

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
January 26, 2021

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

SFC CLERK RECORDED 02/24/2021

SANTA FE COUNTY

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January 26, 2021

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Henry Roybal.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, this meeting was conducted on a platform for video and audio meetings.

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

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Roybal and the Moment of Reflection by Martin Arellano of the Sheriff's Office.

Commissioner Hansen requested a moment of silence for Rosemary Crawford and Forrest Moses. Commissioner Garcia requested a moment of silence for Eutimio Lopez and Patty Rosario.

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1. F. Approval of Agenda

CHAIR ROYBAL: Are there any changes or requests for the agenda? I'm going to go to Manager Miller first, then I'll go to Commissioner Hughes and Commissioner Hansen. Manager Miller, did you have updates?

KATHERINE MILLER (County Manager): Yes, Mr. Chair. We had a few amendments that were made to the agenda last Friday afternoon, and those are under Miscellaneous Action Items, 4. A. That caption was updated. Then under Presentations, item 5. B and 5. C were withdrawn. They will be on our next County Commission meeting. Then under item 7 Matters from the County Manager, item 7. B, that caption was updated and item 7. C, that item was added to the agenda.

Then under item 8. D, that caption was updated. Item 8. E was withdrawn and will be added to the next agenda. And then under Matters from the County Attorney, 9. B, items 9. B. 2, 3 and 4 were added, and item 9. C was added. And then under Public Hearings, item 10. A, that caption was updated. And under 11. Informational items, item G, Public Works Monthly Report, that item was added.

So you can tell that the Attorney got a hold of the agenda on Friday and corrected all the captions. But that's all. That's all I have.

COMMISSIONER GARCIA: Mr. Chair, if I may, Mr. Chair.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: I'd like to make a motion for the amended agenda for discussion. Is there a second?

CHAIR ROYBAL: We had two Commissioners that had possible amendments as well. So I'm going to go to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just wondered if we could move item 11. A up to before item 9 so that we can do that before we break for executive session.

CHAIR ROYBAL: Item 11. A, Quarterly Report, Restricted Housing. And you want that – and you were requesting to move that where?

COMMISSIONER HUGHES: To right after item 8.

CHAIR ROYBAL: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much. Mr. Chair, I would like to move item 8. C, after opening business. It is presenting of certificates of appreciation for the Santa Fe Watershed Association. There are a number of people that are already logged into this meeting and I would like to be able to present their certificates, possibly right after the Consent Agenda.

CHAIR ROYBAL: Okay. So we're going to move it to right after the Consent Agenda. 8. C, correct?

COMMISSIONER HANSEN: Yes. Thank you.

CHAIR ROYBAL: Okay, so Commissioner Garcia. I'll go back to you.

COMMISSIONER GARCIA: Mr. Chair, is there a motion on the amendment of the agenda? I'd like to make a motion for the amendment of the agenda as presented by the County Commissioners and County Manager.

CHAIR ROYBAL: Okay, so we have a motion for the approval.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: And we have a second from Commissioner Hansen.

COMMISSIONER GARCIA: Mr. Chair, item 4. B, I need to know. Why was that pulled off the agenda? Why was it withdrawn and what is it about? That way we can talk about it in public, as into what it's about, the right-of-way railroad agreement and what it's about and why was it withdrawn?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, that item is not withdrawn. That's still an action item.

COMMISSIONER GARCIA: Okay, Mr. Chair. My apologies. I thought you said that it was withdrawn, 4.B. Sorry.

MANAGER MILLER: No. Items 5. B and 5. C, those were presentations and they were withdrawn because they were not loaded up into the agenda in time, for what I felt was an adequate review by the Board.

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

MANAGER MILLER: And Mr. Chair, one other thing since we're talking about moving things around, you may want to do the Public Hearing for the ordinance amendment prior to going into executive session as well. That way the only things that would be remaining after executive session would be the other informational items unless any of the Board members want any reports on those as well.

CHAIR ROYBAL: Okay, so I'm going to go ahead and move 10. A, to right after 11. A, which was the request from Commissioner Hughes to move that out up to right after item 8. So we'll have that right before Matters from the County Attorney and then also 10. A right before. So we'll move those items. Is that all that's requested at this point? Okay, so we have had a motion and a second on this.

COMMISSIONER GARCIA: Mr. Chair, I made the motion. I'm okay with the amended agenda and moving stuff around as you've presented and the other Commissioners. So I'd make another motion for approval of the amended agenda and moving stuff around.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Garcia with all the amendments that we've had today, which I'll try to remember them all. So we have a motion from Commissioner Garcia. Do I hear a second?

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: Second from Commissioner Hansen. And those were with all the amendments as well, right, Commissioner Hansen?

COMMISSIONER HANSEN: Yes.

CHAIR ROYBAL: Okay, so I'm going to go to a roll call vote.

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

1. G. Years of Service and New Hire Recognition

MANAGER MILLER: Thank you, Mr. Chair. As you know, we like to recognize our employees for years of service, employees who have been with the County over five years or have completed years of service in five-year increments, so five years, ten years and 15, and on a quarterly basis we do those employees who have served with

the County for 20 years or more. And this past month of January we had several people hit a five-year milestone. In Finance, we have Karen Emery, who's been with the County since January 11, 2016. In Risk Management, we have Joaquin Zamora, who also started on January 11th. In Public Works/Property Control, Chris Barela started with the County ten years ago, January 1, 2011. In the adult detention facility, Cristobal Gallegos started with the County on January 31, 2011, along with Roberta Jo in our Legal Department, and Juan Rios in the Sheriff's Department.

And then Adamina Pino, Clyde Hill and Jeremy Renda all hit their 15 years of continuous service with Santa Fe County on January 9th and January 21st. So I just want to thank them for their dedication to Santa Fe County and the citizens of Santa Fe and let them know we appreciate that they have made a career at Santa Fe County.

CHAIR ROYBAL: Thank you, Manager Miller, and I couldn't agree with you more. Those are great milestones on these anniversaries and it's really wonderful to see the dedicated employees of Santa Fe County that do a great job. Any other comments from Commissioners?

COMMISSIONER GARCIA: Mr. Chair, it's hard to thank all the employees that have been there forever. As you know, you worked in the County since 1995. I've worked there for many years. The people I know – Adamina, Juan Rios, Roberta Jo, Chris Barela – those are people I actually know personally, so thank you for that and thank you for working for Santa Fe County. Sometimes it's hard to work for Santa Fe County. However, it's well worth it. Thank you for dedicating your service to public service because that's what we do. Thank you. Appreciate that, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Any other comments? Seeing none, we'll move on to our next item.

2. CONSENT AGENDA

A. Request Approval of County Health Care Assistance Claims in the Amount of \$1,672 (Community Services Department/Jennifer Romero)

CHAIR ROYBAL: Are there any addition questions or comments on this item? If not, what's the pleasure of the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: Move to approve the Consent Agenda.

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton and a second from Commissioner Garcia. I'll go to a roll call vote.

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

1. G. Years of Service and New Hire Recognition (cont.)

MANAGER MILLER: Mr. Chair, I didn't get to finish the new hire recognitions. Additionally, Commissioner Hansen had requested that we bring that one item up after the Consent Agenda. So if it would be okay with you I'd like to recognize those new hires to Santa Fe County and then move on to the certificates of appreciation.

CHAIR ROYBAL: Okay. Go ahead.

MANAGER MILLER: Thank you. So we also at the end of the month recognize those employees who started with the County in the previous month. As you know, we've had a hiring freeze but we were still hiring in critical positions. We've now started to really ramp up the hiring process in bringing on more and more staff to fill those vacancies so I just wanted to recognize these individuals that came on last month. In Finance, Amanda Patterson Sanchez, a new procurement specialist senior. In our Legal Department, Francine Lobato, a paralegal. In Housing, as Joseph mentioned earlier in the Housing Board meeting, Pauline Catanach, as our FSS Coordinator. And then in Corrections, Matthew Brock as a case manager and also in Corrections, Damian Trujillo as a detention officer, and a nurse LPN, Victoria Wright, and then finally, a maintenance technician in our Projects and Facilities Management, Juan Montoya.

So I'm just like to welcome them to Santa Fe County and hope that in five years they'll be getting recognized for a five-year milestone with the County. Thank you, Mr. Chair and Commissioners.

CHAIR ROYBAL: Thank you, Manager Miller. Appreciate that. How many new hires was that? I'm really happy to hear that we're still hiring quite a few people.

MANAGER MILLER: We had seven new employees last month and I think we're going to have even more in January. I think I've already signed that many new hires, or more than that just in the last week. So we're starting to fill a lot of those vacant positions and I'm really grateful for those individuals who are applying and coming to join the Santa Fe County team.

CHAIR ROYBAL: I'm glad to hear that. Thank you so much.

8. C. Presentation of Certificates of Appreciation for the Santa Fe Watershed Association Volunteers' Care of Cottonwood Saplings in the County's New River Greenway Project Area

COMMISSIONER HANSEN: Thank you, Mr. Chair. So under the direction of executive director Andy Otto, the Santa Fe Watershed Association recruited 40 volunteers who spent over 92 hours in 2020 monitoring and caring for cottonwood saplings planted in the Santa Fe River Greenway Project. This was located west of Frenchy's Field, upstream from the Siler Road bridge and this is our new section of the Santa Fe River Trail.

Volunteers' work is incredibly valuable to every community, especially during the time of COVID. These volunteers did an exceptional job of caring for approximately 100 cottonwoods in our riverbeds. They watered the cottonwoods by hand, using buckets of water from the Santa Fe River to make makeshift water tanks. They also rebuilt tree basins and collected trash from the area as time allowed. Their volunteer time of 92 hours is worth approximately \$2,339.50 monetarily, but the tremendous benefit to these trees and to the health of our riverbed and community are beyond value.

I am honored to present these certificates of appreciation to Andy Otto for his leadership and individual certificates to 22 individuals and four student groups who volunteered their time to complete this tremendous work. The certificate reads as follows:

On behalf of Santa Fe County we award this certificate of appreciation in recognition of your volunteer service through the Santa Fe Watershed Association for your hours of monitoring and care of the cottonwood saplings in the Santa Fe River Greenway Project area. With your contribution our cottonwoods are thriving and our community is enriched.

The certificates of appreciations are hereby awarded to: Jill Lynch, Jaz Reis, Judith Lehman, Shenena Allen, Kim Kilpatrick, Lars Anderson, Chuck Stein, Tom Noble, Mike Tompson, Ryan Kennemore, Erin Kennemore, Kelly Jackson Kennemore, Shoki Bundy, David Magallanes, Mandy Hughs, Matt Rice, David Parker, David Schiff, Linda Joyce, Wendy Barney, Tom Barney, Bob McDermott, and Jim Youseff,

Student groups from Santa Fe Prep under the guidance of lead teachers Olga Herrera and Lis Desmond; Santa Fe High School under the guidance of Patricia Schipp, NJROTC lead teacher, and Santa Fe Indian School under the guidance of Katherine Sallah, lead teacher.

I also want to give a special shout-out to Tom Noble who was the leader of the bucket brigade. So thank you, Tom. I also want to recognize Santa Fe County and City staff who collaborated with Mr. Otto and the volunteers: David Padilla, Melissa McDonald, Carrie Olsen, Scott Kaseman, and Richard Thompson. The Santa Fe Water Leadership asked for a special shout-out and we did that to the bucket runner, Tom Noble, and the individual certificates are attached. I believe they are being signed as we speak and I'm sure that the Chair will get the signatures done soon and I will make sure that Sara, our constituent liaison for District 2 will get them to Andy for him to distribute.

I want to also let Andy say a few words from the Watershed. Thank you so much, Andy, for all your work on the river. I am always grateful and I'm also extraordinarily grateful to be able to serve on the Santa Fe River Commission for the City of Santa Fe so I have a really special place in my heart for it.

ANDY OTTO: Thank you, Commissioner Hansen and Mr. Chair and Commissioners. From the Santa Fe Watershed Association and the whole community we want to thank you. This was an incredible – and is an incredible project, the Greenway Project. No one told you you had to do this but you did, and this has been something. We all get to benefit from it now and future generations will say, look at those cottonwood trees out there, and they'll thank us. But the real projects came from you guys, the Commissioners, and Santa Fe County. Thank you all very much and shoot, we love working. So this is great. Thanks.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hansen. Thank you, Mr. Otto. We really appreciate it. Even though the Commission did approve and want to work in this direction it's still the work of the volunteers that made it all happen, so thank you guys so much for all that. Commissioner Hansen, thank you for doing these certificates for everybody that participated and helped to achieve this goal. It's going to be monumental, especially when we see those cottonwoods get as big as they can. They're really beautiful trees, so thank you for that. So Commissioner Hansen, back to you; did you want to make a motion?

COMMISSIONER HANSEN: Yes. I move to approve these certificates.

COMMISSIONER GARCIA: I'd like to second that.

CHAIR ROYBAL: So we have a second from Commissioner Garcia.

Thank you, sir.

COMMISSIONER GARCIA: For discussion. Before you go to the vote, I'd like to thank Andy, all the volunteers, all the staff and as into the Greenway Project that is still ongoing for many, many years and the citizens of Santa Fe because they voted for the GOB, the general obligation bond, to approve this and we're still continuing to actually get the river connected from downtown Santa Fe all the way to 599 and we're still working on this. And I'd also like to thank the previous Commissioners, anywhere from Javier Gonzales, Marcos Trujillo, Mike Anaya, Robert Anaya, and all the previous Commissioners – Paul Duran, that actually brought this forward because without the previous Commissioners that had the foresight as to getting this river trail built we wouldn't be here today. And I would actually just like to thank them as well because they actually thought about this river project and moving it forward. We're here today, as Commissioner Hansen is bringing it forward and like I said, with all the volunteers and all the staff and everybody that's building this. This morning I was up at 6:00 in the morning and the City staff was still plowing the trail from Siler to Frenchie's park and it was great to see. But I'd just like to thank all the previous Commissioners as well, and the citizens because without the vote and everything else we wouldn't be here without them. But thank you, Commissioner Hansen, for bringing this forward. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia, and I appreciate you remembering the former Commissioners that actually did start getting the ball rolling. So thank you for doing that. Any other comments from the Board. Okay, seeing none, we have a motion and a second. I'm going to go to a roll call vote.

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

COMMISSIONER HANSEN: Thank you to all the volunteers who showed up for our meeting to listen and be here. And just on a side note, this bond for this section for the Greenway was approved in 2012 and at that time I served n the City of Santa Fe Parks and Open Space Commission, so I have actually worked on this project since the beginning. So I am very happy to see this brought to completion, and all the volunteers for all their great work.

COMMISSIONER GARCIA: Like Commissioner Hansen said, just thank all the volunteers that have worked on this project because this is a project that's been in the works for many, many years and it's getting done. It's awesome. It takes them a while. It's getting done. And like Commissioner Hansen said, she worked on the river project, and all the volunteers, appreciate that as well as the previous Commissioners that had the foresight. Thank you for that, Mr. Chair. Thank you, Commissioner Hansen.

3. APPOINTMENTS/REAPPOINTMENTS

A. Approval of Reappointments to the Health Policy and Planning Commission

CHAIR ROYBAL: From the Community Services Department we have Ms. Patricia Boies.

PATRICIA BOIES (Community Services): Good afternoon, Mr. Chair and Commissioners. Before you is a request for approval of the reappointment of two individuals to the Health Policy and Planning Commission, the HPPC. The resolution approved by the Board just last month provides for nine members of the HPPC, one for each of the five districts, and four countywide appointments.

The first term of Christa Coggins who has been serving in District 4 has expired and she's requested to be reappointed for a second term. Christa Coggins is the vice president for community philanthropy at the Santa Fe Community Foundation where she is the subject matter expert on health with a 25-year career in public health.

The first term of Laurie Glaze has also expired. Laurie Glaze lives in District 5 and there is already an HPPC member in that district so she has requested reappointment to one of the countywide positions. Laurie Glaze has over 30 years experience in the non-profit health and human services sector and she's also served as chair of the Health Policy and Planning Commission during her first term.

The resolution allows for two terms for members and the terms are for three year. So we are recommending the reappointment of Christa Coggins to the District 4 position and the reappointment of Laurie Glaze to one of the countywide positions. Thank you.

CHAIR ROYBAL: Thank you, Ms. Boies. Do we have any comments or questions from the Board? And these two districts, if the Commissioners would like to make a motion from the district in a second. Commissioner Hamilton.

COMMISSIONER HAMILTON: I'd just like to move to approve these appointments.

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

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: And a second from Commissioner Hughes. Thank you, sir. I'm going to go to a roll call vote.

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

4. MISCELLANEOUS

A. Resolution No. 2021-009, a Resolution Authorizing County Manager to Complete and Submit Local DWI Grant Program Applications and Related Documents and Agreements

RACHEL O'CONNOR (Community Services Director): Hi, Mr. Chair. As you know, the Santa Fe County Community Services Department operates a DWI program. The funding comes from the State of New Mexico through what's called LDWI. It's the Local DWI grant program. It's funded by the alcohol excise tax and funds all the programs that we oversee in terms of detoxification services, prevention, compliance monitoring, and enforcement. So this is allowing the County Manager to sign and submit applications for grant funding. So I stand for any questions as well as Chanelle Delgado who's our DWI Coordinator at the moment. Thank you.

CHAIR ROYBAL: Thank you, Ms. O'Connor. Ms. Delgado, did you have anything to add?

CHANELLE DELGADO (DWI Coordinator): No, Mr. Chair. I don't. I

just wanted to add that his would allow us to continue the great work we're doing in Santa Fe County.

CHAIR ROYBAL: Okay. Great. Any questions from the Board.

COMMISSIONER GARCIA: Mr. Chair, if there's no questions I move for approval. Great job. Thank you guys, ladies.

CHAIR ROYBAL: So we have a motion from Commissioner Garcia. Do I hear a second? Commissioner Hansen.

COMMISSIONER HANSEN: I will second.

CHAIR ROYBAL: Okay, so we have a second from Commissioner Hansen. Under discussion, anything else under discussion? Okay. So I just want to also say that this is a great program and so I'm glad that we are approving this today. I'm going to go to a roll call vote. We have a motion and a second.

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

4. B. Request Approval of NMDOT Railroad Right-of-Way Drainage License SFC Agreement No. 2021-0125-PW

CHAIR ROYBAL: From the Public Works Department I believe we have Mr. Ryan Ward.

RYAN WARD (Public Works): Thank you, Mr. Chair. Good afternoon, Commissioners. This is a New Mexico DOT railroad right-of-way drainage easement license for our County Road 50A, which is General Goodwin. It's a project that's upcoming and it's an improvement project about the road and drainage infrastructure. So this drainage license is actually specific to NMDOT. While there's other easements for the project this particular easement is specifically with NMDOT to use a section of the right-of-way that goes underneath the railroad for any kind of drainage improvements that we'll need that could impact that area during the construction project.

So I'll go ahead and read this with the specifics. NMDOT hereby grants licensee a non-exclusive license subject to all existing rights, interests and estates of third parties including without limitation any leases, use rights, easements, lands or other encumbrances and upon the terms and conditions set forth below to use a portion of the New Mexico railroad right-of-way at Bridge 849.65. The portion consists of an area of 100 feet long and a width beginning with 60 feet along the north boundary, narrowing to 12.5 feet in width under the railroad bridge, and widening to 35 feet in width along the south boundary, consisting of an area of 2,561 square feet, more or less, as approved by NMDOT for the purpose and use of a drainage crossing to improve County Road 55A drainage, at Bridge 849.65 of the Albuquerque subdivision near the village of Los Cerrillos, Santa Fe County, New Mexico.

I would stand for any questions on this. Before I do that, could you pull up the map? I just wanted to make sure everybody was aware of the area that this project is in and the actual railroad right-of-way piece that we're looking at. Thank you, sir. It may be a little bit difficult to see at this scale. The image to the left actually is an overall image. Highway 14 is the state highway that you can kind of see it curve at that northwest corner, and 55A then comes off of that south, you can kind of see the drainage way as it

goes through there. And then if we could look at the blown up area, please, if we've got the exhibit. So that's the area that the drainage license, it's that particular bridge there on General Goodwin. It actually goes into General Goodwin – his property. But it actually goes under the railroad.

And then if you could go to the next slide, this one is difficult to see. This is what NMDOT submitted as the area impacted and what we're actually discussing. So that's actually in the packet as well, but that's a little bit more detailed and it has some dimensions on it. So I'll stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Ward. Do we have any questions?

COMMISSIONER GARCIA: Mr. Chair, I do.

CHAIR ROYBAL: Commissioner Garcia, go ahead.

COMMISSIONER GARCIA: So really quick, the images that you have on the computer for the general public, I can't see them at all. You need for me to blow those out so that way you can see where Cerrillos is, or Madrid is, and where State Road 14 is because I'm looking at – I know where it's at. I've been there. I drive that road. So for the general public as into where are we at? Because we've had this agreement sitting there for a little while now, guys and ladies. For ten years now? So I just wanted – so we have agreement at State Road 14 and 55A. We have that agreement with the State Highway Department because that's a state road, and we also have an agreement down the road with Mr. Goodwin's son, General Goodwin's son. So this agreement is for what? At 55A and State Road 14? Or down the road with the private individual that we need drainage for.

MR. WARD: Mr. Chair, Commissioner, this is actually for – specific to the railroad right-of-way so that NMDOT – so where I have the orange square, that's the actual area from State Highway 14, so it's specific to that actual underpass, which is a railroad underpass over Mr. Goodwin's property.

COMMISSIONER GARCIA: Thank you, Mr. Chair. So really quick. So we have three different agreements. We have the DOT at State Road 14 and 55A – that's one agreement that we still need to work on that. We also have the agreement with Mr. Goodwin, General Goodwin's son, we have to get this drainage; we're still working on that. And then we're working on this agreement – the railroad agreement, is it BNSF Railroad or is the Highway Department? Who owns that railroad track and why does the Highway Department own property under that railroad? Because it's BNSF, it's Amtrak, right? So that's the questions I have.

GARY GIRON (Public Works Director): Mr. Chair, Commissioner Garcia, the DOT is actually the owner of that track. Several years ago they bought the track from the Colorado border all the way south past Albuquerque. That's why we were required to get their approval to actually push water underneath that bridge to be able to get it onto the Goodwin property.

COMMISSIONER GARCIA: Thank you, Director Giron. You're right. I forgot about the whole railroad and all that stuff. We actually acquired that many, many years, the Highway Department, so now I understand that. Okay. I just wanted to bring it up because I do have questions in the future as into the agreement you've been working with for the Highway Department and 14 and 55A, as well as Mr. Goodwin. So I just wanted to put it on the record. But thank you, Director Giron as well as Ryan. Thank you,

guys. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia.

COMMISSIONER GARCIA: And if there's no – I'd like to make a motion for approval, definitely, if there's no other questions. Thank you.

CHAIR ROYBAL: We have a motion from Commissioner Garcia. Do I hear a second?

COMMISSIONER HAMILTON: Second.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: Okay, we have multiple seconds, I think from Commissioner Hamilton and Commissioner Hughes. So we have a motion and a second and I'm going to go to a roll call vote.

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

4. C. **Request (1) Approval of Indefinite Quantity Agreement No. 2021-0122-CORR Between Santa Fe County and BI Technologies, Inc. to Provide Electronic Monitoring Services for Adult Detention Facility; (2) Authorizing the Use of an Outside Contract; and (3) Delegating Signature Authority to the County Manager to Sign the Purchase Orders**

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

BILL TAYLOR (Purchasing Manager): Good afternoon, Mr. Chair, Commissioners. Thank you. Santa Fe County has been under contract utilizing this BI Technologies contract. It's a GSA, General Services Administration contract that we utilize for electronic monitoring services for those residents who are court-ordered to be monitored electronically while on probation or as an alternative to incarceration. We require that – our regulations – that the Board approve authorize us to use outside contract is the reason this is before you and of course it's an indefinite quantity and amount. And we are also requesting that you authorize the County Manager to sign those purchase orders. With that, Mr. Chair, I could stand for questions.

CHAIR ROYBAL: Okay. Do we have questions from the Board? I'll look for a show of hands. Commissioner Hamilton.

COMMISSIONER HAMILTON: How much do you anticipate on an annual basis? In the background section it gives an amount that was spent over the last four years, so I can extrapolate, but –

MR. TAYLOR: Mr. Chair, Commissioner Hamilton, I totaled that up and I think I did not provide it as supporting documents on here. But yes. It's approximately \$450,000 a year that we spend. That's been over a four-year period that we spent on electronic monitoring for the County. Around \$400,000.

COMMISSIONER HAMILTON: Is there any reason to think that we – that that amount is going to change substantially? We're doing this as an indefinite agreement but that certainly will allow us to have this for multiple years.

MR. TAYLOR: Mr. Chair, Commissioner Hamilton, indefinite quantity

actually refers to the amount of money. There's not a cap or a not-to-exceed amount to spend on the contract. The contract will be amended annually, but the County does have the right to terminate or use other price agreements if we find savings with other vendors that offer this. So it doesn't lock us in on an extended term, but it is a contract that does not have a limit or a total not-to-exceed amount.

COMMISSIONER HAMILTON: Right. So why are we doing that?

MR. TAYLOR: Mr. Chair, Commissioner Hamilton, because we do not know how many adjudicated clients we will have and how many electronic monitors. It varies. There are too many variables associated with the number of specific products that we'll be purchasing from the vendor.

COMMISSIONER HAMILTON: Well, we have historic data. I'm just wondering, why we don't put it in for half a million. Do we have a reason to think that this is – we've had discussions about potential for this kind of electronic monitoring program to be expanded substantially. So I know we consider it one way in the budget, and I'm just wondering why this doesn't have a cap on it.

MR. TAYLOR: Mr. Chair and Commissioners, we can certainly put a cap on it. What that would mean, that if we exceed that amount of course we would have to come back to the Board with another amendment amending the contract and increase the compensation. So we have done this historically knowing – we do have historic information. It's historically been one and a half to two million dollars over a four-year period and we could certainly do a not-to-exceed. But we're trying to create a document that is more amenable to the process.

COMMISSIONER HAMILTON: Well, I can respect that. Manager Miller, do you have thoughts about this? Is there a reason to want to put a cap on this? Have we typically done it this way? I didn't quite expect that. And that doesn't necessarily mean anything, but that's why I'm asking the question.

MANAGER MILLER: Mr. Chair, Commissioner Hamilton, I think that's the appropriate way to do the contract. Where the Board really I think weighs in on how – this is just the mechanism to get the units ordered, but the part where the Board I think weighs in the most heavily is in our budget and what we budget for this program based upon what we've been doing for multiple years. Right now I would say the actual quantity is down. We had difficulty a few years ago when we felt like the courts were kind of using this, or overusing this program but we met with District Court and we met with Magistrate Court and requested that they not just utilize the most expensive units. Really, like I said, the contract – I wouldn't worry so much about the structure of the contract as I would about how we work with the courts to make sure that they're not just using these excessively when it's not really necessary, and also on the budget side of it.

COMMISSIONER HAMILTON: Right. Okay. Because normally, I wondering if something like that often functions as a trigger for something to have to come back to us and then it can be used to say, you've been using this more than what we agreed to as evidenced by here and I'm going to have to take this back to the Board. If that's not critical I'm fine with it. That's what I was thinking, wanting to know why it didn't need that trigger.

MANAGER MILLER: And I think that typically we've had to come back to the Board to move money into this item. We budget it and then we come back and we

amend the contract. This would just mean we'd be coming to you if we end up in the unfortunate situation where it's being over-utilized as a matter of convenience as opposed to a matter of necessity for the courts or as a reasonable alternative measure to incarceration. That is one of those areas where we've come to the Board and had discussions and presented to you that we, a) need more money for it, and b) would like to look at transitioning this program over to the courts or something like that.

We did meet with the courts, as a matter of fact, about that but we didn't get a whole lot of response back. It was a good meeting but we didn't get a lot of response back as to how they could envision running their own program for electronic monitoring. Right now, as I said, it's been – this past year they have utilized it less as well as we have less inmates in the facility. Obviously, a lot of that is attributed to the pandemic and as we come out of the pandemic we'll have to keep an eye on how this program and our population at the adult detention facility migrates upward and what drives that.

COMMISSIONER HAMILTON: Okay. Thank you, Manager Miller.
Thank you, Mr. Taylor.

COMMISSIONER GARCIA: Mr. Chair, I have some questions.

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

COMMISSIONER GARCIA: Commissioner Hamilton, great questions, because as you all know, we're the elected officials that run the budget for Santa Fe County. And for the general public to realize what's happening is whenever an individual gets incarcerated or they go to jail the District Judge says put him on an ankle monitor bracelet – him or her. They do that. And we pay for it. The taxpayers of Santa Fe County pay for this and whenever the District Judge says put him on ankle bracelet we pay for it. So the question is for us to have is when do we do a cap. Because it's a larger challenge that we have in this community other than just putting somebody on an ankle bracelet. So is there a cap? When does the County Commission say we have to have a cap because when do you stop? I don't know. Or when do you get more? I don't know.

Great questions, Commissioner Hamilton. And one thing for Mr. Taylor. Vendors – is there only one vendor that does these bracelets? So does that vendor actually get the contracts for year after year or are there ten or twenty different vendors. So where are we at with that? Because this is something as Manager Miller knows and us as elected officials know that this is something that affects our budget. When do we put a cap on it? Or do we? I don't know. Or do we turn them back over to the District Court and say it's really a community issue. It's like our jail. Us taxpayers run our jail. Us taxpayers run the ankle monitoring. Us taxpayers that we're responsible for run our budget. When do we – how do we handle it? How do we handle this challenge? I don't know. But great question, Commissioner Hamilton, because this is something that the general public needs to start realizing how our budget is spent and what we're doing. I'll stop on that.

And the cap, do we place a cap on it? And is this really an indefinite agreement or not? Can this really go on forever and ever, the next two, three five years? And does the County Manager and three to five senators can sign this agreement and say, there's no cap. Sign the agreement. So thank you, Mr. Chair.

MR. TAYLOR: Mr. Chair, Commissioner Garcia, again, the indefinite quantity only refers to the amount spent on the contract; it's not the term. The contract

has to be extended annually. So it does not go on and on. The answer to your first question, there are other vendors that provide these ankle monitoring services. BI providers us the best prize. We are, for your information and the Board's information, we are currently discussing pricing with other vendors on the price agreement and we may be able to realize some savings in that area and we may be coming back to the Board with an agreement with another vendor as well.

But as far as the cap, do we put a cap on it? We can, as I said, we could certainly do that, but I think that budget management, what the departments are budgeted for and the Commission oversees those budgets and is informed of those budgets is in some indirect way a cap for these contracts and it does come to a point where the Commission can say we don't want to increase the amount on this contract anymore in the budget. So I think the mechanism, as County Manager Miller alluded to is the correct mechanism for this contract as an indefinite quantity but it is specific to the amount of money, not the number of years.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Mr. Taylor. So one of the things, so the general public knows, we don't just pay for these ankle bracelets. We pay for the staff that runs them. We pay for the Sheriff and the Public Safety people to monitor this stuff and it doesn't just include putting a bracelet on your ankle or wrist. It actually includes the backup material as into GPS for these individuals, on what's happening. So us as the County, us as the City, us as the County, we actually provide this as to individuals that get this bracelet. So when do we put a cap on it, because we've been dealing with this for the last two, three, four – every year, two years, we come up with this little bit more of an increase, increase. When do we draw a cap? And how do we work as a community together to say, what's happening? What's going on? And Manager Miller, I understand where you're at, and what you do and where you do and so just bringing that up as something that as a community we need to talk about. Thank you, Mr. Chair. Thank you, Mr. Taylor and thank you, Manager Miller and Commissioner Hamilton for bringing up the question.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Manager Miller.

MANAGER MILLER: Mr. Chair, Commissioner Garcia brings up a point that we had discussed and if the Board would like us to look at this and go back and talk to the judges again, the cap was not so much on our contract as it doesn't do any good for us to put a cap on our contract if the judges continue to put people on – sentence them to electronic monitoring. So as I said, the contract that we're asking you to approve is just a mechanism so we're able to order those devices for the inmates that are sentenced to electronic monitoring. The judges control who is sentenced to electronic monitoring and the type of device. But one thing we have discussed when it was getting kind of budgetarily out of control, because it just kept increasing and increasing and increasing, we discussed about saying, okay, we'll still run – we've discussed two potential things. One, was we could continue to run the program but each court would have a limited number of devices that they could have access to sentencing people to, or we could say okay courts, we'll give you a certain amount of money and you go contract with your own company and you manage your own electronic monitoring.

I think that second alternative was not very attractive to the courts because they don't have a budget for this. They don't have case managers. We have case managers and

we're the ones with the budget for it. So they didn't say absolutely no, but they also didn't jump at that and say, yes, give us x-amount of money and we'll go run with it. Additionally, that sets a precedent up of counties funding a program for the State District Courts and I'm not sure that that's what we want to set that precedent either. The original intent of this program for Santa Fe County was we used to have a private operator at our jail and we paid that operator for every inmate, we paid a per diem for them in the facility, and some people would be better – rather than in a facility – be better on an electronic monitoring device and it was also less expensive. If I recall at the time we came up with the program we were talking paying \$65 a day to a contractor for someone who was sentenced to the facility versus something like \$20 a day to somebody that was on electronic monitoring.

So it was two-fold. It was one, to bring down the cost of having somebody incarcerated and to give us an alternative that was less costly, and also so that individuals who maybe didn't need to be incarcerated, just needed some monitoring, and could keep their job and continue to work could be on a program like this.

So as I said, right now, the program is doing pretty well. It's not overburdened but I would anticipate as I said earlier, as we move beyond the pandemic we'll start to see more individuals sentenced into our facility as well as more people put on electronic monitoring. So we will likely have to revisit this issue again with the courts to keep the cost of this program down.

CHAIR ROYBAL: Okay. Thank you, Manager Miller, and you may have actually mentioned this as well but I know that when people get a DWI and they have to pay for – I think they pay a certain percentage or possibly all of it of the actual device they have to install on their vehicle. Is that correct?

MANAGER MILLER: Mr. Chair, there is a program that they can pay a portion of it. They don't pay the total cost of the device but it's also – there's a scale of cost-sharing based upon somebody's income and the judges can waive that. It's completely up to the judge as to whether an individual on our electronic monitoring actually shares in the cost.

CHAIR ROYBAL: Okay. Thank you, Manager Miller. Any other questions? Okay, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Manager Miller, for your explanation. I appreciate that. I think that being able to put people on electronic monitoring is really important that we're able to do that. It does also reduce our costs of putting somebody in the jail, so it kind of has a double-edged sword, so to speak.

But I want to make a motion to approve the indefinite quantity agreement number 2021-0122 between Santa Fe County and BI Technologies. I think in many ways it's a humane thing to be able to do to put people on an electronic monitor who do not need to be in the jail, and especially during this particular time of COVID that to keep people out of these crowded situations is really important. I think that is one of the humane things that we can do for people. So with that I move to approve.

COMMISSIONER GARCIA: Second.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: Okay, we have a motion from Commissioner Hansen and also a second from Commissioner Garcia and Commissioner Hughes. I'm going to

go to a roll call vote.

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

COMMISSIONER GARCIA: And just for discussion, Commissioner Hughes knows this better than any of us. You have individuals that are homeless, and yes, let's just throw more money at it. Throw more money at it. I get it. I understand that. But when we do actually say, how do we fix the challenge that we have in our community, because we can put people in bracelets all day long. The COVID, we've been doing this for ten years now and Commissioner Hughes knows this. Whenever you have individuals that are a little homeless, what are we doing? Where are we – how do we get over the mountain and to the mountain? But I understand what we're doing. I get it. So that's just my larger challenge and my larger as into speaking, as into [inaudible] I understand that. But how do we fix the larger picture. So, Mr. Chair, my vote is yes. Thank you.

4. D. **Request (1) Approval of Amendment No. 5 to Agreement No. 2018-0047-B-CSD/MM with La Familia Medical Center, Increasing the Compensation by \$736,050 to Provide Assistance to Low-Income Residents of Santa Fe County for a Total Contract Sum of \$3,144,100 Inclusive of NMGRT; and (2) Delegating Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR ROYBAL: Once again, from the Purchasing Division we have Mr. Bill Taylor and I believe Ms. Boies would be available too from Community Services.

MR. TAYLOR: Good afternoon, Mr. Chair and Commissioners again. The Community Services Department entered into an agreement with La Familia to provide these services in January 2018. There's been four prior amendments that have increased compensation each year and extended the term. Where we are with this final amendment number five that increases the amount, \$736,000 for the total contract sum of \$3,144,100.

And again, this provides assistance to low income residents in our community. Due to Resolution 2014-143, the increased amount requires Board approval and that's why it's here before you but I will stand for any questions and of course Ms. Boies is on line here to also provide any answers to questions regarding the services provided.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Okay, thank you, Mr. Taylor. Do we have any questions? Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, this is actually a great benefit to the community. This is in Commissioner Hansen's district and if you ever go to La Familia Medical Center and you see how they help out individuals and what they do and how they do it, Dr. Gonzales, she's actually the assistant who helps out individuals. It's really good. It's part of one of our GRT taxes. Whenever you go and buy something, this is where we get pieces of the pie and this is where it goes to and I think this is a great

thing that helps out the low income individuals in our community because especially these days, as Commissioner Hansen said, during the COVID, people aren't working anymore and families are having a hard time. Whether you're in school or not in school, your mom or your dad can't afford to do what you need to do and La Familia – if you go there; I've been there and not to tour. This is great. And if there's no other questions on this, I'd just like to make a motion for approval. Great cause. Great well spent money.

CHAIR ROYBAL: Thank you, Commissioner Garcia. As you indicated, this is in her district. Commissioner Hansen.

COMMISSIONER HANSEN: I'll second this, but I also want to say for the record that over the last couple of years we have expanded their facility and really been able to provide more services to the community, which is really important. Wendy Johnson, who is one of the main doctors there is really a great asset and contributes tremendously to our community and to the community's well being. So I am grateful that we are able, as Santa Fe County residents, and as the larger Santa Fe County to support this important medical facility and give so many people the opportunity to find wellness and get wellness. So thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen, and I know that the work that they do here is huge. I've been a foster parent for 12 years and a lot of the kids that do come into our home sometimes, actually their doctors are with La Familia. So we of course want that to remain as normal as possible so we a lot of times take them to the doctors that they were already seeing. Every time I've been there, just the standard of professionalism and everything else is just great. So I appreciate that. Any other comments from the Commission?

COMMISSIONER GARCIA: Just really quick, Mr. Chair.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: This is Commissioner Hansen's district, and I guess it's just true and dear to my heart, La Familia Medical Center because back in the days, that whole property that we have there, the Agua Fria Park, the Nancy Rodriguez Community Center, as well as the La Familia Medical Center, which was the first project there, that was our first CDBG grant application that Santa Fe County every applied for, and we actually – we built that facility for this purpose. So I grew up in the Agua Fria Village. I went to Agua Fria School, but that's kind of true and dear to my heart. But Commissioner Hansen, that is your district, if you want to make the motion and I can second it, I'm okay with that, but I apologize for stepping over your district. I just want to let you know that that's where our first CDBG application the County every applied for and we've added on to it, and it's good and it's working. So I just wanted to bring that up, Mr. Chair. Thank you.

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

COMMISSIONER HANSEN: Thank you, Commissioner Garcia. I am good with the motion going forward. I think that we all care about La Familia. It is not just because it is in my district. It doesn't mean that my constituents are the only people who use that. That facility is used by people throughout Santa Fe County and there are many, many people that we provide service to there and it is a really important asset for Santa Fe County.

CHAIR ROYBAL: Okay, so we do have a motion from Commissioner Garcia and a second from Commissioner Hansen. So we're going to go to a roll call vote.

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

4. E. Resolution 2021-010, a Resolution Approving and Accepting the FY2020 Audit

YVONNE HERRERA (Finance Director): Good afternoon, Commissioner Roybal and Commissioners. I'm here with Steve Montoya with REDW, principal on the audit for 2020. As required by the New Mexico Administrative Code we are required to present the 2020 financial statements to the Board once it's completed. The audit was completed and the exit conference was held with the Audit Committee on November 30, 2020 and the New Mexico Office of State Auditor reviewed it and released the audit on December 28, 2020.

I have, as I previously mentioned, Steve Montoya from REDW to present the financial statements to the Board. I want to thank them for performing the audit. I think last year, I'd like to thank them for doing the work for us. This year was quite different. It was really interesting trying to figure out how we were going to get everything done, virtually, electronically, making sure that we provide them with the appropriate documentation so that they felt comfortable with the numbers that we presented in the financial statements, and I have to say, it was probably one of the easiest audits that I've ever been through. Even though they gave us findings which I still disagree with their assessment, I will accept them, however, because sometimes we do make mistakes and sometimes we have to fix things that other people point out, so just kind of be a big girl about it and just move forward.

With that, I will pass it on to Steve Montoya and John Rothweiler to present the financial statement information to the Board. Daniel, if it's possible, will you be able to do the presentation. There you go, Steve.

STEVE MONTOYA: Okay. Thank you, Yvonne. Thank you, Mr. Chair and Commissioners, and thank you, Daniel, for getting the power point up. It's just a small power point that I wanted to go through just to present the audit results. Like Yvonne said, this was definitely an unusual year with COVID-19 and definitely a since appreciation for Yvonne and all of the staff there at Santa Fe County. They really helped in getting us the documents that we needed. They were able to jump on Zoom calls and meetings with us throughout the audit, and so it was definitely appreciated, just all the efforts that they gave. And also with the Housing Authority as well. I'll go over this. We do a federal compliance test there and all of their staff was very supportive as well. And so definitely extend an appreciation to all the team.

The audit, it's a pretty substantial effort that goes into the year-end audit. There's a statutory deadline that the audit's due December 1st to the State Auditor's Office. By the time the financials are all drafted, Santa Fe County presents a comprehensive financial report, which is pretty substantial. It's about 300 pages of financial information. So we really get all the information and start rolling really deep in it in October and go on through the beginning of December. And the audit had about 860 hours of our time, so

it's a big effort that goes into testing things and looking at numbers and disclosures and so anyway, it's quite an effort.

And management does a nice job of the CAFR, and they've received the certificate of achievement for excellence in financial reporting in previous years from the GFOA, so that is a pretty big accomplishment as well that they've always had.

With that, this is the audit results for the June 30, 2020. We can go ahead and go to the next slide. As Yvonne mentioned, the purpose of this is to comply with the Open Meetings Act and to present the audit results to the public and to those charged with governance. We held our exit conference with the County's audit team and also with management and we went over – at that time, it was on November 30th and that was before we submitted the reports over at the State Auditor's Office. We went over our responsibilities, management's responsibilities, some other communications and discussed the results of our audit as well.

So the scope – and I kind of left off on that last slide – the scope of our audit, it includes the financial audit and also the federal compliance audit. So we're testing both the numbers and also the federal compliance with the programs. We conduct our audit in accordance with US generally accepted auditing standards, government auditing standards, the uniform guidance, which is the federal requirements, and then also we have the State Auditor rules and regulations, which we have to follow as well. So there's quite a number – there are several bodies and regulations that we're adhering to throughout our audit.

The audit objective is always to obtain a reasonable but not absolute assurance and so we're not looking at every number in the financial – we're not looking at every transaction that went on during the year, but we're doing it with a risk-based audit approach and we're looking at material items and we're using our auditor judgment as well in doing our audit.

So the status of our audit is that we're completely done, that our audit is fully complete. The State Auditor's Office has approved the auditor reports. The auditor reports are available on OSA's website as well as the County's website in the Finance section. The audit reports, those also have to be submitted over to the Federal Audit Clearinghouse. The federal government requires those to be submitted. So the reports have been submitted and accepted by the Federal Audit Clearinghouse

So our audit results is that we had unmodified opinions on the financial statements in the major federal program compliance. What that means is that that's the highest level of assurance that we can give as auditors is basically saying that it was a very clean audit as far as our opinion on the financials and on the compliance. So if there was any material misstatements that were not corrected then we would have a modification, but there was no such items like that and so we gave an unmodified opinion, which again, is a clear opinion.

The report on internal controls over financial reporting, this is if we had identified a control deficiency during our audit that we felt was a material deficiency of controls that we would need to raise it to that level to report to the County. We didn't have any such findings in the current year, so no material weaknesses of internal controls.

So this is a summary of our findings. So we didn't have any material weaknesses but as Yvonne mentioned we had some findings. There were five findings this last year

for the 2020 audit. Four of them were repeat findings from the 2019 audit. There was some modification as far as what actually had occurred but it was a similar issue. So the first finding that we had was related to financial statement/bank reconciliations. So there was a reconciling item that required more supporting documents regarding that reconciling item.

And then the other four that are there from 002 down to 2020-005, those are State Auditor compliance findings. We're required to report matters that are regulatory requirements by the City Audit Rule. And so the 2020-002 is related to cash receipts and that's that deposits need to be made into the bank within 24 hours of the cash received, so by the next business day. We had one transaction that we found that wasn't deposited within that time frame. And then the collateralization finding that related to the bank deposits. They're federally insured up to a certain amount and then after that amount there needs to be other pledged securities to ensure them basically. The State Auditor's Office requires that at least 50 percent of that amount that's over the FDIC limit be collateralized and so there was some investment and bank deposits that didn't have that additional pledged securities, so the additional insurance.

The next one was for budget and expenditures in excess of budgeted revenues. So this had to do with a budget adjustment that basically put the budget expenditures over budgeted revenues. Because when they did the adjustment for the budget they posted it to the expense but they didn't record the budget of the revenues. So that again is more of an accounting issue, but I'll stress you always want to keep a balanced budget.

The last one had to do with budget reconciliations and this one has to do with the budget that the County has and that has to reconcile to the budget that DFA has. And so those two budgets were not reconciled between each other. And so again, the County just needs to make sure that the budget is matching up to DFA's budgeting rules as well.

And so if we go to the next slide, this next slide here, and this just shows the status of the prior year findings. And so although four of them were repeat findings as I'm showing as unresolved, there was one finding from last year's audit related to accounts payable cutoff procedures, that was resolved in the current year. And so we tested accounts payable in our 2020 audit and we did not identify any issues with the cutoff procedures. And so the County did a good job of correcting that finding.

So this next slide this year shows the federal compliance. This has to do with the federal audit. We test – we had to select certain programs that are typically the large programs that receive federal funds and have federal fund expenditures, and we test those for compliance. The two programs that we tested this year was the housing voucher cluster program, and then there was the highway planning and construction cluster. And so together, by testing those two programs, that made up approximately 60 percent of the total federal assistance that the County received, so quite a bit of federal funds that were tested during the year. And so with the test work that we did we didn't have any findings so it was a good job again to management and the Housing Authority and the program management. There was no findings related to our federal audit program testing this year.

This next slide here just kind of adds some other required communications, is that there's no other matters that are significant to the oversight of the County that hasn't been previously communicated. At the end of our audit we request a representation letter from management just saying that they've provided us all information and disclosed all the

information to us, and so we receive that before the end of the audit. And our engagement letter of course, that describes all our responsibilities in accordance with the professional standards and our requirements regarding independence.

And so if we go to the last slide this has our contact information. John Rothweiler is here; he's on this meeting as well. He was the manager of the engagement, so both of our contact information is there, so we can answer any questions that you may have.

CHAIR ROYBAL: Okay. Thank you very much for the presentation, Mr. Montoya and also Ms. Herrera. Do we have questions from the Commission? I'll look for a show of hands. Commissioner Hughes.

COMMISSIONER GARCIA: Mr. Chair, I have a question.

CHAIR ROYBAL: And then I'll to Commissioner Garcia.

COMMISSIONER HUGHES: Thank you, Mr. Chair. My question is what are we doing to resolve the findings so that we don't have them next year. It's more of a question I guess for the staff than Mr. Montoya.

MS. HERRERA: Chair Roybal, Commissioner Hughes, as Steve mentioned, these are continuing findings and every year we continue to make improvements to our processes and the cash receipts and the collateralization findings, we continue to work with the Treasurer's Office to insure that all of our investments fall under that FDIC threshold of \$250,000, if not separately secured by additional securities purchased by the bank, or held by the bank under our name. And as far as the cash receipts go, the 24-hour rule, we continue to work with the Treasurer's Office. They've actually implemented a remote deposit process so the departments can actually have a machine at their office to be able to do deposits with checks that go directly to the bank. So we're hoping that that new process will actually help us with our 24-hour rule issue, getting all of our cash receipts within the bank within that 24 hours.

The Finance Division is working with Treasurer Manzanaras to work on collaterals to try to make sure that we get that resolved for the audit for fiscal year 21, so she is enthusiastic on making sure that we comply with all requirements so I hope that we can resolve that issue, and it's pretty much a really simple issue, especially since we tend to invest in a lot of CDs. We just need to make sure that when we purchase a CD we don't purchase it for the full \$250,000, that we purchase it for like \$230,000, \$240,000, to allow for appreciation, any accrued interest and so forth and so on.

I don't think that will be an issue now that she understands what the specific problem is with that finding. As far as the bank reconciliation finding that we had, we are working through the prior month's prior reconciliations to figure out where that difference started and why that difference was. We continue to make improvements in our reconciliation process. That's actually one of the areas that I hope to discuss with the Audit Committee to make part of our internal audit plan in the next three years to make sure our process is one, sound, and two, is as efficient as it can be, given the number of accounts that the County does have.

And then as far as budget errors, the first one that Steve mentioned was unbalanced. That one, we had to add additional steps within our own internal processes to ensure that when we provide the Board with a budget adjustment that it truly is a balanced budget, meaning that we have the resources coming in that matches the outflow of the money that we expect to spend. In the particular case of the budget adjustment that

we presented to the Board last year, it was just out of balance and we ended up overlooking it. I don't think that's anything other than adding an additional step to ensure that we actually make sure that our budget adjustments are balanced.

And then as far as the reconciliation with DFA, after we had submitted the final budget for fiscal year 21, we had discovered through discussions with DFA that we had actually been missing a step in relation to the project budgets that we roll over from year to year. We present our project budgets to the Board, you approve them, and the intent is that that budget is good through the life of the project, even though the life of the project could be anywhere from the 12 months to several years. The step that we were missing was we were not notifying DFA of the available budget at the end of one fiscal year that was rolled over into the next. So we essentially were giving ourselves additional budget authority in DFA's view. So when we went to reconcile our budget based upon our books versus what DFA had, we had more budget than what DFA was showing. Now that we know that we have to comply with that and bring that BAR to the Board to get you to approve the remaining budget, and then adding one more step and ensuring that before we close out the fiscal year we compare the DFA system with our own accounting system, make sure that everything does balance. Make sure that every BAR that we process throughout the year got entered into both systems, which our budget office is actually doing on a monthly basis now.

So adding a few additional procedures on the Finance side, I believe, knock on wood, that we won't have these findings now in 21. That's what my hope is. I know that everybody's anxious to try to get rid of this 24-hour cash receipt deposit that we seem to continue to have as well as the collateralization finding. Unfortunately, it just seems to continue. We continue to need to make improvements to try to finally get rid of these findings.

COMMISSIONER HUGHES: Thank you, Ms. Herrera. I think that's great that you've thought through all of that and I can only imagine how hard it is to keep track of all the money that flows through the County on a yearly basis and make sure every penny is accounted for. I did want to say that whenever my non-profit gets a finding I don't agree with it either, but it usually is an opportunity to improve. So thank you very much. That was a good answer to my question.

MS. HERRERA: Thank you, Commissioner Hughes.

CHAIR ROYBAL: Okay, thank you, Commissioner Hughes. Thank you, Ms. Herrera. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you for the audit. Thank you, Mr. Chair, for bringing this forward as Commissioner Hughes mentioned. Santa Fe County's budget, we're doing great, thanks to very conservative Manager Miller and her team, her entire team. People don't realize our budget and our findings are minimal. Knock on wood. Let's move forward because our Moody's rating is – we're actually like number one in the state for our ratings. So I would like to thank the entire Finance Department for bringing this forward because there's individuals that work for Finance that have worked there for many years and they actually are responsible for helping all this out. So thank you for the entire Finance Department for bringing this forward because it is about people that work in the trenches that we don't recognize but the whole team is bringing this forward.

The Housing individuals, thank you for bringing that progress forward, because that's what's happening with Housing. We're moving forward. Once again, Santa Fe County's budget, Manager Miller and your entire team and the Finance Department, great job, because we're number one in the state and we have the best rating that we can have because that pays for schools and everything else. GRT pays for the stuff for La Familia and our entire budget – all that stuff that the taxpayer doesn't realize what they're paying for but I appreciate that.

I understand the project stuff, as into working with DFA and the entire projects as into let it reconcile with DFA as into what's going on, what's happening. I get that. And Treasurer Varela last time came forward and said that was some of the findings that he had had. So we're working on that now with our new Treasurer. I'm sure she's actually going to work on how we need to deposit and when we need to deposit and cash, and we're working on that. I appreciate the budget again and just the entire Finance team. People have been there for many, many years and keep us going and Manager Miller, you were our Finance Director many years ago, and then Teresa came and everybody else came in. Santa Fe County's budget is very good and conservative and this is why many of our County employees and a lot of our programs are still getting funding because we do well.

I know there are a couple of findings we have, which we can, knock on wood and say good morning, Ms. Quintana, but anyhow. So these are some of the things that we as elected official for Santa Fe County for our budget, I'm happy to be with Santa Fe County and the things we've got to work on we will, but thanks for the entire team. Appreciate you all. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I'm going to go to Commissioner Hansen, I believe had her hand up as well.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I just wanted to also recognize Yvonne and her entire staff for her diligent work and also Steve and your team at REDW. Thank you so much. It's a pleasure to work with you. I've worked with you on other audits and it's great to have your expertise on this process. So thank you to everybody, the entire team. We can only work to get better, so thank you for your hard work, always, all of you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Were there any other Commissioners that had questions or comments? Seeing none, I just want to also thank our Finance Division and our auditors for bringing this presentation forward. As usual, we're really proud of the work that the Finance Department does in keeping us walking the straight and narrow. There's a couple of findings and it looks like we have a plan to overcome that so thank you for all that and with that being said, is there a motion from a Commissioner?

COMMISSIONER HUGHES: So moved.

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We had a motion, I believe, from Commissioner Hughes, and then Commissioner Hansen had her hand up so she seconded it. So with that, I'm going to go to a roll call vote.

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

5. PRESENTATIONS

A. Presentation on the Water Policy Advisory Committee

JOHN DUPUS (Utilities Director): Thank you, Mr. Chair. Good afternoon, Mr. Chair and Commissioners. The Utilities Division was requested to provide a presentation to answer questions related to the role, membership and functioning of the Water Policy Advisory Committee, and as a background, before answering these questions I'll provide a brief summary of resolutions related to the Water Policy Advisory Committee, which is commonly referred to as the WPAC.

So Resolution 2013-42 established the WPAC to provide factual information to the BCC regarding water, wastewater and water management. It included some specific task related to aquifer storage and a regional water authority. In 2018 Resolution 2018-67 was passed that addressed challenges in appointing a full committee. But that in Resolution 2019-95 it repealed and replaced both the prior resolutions and it is currently applicable today. It updated them to broaden the membership requirements and remove references to specific tasks that were no longer relevant in 2019.

So the first question requested as part of the presentation is What is the role of the WPAC? The role of the WPAC from Resolution 2019-95 states that the purpose of the WPAC is to ascertain and provide factual information and recommendations to the Board regarding utility service, domestic water supply, wastewater management, irrigation, drought management, flood prevention and control, and water reuse in the county and the region. It further states that they have the following duties: make recommendations on water issues to the Board, assist the County in addressing proposed aquifer storage and recharge activities, explore the concept of an independent regional water authority, and make recommendations on drought management. It also includes recommending updates to the County's ordinances, policies and plans related to water issues and last, provide such other assistance as directed by the Board.

So that's regarding the role of the WPAC. The next question was who are the members of the WPAC. The WPAC membership requirements are detailed in 2019-95 as well that states that they should be selected to ensure a wide range of expertise and experience, and it specifically includes the following areas: a member of a water system, domestic water consumers association, a water co-op, rural water system or water district. Currently we do not have any member which is from that area. The next is a member of an agricultural organization, and currently Shann Stringer is providing expertise from within that area. The next is a member of an acequia association, the Estancia Planning Area, the Galisteo Planning Area, and all of those do not have current membership.

As far as member from the Central Planning Area, that is currently Emily Wolf. And in the Northern Planning Area, that is Mary Helen Follingstad. A member from the Buckman Direct Diversion Board, which is open and any remaining members shall be chosen by the Commissioners. And currently Bryan Romero is appointed from District 1, Ken Kirk is appointed from District 2, and Steve Rudnick is appointed from District 5.

So that answers who are the members of the WPAC. The next question was how does the WPAC interact with and act as a resource for the Board? So again, in Resolution 2019-95, it requires the WPAC present an annual work plan and meeting calendar to the

Board in January, which includes a schedule for the submittal of reports and deliverables. This plan can be amended by the Board at its own initiative or in response to a request from the WPAC.

And the WPAC is expected to present a report of its activities and recommendations to the Board each year. It also specifies the County Manager shall appoint an employee of the Public Works Department to serve as a liaison and at the request of the WPAC that liaison may prepare agendas, provide info, and assist with research. This clarification was in response to the WPAC members requesting clarity on the role of the liaison. So currently no staff member is officially appointed. I act in that capacity, as well as Anjali Bean currently today. That is in response to answering the question how does the WPAC interact and act as a resource for the Board. With that, I will stand for any questions.

CHAIR ROYBAL: Okay. Thank you, Mr. Dupuis. Are there any questions from the Board? I'll look for a show of hands. Commissioner Hamilton, and then I'll go to Commissioner Hansen.

COMMISSIONER HAMILTON: I don't have a question. I more have a – well, maybe I have a question for other Board members. I have a lot of association with the WPAC. I've actually served on it for two years prior to becoming a Commissioner. And so I've been associated with or knowledgeable to some extent of what the WPAC did for years now. When I served on WPAC I found – it seemed to me that the support it gave to the Board was both useful and appreciated, right? There was good communication. WPAC had a strong chairman who really – and almost full membership, so there was a lot of work to do. There were a lot of people to do it and the chairman marshaled those people well and communicated well with the Board.

So there were a number of kinds of questions that came up that the Board over time needed input on. Aquifer storage was one of them. Various aspects of water-related issues that were appropriated into the SLDC, as well as some questions that were related to Aamodt, in terms of well elections and limits that were placed on that. So they provided good technical input to the Board. At the time that I got off the board, the chairman left, a bunch of other people moved out of state. A bunch of other people left. We had three new board members all come on at once, and there was like a hiatus of work that the Board was communicating with WPAC to provide. So there's that general sense that there was a period of time when things "fell apart" and there wasn't a lot of direction provided to the WPAC and there wasn't a lot of communication.

So I assume this is kind of an attempt to get things -- to get more appointments to the WPAC and an opportunity for the Board to evaluate whether on an ongoing basis WPAC still has a viable function in bringing information to the Board when the Board asks for it. Technical information. I've been attending WPAC meetings, though I don't attend all of them, but we've been working on recommendations with respect to drought management issues, and frankly I think that work is developing very useful information because ultimately if the BCC is going to make some decisions about some modification to drought regulations, well, there's a lot of technical information would be very useful.

So in a way to me it seems like a supplement to the Utility Department. We also have a lot of expertise, but this is volunteer expertise that's provided. So I guess I wanted to give that background and see what other Commissioners think about the value of

WPAC continuing, and also to mention one other thing which is the value of what WPAC produces is partly driven by having a chair who has a good vision and partly driven by some inputs they get from Utilities, but obviously also by inputs they get from us. And I have wondered over the past several years, it's one of those committees that doesn't actually have official BCC participation. So that's another issue you guys might consider, whether assigning one or two – obviously on a voluntary basis – at least one Commissioner to that board might improve that aspect of communication. So thank you, Mr. Chair. That's my comments for the moment.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hamilton, and I would think it would be great for you to be on that board.

COMMISSIONER HAMILTON: I am volunteering, but you know at this point we also have Commissioner Hughes who I know is interested. He's come to some meetings and has expertise to provide. So there should be a conversation about that. The very fact that we have choices is fabulous. You have said yourself, the more people that participate and we interact on these things the more value we get out of the committees we participate in. So I am totally wide open – I have not left any pieces of cake. If it were ice cream that would be different, but I'm totally open to what we do in that regard.

CHAIR ROYBAL: Okay. I think that's a great idea. Any other comments or questions from Commissioners? Commissioner Hansen, and then Commissioner Hughes.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So it's sad to me to see that there's so many vacancies on this board and I'm sure it's not for a lack of trying to get members. I'm sure that staff has reached out and tried to find members from different areas. So I'm wondering if we need to create a different way of reaching out to find people, because even though I think it's great for a Commissioner to sit on this board there are still a number of empty vacancies on this board. Water is such a big issue for our northern New Mexico that I would think there would be more people who would be interested in sitting on this board and helping us work on drought management and regional cooperation and coordination, backup water supply, and the 40- and 80-year plan that the City has worked on and that we could all work on together.

So I would like to see us try to reach out again. I know that it's challenging during this time of COVID to find people but maybe there might be some renewed interest. And maybe Commissioners can also reach out in their communities and find people to sit on this board. I think it's an important board. I think it's a way for us to work with the City and I think that that is a good process. So that's really all I wanted to say. I would just like to see this board grow and be more active once again.

CHAIR ROYBAL: Thank you, Commissioner Hansen. John, did you go through which districts actually didn't have representation at this point?

MR. DUPUIS: Mr. Chair, yes I did and I can restate that if you'd like.

CHAIR ROYBAL: Sure. If you could tell us which districts that'd be great.

MR. DUPUIS: Currently, Bryan Romero is appointed from District 1, Ken Kirk is District 2, and Steve Rudnick from District 5.

CHAIR ROYBAL: So then we need representatives from 3 and 4, is that what I heard?

MR. DUPUIS: That's correct, Mr. Chair.

CHAIR ROYBAL: Commissioner Hamilton, I saw your hand go up.

COMMISSIONER HAMILTON: Yes. I got Shann Stringer on the board. I got Emily Wolf on the board, and I still don't have somebody who technically represents District 4. But I know a lot of people, obviously, in this field and have been working on it. So that definitely needs to be worked on. And I wanted to agree with Commissioner Hansen's statement. My thought about having a Commissioner on is not to replace this participation. I think it's critical that we reach out and rejuvenate this board. So that comment was right on the mark. I think it has to do with the facilitation of communication and back and forth to the Board would be the benefit of a Commissioner.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hamilton. I know there was a gentleman that lives in one of the other Commissioner's districts and he was asking about a board appointment, so I'll have to get his information and maybe send it out to whichever Commissioner is actually his Commissioner. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I agree with Commissioners Hamilton and Hansen. I think this is such an important issue – water – right now. I know, even though I'm new I know that several water issues have been brought before us for us to consider and I think having some expert advice from the community would probably be very helpful when we're trying to decide some of these things. So I think if we could revitalize this committee it would be very useful. I'm not sure whether adding Commissioners or not is a good idea. I think I'm too new. But it doesn't sound like a bad idea to me to have Commissioners serve on this committee if that does increase the communication between the committee and the Board.

I guess what I was wondering is whether it would be helpful for us as a Commission to perhaps, with the advice of the water people, with Mr. Dupuis, set out what questions are burning for us and what do we need answered, what do we need their advice on. It sounded to me like maybe they were supposed to make up their own work plan but maybe really the work plan should come from us, or at least part of it come from us. I guess that's a question for Mr. Dupuis too, whether there are some questions that maybe we could put on their agenda that we need advice on. Thank you.

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

COMMISSIONER HAMILTON: I'm sure Mr. Dupuis had something to bring to that question. I think that part of the problem is what happened previously when Charlie Nylander was chair of the WPAC. He was very adept at working with the Commissioners and the Utilities staff who have knowledge of what was going on, in the development of the SLDC. So he was able to document and kind of work out a work plan from that. So he didn't generate it out of his own head sort of random issues to talk about. He somehow had a professional relationship going that let him keep the process going, get what he saw from the Commissioners and the staff and then presented to the Commission.

And when he left that is one of the things that fell apart. Well, who initiates this? Charlie used to always just bring us the work plans. But it was the behind the scenes stuff. But I think you're right. I think formally we have to kind of re-institute that plan where we talk about what kinds of information is needed, that we see as needed, and

interact with John Dupuis and the Utilities people who have knowledge of what's going on that would be useful. Technically, it is supposed to support what we see as future policy needs. So there are things that we should have on our plate that we should be able to ask them. I think you're correct. We need to [inaudible]

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Any other comments from Commissioners?

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: I agree with all my colleagues as into how do we do? What do we do? How do we get involved? And where are we at? One of the things, Bryan Romero, thank you for what you do trying to get this going. The 2013 resolution, in 2019 that got amended. One of the things, good guy – many people from La Cienega that work the acequia. They dig the ditches and they make the water flow. Carl Dickens as a matter of fact, he's been on me because we have this condition that's been [inaudible], many, many years ago, which is a water issue, water challenge, and so some of the things, I think as the Utility Department, where do we need to go? Because right now, let's create another board, let's do another board, let's do this other board. Where does our Utility Department need to go? Do you want to build more infrastructure? Or do you want to help out the water drought? We want to do it all, but where are we at with the Utility Department?

So one of the questions I had for you, John, is actually as an engineer and expert, what is your opinion as to where does the County need to go? Yes, we have three different drought utilities, infrastructure? Where are we at? Because right now we have another board. We cannot fill it because people are busy in my community, so where are we at? I don't want to create another board. At the end of the plan that we had for the County hasn't been updated for many, many years, so what is our action plan as Commissioners and our Utility that hasn't been updated? Where are we at with that, first of all? And then let's create a board to help that out. I don't know.

And then another thing is the terms of the board. So can you have a term on this board forever and ever? I think it's something that our Utility Department – you have a hard job, John. Our Utility Department as into where do we need to go with all this stuff because, yes, I understand you're for infrastructure and everything else but you can't just create another board and put more people on because what's our goal? Not our plan; what's our goal?

So that's just something – I'm just wondering. I understand, I get why we are bringing this forward as into what does the Board need to do? Where are we at? But as a governing body and as into our Utility Department, what are our top five priorities or seven? Because we have all these things going on here and yes, water is very important. We understand that. At the Utility, what are our top five? Maybe we'll start there. For right now, another board, another board, another board, another board. There's not too many volunteers out there and us elected officials have a lot of things going on in our head, as you do, John, as into water, drought, where are we at? So I just wanted to bring that forward as into we have all these things going on but what are our top five priorities in the Utility Department? Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. So were there any

other questions from the Board? Well thank you, Mr. Dupuis. We appreciate your presentation, sir.

6. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: Is there anybody from the public that would like to address the Board? Tessa Jo, can you unmute everybody?

JAY COGHLAN: I would please.

CHAIR ROYBAL: Okay. Can you state your name for the record please.

MR. COGHLAN: Yes. My name is Jay Coghlan. I'm with Nuclear Watch of New Mexico, and first of all, thank you, Commissioners, for this opportunity to be able to submit some public comment. I should first ask, how long do I have?

CHAIR ROYBAL: For public comment, I have to figure out how many people want to talk, so if there's only one, that will be five minutes. If there's more then I would cut it down accordingly.

MR. COGHLAN: Okay. I think I can do less than five minutes.

CHAIR ROYBAL: Let me just gather all the people that want to address the Commission and then we'll call on your individually. So we have you down, sir. Thank you. Is there anybody else from the public that would like to address the Commission? We have Mr. Scott Kovac.

SCOTT KOVAC: Yes, Chairman, I would like to make some comments, please.

CHAIR ROYBAL: Thank you, Scott. Is there anybody else? You can state your name for the record if there is anybody else. Okay, hearing none, I'm going to go ahead and close public comments. So then we have two speakers. Tessa, if we can go ahead and call on those two speakers. Thank you.

TESSA JO MASCARENAS (Operations Manager): Will the first speaker please come forward.

MR COGHLAN: This is Jay Coghlan. I'm with Nuclear Watch New Mexico, and I can go ahead and make my comments of that's appropriate now. So I'm here to speak in support of the resolution that you all will be considering. I'm calling for a new site-wide environmental impact statement for the Los Alamos Lab. I personally have a fair amount of experience with these site-wide EIS's, and I want to make the strong point that these site-wide EIS's are good for both the public and the lab, and my primary example for that would be back in 1999, the Department of Energy issued a draft site-wide EIS for Los Alamos and I noticed that it failed to consider the risks of wildfire in the draft and I submitted extensive comments and I appended the comments of a US Forest Service person who at the time was pointing out that a potential catastrophe was awaiting.

So the good news is that in the final site-wide DOE recognized and agreed that wildfire had to be addressed, the risk of it. It wrote up a detailed wildfire scenario in the final site-wide EIS, and even more importantly it actually undertook a lot of very important fire mitigation measures. So wouldn't you know it, it's like a half year later the real thing broke out in the 2000 Cerro Grande Fire, and as an article in the *New Mexican* put it, that real fire, it was "eerie" how closely it followed the hypothetical scenario in the

final site-wide, coming out of Bandelier, burning through town, burning through the lab, etc., etc.

Now, the Cerro Grande Fire stopped within a half-mile of Area G, which at the time was storing above ground some 40,000 barrels of plutonium contaminated waste, and had those barrels either caught on fire or been ruptured by the heat it could have been truly catastrophic. And even the lab itself, shortly after that fire, publicly recognized the value that public comment made in preventing a potentially serious hazard at Los Alamos.

Now, to bring it to today, the last time there was a site-wide EIS was in 2008. There's been yet another major wildfire since then. Media reports on perhaps up to \$10 billion in construction in new facilities, and most importantly, with respect to public health and occupational health and safety, the Defense Nuclear Safety Board has actually postulated possible lethal doses coming from radioactive waste that have incompatible mixtures in it, and these doses are far higher, orders of magnitude higher than anything that DOE has publicly calculated.

So I can close a little bit earlier, but just urging you all to support through this resolution a new site-wide environmental impact statement for Los Alamos Lab. I'll repeat that it's good for both the public and the lab. I don't think it should be viewed as somehow against the laboratory; it's simply following federal law under the National Environmental Policy Act, allowing the public the opportunity to comment and review proposed major actions and the continuing operation of a multi-missioned facility. So again, thank you for this opportunity to comment. Again, a site-wide is good for both the public and the lab.

CHAIR ROYBAL: Okay. Thank you, Mr. Coghlan. Appreciate it. Tessa Jo, can we get our next speaker.

MS. MASCARENAS: Yes, Mr. Chair. Our next speaker is Scott Kovac.

MR. KOVAC: Thank you, Chair Roybal and members of the Commission. My name is Scott Kovac with Nuclear Watch New Mexico. I'm asking for your support on the LANL resolution that's coming up here in a couple more items in front of the Commission today, for two reasons in particular. One is there are plans for expanded pit production at Los Alamos National Laboratory. Pits are the triggers or central primary cores of nuclear weapons. It's been stated by DOE and NNSA that expanded pit production will be a priority and this means that it will take resources from cleanup. So we need to investigate that and see exactly the impacts of this proposed expanded pit production on a cleanup before we start expanding pit production.

They're proposing up to 30 pits per year. LANL has not made war reserve pits since around 2011 or 2012 and the most war reserve pits they've made is 11 in one year. So now they're claiming that they will be able to do 30 a year. I find this very scary and problematic is maybe a better word. When you look at the budgets, cleanup at Los Alamos has been getting around \$225 million a year for cleanup. For fiscal year 20-21, LANL has requested almost \$3 billion for nuclear weapons work. Clearly more than ten times the amount for weapons work. We need to focus on cleanup. We have a cold war mortgage that we haven't paid yet.

We need to clean up that site. In addition to the expanded pit production there's also a new program called Surplus Plutonium Disposition out there that's just starting its

public process. And this surplus plutonium disposition, the plan is to dispose of 34 metric tons of surplus plutonium. And LANL will play a big role in this effort. We don't know the impacts of that, and there could be a lot of plutonium shipments to the laboratory. The laboratory could be opening up pits. We just don't know what's happening. So because of that, we need to focus in on – we need to get an EIS and we need to focus in on cleanup of Los Alamos for the long-term picture. Thank you very much, Mr. Chair.

CHAIR ROYBAL: Thank you, Mr. Kovac. Nice to see you, sir. We're going to go ahead. We're leaving public comment. I want to say thank you to both the constituents that spoke this evening in regards to the resolution that we're considering on later on tonight.

TERESA SEEMSTER: Could I add one more?

CHAIR ROYBAL: We already closed public comment but could you identify yourself?

MS. SEEMSTER: I'm sorry but I joined very late and I just heard the tail end of the last person's comment, and I do have a very short comment.

CHAIR ROYBAL: Okay. Could you state your name for the record.

MS. SEEMSTER: Yes. I'm Teresa Seemster. I'm the Northern New Mexico Conservation Chair for the Rio Grande Chapter of Sierra Club, and we strongly support the County and the resolution on the new site-wide EIS proposed by Commissioners Hansen and Hamilton. And just very briefly, I think this is so much more than just a Santa Fe issue. The region that is going to be influenced by pit production needs to take into account that instead of 400 new workers being analyzed in terms of their impact, it's actually going to be more like 7,000 new households that would be coming into northern New Mexico. This could affect all the New Mexico counties in terms of impact.

I think anyone who's been up to Los Alamos knows that housing is just unavailable. There is really no available housing to expand to, so people will be commuting, these new employees over the next ten years would be absorbed by Rio Arriba, Sandoval, Santa Fe, even up to Taos. It could have a huge impact on infrastructure, on first responders, on the ability to fight wildfires and evacuate people safely. We've already had many incidents of how long it takes for people to come off the hill when there's a big fire up there.

And just to leave you with one real concern that our members have, and this is a 2016 Defense Nuclear Facility Safety Board report. They showed Los Alamos had violated nuclear industry rules for guarding against criticality accidents three times more in 2015 than the Energy Department's 23 other nuclear installations combined. Now that is a lot of accidents, mismanagement and safety issues. And these have continued right into 2020. So there's an assumption that the supplemental analysis has shown that the problems have been corrected and that is simply not the case. And it's mandatory, I think, that a site-wide EIS be completed. Thank you very much for taking my very late comment. I do appreciate it. Thank you.

CHAIR ROYBAL: Thank you.

7. MATTERS FROM THE COUNTY MANAGER
A. Miscellaneous and COVID-19 Updates

MANAGER MILLER: Thank you, Commissioners. Daniel, I don't know if you could bring up that report. This was something – I'm sure several of you saw it in the newspaper today, but we completed our report for the CARES Act funding and I wanted to make sure that the Board got an opportunity to see some of the businesses and things – this is a fairly big file I think – that we were able to assist. So as you know, we received almost \$3.8 million in funding for grants for the small business community, and an additional \$10.5 million for emergency funding for COVID-related expenses.

If you go down, Daniel, to the box, this is where we were able to push that money out into the community. 168 businesses received the small business continuity grants. Then our CONNECT program was able to provide \$923,000 to almost 600 individuals with housing support. Almost \$300,000 for 254 individuals with food assistance. \$239,000 for utilities support. \$187,000 for childcare assistance. \$42,000 for transportation assistance. \$16,000, almost \$17,000 for personal safety, and \$89,000 for other needs such as remote education supplies and navigation assistance. Then we also had \$147,000 for 18,000 grocery bags for rural areas of the county. 2,626 grocery bags delivered to people identified as homebound.

Also we had another \$157,500 for supporting homeless individuals in local shelters and hotels with freshly prepared meals. Also we were able to assist Pathways Shelter in Española to purchase a small motel to serve as a first shelter for the homeless in northern Santa Fe County and Española. Emergency rental and mortgage assistance and also broadband. We were able to do \$1.3 million in broadband expansion in the City of Española, to Santa Cruz and into Chimayo.

So this report goes into a lot more detail, but Daniel, I don't know if you could go down just to a chart that is a little further down. Right there. It just kind of gives you an idea of what we were able to do with CONNECT and the percentages. Obviously, the largest percentage of assistance through CONNECT went to housing and rental assistance. Then hotel, childcare, utilities and food all coming in in the double digits.

So this report is loaded up into the BoardDocs if you'd like to see it. Also, we sent out a press release with that information in it yesterday that I believe all of the Commissioners received, but I just wanted you to see that County staff in a very, very short time, a four-month period, was successful at pushing out the majority of those funds out into the community to help in a myriad of ways. We look forward to hopefully receiving some additional assistance. I believe Joseph indicated earlier we won't receive any assistance directly due to our size. We are under 200,000 population and direct assistance is going to those local entities that have 200,000 or more individuals. So we will hopefully receive some funding in our community through the state allocation, similar to what they did with this last round of funding.

Also, another update. Commissioner Hansen had brought forward the information on Stages funding to help the performing arts. Just so you know, at the moment that money has not been distributed from the federal government to the state or local level, and we're not sure who will be responsible for that distribution, but we're going to

definitely keep our eyes open and as soon as we know that there is an application or application process in place for the performing arts assistance we'll get that information out, and if there's any way that we can help with it or be a conduit for that funding we will stay on top of that and hope to assist with that as well.

This is not a COVID update but just a miscellaneous update. Thank you, Daniel. I'm finished with that item. But just a reminder that the cost of living increase that goes in effect every March for the City of Santa Fe and Santa Fe County will go into effect. It's based on CPI. There's been an increase of 1.797, or about 1.8 in the CPI for the western wage earners. So that would translate for the County's minimum wage or the City of Santa Fe and County's minimum wage to go from \$12.10 per hour to \$12.32 per hour. Then I've got to look at our tipped wage, but it would also go up the same percentage. But our tipped wage is slightly different than the City's tipped wage.

Also, I wanted to make sure – I did have the opportunity during the Housing meeting to introduce Elias Bernardino but I wondered if Elias is on, if he could turn on his camera so that everybody who hasn't had the opportunity to meet him have a chance to meet him. Elias just started as the Deputy County Manager so I wanted to welcome him to Santa Fe County and to the County Manager's Office and to our BCC meetings. So welcome, Elias, and maybe you could say hi so that all of those who have not had an opportunity to see your face or meet you can do so.

ELIAS BERNARDINO (Deputy County Manager): Good afternoon, Chair and members of the Board and everyone else in the community. Thank you. I am very excited to be onboard and excited to be on some of these projects to improve the services we provide to our constituents. Thank you.

MANAGER MILLER: Thank you, Elias and welcome. I think that was my last miscellaneous update. Those are all of my updates but I did also want to turn it over now – oh. I should ask if you have any questions about the COVID updates or those updates before I turn it over to Tessa Jo and Hvtce for the legislative update.

CHAIR ROYBAL: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Katherine, very much for the update. One of the emails that I get the most about or the number of emails, and I'm sure the other Commissioners do also is about the vaccine and the timing and the information. Sara has been doing a great job of fielding those emails but do you have any information or update that we can share that would reassure our constituents?

MANAGER MILLER: So I think part of the misperception is that counties have any control over the vaccinations. We don't even receive any actual vaccinations ourselves or administer them. So we're responsible and they are measuring positivity rates by county and taking us from red to green by county, but we don't have – Santa Fe County does not have nor do we determine who gets vaccinated other than our own employees based upon the tiers that were provided by CDC guidelines and the Department of Health. For instance, Tier 1-A being healthcare providers, first responders that are in healthcare or health services, or medical environment, and then 1-B going into some of our other frontline employees.

The 1-B category though, just so you know, also has numerous sub-categories and the Department of Health is taking and directing their partners that have vaccines to go through that list in order of the list in the 1-B category. So while there might be numerous

people who fit into 1-B they're still taking them in order of priority within that category or sub-category. So right now the focus is still on all of the 1-A individuals as well as 1-B that are individuals who are 75 years and older and those with underlying health conditions. There aren't enough vaccines in the community to vaccinate all of the people who are eligible even in those categories. Just to give you an idea, for instance, Christus St. Vincent's, our largest provider, only receives about 1,000 doses per week, and just within their own number of individuals who fall into the 75 and older, they have close to 4,000 people who live in the community that fall into that. So just that alone would take several weeks to address. So the big issue is getting more vaccines into the community.

Additionally, the Department of Health has about – there's about 400 entities across the state who are eligible to receive the vaccines and administer them – pharmacies, providers, hospitals – but only about 200 of those are actually partnering with the Department of Health. The Department of Health has individuals registering through their online system and then they're providing appointments based upon, for instance, a pharmacy that receives an order of vaccines, they'll give the Department of Health a schedule and say we'll be providing vaccines between 8:00 and 5:00 Monday through Friday, possibly.

They'll let them know how many vaccines they'll be receiving or that they've received, and then the Department of Health contacts people through their database and puts them into one of the appointments. Santa Fe County is working with the Department of Health and local providers to try to figure out how we can get more vaccines to this area. Get more vaccines delivered, and get more vaccines out into the arms of everybody who wants one. But right now we're still limited by the amount of vaccines that are being received in the area. I can say that what is being received through is getting into people's arms. It's not going to waste. It's not sitting on shelves, and they have pretty effective processes for getting people vaccinated, they just don't have enough vaccinations.

I don't know if Martin or Rachel are on the line and want to add to that. Rachel, you might have some additional information.

RACHEL O'CONNOR: Mr. Chair, members of the Commission, I think that the County Manager has summarized most of the issues that we're seeing relative to vaccine distribution. There is a working group that includes the major players that are Assistant Fire Chief, Martin Vigil, serves on, and that's taking place tomorrow. I think that like most of the areas across the country we are welcoming an increase in supply that I expect to come down from the Biden administration and that hopefully will open up more slots for people to get vaccinated in Santa Fe County.

I agree also with the County Manager that I think we've been relatively productive in terms of our vaccination distribution here, in large part because agencies such as Christus and La Familia have really been giving a fair amount of vaccines and so I just wanted to bring that up as well. If there's any direct questions you have I will try and answer them.

CHAIR ROYBAL: Thank you, Manager Miller and Director O'Connor. Do we have any questions relative to that? I don't know if the veterans are doing something separate or different from the state or if we have any information relative to that but it would be good as we get information if we can share it with our constituents. Commissioner Hansen, did that answer your question?

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you, Manager Miller and Rachel O'Connor. Just being able to hear that and hear what is happening I think is really beneficial and helpful and it gives staff some support at the County to say to people this is what we are doing and I think we are doing a good job. So we're doing our part. We're not distributing the vaccines. That's not our department at the moment but constituents still reach out to us.

MS. O'CONNOR: I should add one more thing, Mr. Chair, if I could, and that is we are working on public awareness around the vaccination. And so getting the information out to, for example, our most vulnerable populations, our seniors, partnering with the state to do that, and to get basic information and education out to our residents. We are starting that process now. We have a committee meeting this week and we'll have our first material shortly.

CHAIR ROYBAL: Okay, thank you, Director O'Connor. Any other questions or concerns, comments from the Board? Okay. Thank you, Manager Miller.

7. B. First Session of the 55th Legislature: Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced

HVTCE MILLER (County Manager's Office): Good afternoon, Mr. Chair, Commissioners. Daniel is bringing up the report I believe that I had emailed out earlier today. On the first page, just on basic information about where we are in the session right now, this is the second week and we still have quite a ways for the introduction of bills. The deadline for that is on the 18th of February. The next item there is the legislation statistics on the second half of the page. We have 332 bills altogether introduced – 184 in the House, 148 in the Senate. And so far they have passed the feed bill, which is the bill that pays for all the legislative staff and the session so that has been passed so far.

Right now, it's still going pretty slow. Last week they had opening day and for the remainder of the week they were not in any floor sessions. The committees that did meet, they were just for organizational matters, that is defining who the members are on the committee, who the committee chair is and introducing staff of the different committees as well. And so it wasn't until this week that bills are finally starting to be heard within committees. Floor sessions will be opening up again this week in the House and Senate.

So going to the next page, page 2, what I have here is two different lists of listing of bills. In the first section, starting on page 2 and going to page 4 are the bills that are related to the resolutions that the County Commission has already passed. And in the next section is other legislation not directly tied to resolutions but they are related to County matters in various ways. We can go over the resolution bill starting on page 2, House Bill 51, Environmental Database Act, and that's related to Resolution 2021-005. House Bill 65 is related to Resolution 2021-008. House Bill 89 is related to 2021-005. House Bill 106 is related to 2021-005. House Bill 111 is related to 2021-007, and House Bill 137 – there's an error there in the reporting software that we use and it didn't have the information for that, but it has been introduced and the information is there on the State's legislative website and that bill in particular is called the Clean Electrification Act, and

what that does is sets up regulations to reduce carbon dioxide for municipal utilities and electric cooperatives. So that's related to our Resolution 2021-005.

I'll update that with the information and provide that to you later, since that didn't show up in the report.

The next item is House Bill 169, clean energy, water efficiency and broadband infrastructure, and that's related to Resolution 2021-005. House Bill 170, New Mexico fruits and vegetables for childcare centers is related to 2021-008. House Bill 173, eliminate property assessment on residential solar is related to 2021-005. House Bill 176, renewable energy standards and rate increases is related to 2021-005.

Senate Bill 8 eliminates "no stricter than fed" rule for air, hazardous waste, is related to 2021-005. Senate Bill 11 is related to 2021-005. Senate Bill 27 is related to Resolution 2021-007. Senate Bill 28 is related to 2021-007. Senate Bill 29 is related to 2021-005. Senate Bill 55 is related to 2021-008. Senate Bill 58 is related to 2021-005. Senate Bill 63 is related to 2021-005. Senate Bill 67 is related to 2021-005. Senate Bill 81 is related to 2021-008. Senate Bill 83 is related to 2021-005. And then on the last page of the resolution-related bills, Senate Bill 84 is related to 2021-005. Senate Bill 86 is related to 2021-005. Senate Bill 112 is related to 2021-005. Senate Bill 113 is related to 2021-005. Senate Bill 130 is related to 2021-005. Senate Bill 132, 2021-005. And lastly Senate Joint Resolution 3 is related to 2021-005.

So looking at the list there you can see that most of the introduced legislation which the County has resolutions supporting is largely related to the Sustainability Resolution which was passed, and currently there are no public bank bills and there is also not a recreational cannabis bill introduced. So I believe those will be forthcoming but for now there's nothing yet introduced related to those particular items.

The next section is titled Santa Fe County-related, and that starts on page 5. I can go over a few of the bills here but this is more or less for the information purposes of the Commission to look at other bills that are related to local government-type issues, and if there's anything else within there that needs further direction on please let us know, but within here, on the first page is House Bill 4 and that's going to be spoken about in the next agenda item. Further down the page is House Bill 49, the tax exemption for Social Security and that was spoken about by Commissioner Hansen at the last meeting, she was wanting more information on that.

There was also a question received this week on page 7, House Bill 97, and that is giving some authorization to localities to limit tobacco sales. So if that is passed and comes into law that would affect the County in how they can regulate tobacco sales. So that's House Bill 97 again.

On page 9, approximately half-way down the page is Senate Bill 1, and this talks about providing an income rebate for food and beverage establishments. And then within the description it sets up a save harmless distribution for municipalities and counties to cover their revenue reductions due to the new deduction. So that type of bill would impact us but it would be set back in a save harmless distribution to offset any tax or revenue streams that the County would get. That might be a potential item that we need to look at further to address.

On page 10, Senate Bill 78 at the bottom of the page is another Social Security income exemption, and on the last page, page 11, Senate Bill 93 talks about broadband

access and that was a matter that was brought before us at the last meeting as well regarding looking at what other items the legislature was taking up besides funding to expand broadband within the state. And also on this page is Senate Bill 95 that is the Senate mirror of the other tobacco bill regarding localities' restrictions regarding sales of tobacco products. And with that I can answer any questions that you have regarding the items here or any other items that you would like to get any more information about. Thank you.

CHAIR ROYBAL: Thank you, Mr. Miller. Do we have any questions from the Board? I'll look for a show of hands. Any other questions? Commissioner Hansen, then I'll go to Commissioner Hughes.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So there is Senate Bill 103, which I think coincides with the protection of pollinators. It restricts the use of neonicotinoid pesticides. So I'm hoping that we would support that. And then I also had asked – and I appreciate you getting me a copy of the bill introduced by Senator Bobby Gonzales relating to wildlife enacting the wildlife conservation and public safety providing for restrictions on traps, snares and poison providing penalties. I do not believe that it conflicts with the previous resolution that we have brought forward and that has been approved by the County Commission. That would have to be analyzed by somebody. And that is Senate Bill 32.

Then I have a question on Senate Bill 8. So eliminates “no stricter than fed” rule for air hazardous waste. Meaning that we can't – we would not be able to write a rule that is stricter than what the feds had written?

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: I think this is the opposite of that. There's already a rule on the books –

COMMISSIONER HANSEN: That eliminates – okay. I got that. Thank you. I appreciate that. And at the moment that's all I have, so thank you. Thank you, Tessa Jo and Hvtce for all your work. I appreciate it.

MR. MILLER: Mr. Chair, Commissioner Hansen, I'll make sure and get back to you on the specific items – Senate Bill 103, Senate 32 and Senate Bill 8.

COMMISSIONER HANSEN: Yes. I think Senate Bill 103 will match our Resolution 2021-008. Is that right? Where we included the protection of pollinators in there?

MR. MILLER: Yes. That is the resolution relating to the pollinators. Okay. I'll make and get clarification for you.

COMMISSIONER HANSEN: Okay. Thank you very, very much.

CHAIR ROYBAL: Thank you, Mr. Miller. Did that conclude your update right now?

MS. MASCARENAS: Mr. Chair, I believe Commissioner Hughes has a question.

CHAIR ROYBAL: Okay. Did you have part of the update as well, Tessa, or is that pretty much all of it.

MS. MASCARENAS: Yes, it's a really quick update on capital outlay.

CHAIR ROYBAL: Okay. So Commissioner Hughes.

COMMISSIONER HUGHES: Yes. Thank you very much. I don't know if we're following this yet but I think Representative Matthew McQueen is going to introduce a bill – I haven't seen it yet – to remove or make a different cap on the amount of increase allowed for second homes in property tax. In other words allowing – basically keeping the three percent cap for anybody's primary residence but allowing other homes to be taxed at an increasingly higher rate, and that relates to housing in that that could possibly create a source of funding for our Housing Trust Fund. And I just think maybe we should just keep an eye on that. I wasn't aware of that back when I wrote the housing resolution but it might have potentially a good impact on our trust fund.

MR. MILLER: Mr. Chair, Commissioner Hughes, yes, we have received word from staff about this potential bill coming forward and we had also been tracking that and following it in last year's session and it was Representative McQueen who brought forward similar legislation, so we're aware and we'll keep our eye out for it. We'll let you know but I believe it will be covered within the existing housing resolution that you have already put forward, but if there's any issues we'll make sure and let you know.

COMMISSIONER HUGHES: Okay. Thank you. Just so you're aware of that one.

MR. MILLER: You're welcome.

CHAIR ROYBAL: Any other questions from Commissioners? So you're up, Tessa.

MS. MASCARENAS: Thank you, Mr. Chair. I just wanted to give an update regarding our capital outlay requests. We are in the process of assembling a legislative basket in lieu of the legislative reception that we typically throw in December and we could do due to the pandemic. We're assembling a few Santa Fe County products to provide to our legislators along with a letter and something new this year that's very exciting is Daniel Fresquez and Chris Vaisa have created an ICIP story map, which allows the legislators to see what projects are in their district and all of the details associated with that. So we will be sending that hopefully by the end of this week.

Also, if you have any requests for specific bills in the interim between Board meetings, please don't hesitate to shoot to Hvtce or me an email. We're glad to analyze those bills for you.

CHAIR ROYBAL: Okay. Thank you. Any questions for Tessa? I'm looking for a show of hands. It looks like we don't have any questions. So thank you, Tessa. Appreciate it. It looks like that will conclude our update on the legislative session.

7. C. Update and Request for Direction on Legislation Proposed by a Divided New Mexico Civil Rights Commission and Introduced as House Bill 4 in the First Session of the 55th Legislature of the State of New Mexico

CHAIR ROYBAL: Who will be bringing this one forward, Manager Miller?

MANAGER MILLER: Mr. Chair, Greg's going to introduce that discussion.

CHAIR ROYBAL: Thank you.

MR. SHAFFER: Thank you, Mr. Chair and Commissioners. As you know from a prior briefing provided by the Manager and myself to the Board, the New Mexico Civil Rights Commission was created by legislation that passed during the first special session of 2020. That commission was created to develop policy proposals for laws for the creation of civil right of action for New Mexico constitutional violations. Generally, as we understand it the impetus for the commission was certain high profile civil rights violations by law enforcement officers in other states that were very much in the forefront of the public's mind at the time.

Ultimately, the commission by a vote of 5 to 4 recommended that the legislature create a new state law cause of action for violations of the New Mexico constitution. The recommendation of the commission majority was largely introduced as House Bill 4 in the first session of the 55th legislature and at a high level – and I'm not going to go through every single detail of the bill – but what the House Bill 4 would do would authorize a claim to be brought against any public body, which is defined broadly as a state or local government, an advisory board, a commission, an agency or an entity created by the constitution of New Mexico, or any branch of government that receives public funding including political subdivisions, special tax districts, school districts and institutions of higher education, and any person acting on behalf of, under color of, or within the course of scope with the authority of a public body. Again, an action could be brought against a public body for violation of any rights secured by the New Mexico constitution.

The bill does not include any cap on compensatory damages, so in other words, the jury would have no limit on how large of a compensatory damage could awarded other than its own judgment as to what was appropriate, and it would mandate the award of litigation expenses and attorney fees for prevailing plaintiffs.

Notably as well, the new cause of action does not – would prohibit the defense of qualified immunity to any claim that is brought under it, and it would also require that any judgments that are awarded under the act be paid for by the governing body. So in other words, this does not expose individual public officials to liability. Instead, it's the government that sued, the public body that sued, that would be on the hook for the damages and attorney's fees.

So with that by way of background, we wanted to provide the Board with an opportunity to decide if it would like to weigh in on this debate relative to the various policy issues that House Bill 4 raises, and if so, get some initial direction as to what positions the Board would like to take relative to House Bill 4. If the Board opts to weigh in and if it has positions that it would like staff to take, we would propose to memorialize those in a resolution to be brought back to the Board at its next meeting to make sure that we have clearly captured what positions the Board would like to take, if any, relative to House Bill 4.

So I'm going to go through some of what has been highlighted as concerns with House Bill 4, discuss what might be middle ground or compromise position that could alleviate some of the major concerns that have been raised relative to the bill, and then also talk briefly about other options that the legislature could potentially be exploring relative to the issue of harm caused by government to individuals with whom it interacts.

Before I get there I would just like to highlight and state the obvious, which is that House Bill 4 embodies multiple policy choices and raises other policy questions. They include, should there be a new cause of action at all? If so, should compensatory damages be capped? If so should attorney's fees be awarded to prevailing plaintiffs? And also should the legislature be focusing its efforts and resources instead in other areas? It's not in for a penny; in for a pound. You can logically principally hold different positions on each of those issues. One could support a new cause of action while also supporting caps comparable to those that have existed in law for many years under the Tort Claims Act. You could also support a new cause of action without caps but with no attorney's fees. And finally, you could support none of it and say the legislature should be focusing elsewhere, or support a new cause of action and say the legislature should still be focusing elsewhere.

Again, the point is that there are a lot of different policies that are embedded in this one relatively short bill and it's certainly within the legislature's purview as well as your purview to take a mix and match approach, should you decide that that's what's in the best interest of the County as well as of the State.

So with that by way of background, the major concerns that have been expressed with regard to House Bill 4 include the following. And one point to note before I move on is that the New Mexico Counties' board of directors did vote to oppose House Bill 4 and in your packet material was talking points that were prepared by New Mexico Counties. A lot of what is in the memo being presented to the Board today is consistent with some of those talking points in terms of things to be considered as you evaluate the proposed legislation.

So again, some of the concerns that have been raised relative to House Bill 4 is that it's unnecessary in order for victims of state constitutional violations by law enforcement officers to be compensated for violations of their New Mexico constitutional rights. The reason it's unnecessary is because the New Mexico Tort Claims Act already contains a waiver of sovereign immunity for such claims, and qualified immunity under that statute is not – again, is not – a defense to claims that are brought against law enforcement officers for violations of New Mexico constitutional rights.

In addition, I think there is, as this Board is well aware, there is a concern that many claims that are brought against local governments arise out of the lack of alternatives to prevent and treat behavioral health issues in particular. That is a large source of claims arising from our adult detention facility. It is the incarceration of individuals who suffer from either mental health and/or substance abuse problems, and the lack of alternatives to treat them in a non-penal setting. So again, some have suggested that perhaps the legislature should be providing additional resources in that area so as to reduce the incidence of such individuals coming in contact with law enforcement or being incarcerated.

Another concern with the bill is that by both opening up the local governments and state to a new cause of action for any constitutional violation that the uncapped damage and the attorney's fees shifting provision will further harden the public liability insurance market. That means that either coverages will not be available which the New Mexico County has said will be the case for re-insurance to the New Mexico County Insurance Authority, or the coverages that are on offer will be more expensive and

require the insured party to take on more and more risk.

The Board no doubt remembers the last renewal that we had for medical malpractice insurance for the adult detention facility, where our premium I think almost doubled in less than three years and the amount of risk that the County took on per claim now sits at \$200,000 per claim. And so that's the evidence relative to the market that is already hard, and the concerns exist that this cause of action will only make things potentially worse in terms of the amount or risk that local governments are being forced to self-insure based upon the new law.

In addition, questions have been raised whether a new law will actually be effective at driving reforms since the net effect will be to potentially divert resources from law enforcement and detention officer recruitment, retention and training, and other critical services to claims and the compensation of individuals and their attorneys. And others have looked to whether or not there might be other reforms that could be had at the New Mexico Law Enforcement Academy, for example, by providing it additional resources, both for more robust officer training relative to de-escalation, what have you, but also oversight in terms of that entity's backlog of cases alleging law enforcement officer misconduct.

And finally, there is a concern that this law, if passed, could have negative unintended consequences as local governments and other public bodies wrestle with the increased liability that they would be forced to shoulder. So you could imagine a governmental entity analyzing its business operations to see if there might be risks that it could offload onto a private entity. For example, privatizing jails, or the medical treatment within jails, would be one way to move risk off the County's balance sheet and onto a private party. That could be one way in which such a risk might materialize. A Senator, who was on the commission suggested that you could see local law enforcement entities of very small municipalities or counties potentially deciding that it's just too risky to have law enforcement and therefore decide not to and rely upon State Police or other entities to provide law enforcement.

So again, I think the risk there is that as governmental entities decide how to manage the risk that is materializing that they may take steps that might not be in the best interest of the public in order to manage the risk that this bill might force them to bear.

The final point relative to concerns is sort of the wild card of not knowing what rights under the New Mexico constitution might be actionable, and there's just uncertainty as to where might you find liability when you read through the entirety of the state constitution and how might that give rise to claims and damage claims and the award of attorney's fees.

Moving forward, I think one way to ameliorate the largest concerns that have been raised about the bill, which is the uncapped damages and the attorney's fees, would be to enact a new cause of action as part of the New Mexico Tort Claims Act. Again the Tort Claims Act strikes a balance between the need or desire to compensate people that are harmed by government action, and the fact that unlimited liability in all areas in which a government might act would ultimately end up harming the public by reducing resources that are available for essential public services, or causing property taxes to rise to meet uninsured judgments.

And so the Tort Claims Act strikes that balance by capping the amount of

damages that plaintiffs can recover for those torts for which sovereign immunity has been waived, and it also does not allow for the award of attorney's fees and litigation expenses, or at least the attorney's fees to prevailing plaintiffs. Making the new cause of action part of the Tort Claims Act would provide a remedy, therefore, for any New Mexico constitutional violations without creating the risk of astronomical or uncapped damages award and attorney's fees awards.

And the last point that I would make before turning it over to the County Manager for any additional points is relative to the state resources that could or perhaps should be brought to bear, both to root causes of claims against local governments, as well as to help manage some of the increase in risk that local governments would be taking on if House Bill 4 were enacted. So again, the legislature could dedicate revenue either to help local governments manage the risk that the legislature would be creating and requiring them to shoulder. That could be to help with increased premiums or to help with uninsured claims that are brought, and in addition, that the legislature could perhaps provide additional resources to help with behavioral health prevention and treatment to help reduce the interactions between police officers and jails with people suffering from substance abuse and/or mental health disorders, and that there might be a lot of good that could come from focusing additional resources on the New Mexico Law Enforcement Academy, both to assist in their training mission as well as to assist them in better discharging their oversight function by acting quickly, getting through their backlog of complaints, and if in fact officers are no longer worthy of their certification after their due process is followed, getting to that decision more quickly to prevent officers from being recycled between law enforcement agencies.

So I'd be pleased to stand for any questions. I believe that the County Manager may also have additional information that she would like to share with the Board in terms of this bill, which I think is fair to see is being perceived as one of the more important and significant pieces of legislation vis-à-vis the potential impact to local governments but again, the Board doesn't have to take a position on it but if the Board would like to we would like to know what that position is so that we know that we're going forward and implementing whatever policy positions the Board ultimately wants to take. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Attorney Shaffer. Manager Miller.

MANAGER MILLER: Mr. Chair, I don't know that I have a lot of additional points to add. I think Greg was very thorough about this. I think the Sheriff is also here and may have some input. I think the issue with the way that the current legislation is drafted is we're not going not going to – Santa Fe County – tomorrow or next year or the next, really see the impacts of what this type of legislation could potentially do from a financial prospective. It will happen down the road. But it could be severe, and I think it could be severe, particularly for smaller governments, but if you were to just take how much \$100 million judgment could do, what that could do to Santa Fe County. We obviously wouldn't have reserves.

I throw a number out there like that, not to be absurd but those type of judgments happen, particularly with juries. And if you were to look at that we would not have the money to pay that. We do not have insurance coverage to pay that. We don't have – we wouldn't have reserves to pay that and so how we would likely have to pay such a

judgment would be to utilize a provision in New Mexico Statutes that allows us to do a mill levy against property.

And as you know, we work really hard to keep our mill levy low. Our mill levy for debt for Santa Fe County is around \$2 or \$2.12 per thousand and our residential operating mill is around \$6 per thousand. So a large judgment would completely blow that out of the water and have to be paid for by the taxpayers. I think that's why Greg mentioned that perhaps if there's going to be such a piece of legislation then a way that large judgments could be funding is something that really should be considered. It shouldn't be put out there without a way to actually pay for that eventuality.

So with that I would just – I think it's a difficult subject. It's a difficult thing to consider for the Board but I do think there are ways that remedies can be made for individuals who have a violation of their civil rights that aren't as drastic as this House Bill 4 could potentially be for local governments and political subdivisions and public entities. So that's all I have to comment about it.

CHAIR ROYBAL: Thank you, Manager Miller. Okay, I'm going to go to Commissioners for questions. Looking for a show of hands. Commissioner Hansen, and then I'll go to Commissioner Hamilton.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So I think that supporting the cap on the amount is probably something that we might consider. I also really feel that revamping and improving the operations of New Mexico Law Enforcement Academy option, to me that seems to be the right place to put the emphasis instead of trying to sue people. Of course I support the behavioral health prevention and treatment because I think that that is really important and that is the huge liability for all of us.

It concerns me why – I have to say, I feel like this bill is not very well thought through when it comes to municipal and county governments. It seems that it's looking for something else and the fact that it wasn't a majority of the Civil Rights Commission to bring this forward, and it wasn't a unanimous vote, that it was split right down the middle, so to speak, says that there were concerns, to me. And I am really trying to look at this as a problem for not only Santa Fe County but of smaller counties. Even Rio Arriba and Mora. If something like that happened to them it would be quite challenging for them to be able to take on that kind of debt.

So I'll leave it there for the moment and let the other Commissioners say what they feel.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. I agree completely with Commissioner Hansen. And maybe even more. So first of all, I think it is extremely difficult. It's almost insidious. The bill is presented, it's titled as the New Mexico Civil Rights Bill. Now, anybody who speaks about this bill is speaking against civil rights and that's not the case at all. I think every one of us, but I can certainly speak for myself, protection of civil rights is hugely important. But no matter what, you have to define what problems you're trying to remedy and then see if you're actually applying remedies. And I think some of the things that are outlined in our packet are well articulated. Certainly, across the country, some of the biggest civil rights issues have been people of color being shot by white male police officers with no – and then having the

defense of qualified immunity.

Sometimes that can be maybe a valid defense, but there's a lot of emotion around that and more than looking at it case by case, if you just look at the numbers you know there is a problem there. I don't see this as addressing that kind of issue. Instead, we need as outlined, as Mr. Shaffer was reporting, if we need reforms we need it in our law enforcement training and other aspects. I would hate to see something like this go through and take money away from being able to fund improvement in law enforcement recruitment and training. Sometimes you need both. Sometimes you need to be able to recruit people with higher standards and train them to a higher standard, and that's, I think, one of the things this would do.

A similar argument, our Commission has definitely, from the years I've been in it, working on how to better address the way we handle mental health and substance abuse problems. And we have been talking about that for four years. I just don't want to see us move forward and in any way going to shift our requirement to spend money on insurance premiums and payouts and potentially prevent us from meeting any of our obligations as a County government, and in particular having the ability to spend money and to encourage the state to spend money supporting expanded ability to treat mental health problems and abuse problems in a way outside of incarceration. Outside of a bad system.

I do agree that – to be honest, I've read through these materials a few times. I am not sure I'm convinced that additional legislation is actually needed. But at the very least I will admit that maybe there are some problems they feel that there was some modifications to the laws, the remedies that are already on the books. But I fairly feel like, as Mr. Shaffer pointed out, that the caps and the limits on getting attorney's fees that are incorporated in the existing tort legislation, at the very least we need to go that route because that balance, that practical recognition of having to retain a balance between having individuals with a right to pursue remedies and having governments being able to [inaudible] has to be met. It was a problem before; it is still a problem.

So at the very least I would like to see us push for those kinds of limits. But if the biggest concern is the way we treat mental health and substance abuse problems and problems with law enforcement I see this as being so expansive, this bill is so general as to not address those problems at all. So I would very much like to see us pursue the cap and attorney's fees limits, but also revise the bill to address the problems we think we really have to address and not to be so expansive. If anybody has information on what other kinds of civil rights issues come up, violations of New Mexico constitutional issues that have come up in this state, at the very least I would like to see them published so we understand what other people might be coming from in this.

So I guess for now I'll leave it at that as well.

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

COMMISSIONER HUGHES: Thank you, Mr. Chair, and I agree with both Commissioner Hansen and Commissioner Hamilton. As I was reading through this I did think this was a very poorly written bill for what it's trying to accomplish. I think it wasn't really thought through. So I would agree with at least going for a cap on the amount that can be awarded and on the attorney's fees. But the only thing I might add, I

wonder if we could suggest that actually the sponsors of the bill work with the New Mexico Association of Counties because obviously they've spent a lot of time thinking about this and just completely rewrite it to actually address the problem. Maybe we could add that to our list of suggestions. I've known that often is the way the legislators like to handle things when there's no agreement is to try and get the parties to work together to come up with something and it seems to me you could come up with a pretty good civil rights bill if you incorporated all the suggestions that are in the Association of Counties' talking points. That's all I have.

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

COMMISSIONER GARCIA: Yes, Mr. Chair. A tough situation and I understand my colleagues. I think my colleagues as they said the cap, I think, because it's hard to be for or against the bill right now because that bill can change its language through the different processes of the committees. So I think the cap is good and I think I would just leave it at that, and does the County Manager actually want direction as into for or against it? Or just the presentation as to bringing it forward? I agree with the cap. Once again, the bill can change in ten different ways while it goes through the process. But thank you, Mr. Chair.

MANAGER MILLER: Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Manager Miller, go ahead.

MANAGER MILLER: Just to answer Commissioner Garcia's question. What we're looking for is some guidance so that we could write a resolution to indicate what the County Commission's, what the Board's position is. So for instance it wouldn't have to be a resolution that says you support or oppose the bill, but rather you would support legislation that addresses this issue but have the cap, that targets behavioral health issues, law enforcement training, better oversight – that type of thing, if that's what the bill is trying to accomplish, that basically the resolution would give us some direction to assist in saying what we'd like to see in the bill.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: Manager Miller, that makes total sense, what we would like the bill to actually address, fixing mental health, etc., etc. And in my opinion, pass a resolution that actually says that. We would like this bill to address – so on and so forth. And the cap; that makes total sense. So I would be in favor of that as my one vote, and thank you, Mr. Chair. Thank you, Katherine.

CHAIR ROYBAL: Thank you, Commissioner Garcia. I would agree with that. Commissioner Hansen.

COMMISSIONER HANSEN: I would like to see a bill such as that also, as opposed to saying we oppose this bill, but actually negotiating and finding a senator or a representative who will bring these items forward for the bill that we are suggesting. So that I support. I also know that you mentioned that the Sheriff was on. I was wondering if he had any comments or – I don't know if he wanted to speak or not.

CHAIR ROYBAL: I was actually going to say that. I would go to Commissioner Hamilton and then I'll go to Sheriff Mendoza and see if he had any

comments relative to that. Thank you. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. To be perfectly honest, Commissioner Hughes made the point of how poorly written the bill is so I'm not sure – I want to say more than I support the bill with caps, because I don't. I don't think the bill is well written. I think the minimum that needs to be done is to revise it with caps and addressing the legal fees, which can be bigger than awards. That's completed uncapped as well. And it's not really addressing the issues that we all have talked about. So me to needs revisions to focus on mental health and substance abuse treatments outside of the system of incarceration and as a rewrite. In my mind it needs more rewrite than a simple addition of award caps.

CHAIR ROYBAL: Okay. Thank you, Commissioner Hamilton. Sheriff Mendoza, did you have any comments, sir?

ADAN MENDOZA (County Sheriff): I do. I'll try to keep it as short as possible, Mr. Chair, Commission. Thank you for allowing me to say a few words. I would strongly urge the Commission – I agree with a lot of the things that the Commission has said up to this point is not to support this legislation as written. I agree that this legislation needs to be rewritten to address the issues that it intends to change.

We can all agree that civil rights is very important. It's on the forefront now. There's a lot of issues nationally, and we want appropriate remedies. That doesn't necessarily equate to monetary remedy but I think we need to focus on the Law Enforcement Academy more. We can agree that law enforcement needs to be held accountable when we do something wrong. When they violate somebody's civil rights I'm the first one to step up and say that law enforcement needs to be held accountable.

Being on the Law Enforcement Academy board as a sheriff representative I can assure you that the Law Enforcement Academy board does not have the resources or the manpower to appropriately handle the cases that are coming before them. They are severely short-staffed and I think it would behoove the state to focus their resources so that we can get a hold of the misconduct by law enforcement throughout the State of New Mexico. I think the bill should address those shortfalls, and like I said, we understand the intent of the bill but I think that the bill is not well written. It needs to be rewritten to address those specific issues. Thank you.

CHAIR ROYBAL: Thank you for those comments, Sheriff Mendoza. Do we have any other comments from the Board?

COMMISSIONER GARCIA: Mr. Chair, once again, are we asking for direction to Manager Miller? Or just discussion? Where are we at, Manager Miller?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, we're not asking for approval of anything. What we were asking for was your comments relative to what you would like to see in a bill so that we could put a resolution together. Greg, do you think that you have enough from this conversation to draft a resolution that would put what the Commission's perspective on this bill and on any changes or recommended items that we as staff could then have dialogue with legislators on, at the direction of the Commission?

MR. SHAFFER: Mr. Chair, County Manager Miller, yes, I do. At the highest level what I heard was that certainly there was support for any new cause of action being within the existing New Mexico Tort Claims Act framework that strikes a

balance between compensation and the public good in terms of ensuring that there are resources to provide essential services, and that there was a desire to ensure that the legislature was focusing resources both in regard to behavioral health services and the like but also the Law Enforcement Academy board as Sheriff Mendoza mentioned.

At the highest level I believe that those are the items that I took away as well as a general, I guess observation that a five-four Civil Rights Commission vote, that that might be indicative that perhaps we need to slow down and take our time in considering how to move forward. I think I have what I need to put something together. It would come back before the Board at a future meeting, probably the next one that we and if we miss the mark then we can revise it at that time. But, yes, I think I have enough to move forward. Thank you.

CHAIR ROYBAL: Okay. Thank you, Attorney Shaffer. I think that was all from you, County Manager. Is that correct?

MANAGER MILLER: That is all from us but this is also that area which you, any of the Commissioners, that have additional pieces of legislation that they want us to track or look for that you hadn't already indicated to give us some direction, so I just wanted to put that out there, if there was anything that any of the Commissioners wanted us to look at or if you wanted to ask your fellow Commissioners for support or opposition to any legislation.

CHAIR ROYBAL: Okay. I know that Commissioner Hansen had asked about some legislation earlier. Is there anybody else or anything else additional. Commissioner Hansen. Commissioner Hamilton. Commissioner Hughes.

COMMISSIONER HUGHES: No thank you.

CHAIR ROYBAL: Commissioner Garcia.

COMMISSIONER GARCIA: No, Mr. Chair. Thank you. Appreciate that.

CHAIR ROYBAL: Okay, Manager Miller.

8. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS

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

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

COMMISSIONER HANSEN: Thank you, Mr. Chair. One of the nicer things that happened over this last weekend was that there was a virtual Women's March and the governor, Michelle Lujan Grisham, addressed it along with Deb Haaland and a number of other people. Councilor Joanne Vigil Coppler gave a very nice speech about Susan B. Anthony, so I wanted to just share that the Women's March is still moving forward even in this virtual realm. So thank you.

CHAIR ROYBAL: Thank you, Commissioner Hansen. I'm glad to hear that. Commissioner Hamilton.

COMMISSIONER HAMILTON: No, but thank you for that, Commissioner Hansen. That's fabulous to hear and I don't have anything else.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner

Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. Just a couple things I just wanted to mention that I'm working on. One is with a lot of help from Commissioner Hamilton – thank you very much – working with some of my constituents who are very much in favor of having the Forest Service reinstate its moratorium on prescribed burning during the pandemic because of the added stress on people's lungs from smoke and we have a meeting coming up with the Fire Chief and some other experts, which I think will help us come up with perhaps a resolution to bring forward that asks for a balance between forest management and human health.

The other thing I just wanted to mention, I've been having a lot of conversation about the need to try to pay people better at the County. I think our staff does a great job and I think maybe because this has come up in several contexts, not just from people who work for the County but some of my constituents, that I think as we do go through the budgeting process it would be great if we could have a strategy for bringing some of the salaries up, particularly of the lower paid workers. I noticed – I'm sure we all noticed – that President Biden has made a \$15 minimum wage one of his priorities and Senator Sanders was in the paper today talking about that and so I think it would be good for us to try and get ahead of the curve on that. And that's all I have for today, Mr. Chair. Thank you.

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

COMMISSIONER GARCIA: No, Mr. Chair. At this time I don't have anything. Just appreciate all the presentations. Thank you to staff and everybody that did a presentation. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. And I don't have any updates right now either.

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

CHAIR ROYBAL: I know that we have our County Clerk here, Katharine Clark. Did you have any updates for constituents or anything you'd like to share today, Ms. Clark?

KATHARINE CLARK: No, we will have something I believe for the next meeting but not this meeting. But thank you.

CHAIR ROYBAL: Thank you. Okay, is Sheriff Mendoza still on?

MS. MASCARENAS: No, Mr. Chair. I believe his signed off.

CHAIR ROYBAL: Okay. I believe I saw Treasurer Manzanares earlier but I'm not sure if she's still on.

MS. MASCARENAS: I believe she signed off as well, Mr. Chair.

CHAIR ROYBAL: I don't believe I saw any other elected officials. Can you verify that, Tessa?

MS. MASCARENAS: Yes, Mr. Chair. You're correct.

CHAIR ROYBAL: Okay. So with no other elected officials I'm going to go ahead and close item 8. B. We already did item 8. C earlier.

8. D. Resolution No. 2021-011, a Resolution Requesting that the National Nuclear Security Administration Prepare and Complete a New Site-Wide Environmental Impact Statement for Los Alamos National Laboratory Before Expanding Plutonium Pit Production at the Facility [*Exhibit 1: Letters from constituents – Basia Miller; Joni Arends CCNS; receipt from Taosenos for Peaceful and Sustainable Futures and CCNS of 700 signatures; Jonathan Block*]

CHAIR ROYBAL: I do want to bring forward a friendly amendment to this resolution and if I could ask Greg if he could bring up what I submitted to him. Commissioners. I think it's a great addition to the resolution, so I'd like to see if I could get support. Some of the areas here – so I'd like to add another whereas – there's a couple of whereas. So this would be: Whereas, all pit activities are beyond the sole discretion of the NNSA and national security operations will continue – and then if we could go down to the other whereas.

Whereas, the citizens of Santa Fe County should benefit from the National Laboratory's presence through educational outreach, greater environmental remediation funding, workforce training and development and small business opportunities.

And then I know it had actually passed, so I was thinking that to reconsider their previous rendered decision not to begin a new site-wide environmental impact statement for continued operations at Los Alamos National Laboratory. And then in blue here I wanted to add, and while we wait their decision they take more concerted action to benefit the citizens of Santa Fe County.

And then it would be: Be it further resolved that the Board of County Commissioners of Santa Fe County request that the National Nuclear Security Administration work closely with the Defense Nuclear Facilities Safety Board to correct nuclear safety concerns that will better protect the workers and citizens of Santa Fe County and speed the removal of hazardous materials generated by LANL.

Be it further resolved that the Board of County Commissioners of Santa Fe County request that the National Nuclear Security Administration and the Department of Energy significantly increase the budget for environmental remediation of the site.

Be it further resolved that the Board of County Commissioners of Santa Fe County request that the National Nuclear Security Administration further expand the procurement opportunities for our local small businesses vital to the generation of gross receipts tax needed for County operations.

I believe those were the extent of my request. I think it actually complements the resolution but I'll go to my fellow Commissioners and just get a feel of how everybody feels, as far as that friendly amendment goes.

COMMISSIONER HANSEN: I would like to see the first one again.

CHAIR ROYBAL: Okay. Can we bring that one up? So this one says, Whereas all pit activities are beyond the sole discretion of the NNSA and national security operations will continue.

COMMISSIONER HANSEN: I don't know if that is true.

CHAIR ROYBAL: That is actually true as far as it being out of the discretion of the NNSA.

COMMISSIONER HANSEN: So the National Nuclear Security Administration does not oversee pit production?

CHAIR ROYBAL: Yes, they do, but it's still not at their sole discretion, so that's why if these continue then actually the whereas, where actually originally they were right next to each other, so that the next one that went in was the other whereas. So we can put them right next to each other and make more sense. So then after that first whereas then this whereas was right after: Whereas, the citizens of Santa Fe County should benefit from the National Laboratory's presence through educational outreach, greater environmental remediation, funding, workforce training and development, and small business opportunities.

COMMISSIONER HANSEN: I don't have any problem with that one. It's the other one ahead where it says at the sole discretion. That is the one. Whereas, all pit activities are beyond the sole discretion of the NNSA.

CHAIR ROYBAL: And national security operations will continue.

COMMISSIONER HANSEN: I have a problem with that whereas. The other whereases I don't. But because they're the ones when I go to Washington, DC and I have to talk to somebody about pit production, that's who I have to talk to.

CHAIR ROYBAL: Yes, but they're not the sole ones is all what that's saying, but Commissioner Hamilton, go ahead.

COMMISSIONER HAMILTON: Just in that regard, when you put them together it sounds to me like what the intent of this one is is to say something like the lab is going to keep up the operations it's currently doing and while it does, we want to get these educational and remediation benefits.

CHAIR ROYBAL: Exactly.

COMMISSIONER HAMILTON: But I think the other whereases do that without this one. And it does – it pulled me back like five times. Like I'm looking at it going: What are you trying to say? So if I'm correct that all we're trying to do is support this, while you guys are considering this these other whereases are important, I think we could do without this one. I don't know if – it's just a thought.

COMMISSIONER HANSEN: The other ones I did not have an issue with as much as I have an issue with this one and I don't think this is necessary also.

COMMISSIONER HAMILTON: I agree. The other ones, some of them are good. But this is –

CHAIR ROYBAL: Yes. And originally those two were together and I think it made more sense when they were together like that, so it basically was saying that during that time we want them to provide more of this education and outreach.

COMMISSIONER HANSEN: I'm happy to have them provide more education and outreach, but I can't support this whereas right here.

CHAIR ROYBAL: Yes, that's the one – what I was saying is when they were together it made more sense if this is going to continue, like Commissioner Hamilton basically explained.

COMMISSIONER HAMILTON: Yes, but I'm not convinced it's

necessary to provide the logic for the next whereas. I think the next whereas does fine on its own without this one.

CHAIR ROYBAL: Any other comments from the Commissioners?

COMMISSIONER HAMILTON: There's another one I was a little – if we go down just a little bit. Now therefore be it resolved that the Board of County Commissioners requests that in accordance with the NEPA reconsider previously rendered decision, and while we await that decision take more concerted action to benefit the citizens of Santa Fe County. I like that second half just fine, but I also would like to – and Commissioner Hansen, I'll go with how, frankly, with how you feel about this one.

COMMISSIONER HANSEN: I don't want to consider – this is the problem at the moment. Go ahead.

COMMISSIONER HAMILTON: Because what you had before was a positive statement. We want to basically demand that they do a site-wide environmental impact statement, and now it's changed to reconsider their decision. And I think we need to be positive about this, to immediately begin –

COMMISSIONER HANSEN: I don't support this. I don't want to reconsider the previously rendered decision, because the previously rendered decision was from 2008 and so many things have changed since 2008 that we're asking for a new site-wide environmental impact statement.

COMMISSIONER HAMILTON: So to be honest, Mr. Chair, because all the other stuff seems great to me, I wonder why we can't just say that immediately beginning complete new site-wide EIS for continued operations, and while that is being implemented take more concerted action to benefit the citizens of Santa Fe County.

CHAIR ROYBAL: I'm fine with that. These are just recommended amendments but as a Commission we can come to a consensus of how we bring it forward. So, yes, I'm fine with that.

COMMISSIONER HAMILTON: Okay. Cool.

COMMISSIONER HANSEN: And we'll take out that and we'll leave –

COMMISSIONER HAMILTON: Those were the only things I had so I'm fine with the rest of the friendly amendment.

COMMISSIONER HANSEN: So we'll take out the first whereas, and we'll leave this. I want to see what other changes there are. Because there's a lot blue lines and I don't understand –

CHAIR ROYBAL: Be it further resolved that the Board of County Commissioners of Santa Fe County requests that the National Nuclear Security Administration work closely with the Defense Nuclear Facilities Safety Board to correct nuclear safety concerns that will better protect the workers and citizens of Santa Fe County and speed the removal of hazardous materials generated by LANL.

COMMISSIONER HANSEN: I'm fine with that.

CHAIR ROYBAL: Be it further resolved that the Board of County Commissioners of Santa Fe County request that the National Nuclear Security Administration and the Department of Energy significantly increase the budget for environmental remediation of the site.

COMMISSIONER HANSEN: I'm fine with that.

CHAIR ROYBAL: Okay. Be it further resolved that the Board of County

Commissioners of Santa Fe County request that the National Nuclear Security Administration and Department of Energy expand both their educational opportunities and workforce training efforts to further benefit the citizens of Santa Fe County. And then the other one that I asked for was: Be it further resolved that the Board of County Commissioners of Santa Fe County request that the National Nuclear Security Administration further expand the procurement opportunities for our local small businesses vital to the generation of gross receipts tax needed for County operations.

COMMISSIONER HANSEN: Okay. Commissioner Hamilton, are you okay with that?

COMMISSIONER HAMILTON: I mean, generically yes. That's the one that's least directly related to doing the site-wide –

COMMISSIONER HANSEN: Right. It doesn't really have anything to do with the site-wide. I don't have an issue with it.

COMMISSIONER HAMILTON: That's kind of where I am.

CHAIR ROYBAL: Okay. I appreciate the Commission –

COMMISSIONER HANSEN: So I wanted to remove the first one.

CHAIR ROYBAL: Correct. I think they already did that.

COMMISSIONER HANSEN: Okay.

COMMISSIONER HAMILTON: I think that – there it is. If we could just remove that.

COMMISSIONER HANSEN: And is that all the changes? I don't want to approve something if I'm missing something.

CHAIR ROYBAL: That was it. We went through all of them.

COMMISSIONER HANSEN: Greg.

CHAIR ROYBAL: Commissioner Garcia, are you okay with those changes?

MR. SHAFFER: Mr. Chair, Commissioner Hansen, I'm just going to start from the top and let everybody read one more time. I believe all changes were tracked. This was just a bit that was cleaned up here. Security Administration

COMMISSIONER HANSEN: Okay. Let's slow down. Now therefore be it resolved that the Board of County Commissioners hereby requests in accordance with the requirements of the – and while it does so – is that what it says? And it does so?

CHAIR ROYBAL: Laboratory and while it does so, take more concerted action to benefit the citizens of Santa Fe County.

COMMISSIONER HANSEN: Okay. Okay, I'm good with that. And then are there any other changes?

CHAIR ROYBAL: That was it. We went through all these ones earlier.

COMMISSIONER HANSEN: Well, I just want to go through them again.

CHAIR ROYBAL: Okay. So those four there.

COMMISSIONER HANSEN: Okay, I'm good with the first one. I'm good with the second one. Okay I'm good with that one. It doesn't really relate to this resolution. And is that it?

CHAIR ROYBAL: That's it.

COMMISSIONER HANSEN: Okay. I'll make a motion to approve with amended changes by Commissioner Roybal that we agreed to.

COMMISSIONER HAMILTON: I would like to second it. But Mr. Chair, could we also get an opportunity for Commissioner Hansen to say something about this because she put a lot of effort into it.

CHAIR ROYBAL: Absolutely. We had a motion and a second, so now under discussion, I'll go to all the Commissioners. So Commissioner Hansen, did you have some comments?

COMMISSIONER HANSEN: I feel that the public health and safety is so important and is one of the reasons why I brought this resolution forward. We have a long-standing tradition of promoting democracy and environmental protection in pending nuclear weapon decisions by requesting that local government be kept fully informed about projects to facilitate large-scale production of additional plutonium warhead cores at Los Alamos Nuclear Laboratory. So since we've been made aware of the potential safety and environmental hazards associated with the handling of plutonium and other dangerous material in a timely fashion, I strongly support, and have worked incredibly hard to protect the Defense Nuclear Facilities Safety Board. I have a strong belief that they are the most important board that exists in the nation to protect the nuclear stockpile and nuclear weapons production because they are actually independent experts that know what is going on and have the ability and congressional oversight to protect our citizens. And that is really important to me.

And the fact that we really need a new NEPA. We need the NEPA. We need NEPA to be stronger, not weaker, and it allows the public, when we are able to do a site-wide environmental impact statement, it allows the public to actually have comments and make comments about what is happening to our neighbors and how we need to really protect our water supply, as well as Commissioner Hamilton and I sit on the Buckman Direct Diversion Board. It is extremely concerning to me the water that we take in from the Rio Grande, that is as clean as it possibly can be and that these hazardous chemicals and plutonium do not get into our water system. And I also would like to offer the opportunity to Commissioner Hamilton to say a few words and to of course all the Commissioners. And I might have more to say.

COMMISSIONER HAMILTON: Thank you, so much. Mr. Chair, is that good?

CHAIR ROYBAL: Of course. Go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: Mostly I want to thank Commissioner Hansen for including me on this. She's put a huge amount of work into this resolution and the issue in general and it's an important issue. Having done an awful lot of work on NEPA in my other career as an environmentalist, this is definitively a place where NEPA does need to be fully enforced. The value of having a site-wide EIS is well explained in the resolution and frankly, was augmented by some of the evidence that was mentioned in public comment. And so I think this is important and valuable and a very important thing to put forward.

COMMISSIONER HANSEN: Mr. Chair, there was also a number of public comments that were submitted to me and I forwarded them to Tessa and I would hope that she will forward all of those public comments to be included in the record so that Wordswork and Karen can have them so that they will be also presented as public comment. [*Attached as Exhibit 1*]

CHAIR ROYBAL: Okay. I believe she has. Is that correct, Tessa?

MS. MASCARENAS: Yes, Mr. Chair, Commissioner Hansen. They have all been sent off already.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR ROYBAL: Also, I believe we had three speakers today as well, so they'll be included during public comment, so perfect. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just again, I wanted to thank Commissioner Hansen for bringing this forward and not only this resolution but her commitment over the years to nuclear safety and that of the people who commented and sent me letters through Tessa Jo or on their own in support of this resolution. I'm really appreciative of all the people who put their energy into protecting our environment here in Santa Fe County. And I just think this is so important that we do demand an environmental impact statement, a complete one. I know that when I focus on one thing I can get caught up in that and if you're focusing on making plutonium pits your focus might not be on the safety of the neighbors around you. Not because you're a bad person but because you can't think of so many things at once. And so I think the environmental impact statement is really important because it brings together the experts in various areas to make sure that we're balancing national defense with the safety of the community we all live in. Thank you very much. Thanks again for bringing this forward, to both Commissioner Hansen and Commissioner Hamilton.

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

COMMISSIONER GARCIA: Thank you, Mr. Chair. I agree with what my colleagues said, Commissioner Hughes, and thank you, Commissioner Hansen, for bringing this forward. As Commissioner Hughes said, you're involved in this, both Commissioners, for bringing this forward because this is something that we need to look at because I was up there the other day on Saturday or Sunday with my friend and his wife, going for a ride through there. It just dawned on me as into all the stuff that goes downhill. And bringing this forward and working so hard on it. Great resolution. I appreciate that. Thank you all. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia, and I would like to thank Commissioners Hamilton and Hansen for bringing this forward as well and I know just for clarification to the public we have the DNFSB board as we have in our resolution as the Defense Nuclear Facilities Safety Board, and it's an advisory body to the Department of Energy. So just so that our constituents have a better understanding of some of the terms that are here. And I know we have plutonium which is a substance with significant health, safety and environmental risks that we see on here. But there is plutonium that is used in a positive manner, like we have nuclear medicine applications that we use to fight cancer and also space science division.

So I just want to bring that up too, that there are some positive things that do come out of that. But I do want to thank Commissioner Hansen for bringing these items forward, and Commissioner Hamilton. I know that it's something that's very important, especially with the Buckman Direct Diversion Board, so we make sure we get some clean water. I sit as an alternate on that board, but this is a great resolution and thank you for bringing that forward, once again. Commissioner Hansen, did you have any closing

remarks?

COMMISSIONER HANSEN: Yes. I also want to thank Jay Coghlan of Nuke Watch and Joni Arends of Concerned Citizens for Nuclear Safety for their input and support to me on these issues that are so important to our citizens. So we have a motion and we have a second. Yes. Thank you.

CHAIR ROYBAL: So we're going to go to a roll call vote.

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

COMMISSIONER HANSEN: I just have to say that 11 is my favorite number. Thank you, Madam Clerk.

11. INFORMATION ITEMS/MONTHLY REPORTS

A. Quarterly Report on Restricted Housing at County Correctional Facilities Pursuant to Laws 2019, Chapter 194 (HB 364)

COMMISSIONER HUGHES: Thank you, Mr. Chair. I just had a couple of questions for Director Sedillo, I think he's still here, about this report, and I think it's important to pay attention to this when it comes before us. So my question is I noticed that there are a lot of people placed in restricted housing because of COVID-19, I think either because they have caught the virus or they are being protected from it. So I just wondered what's being done to help people get through that period of quarantine so that their mental health is stable. I think that even when people are quarantining in their own home it's hard. I can only imagine it's much harder if you're in jail and in a more confined space. I was just wondering if there are things we're doing to give them some kind of human contact while they're in restricted housing, or opportunities to go outside or anything like that.

PABLO SEDILLO (Public Safety Director): Thank you very much for the question, Mr. Chair, Commissioner Hughes. There is interaction constantly inside our restricted housing. With me today I have two subject matter experts that handle, oversee, our restricted housing unit, so I'll defer those questions to them. They've been waiting anxiously for this. So Deputy Warden Page or Captain Rios, would you like to respond to that?

VANESSA RIOS (Public Safety): Hello, Mr. Chair, County Commissioners. This is Captain Rios. For the inmates in the COVID pod, the officers are in there and we do our rounds daily. I also make daily rounds inside those units. Unfortunately, with COVID we have to limit the interaction to limit the spread between people for COVID. There was 141 inmates that were placed for COVID. We had seven for mental health holds and 23 for safety. They do get their courts. We pull them out for their courts and sanitize the areas after and before they are taken there. Also when they need to have classification or mental it's always available also. Was there any other questions regarding the COVID?

CHAIR ROYBAL: Commissioner Hughes.

COMMISSIONER HUGHES: No. I think that's good. I was – I think that sounds good. I'm glad that their needs are being taken care of and I'm looking forward to

touring the facility when it's safe to do so, hopefully in a few months. The only other question I had didn't related to the COVID patients but I noticed that under ethnicity, we don't distinguish Hispanic people from other white people, and in most settings I'm familiar with that distinction is made because it's possible that you could be discriminating against people because they're Hispanic, and I was just wondering if it was possible to make that distinction on this chart of if there's a reason you're not making that distinction.

CAPTAIN RIOS: So the inmates identify themselves, their ethnicity when they come in and they get booked, so that's how I identify their ethnicity when it is reported.

COMMISSIONER HUGHES: So are they given the option of Hispanic or Latino when they come in?

CAPTAIN RIOS: Yes. They are.

COMMISSIONER HUGHES: Okay. Thank you.

CAPTAIN RIOS: You're welcome.

MR. SEDILLO: Thank you, Captain Rios.

CHAIR ROYBAL: Thank you, Pablo Sedillo and Captain Rios.

Commissioner Hughes, did that answer all your questions?

COMMISSIONER HUGHES: Yes. For now. Thank you very much and sorry you had to wait so long for just five minutes with me, but I appreciate the time. Thank you.

CHAIR ROYBAL: Any other Commissioners that may have some questions relative to this item? Okay, hearing none, thank you, Commissioner Hughes and staff for answering these questions and bringing this forward.

10. PUBLIC HEARINGS

A. **Ordinance No. 2021-01, an Ordinance Amending Ordinance 2016-3, The Place at Caja del Rio LEDA Project Ordinance, to Authorize the Execution of an Amended and Restated Project Participation Agreement Extending the Deadline for the Project Party's Substantive Contribution and Making Other Changes**

MR. SHAFFER: Thank you, Mr. Chair. Before you tonight for a public hearing and action is an ordinance that would take us closer to implementing a settlement agreement that the Board approved at its December 15, 2020 meeting between Santa Fe County and Caja del Rio Holding, LLC. As the Board is aware, based upon its prior action, CDRH, Caja del Rio Holdings and the County are parties to two agreements: a water and wastewater line extension, water delivery and wastewater discharge agreement, as well as a LEDA project participation agreement for its development off of the frontage road near – it's Caja del Rio Road. Excuse me.

So the disputes arose between the County and CDRH concerning the cost of upsizing certain wastewater improvements under the water and wastewater agreements as well as the connection fee that's due and payable prior to the recordation of a subdivision plat that had been filed by CDRH. The settlement agreement resolves those disputes and provided for a variety of consideration as between the parties. In particular, it provided

for the County, subject to the ordinance in front of you being passed, to enter into an amended and restated project participation agreement that would extend the deadline by which CDRH has to meet its job creation goals until three years after the effective date of that amended and restated PPA and would also authorize the County Manager to accept substitute security for the \$300,000 LEDA grant that the County made for water and wastewater infrastructure to the projects.

In their variety of additional conditions that would need to be met in order to implement the settlement agreement – again, adoption of this ordinance should the Board choose to do so after the public hearing is one such condition subsequent to the settlement agreement. The others include the County Land Use Administrator approving an amended subdivision plat as being consistent with the Sustainable Land Development Code and master plans of the project, the County and CDRH executing the amended and restated project participation agreement that this ordinance will authorize, and the County paying a small balance that would remain on the upsizing charge for wastewater improvements after its credited against the initial connection fee for the project, the recordation of amended subdivision plat and the CDRH recording a replacement mortgage on the remainder lot that's created by that amended subdivision plat. And then finally, the County accepting utility improvements and utility easements.

So again, those additional conditions subsequent are all supposed to happen at a closing, the tentative date for which is 30 days after the ordinance in front of you is recorded should you choose to pass it after the public hearing, and that date could be extended.

So that's it in a nutshell in terms of both the settlement agreement, how it resolves issues that arose between the parties and where this ordinance fits into that settlement agreement and the path ahead. I'd be pleased to stand for any questions before you have the public hearing.

CHAIR ROYBAL: Okay, do we have any questions from the Board? I'll look for a show of hands. No? So we do need to go into public comment. Is that correct, Attorney Shaffer?

MR. SHAFFER: Yes, Mr. Chair. This is a public hearing so it's now appropriate to open up the floor, so to speak, to any members of the public who wish to testify for or in opposition to this ordinance.

CHAIR ROYBAL: Okay, so if we can unmute everybody, Tessa Jo. I'm going to ask if there's anybody from the public that would like to speak in support or opposition of this ordinance that has been outlined by our Attorney Shaffer. Once again, I'd like to see if there's anybody from the public that would like to speak for or in opposition. You can also use the chat and send a message. Attorney Shaffer, is this an ordinance that we will come back for a second public hearing or is it just a single one?

MR. SHAFFER: Mr. Chair, Commissioners, it's a single public hearing on the ordinance. That's all that's required by law. So it would be appropriate at this time for the Board to close the public hearing and take whatever action the Board thinks is appropriate on the proposed ordinance.

CHAIR ROYBAL: So I'm going to go ahead close public comment or the public hearing and I'll go to Commissioners. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I would like to

make a motion to approve this ordinance amending Ordinance 2016-3, The Place at Caja del Rio LEDA Project Ordinance, to authorize the execution of an amended and restated project participation agreement extending the deadline for the project party's substantive contribution and making other changes.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: We have a motion from Commissioner Hansen and the second from Commissioner Hamilton. Under discussion, do Commissioners have any other comments? Okay, hearing none, I'm going to go to a roll call vote.

The motion carried by unanimous roll call vote as follows:

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

11.
 - B. **Community Services Department Monthly Report**
 - C. **Finance and Purchasing Monthly Report**
 - D. **Growth Management Department Monthly Report**
 - E. **Human Resources Monthly Report**
 - F. **Public Safety Monthly Report**
 - G. **Public Works Monthly Report**

There were no questions regarding these reports.

9. MATTERS FROM THE COUNTY ATTORNEY

- A. **Statement for Inclusion in Meeting Minutes Concerning January 12, 2021, Executive Session**

CHAIR ROYBAL: Can we get a summary of what we'll be going into executive session for, Attorney Shaffer.

MR. SHAFFER: Mr. Chair, if we want to start with item 9. A. It's statement for inclusion in meeting minutes concerning the January 12, 2021 executive session. And the Board knows, at the January 12th meeting the Board went into executive session and adjourned from executive session, meaning it did not reconvene in open meeting. So it would be appropriate at this time for the Board to pass a motion to have the minutes of this meeting reflect that the matters discussed during the January 12, 2021 executive session were limited only to those specified in the motion for closure.

CHAIR ROYBAL: Okay. Can I get a motion?

COMMISSIONER HAMILTON: So moved.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: A second from Commissioner Hughes. Okay, so I'm going to go to a roll call vote.

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

9. B. **Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1 (H)(8) NMSA 1978, including:**
1. **Rights-of-Way for County-Maintained Roads Within the Exterior Boundaries of Pueblos**
 2. ***PMB, LTD v. Santa Fe County Board of County Commissioners, D-101-CV-2018-03417***
 3. **Disputes Arising Under Santa Fe County Agreement No. 2020-0189-PW/KE – TABLED**
 4. **Potential Intervention in Public Regulation Commission Case #19-00234-UT**

CHAIR ROYBAL: So can we get a summary of what we'll be going into executive session for, Attorney Shaffer?

MR. SHAFFER: Yes, thank you, Mr. Chair and Commissioners. So we'll be going into executive session to discussion 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 the discussion of the purchase, acquisition or disposal of real property or water rights as allowed by Section 10-15-1 (H)(8) NMSA 1978 including items 1, 2, and 4 as listed on the agenda. Those are rights-of-way for County-maintained roads within the exterior boundaries of pueblos, *PMB, LTD v. Santa Fe County Board of County Commissioners, D-101-CV-2018-03417*, and potential intervention in Public Regulation Commission Case #19-00234-UT. Again, we won't have need to discussion item number 3 on the agenda this evening. It will just be items 1, 2, N 4.

Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Attorney Shaffer. Can I get a motion?

COMMISSIONER HUGHES: So moved.

COMMISSIONER GARCIA: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hughes and a second from Commissioner Garcia. Under discussion, is there anything under discussion? Okay. Madam Clerk, can we get a roll call?

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7 and 8) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

[The Commission met in executive session from 6:46 to 7:42.]

CHAIR ROYBAL: And we're back.

MANAGER MILLER: Mr. Chair, Commissioner Garcia had indicated to me that he would not return after executive session.

CHAIR ROYBAL: It looks like we have all the Commissioners that did say that they would be here, so I'll entertain a motion to come out of executive session and just mention who was present and the only things that were discussed were the items that were summarized before going into executive session.

COMMISSIONER HANSEN: I would move that we come out of executive session and that the only things that were discussed was what was on the agenda. Our County Attorneys were present.

CHAIR ROYBAL: Okay. And our County Manager and all of the Commissioners.

COMMISSIONER HANSEN: Yes, of course.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: And we have a second from Commissioner Hamilton. I'm going to go to a roll call vote.

The motion passed by unanimous [4-0] roll call vote. [Commissioner Garcia was not present for this action.]

9. C. Potential Action with Regard to Items Discussed in Executive Session

No items were presented for action.

12. CONCLUDING BUSINESS

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

Upon motion by Commissioner Hughes and second by Commissioner Hamilton, and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 7:43 p.m.



ATTEST TO

[Handwritten signature of Katharine E. Clark]

KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Approved by:

[Handwritten signature of Henry Roybal]

Board of County Commissioners
Henry Roybal, Chair

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 66

I Hereby Certify That This Instrument Was Filed for
Record On The 24TH Day Of February, 2021 at 02:23:05
And Was Duly Recorded as Instrument # 1944560
Of The Records Of Santa Fe County

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

Deputy



[Handwritten signature of Deputy Clerk]

Respectfully submitted:

[Handwritten signature of Karen Farrell]
Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

SFC CLERK RECORDED 02/24/2021

Dear Commissioner Hansen,

There is urgent need for a LANL Site-wide EIS. Not only is one required every 10 years, which is already overdue by 2 years, but there are additional factors related to the stated project of building new facilities to produce up to 80 pits per year. I quote from the LASG comments:

1. "In the 2008 SWEIS, NNSA assumed LANL's plutonium missions would have access to a large, brand-new, safer plutonium facility at Technical Area (TA-) 55. That building was never constructed. No firm plan for constructing any such building has been revealed since then."

2. Furthermore, "LANL has described a \$13 billion dollar construction program over the coming 10 years, which would nearly double the replacement value of LANL as a whole. This program is more than six times the size of the Manhattan Project in New Mexico, in constant dollars. Some \$5.5 billion is already programmed over the coming five years. LANL's public presentations have shown dozens of new buildings. In constant dollars, planned LANL construction over the decade exceeds the original cost of the interstate highway system in New Mexico."

3. In addition to technical facilities, an enormous influx of population is planned for the area. "NNSA seeks to hire thousands (net) of new staff at LANL over the coming five years. LANL is poised to dramatically change into something never seen before. Triad, NNSA's management and operating contractor, has publicly discussed the fact that impacts of these expansion decisions will be regional and significant — in terms of traffic congestion, housing, possible new roads and bridges, and possible secondary LANL campuses."

4. Since January 22, 2021, the Treaty on the Prohibition of Nuclear Weapons has entered into force. It doesn't apply to the U.S. at this point, but LANL needs to be thinking about downsizing over the course of the next decade and in the long run. A site-wide EIS will provide foundational materials to make comprehensive and realistic plans to be drawing in rather than expanding.

To fail to adhere to the regulatory time-line, when so much has already changed since the 2008 EIS, is to blind oneself to the needs of this particular moment in time, when all the basic information that can possibly be compiled is required in order to make intelligent decisions.

Thank you for your time,

Basia Miller
2848 Vereda de Pueblo
Santa Fe, NM 87507

know the content is safe.

Good afternoon Commissioners,

Concerned Citizens for Nuclear Safety (CCNS) fully supports the *Resolution Requesting that the National Nuclear Security Administration Prepare and Complete a New Site-Wide Environmental Impact Statement for Los Alamos National Laboratory Before Expanding Plutonium Pit Production at the Facility*. We thank Commissioners Hansen and Hamilton for their leadership on this important and essential issue.

On March 10, 2020, Concerned Citizens for Nuclear Safety and Taoseños for Peaceful and Sustainable Futures presented approximately 700 petition signatures to Senators Tom Udall and Martin Heinrich and Representative Ben Ray Lujan in support of a new SWEIS at LANL. The petition reads:

As your constituents, we urge you to act now to demand the Department of Energy (DOE) conduct a Programmatic Environmental Impact Statement (PEIS) followed by new Site-Wide Environmental Impact Statement (SWEIS) for Los Alamos National Laboratory (LANL) before any proposed expanded plutonium pit production and associated infrastructure projects could begin. The current LANL SWEIS was completed in 2008 and analyzed for the production of 80 plutonium pits (or triggers) per year in a new facility. LANL was held to 20 pits per year. The new proposal are for the production of a minimum of 30 plutonium pits per year in a 40-year old facility. *New Mexico deserves a fresh look.*

Attached is a receipt signed by the staffers of Senator Tom Udall, Senator Martin Heinrich and Representative Ben Ray Lujan who received the petition signatures demonstrating the concerns that a new LANL SWEIS is needed.

CCNS requests that our public comment and the petition receipt be included in the public record of this meeting.

Thank you for your consideration of the Resolution.

All the best,

Joni

--
 Joni Arends, Executive Director
 Concerned Citizens for Nuclear Safety
 P. O. Box 31147
 Santa Fe, NM 87594-1147
 505 986-1973
www.nuclearactive.org

SFC CLERK RECORDED 02/24/2021

1/27/2021

RECEIPT

Taosenos for Peaceful and Sustainable Futures and

Today, I received from Concerned Citizens for Nuclear Safety approx. 700 individual signatures on the petition stating:

As your constituents, we urge you to act now to demand the Department of Energy (DOE) conduct a Programmatic Environmental Impact Statement (PEIS) followed by new Site-Wide Environmental Impact Statement (SWEIS) for Los Alamos National Laboratory (LANL) *before* any proposed expanded plutonium pit production and associated infrastructure projects could begin. The current LANL SWEIS was completed in 2008 and analyzed for the production of 80 plutonium pits (or triggers) per year in a new facility. LANL was held to 20 pits per year. The new proposals are for the production of a minimum of 30 plutonium pits per year in a 40-year old facility. *New Mexico deserves a fresh look.*

Dated: March 10, 2020.

For Senator Tom Udall

By: *Michelle Jacquez*

Print Name: Michelle Jacquez-Ortiz

For Senator Martin Heinrich

By: *E. C.*

Print Name: Eric Castillo

For Representative Ben/Ray Lujan

By: *Jennifer A. Catechis*

Print Name: Jennifer A. Catechis

SFC CLERK RECORDED 02/24/2021

Jonathan Block
138 Verano Loop
Santa Fe, New Mexico 87508
(505) 984-1782
jblock41@gmail.com

25 January 2021

RE: Comment in support of the Hansen/Hamilton resolution no. 2021-_____ requesting that the NNSA prepare and complete a new SWEIS for LANL before expanding plutonium pit production at LANL

To The Commission:

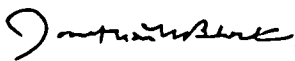
While working at the New Mexico Environmental Law Center, nearly a decade of those dozen years involved representing various community groups concerned about the adverse environmental/human impacts of historic and on-going activities at the Los Alamos National Laboratory ("LANL" or "Lab"). My experience during that time taught me numerous lessons about how LANL and the National Nuclear Security Administration (NNSA) deal with the public. The essence of those lessons is that unless LANL and the NNSA are forced to do so through public pressure from every conceivable organization and public administrative entity, LANL and the NNSA will try to hide the facts and the truth about the actual and foreseeable potential impacts of the Lab's activities upon the human/natural environment. The current campaign to expand plutonium pit production is no exception to this unfortunate history of avoidance and deception in relation to federal and state laws and regulations. Failure to conduct, as a matter of course, another site-wide environmental impact study of all potential and foreseeably consequential impacts of increased plutonium pit production at LANL is just another example of this sad history of the NNSA's and LANL's lies, deceptions, prevarication and abuse of the human and natural environment.

The Hansen/Hamilton resolution squarely addresses the issues raised by the expansion of plutonium pit production. Passage of it is extremely necessary. Moreover, the actions of the Santa Fe County Commission should not stop there. There is a real need to pass the resolution and carry it to the Governor, the Legislature, the federal legislative delegation and the New Mexico Environment Department for further action along the same lines. Without such a concerted effort, the NNSA and LANL will continue to attempt to avoid the crying need for a complete site-wide environmental impact study of the potential and foreseeable consequences of expanded plutonium pit production at the Lab.

I urge the Commission to pass the Hansen/Hamilton resolution and to take all necessary steps to bring it to the attention of the Governor, the Legislature, the federal legislative delegation and the Environment Department with the request of the Commission that further action be taken by each to advance the substance of the resolution.

Thank you for consideration of my comments.

Sincerely,



Jonathan Block

SFC CLERK RECORDED 02/24/2021