get this going and I've been working on it a long time. Unfortunately, I have not been able to move forward due to the delays with the past buyer.

CHAIR HUGHES: Okay. Is there anyone else online that wants to speak? Okay. No more public comment?

MR. REMBE: Thank you, Mr. Chair and Commissioners.  
Appreciate it.

CHAIR HUGHES: Okay. Now the public hearing, but there's no public so the now the public hearing is closed. What's the pleasure of the Board?

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Yes.

COMMISSIONER HANSEN: I move to approve the time extension, Rembe Las Campanas Requests for time extension of a Previous Preliminary and Final Plat approval for a 22-lot residential subdivision on 12.23 acres, more or less, located within the Las Campanas Planned Development District, etc.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Motion by Commissioner Hansen, seconded by Commissioner Hamilton. Is there any other discussion?



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

- 13. **Concluding Business**
  - A. **Announcements**
  - B. **Adjournment**

Commissioner Greene moved to adjourn and Commissioner Bustamante seconded. With no further business to come before this body, Chair Hughes declared this meeting adjourned at 6:35 p.m.



Approved by:

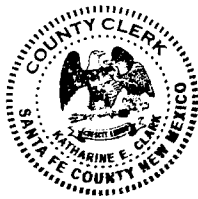
*Hank Hughes*  
\_\_\_\_\_  
Hank Hughes, Chair  
Board of County Commissioners

ATTEST TO:  
*Katharine E. Clark*  
KATHARINE E. CLARK  
SANTA FE COUNTY CLERK

Respectfully submitted:  
*Karen Farrell*  
Karen Farrell, Wordswork  
453 Cerrillos Road  
Santa Fe, NM 87501

COUNTY OF SANTA FE ) BCC MINUTES  
STATE OF NEW MEXICO ) ss PAGES: 60

I Hereby Certify That This Instrument Was Filed for  
Record On The 2ND Day Of August, 2024 at 08:58:56 AM  
And Was Duly Recorded as Instrument # 2038862  
Of The Records Of Santa Fe County



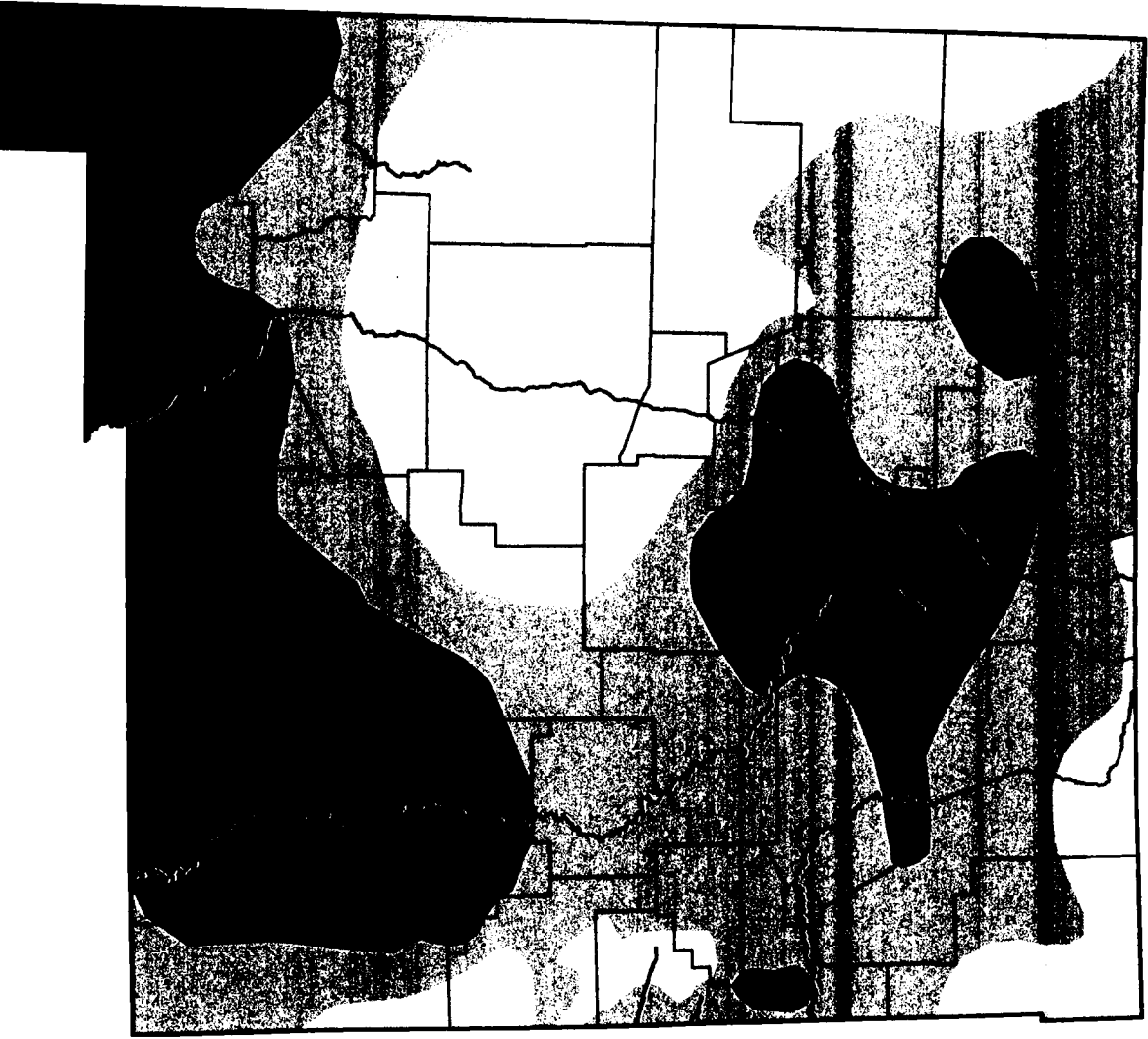
Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy *[Signature]* County Clerk, Santa Fe, NM

SFC CLERK RECORDED 08/02/2024

# U.S. Drought Monitor New Mexico

RECORDED 08/02/2024

**June 4, 2024**  
(Released Thursday, Jun. 6, 2024)  
Valid 8 a.m. EDT



**Intensity:**

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

**Author:**

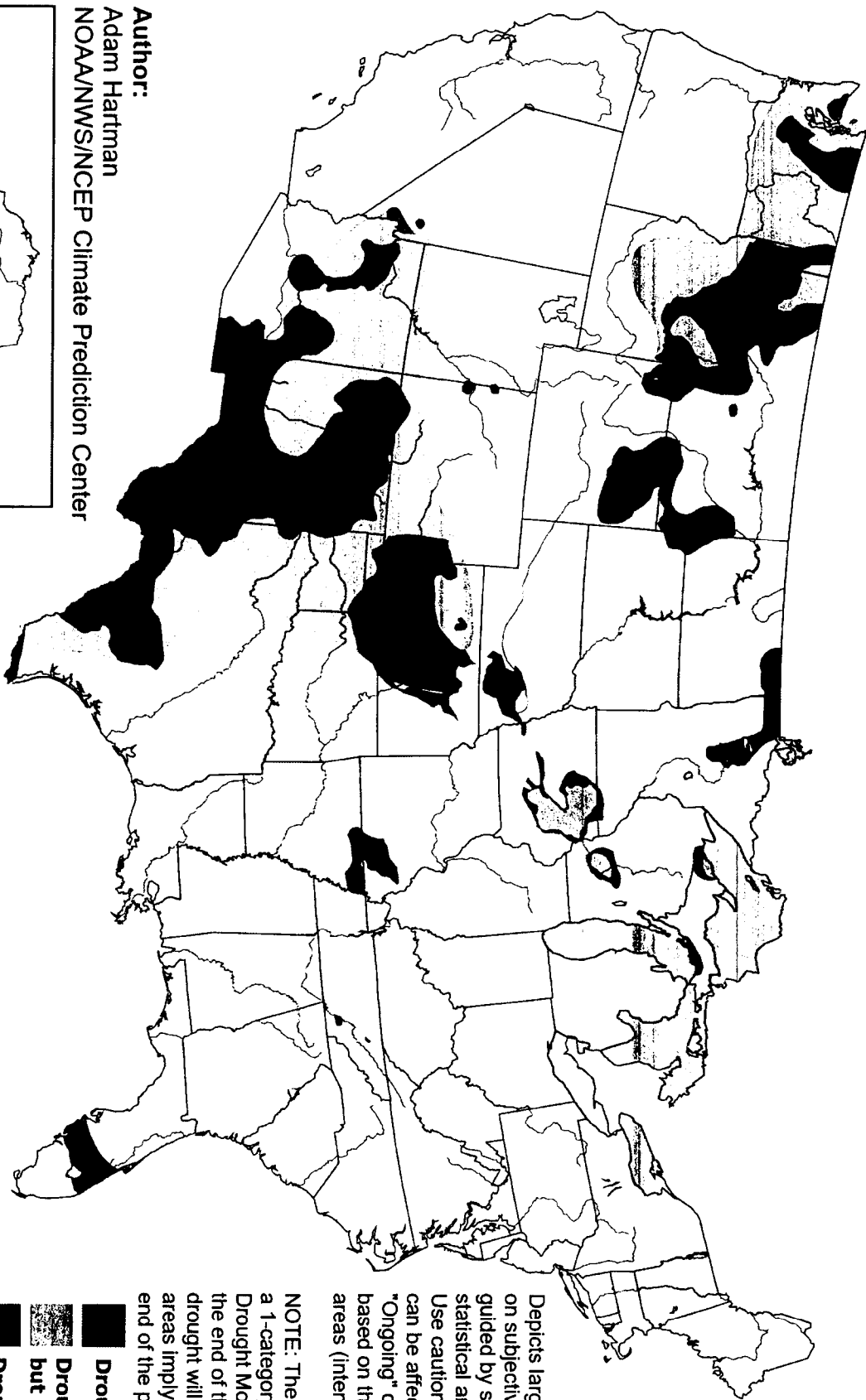
Brad Pugh  
CPC/NOAA

# U.S. Seasonal Drought Outlook

Valid for May 16 - August 31, 2024






## Drought Tendency During the Valid Period

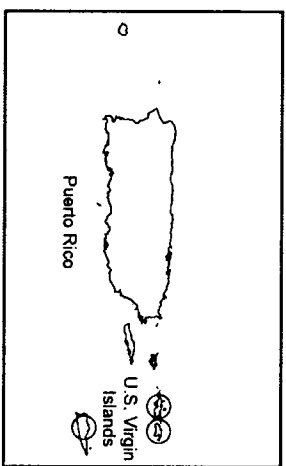
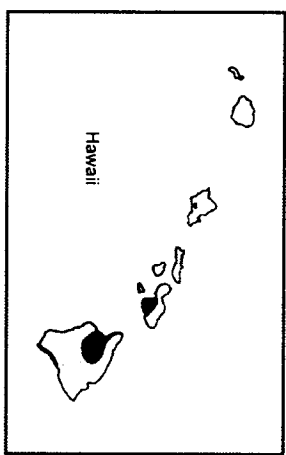
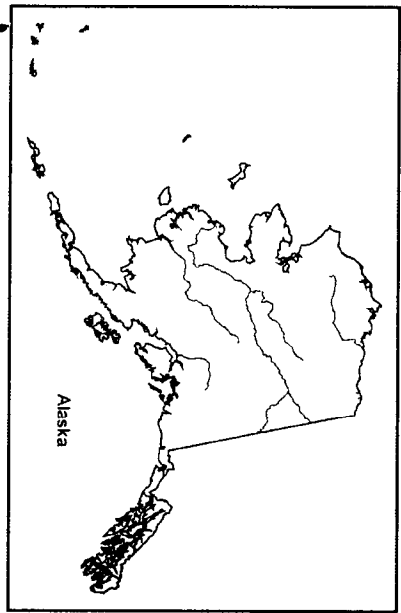
Released May 16, 2024



Depicts large-scale trends based on subjectively derived probabilities guided by short- and long-range statistical and dynamical forecasts. Use caution for applications that can be affected by short lived events. \*Ongoing\* drought areas are based on the U.S. Drought Monitor areas (intensities of D1 to D4).

NOTE: The tan areas imply at least a 1-category improvement in the Drought Monitor intensity levels by the end of the period, although drought will remain. The green areas imply drought removal by the end of the period (D0 or none).

-  No drought
-  Drought remains, but improves
-  Drought persists
-  Drought removal likely
-  Drought development likely



Author:  
Adam Hartman  
NOAA/NWS/NCEP Climate Prediction Center

Fire activity will continue to pick up over the southern half of the region in June, along with the lower elevations in northern Nevada, southern Idaho, and northern Utah later in June and July due to the above normal fine fuel load. The Red Rock area and Spring Mountains in southern Nevada into southern Lincoln County and southwest Utah are reporting above normal fine fuels that are consistent with higher fire years. Therefore, above normal fire potential was added to this area for June and July. The monsoon is expected to be delayed or weaker than normal, therefore increased fire potential in the south may linger through July.

Otherwise, the focus over the next few months will be across parts of western and northern Nevada, Idaho, and northwest Utah due to above normal fine fuel loading. Much hotter and drier weather is anticipated in June, which should rapidly start curing out the lower elevation grasses and decrease the brush fuel moisture. Confidence is increasing for above normal fire potential by July across southern Idaho, northern Nevada, and portions of western Nevada and northwest Utah. These areas of above normal fire potential in July will likely continue into August and possibly into September with drier conditions forecast later in the summer as well. Long range weather forecasts are still showing periodic storms through early June in central Idaho, which will delay curing. Warmer and drier weather is expected to materialize across Idaho later in June, and curing of fuels should accelerate through late June and July. With cooling and troughs still possible along the West Coast, this will increase the likelihood of windy periods for the Great Basin heading into the summer. This will also increase the potential for dry lightning with upper-level features embedded in the southwest flow moving across the Great Basin and limited monsoon moisture. Most of the fire potential concerns will be in the lower elevations, however the higher elevations of central Idaho may be a concern later this summer with the below normal snowpack followed by warmer and drier weather forecast later in the season. Therefore, east-central Idaho was increased to above normal fire potential for August and September. This threat could be expanded as this period nears, but confidence is still moderate at this time.

### **Southwest**

**While normal significant fire potential is expected for many areas of the region from June through August, some areas of above normal significant fire potential are expected across much of New Mexico and across portions of southeastern of Arizona in June. Areas of above normal significant fire potential are likely to continue along and east of the Divide in both July and August with normal significant fire potential returning to the geographic area in September.**

Over the bulk of the period from late last fall through January, precipitation was below normal across central and northwestern Arizona and across far southeastern New Mexico, while southern sections of Arizona and much of central New Mexico experienced above normal precipitation. During January through March, wetter than normal areas occurred across northern New Mexico and across southern Arizona into southwestern New Mexico, while eastern New Mexico saw below normal precipitation.

A shift in the equatorial Pacific sea surface temperatures will play a prominent role in shaping the weather pattern for the summer months. El Niño has transitioned into ENSO neutral conditions over the last month and is expected to transition to La Niña by the late summer and early fall, although some uncertainty remains. While the late fall through early winter turned out to be milder than average for much of the western half of the region, the new year turned cooler than normal for most locations of the region in January and has continued to have a cooler tilt for much of the last few months. However, milder temperatures have occurred across far eastern New Mexico. A thorough inspection of past years with a flip from an El Niño to La Niña in less than six months reveals an overall correlation to a very warm to hot summer, with a tendency for more moisture initially along and east of the Divide in June. Areas farther west will remain overall hot and dry. The monsoonal period will begin in July with an average signal regionally, combined with a persisting hot temperature regime areawide.