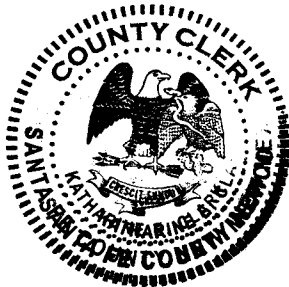


SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

May 11, 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 06/17/2021



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 95

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County Clerk, Santa Fe, NM Katharine E. Clark

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

May 11, 2021

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:03 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 Clark and indicated the presence of a quorum as follows:

Members Present:

Commissioner Henry Roybal, Chair
Commissioner Anna Hamilton, Vice Chair
Commissioner Rudy Garcia [2:15 arrival]
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 Margaret "Maggie" Moore of the Growth Management Department.

Commissioner Hamilton requested a moment of silence for Dana Feulner of the Fire Department who passed away this week. Public Safety Director Pablo Sedillo and Fire Chief Jackie Lindsey spoke on her behalf as a dedicated employee.

Sheriff Mendoza requested a moment of silence for Undersheriff Ken Johnson's

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father, Art Johnson, who was prominent in the community.

Chair Roybal expressed condolences to the families on behalf of the Commission.

1. F. Approval of Agenda

CHAIR ROYBAL: Do we have any changes or requests on the agenda?
Manager Miller.

KATHERINE MILLER (County Manager): Mr. Chair, the agenda was posted on May 4th at 5:00 and then amended on May 7th at 4:28 pm. The only amendment to the agenda from the original agenda was under item 9. Matters from County Commissioners, item 5. C, materials were added to the packet. The caption was there but some additional materials were added to the packet and that is the only change from our original posting.

CHAIR ROYBAL: Thank you, Manager Miller. Are there any other requests? If not, then what's the pleasure of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: Move to approve.

COMMISSIONER HAMILTON: Second.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: Okay so we have a motion from Commissioner Hansen and multiple seconds from Commissioner Hamilton and Commissioner Hughes. 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.]

2. APPROVAL OF MINUTES

A. Request Approval of the April 8, 2021, Board of County Commission Special Meeting Minutes

B. Request Approval of the April 9, 2021, Board of County Commission Special Meeting Minutes

CHAIR ROYBAL: Do we have any changes? If not I'll entertain a motion.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to table approval of April 8th and 9th. They need work and I need to work with whoever wrote them to fix a number of things that I need, and they don't have signature lines. So I would just like to table A and B and we can bring them back at the next meeting.

CHAIR ROYBAL: Specifically, these are changes for the stenographer. Is that correct, Commissioner Hansen?

COMMISSIONER HANSEN: The meetings are from our strategic planning, and they were not done by our regular stenographer, and I don't know who did them. They just need some work.

CHAIR ROYBAL: So we have a motion to table these until our next meeting, until we can get some clerical errors and possibly some changes that are incorrect as far as the actual body of the minutes. Do I hear a second?

COMMISSIONER HUGHES: I'll second that.

CHAIR ROYBAL: So we have a second from Commissioner Hughes and a motion from Commissioner Hansen. I'm going to go to a roll call vote.

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

CHAIR ROYBAL: I do want to ask just a quick question. That doesn't cause any issues at all that we need to get this approved any sooner. Is that correct, Manager Miller?

MANAGER MILLER: Mr. Chair, there were no action items in those meetings so I'll find out what the issue with the minutes are. But we're not waiting on approval of those for any future Board action.

CHAIR ROYBAL: Thank you, Manager Miller.

C. Request Approval of the April 13, 2021, Board of County Commission Regular Meeting Minutes

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I would like to approve the April 13, 2021 meeting minutes.

CHAIR ROYBAL: Okay, so we have a motion. Do I hear a second?

COMMISSIONER GARCIA: Second.

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: So we have multiple seconds. Was it from Commissioner Garcia and Commissioner Hughes? So we have Commissioner Garcia here. I'm going to go to a roll call vote.

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

D. Request Approval of April 16, 2021, Board of County Commissioners Special Meeting Minutes

CHAIR ROYBAL: Do we have any changes?

COMMISSIONER GARCIA: Mr. Chair, if there's no changes, move for approval.

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

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Second from Commissioner Hamilton. I'm going to go to a roll call vote.

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

3. PROCLAMATION

A. Proclamation Declaring May 11, 2021 “Santa Fe High School Senior Mentor & Leadership Program Day”

CHAIR ROYBAL: I had a conversation with the vice principal of Santa Fe High School and he told me about this mentor program and leadership program, and just thought this is just such a great program that it's something we need to highlight and try to aspire to continue. And so if we can bring that proclamation up, Daniel. I'll go ahead and read it. This is a proclamation declaring May 11, 2021 Santa Fe High School Senior Mentor & Leadership Program Day.

Whereas, the Santa Fe High School Senior Mentor & Leadership Program is a team of motivated seniors who are providing support and assistance to younger high school students that need academic, social and emotional support and help; and

Whereas, the volunteer senior commitment to the membership confidentiality and positive student interactions and foundational support skills is a positive contribution to the school and community; and

Whereas, the program attracts seniors who have the ability to be positive role models and who exhibit calmness and grace under pressure. The volunteer seniors must also be willing to teach mental thinking support skills to their younger classmates as well as ability to respect others, including adults at all times; and

Whereas, the seniors' commit to serving as mentors for at least one year and they must be willing to attend mentor training meetings and mixers and mentor with compassion and leadership. The senior mentors lend their wisdom to their younger classmates talking about their mistakes and what they learned from those mistakes. The program volunteers must maintain a C or higher grade average, exhibit good citizenship to the community, leading by example and keep in regular communications with their freshmen, sophomore mentees and report any issues to counselors and administrators as appropriate; and

Whereas, the senior volunteers in the program have demonstrated a willingness to take part in specialized mentorship training to become an effective mentor and young leader. The senior mentors are able to maintain their current school, family and work obligations and they are receptive to advice from other mentorship program team members, sponsors, advisors, teachers, counselors and administrators.

Now, therefore be it resolved that the Board of County Commissioners of Santa Fe County hereby proclaim May 11, 2021 as Santa Fe High School Senior Mentor and Leadership Program Day. And this will be approved and adopted and passed on this 11th day of May 2021 by all the Commissioners and also our County Manager and our County Attorney.

I do want to just give time to some of the – it's actually the class president and the vice president of Santa Fe High School, which are here today that have said they would like to address the Commission. I want to afford that opportunity. So I do want to go to the president, and today we have the president, Jose Mercado. He's the president. And go ahead, Jose, if you'd like to address the Commission.

JOSE ESQUIVEL: So guests, my fellow peers, to all current and future senior mentors, a day that we never saw coming has officially come. Today, we got recognized by some distinguished guests for our hard work, dedication and service towards others. Today, we as the senior mentorship and leadership team got recognized by the County and City Commissioners with our very own day, the Senior Mentorship and Leadership Day.

Now is the moment to celebrate this historic milestone. Today is the day that many future and current mentors can look up to. Many of you may be asking, what do we do? What is it that makes this program unique? We focus on the well being of our fellow underclassmates and peers by mentoring them and giving them advice on what and what not to do throughout the first years in high school. We do so by helping them with their homework, leading study groups, and have a little fun every once in a while.

Each mentor gets assigned two to three freshmen/sophomores and what we do with those sophomore and freshmen mentees is that we have a phone call, text message or an email. Our goal is to make sure that they are succeeding in every class and help them whether it's with constant pressure of homework or to kids not caring about school. From my experience with the program when I was a mentee, this program changed my life and impacted me in ways I never thought I was going to be impacted. Back in 8th grade my teachers told me: Stay the course. Don't let bad people influence you. Don't let drugs impact you and change you for the worse.

A few months later, they were correct. I started hanging with the wrong crowd and started skipping class. If it weren't for this group, Mr. Marano and Mr. Granado I don't know where I would be right now. I really don't. Sorry, I'm just getting a little bit emotional there. But like I said, if it weren't for them, I don't know where I would be right now.

Thanks to the seniors at the time I am part of this historic day. I want to thank Mr. G. for this honor of a lifetime opportunity, to Mr. Marano who always believed in me, to all my fellow peers and my team. Not my executive team, but the whole team. All 35 mentors and junior wannabes, this proclamation and the next day is made because of you, not because of me and not because of my vice president. Not because of the executive team. Not because of Mr. Granado. Not because of Mr. Marano. It's mainly because of you guys who do the work.

The County Commissioners might say, no, you're the one who runs the group. No. It's not. I might run the group but I'm not the one who does the work. All the 35 mentors and junior wannabes, this is because of you. Congrats to all of you. You are the ones constantly working 24/7 to get freshmen to succeed with your help.

Lastly, I want to thank the Santa Fe County and City Board of County Commissioners for the dignity, humbleness and for dedicating some of their time to local students and recognizing them for their hard work and strength. To all future mentors: never give up. It might take a couple months to get a freshman to answer your phone call or email, but at the end of the day it pays off. It pays off. Never, ever give up. To underclassmen, there is light at the end of the tunnel. There is light at the end of the tunnel. Never give up. Always reach out if you ever need help. It will definitely pay off.

Stay the course and pray for the best. Thank you again to all. Thank you, Mr. Granado for giving me this opportunity. To Mr. Marano for always believing in me. To

all my fellow peers who always believed in me and always reached out for anything. Thank you to the City and County Board of County Commissioners. I want to thank you guys. This is a really special day and thank you again, Commissioner Roybal, for this historic milestone and thank you all again.

CHAIR ROYBAL: Thank you, Jose, and I was given the last name of Mercado, but I noticed it said Esquivel on your little window here. Is it both or is it one or the other?

MR. ESQUIVEL: It doesn't really matter, Commissioner Roybal. You can call me Esquivel or Mercado.

CHAIR ROYBAL: Okay. I just wanted to make sure I didn't get it wrong. Thank you, Jose. And one thing I want to highlight is how often do we see young leadership and in your position recognizing the rest of your team on this mentorship program. That's really the foundation of a true leader. And so I can't tell you how proud I am of all of you and how proud I am for you to be selected to address the Commission, and also we're going to have the vice president as well but I just wanted to say thank you. It's awesome to see our youth coming forward to be the leaders in the future. Because we're not always going to be here and we always want to see the youth come forward and be ready to take the challenges and to be quite honest, to take the helm and take over so that we can relax. We're going to all get old really soon here and we'll be retired and you guys will take these positions and it's really wonderful to see this type of leadership.

The time and effort that you all spend – you have your own homework. You have your own family and things going on in your life but you take the time to mentor the underclassmen. There can't be enough said as far as that dedication and commitment. So I want to thank you and all the leadership from this program and just say this is a great program and I'm really excited to see us continue to recognize this day as this program gets bigger and better.

I do want to go to Aaliyah Lucero. She's the vice president. Thank you, Jose. Aaliyah.

AALIYAH LUCERO: Hello everyone. Thank you for taking the time for me and Jose and my mentees speaking today. It's a really great honor for everyone here. I'm Aaliyah Lucero. I'm the vice president of the Senior Mentor Program. And not only us being a senior mentor, like Jose said and like you said, Commissioner, we do have our own lives and we do have our own personal problems but us volunteering and all of us coming together and help each other succeed for these younger underclassmen, not knowing really when transferring from middle school to high school, it's really hard and it's really difficult.

And because of this year and coming on online was really hard for these new underclassmen not even experiencing high school. So being a mentor is a lot more expecting than just seeing them succeed because you're also helping them through more than life. You're helping them with personal problems. You're helping them with school problems. You're helping them building into a person that they never thought they could accomplish. Not even having a best friend or not even thinking they could have a best friend.

It's really a big day. Really exciting, All of us – I couldn't help but thank all of my mentors, all 35 of us and the junior wannabes. There's going to be 21 junior

wannabes coming up in the class of 2022. It's amazing. We didn't think we could do this online and then thinking that we could and seeing all these underclassmen coming and these juniors wanting to become mentors to these underclassmen is amazing. And I couldn't thank Mr. G, Mr. Marano and Jose and everyone else for this amazing program and getting me into this program to help me be a leader not only for these underclassmen but also for my sister and for myself becoming more independent. That's all I have to say. Thank you guys.

CHAIR ROYBAL: Thank you, Aaliyah. Great presentation. There's no reason to really be nervous and I know in life later on you're going to be faced in a situation similar to this one but you've got to remember that everybody here is just a person. So I can't say enough for the leadership that you've shown and that everybody has shown. I'm really proud of you. I'm proud of Jose. You guys have done a great job and thank god that we have leaders in our schools to help mentor our youth to come forward. There's a lot of times when we don't know what kids are going through in their lives daily and for somebody to be there that's actually live it.

Things have changed since I was in high school. Since I was your age things have changed and there's a lot more challenges and it's just different. So to have somebody there that has lived through these challenges and can give advice and be a positive role model is just very unique. I'm so proud of this program that Santa Fe High School has that I want to work with other schools to see if we can put similar programs in place. Just kudos to a great job, and I'm very proud of what you guys have accomplished. I just want to thank you again for being here, and I do want to give the opportunity for Mr. Granado or Mr. Marano to speak as well if they'd like to.

CARLOS MARANO: Thank you everyone, again, Commission. We're very proud of our senior mentors group and of course our students who make it happen. We're always telling them on a regular basis, a lot of time the adults keep telling them, they tell the students you need to do this. You need to get your act together. But when they hear it from their classmates, from their colleagues and from student leaders it is just so much more powerful.

We've kept a lot of kids in school because of our senior mentors and they've kept a lot of our freshmen from thinking of dropping out or just giving up on school. So I want to thank our senior mentors, Mr. Granado for his leadership, our counseling staff, and our entire counseling group who work with our students, and again, the Commission for recognizing this today. It's again – the students do the work. We just kind of guide them along the way and they've been fantastic. So we've got great future leaders and we're just very proud of them and thank you for recognizing them on this day and this program. Thank you again. We really appreciate it.

CHAIR ROYBAL: Thank you, sir. What a great program. And I just want to thank you for keeping this program in place and it looks like it's a building foundation for the future, so I'm really excited to see that and I want to learn more about some of the programs that might be in some of the other schools we need to recognize. If not, if they don't have this type of program then I would recommend to some of the schools to try and put this type of program in place.

So I'm just really happy, really proud of the fact that I came to find out about this program sort of on an accident. I had foster kids that I'm still listed and their contact, if

there's some things that need to be brought forward. So that's kind of how I learned about the program. What a great program. And I just felt the necessity of having it highlighted. I'm just really proud to have your guys here today. I can't express that enough and Jose, Aaliyah and everybody that's a part of this program, thank you guys so much.

I'm going to go to County Commissioners for comments, and then before I go to a vote on this proclamation for approval. I'm going to go to Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. This is really wonderful that you brought this forward. It's amazing to see such wonderful peer leadership and flat out leadership qualities in our high school students, supporting each other and really representing the kind of people who are going to be there in the future for our community and for any community they become a part of in the future. So I have to throw in that it is impressive to at this point in your lives to be able to come and speak in a public forum like this. So just on that very small level, incredibly well done. It is very, very meaningful and very representative of what you have to offer in your future. Congratulations on this. It's a wonderful proclamation.

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

COMMISSIONER GARCIA: Mr. Chair, I don't even know where to start. I'm on the school board and I see where there's 13,000 students on the school district. Thank you for coming forward and speaking. What's happening nationwide with our schools is challenging. Thank you for coming forward. The issues we have, the challenge we have, it's challenging. But never quit, and stay on the course, because that's what you kids need to do. [inaudible] what's happening. Mr. Marano is a good – Penny Ellis-Green, one of our top officials, she called and said Mr. Marano knows every kid. Every morning, 6:00 in the morning, he says, how's it going? To every kid. But it's educators that have passion to what they do.

So the school board's no different. Dr. Garcia – we have a great superintendent that's leaving us. Big shoes to fill. However, us as a community, we always get the votes to pass the bonds and whatever we need for the community, for the schools, and so communication. And so I think this is a great – this is good. I sit on the school board and I sit on the County Commission Board but I think this is a great deal that you're bringing forward, Commissioner. It just – I went to Vo-Tech and I graduated from Vo-Tech, and Vo-Tech is a school that – let me tell you, I actually, I learned a lot from learning a trade. And so these days we're doing trades in schools, as into some kids want to go to college. I understand. I get it. But some kids want to learn a trade. I get it.

So it's just in the school board it's a whole different deal. Sometimes I don't sleep at night but it's good. But Commissioner, thank you for bringing this forward. As long as the County can communicate with the schools, this is great. Thank you, Commissioner.

CHAIR ROYBAL: Thank you, Commissioner Garcia, and we haven't gotten a motion yet, but being that you are a school board member I would love for you to second.

COMMISSIONER GARCIA: I will second that or the first, yes, please. I will bring this forward to the school board. This is awesome that we're communicating, the County, the school board communicating. So, yes, I will bring it forward. I'll second

it.

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

COMMISSIONER HANSEN: Thank you, Mr. Chair, for bringing this forward. It's really important to recognize the good work the school is doing. Congratulations to everyone, and ditto all the other comments. Thank you very much and congratulations to all of the students. Thank you.

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

COMMISSIONER HUGHES: Thank you, Commissioner Roybal, for bringing this forward and congratulations to the young people. You've discovered the joy of helping other people who need your help. I think it's great what you're doing and I think it's really good to see such good public speakers coming out of our high schools. So thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes. I couldn't agree with you more. I guess that would bring it to me. I think I've spoken enough and people might be tired of hearing what I have to say but I can't say enough how excited and proud I am of this program. I know that there may be other members of the Santa Fe High School Senior Mentorship and Leadership Program so I want to afford the opportunity for them to make any comments that they would like to. Is there anybody? You can unmute yourself and just go ahead and address the Commission if you'd like. I can see a couple so don't make me call on you.

MAGDALENA SALAZAR: Commissioner Roybal, thank you so much for having us here today. Thank you to all the Commissioners for having us here today. This new mentor program has definitely been beneficial to me. I've been learning how to help my mentees. It's definitely taught me what it means to be a leader and how to become a leader, regardless of what my situation is. I've also learned how to preserve, especially now during this pandemic. It's been a little harder for everyone. Today's such an important day and having the opportunity to be here is just really amazing, so thank you so much.

BEN CORDOVA: Thank you, Board for having us. As for the senior mentorship thing, it's been a privilege every day to see each mentor, talk to them, get to know them, just an absolute privilege to me. I think that ironically, even though I'm the mentor I still learn a lot from them and I hope that this program continue to prosper, grows bigger, and can get to more and more schools. I'm really thankful that it's here and it's helped me in many ways.

CHAIR ROYBAL: Okay. Great. Thank you, and Magdalena, thank you. Do we have anybody else that would like to address the Commission?

MICHAEL GRANADO: I will, sir.

CHAIR ROYBAL: Go ahead, Mr. Granado.

MR. GRANADO: I'm Mr. Granado, Mr. G. I'm the associate principal here. The 9th and 10th grade focus is my focus and I'm pledged to work with all these seniors. Most of them were knuckleheads when they were freshmen. They were in my office – wink, wink, if you know what I mean. And they've grown out of that. They've grown into wonderful leaders. But I'm the primary sponsor. I look forward to seeing –

and Commissioner Garcia, I don't think I've met you sir, so I look forward to meeting you, I believe on Friday, where we have our recognition and Commissioner Roybal, for that event. So we look forward to that. But again, just on behalf of being the sponsor with these kids, I'm up there with you guys in the age, so I'm on the other side of that patriotic rainbow myself, but I get a lot of extra mileage from these kids, the energy that I get working with them.

But I appreciate this because this truly is a first-time event for us to have this recognition. It's the buzz all around campus and with the parents. I teach the kids, they know leadership values, and one of them is H: honor, honestly and humbleness. But on this occasion it's okay for them to receive the accolades from you guys, from your team. So I appreciate that on behalf of the sponsor of this program, and that's a wrap for us, right, kids? They want to go eat lunch. So, I'm at your beck and call. Hope to see you Friday, and to the rest of the distinguished guests, thank you again for voting on this and doing this for us.

CHAIR ROYBAL: Yes, sir, and we do still have a video that we'd like to play but I just want to say, awesome job. So proud of you guys. I look forward to seeing you on Friday. It's going to be awesome to see everybody actually in real time instead of through the computer system we have, the Webex and everything else. It's going to be awesome to just spend some time, actually see the leaders. It makes me feel good to say the future is going to be well taken care of by these new leaders coming up. So I'm really proud.

MR. GRANADO: I have something with Commissioner Hansen. I see Commissioner Hansen with your hats in the background. I bet you don't have one of these. You know what that is?

CHAIR ROYBAL: The Mounties?

COMMISSIONER HANSEN: It looks like a Forest Service hat.

MR. GRANADO: Before I became a teacher and a principal I was a drill sergeant in the United States Army, so I just retired five years ago. So a lot of those leadership qualities –

COMMISSIONER HANSEN: Congratulations.

MR GRANADO: Back in the day.

COMMISSIONER HANSEN: You're right. I don't have one of those.

GABE GONZALES (Sheriff's Department): Commissioner Roybal, this is Major Gonzales.

CHAIR ROYBAL: Yes, sir.

MAJOR GONZALES: Commissioner Roybal and Commissioners, I just want to give a shout-out to Mr. Granado. I've been one of those parents, four or five years ago, and he brought me in with my son. We had some good conversation. The programs that he and Mr. Marano have, they are excelling. And I just want to thank you and the Santa Fe High team. Because of them my son's doing really well. He's in Korea right now so I hope I see him soon.

MR. GRANADO: Good.

CHAIR ROYBAL: Thank you for those words. It's just awesome to see, and for Mr. Granado, to hear the impact that it's had on these students and their futures, so it's just awesome. So we do have a video that we'd like to play.

[A video was shown.]

CHAIR ROYBAL: Great video. Great video. So I want to make a motion to approve this proclamation declaring May 11, 2021 Santa Fe High School Senior Mentorship and Leadership Program Day. I'll go to Commissioner Garcia.

COMMISSIONER GARCIA: Mr. Chair, I'll second that and I want to make a little comment.

CHAIR ROYBAL: We have a motion and a second so feel free, Commissioner Garcia.

COMMISSIONER GARCIA: Just really quick, the kids, the speakers, step up to the plate and follow what you want to do because this is your world. You guys have got to do what you've got to do. Please speak up, because government is – you guys have to speak up. Please up. Don't be afraid to speak up. It's your government.

In regards to the volunteer – on the school board, the volunteer community, oh, my god. Santa Fe has a great volunteer community, from community schools. We have a great community volunteer program. Awesome job and I appreciate that, because sometimes we don't realize what the schools go through, but sitting on the school board I see it and I go, really? Wow. It's great. Thank you for our volunteers that help out the community. Appreciate that.

The kids, speak up. Do what you want to do.

In regards to, as the Major said, ROTC – ROTC is actually for the last three years, four years, they're number one in the nation. Santa Fe, New Mexico. Santa Fe High. Number one in the nation as into number one in the nation for ROTC, for what they do with their program. They're number one in the nation. Awesome. You may not realize that but thank you, Major, for speaking up because they are number one, number two in the nation the last two or three years. And people don't realize that, but I do because I'm on the board. The thing is, Dr. Garcia, great superintendent for the schools – however, we hired this other gentleman so we will continue to work with our public schools and I just want the County, City, State to work with our schools because it's our community, right? It's our younger generation that's going to take care of us. So I just wanted to bring that up. – It's actually bothered me, with all these students and everybody else so I was kind of hoping that the governor would lift the regulations and we can move forward. And so it's a hard thing to deal with – the schools. – Commissioner Roybal, thank you for bring this forward – because that's what we need to do and let's just communicate because that's what it's about. And so just want to bring this forward and thank you, Mr. Chair. Appreciate that. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. So we do have a motion and a second. I want to go to any other Commissioners that may have final comments, and if none, I do want to read some of the chat items that have come out. We have a thank you from Jose Esquivel to Mr. G. Thank you with an exclamation point. It says it all. Then we do have from Jackie Lindsey, our Fire Chief. She says congratulations on a fantastic mentorship program. I can tell you from a once wayward kid, these programs save lives. Thank you all for the strong work to this whole team.

So it makes a difference and you guys are part of a foundation that can build a

future and that's what we need. Things are so much different nowadays and when a lot of us went to school. There's a lot more challenges that you face. And so thank you for all your dedication and hard work once again. And from there I'm going to go to a roll call vote and I'm sensing that we're going to have a unanimous decision to pass this proclamation.

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

COMMISSIONER GARCIA: I just want to say, Mr. Chair, my district in the school board is in the south side here off of Airport Road and whenever you deal with kids these days, they have problems, they have trouble, they have challenges. And it kind of hurts me, but as a community, County, City, State, we need to communicate, because my children in my district they have challenges but we can talk about that a little bit later.

CHAIR ROYBAL: Thank you, Commissioner Garcia, and I'm very humbled to be here today to recognize each and every one of you in this mentorship program. Thank you, all.

COMMISSIONER GARCIA: Mr. Chair, can I make an amendment to actually add Capital High School to that, not just Santa Fe High?

CHAIR ROYBAL: We can actually work with Capital High School as well on a separate note. Does this program extend to Capital High School? Or is it different? I think it's probably different if they do have one.

COMMISSIONER GARCIA: We can talk about it a little bit later.

CHAIR ROYBAL: Absolutely.

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

CHAIR ROYBAL: Thank you, sir. So great job, you guys. Thanks again. And so we do have a proclamation that's been approved and we will give you guys all copies of this proclamation. We'll get them out to you and thanks again. You guys do an awesome job. Thank you. Good job.

4. CONSENT AGENDA

- A. Final Order in the Matter of Case # 20-5070 Las Campanas Master Association Conceptual Plan Amendment. Las Campanas Master Association and Verizon Wireless, Applicants, Requested an Amendment of the Las Campanas Conceptual Plan to Allow a Stealth Wireless Communication Facility on Lot 5 within the Existing Planned Development District (PD-16) as a Permitted Use. The Applicants Proposed a 70' Stealth Communications Facility (and its Associated Switching Infrastructure) as an Allowed Use on a Proposed Bell Tower within the Las Campanas Planned Development District (PD-16). The Proposed Stealth Cell Tower Will Be on Parcel 5, Which Comprises 7.62 Acres. The Site is Located at 366 Las Campanas Drive within T17N, R8E, Section 15, SDA-2 (Commission District 2). (Gabriel Bustos, Case Manager) (Approved 4-0)**
- B. Final Order in the Matter of Randy Lowrance, Applicant, Requested Approval to Vacate a Platted 10-Foot Wide Private Drainage**

- Easement and Create a New 10-Foot Wide Private Drainage Easement on One Lot Totaling 2.197 Acres. The Property is Zoned Planned Development District (PDD) within the Las Campanas de Santa Fe Estates III, Unit 2 Subdivision. The Property is Located at 6 Windridge Circle, within Section 12, Township 17 North, Range 8 East, (Commission District 2) (Miguel "Mike" Romero, Case Manager) (Approved 5-0)**
- C. Pursuant to NMSA 1978, Section 47-6-7, Request for Approval of Landowner Statement Declaring Partial Vacation and Relocation of a Final Plat, prepared for Susan J. Stokes, Filed on August 12, 2011, in the Records of the County Clerk as Instrument No. 1642471**
 - D. Resolution No. 2021-037, a Resolution Requesting a Budget Increase to the Section 8 Voucher Fund (227) in the Amount of \$50,149 to Budget the 2021 Family Self-Sufficiency Program Grant (Finance Division/Yvonne S. Herrera; Housing Division/Joseph Montoya)**
 - E. Resolution No. 2021-038, a Resolution Requesting an Increase to the Law Enforcement Operations Fund (246) to Budget a FY2018 Edward Byrne Justice Assistance Grant (JAG) in the Amount of \$52,670 (Finance Division/Yvonne S. Herrera & Sheriff's Office/Ken Johnson)**
 - F. Request (1) Approval of Amendment No. 6 to Agreement No. 2017-0271-CSD/BT Between Santa Fe County and Growing Up New Mexico, Increasing the Compensation an Additional \$50,000.00, for a Total Contract Sum of \$400,000, Exclusive of NM GRT and Extending the Term of the Agreement for an Additional Year, and (2) Delegate Signature Authorization to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor & Community Services Department/Anna L. War)**
 - G. Resolution No. 2021-039, a Resolution Requesting an Increase to the Road Projects Fund (311) to Budget Grant Number S100640 in the Amount of \$38,448 (Finance Division/Yvonne S. Herrera, Public Works/Gary Giron)**
 - H. Request Ratification of the County Manager's Signature of Right-of-Way Easement Granting Easement to Jemez Electric Cooperative for the Installation of the Utility Line at the La Puebla Fire Station (Purchasing Division/Bill Taylor & Public Works Department/Barbara Herrera)**
 - I. Requests Approval of Amendment No. 1 to the Water Use Agreement ("Agreement") No. 2017-0192-UT/BT between Santa Fe County ("County") and Grand Prix de Santa Fe, LLC (Public Works Department/John Dupuis)**

CHAIR ROYBAL: Are there any items that the Commission would like further discussion on on this Consent Agenda or would like pulled from the Consent Agenda to go into further discussion? If not, what is the pleasure of the Board?

COMMISSIONER GARCIA: Mr. Chair, move for approval.

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

COMMISSIONER HAMILTON: Second.

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

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

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

5. APPOINTMENTS/REAPPOINTMENTS

A. Appointment and Reappointment of Members to the Capital Improvements Advisory Committee (CIAC)

CHAIR ROYBAL: From Growth Management I believe we have Ms. Maggie Moore.

MAGGIE MOORE (Growth Management): Yes, thank you, Commissioners, again, for your time today. The action before the Board is in regard to appointment and reappointment of members to the Capital Improvements Advisory Committee. I'll just provide a brief summary and background on the CIAC before the final action.

The committee is formed in accordance with Santa Fe County Resolution 2013-73 and the New Mexico Development CIACs, which are exhibits A and B respectively in the BoardDocs. Back in September of 2018 the BCC appointed five members to the committee. Two member terms expired in September of 2020 leaving the two vacancies that we fill today. The remaining three members' terms expire this September and you can please refer to the memo and exhibits A through C for detailed information and supporting documentation.

Over the past several weeks the Growth Management Department staff has conducted outreach to solicit applications for the committee through our listserve and advertisements placed in local and regional newspapers. We received three eligible applications and have vetted applicants' qualifications and conducted interviews.

Based on the results of this process we request that the Board fill the two current vacancies on the committee with the reappointment of Attorney Christopher Graeser, who is a former chair of the committee, and the appointment of Daniel Pava, who is an experienced local planner and long-time resident of the community.

COMMISSIONER GARCIA: Mr. Chair, I'd like to make an approval, if I may. Chris Graeser worked for the County, great attorney. I don't know the other gentlemen but if he has planning experience I'd like to make an approval, a motion, please.

COMMISSIONER HAMILTON: Okay. Thank you. Chair Roybal had to step away for just a moment. So we have a motion for approval as recommended. Is that true? Commissioner Hansen.

COMMISSIONER HANSEN: I will second that, to reappoint Christopher Graeser and appoint Daniel Pava.

COMMISSIONER HAMILTON: Thank you. So we have a motion and a second. Is there any discussion at this point? I'd just like to recognize the service of Mr. Graeser and great experience and perspective that Dan Pava has, so I'm very, very pleased to see him recommended for this committee. So we can go to a roll call vote.

The motion passed by unanimous [5-0] roll call vote. [Commissioner Roybal voted after the fact. See below.]

6. MISCELLANEOUS ACTION ITEMS

A. Request Approval of Nine (9) Right-of-Way Donation Agreements for the Northeast/Southeast Connector Road Project

COMMISSIONER HAMILTON: I believe we have Scott Kaseman. Is that true.

SCOTT KASEMAN: (Public Works): Yes. Good afternoon, Madam Chair and Commissioners. We are requesting acceptance of nine right-of-way donation agreements for the northeast-southeast connector, which is located in the Santa Fe Community College District south of I-25. I would like to try to share a map.

COMMISSIONER GARCIA: Madam Chair, may I speak? I'd like to make a motion for approval of this.

COMMISSIONER HAMILTON: I appreciate it but can we please just respectfully wait till after the presentation? And Mr. Kaseman, your map is shared. Thank you.

MR. KASEMAN: Good. So the project is located in the Santa Fe Community College District and the northeast connector will run from the intersection of Richards Avenue and Dinosaur Trail heading eastward to the roundabout and will connect with Rabbit Road. Then the southeast connector will run from an intersection down here in the southwest corner from the intersection of Avenida del Sur with Richards Avenue and will head east for approximately one mile to another intersection and then head north, back up and connect with Rabbit Road and Dinosaur Trail.

The engineers have identified ten parcels that are necessary for right-of-way to construct the project and this submittal will give us nine of those. The landowners have agreed to donate the property because they will be significantly benefiting from this and they will need it for development of their property. So with that, I'll stand for any questions.

COMMISSIONER HAMILTON: Thank you so much, Mr. Kaseman. Commissioner Hansen, and then Commissioner Hughes.

COMMISSIONER HANSEN: So do we have – I did not see a copy of this map in our packet. Did I miss it, or did we not have this map in our packet?

MR. KASEMAN: Madam Chair, Commissioner Hansen, I did submit it. I don't know if it was uploaded to BoardDocs or not.

COMMISSIONER HANSEN: I saw a map in there but I don't think I saw this one. I haven't been able to find the same map. So I did read the New Mexico Land Conservancy – they donated some land. Did they have the land right near the signal? Is

that where their land was?

MR. KASEMAN: It's right up here by Dinosaur Trail, yes, and the signal. Can you see my cursor? Does that come through?

COMMISSIONER HANSEN: Not really.

COMMISSIONER HAMILTON: You can see it but it is a small one.

COMMISSIONER HANSEN: Anyhow, I know this is Commissioner Hughes's district but I am really happy to see that we have the rights-of-way. I'm looking forward to being back in the chamber because this is stressful when you can't really see things. So thank you very much. Thank you, Madam Chair.

COMMISSIONER HAMILTON: Thank you, Commissioner. Commissioner Hughes, this is your district.

COMMISSIONER HUGHES: Yes, thank you, Madam Chair. Like Commissioner Hansen I'm really glad to see this happening. When I was campaigning for my position lots of people were asking me when is this road going to be done and so it's good to see it moving forward. And with that, I'd like to make the motion for approval.

COMMISSIONER HAMILTON: Thank you very much, Commissioner.

COMMISSIONER HANSEN: And I will second it.

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

COMMISSIONER GARCIA: Madam Chair, I have a couple of questions.

COMMISSIONER HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: I'm so glad that we're moving forward on this, Katherine Miller and the budget team. We've dealt with the Highway Department on this stuff for many, many years and we sat with the Highway Department and they said yes, yes, yes. Then they said no, no, no. But the County's doing it, so I totally appreciate that. But the other thing is, is the DOT, do they have any money in this or not, if you know? And we have a great Public Works manager these days: awesome guy. And so we're going to get it down because we need to get it done because that's what's happening in that area.

So all the developers in that area that have volunteered to give their right-of-way, thank you. Appreciate that. Because we all have to work together, so thank you for that. So thank you, Madam Chair. My vote is yes.

COMMISSIONER HAMILTON: Okay. Is there any other discussion?

MANAGER MILLER: Madam Chair.

COMMISSIONER HAMILTON: Manager Miller.

MANAGER MILLER: I just wanted to answer the question. There is no federal money in the construction of this project. So with general obligation bonds approved by the taxpayers as well as capital outlay GRT there was some initially on our feasibility and alignment study but there is not any in the construction of the project.

COMMISSIONER GARCIA: Thank you, Manager Miller, Madam Chair. I just wanted to make sure that the individuals out there in that area, in Commissioner Hughes's district, the County is – we're building this road on our own. So Manager Miller and her team, as well as budget management team as into the State Highway Department said, yes, we're going to give you money, give you money. They never gave

us a dollar. But thank you, Manager Miller, and your entire team because the County's going to do this on their own. But thank you, Manager Miller. Thank you, Madam Chair.

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

COMMISSIONER HUGHES: Yes, just a quick question, which I assumed I knew the answer to but I wanted to confirm. Is this – are these all of the donations and easements that we need or is there anything left to do?

MR. KASEMAN: Madam Chair, Commissioner Hughes, we have one remaining parcel to acquire. We are in active negotiations and hope to have that settled relatively soon.

COMMISSIONER HUGHES: Thank you.

COMMISSIONER HAMILTON: Thank you very much, Mr. Kaseman.
So if there are no further questions I'll go to a roll call vote.

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

COMMISSIONER HAMILTON: I will turn the meeting back over to you, sir.

6. B. Acceptance and Approval of the Greenhouse Gas Emissions Inventory

CHAIR ROYBAL: I do want to just say for the record on the appointment that was made earlier on 5. A. I want to show that I voted in the affirmative as well, just for the stenographer.

ADELINE MURTHY (Sustainability): Mr. Chair, Commissioners, thank you. I will pass it on to Jacqueline to read the memo and introduce this topic.

JACQUELINE BEAM (Sustainability Manager): Thank you, Mr. Chair, Commissioners. I just wanted to give a brief background and summary of what we have been working on as a team. Adeline has been the project lead for several months now and has done a great job with this project which will also move us into another direction in calculating all our greenhouse gas emissions.

So in 2019 the Santa Fe County Sustainability Office contracted Adelante Consulting, Inc. to conduct a greenhouse gas emissions inventory of County operations with calendar years 2005, 2017 and 2018. Greenhouse gas emissions were quantified across four sectors of County operations: buildings, fleet, solid waste, and water and wastewater treatment. Adelante Consulting then worked with the Sustainability Office to identify interim reduction targets and strategies to achieve the overarching net-zero greenhouse gas emissions goal which is set in the Paris Agreement, to which the County has affirmed its commitment as per Resolution 2017-68.

And so the following is a presentation by Adelante Consulting and the Sustainability staff on the results of that inventory and proposed reduction targets and plans and strategies for the Board of County Commissioners to consider. With that I will ask if Daniel could please bring up the presentation and we'll pass the floor to Adelante's Amy Brown.

AMY BROWN: Thank you very much, Sustainability Manager Beam. Mr. Chair, Commissioners, it's my pleasure to be here. I'm joined today by my colleagues, Jennifer Pope and Will Donahoo. And thank you for the opportunity to present this to you.

Sustainability Manager Beam just essentially told you this information. I just wanted to define a couple of terms that you'll see throughout. Greenhouse gases are gases in the earth's atmosphere that trap heat. All emissions are recorded in metric tons of carbon dioxide equivalent, which you will see signified by MT CO₂e. That stands for metric tons of carbon dioxide equivalent.

Greenhouse gases include carbon dioxide, methane, nitrous oxide, and the groups of high global warming potential gases that include hydrofluorocarbons. With the help of your County staff we gathered a tremendous amount of information and spent a lot of time validating and organizing it that included interviews with staff throughout the County. We then uploaded data sets into ICLEI's ClearPath program in order to create the inventories. These inventories contain an enormous amount of information and ClearPath allows you to analyze the data and create various projections.

The 2005 inventory serves as a baseline which data from 2017 and 2018 show trends over time. Following Local Government Operations Protocol Guidelines a financial control approach was utilized so that inventories include not only information about County-owned properties vehicles and activities, but also entities where the County has a financial stake. Therefore a percentage of emissions from the Santa Fe Solid Waste Management Agency, Buckman Direct Diversion Water Treatment Facility, and the North Central Regional Transportation District was included. The LGOP was developed by ICLEI and its partners and it's considered to be the rule book for accounting for greenhouse gas emissions for local governments.

This shows the three scopes of the emissions that are defined in the LGOP. Scope 1, which is in the middle of the slide includes all direct emissions including those from combustion of fossil fuels, such as gasoline, natural gas and propane. Scope 2 on the left of the slide encompasses indirect emissions from consumption of purchased grid-supplied energy. This primarily means electricity. Scope 3 emissions encompass other emissions indirectly related to operations of County government such as emissions from business travel and employee commutes, emissions related to the supply chain of business services the County purchases, and emissions from contracted services.

The inventories we produced for the County cover Scope 1 and Scope 2 emissions only. While we had hoped to include some Scope 3 emissions, there simply wasn't time to gather the information related to topics such as employee commuting, business travel and some of the other indirect sources. We would recommend that in a future government operations inventory you consider including Scope 3 emissions.

Here are the results by scope for each of the three years. The large spike shown in the 2005 inventory which is in the center of the slide here is attributed to the Caja del Rio landfill prior to the landfill collection system that exists there today. The data available for 2018 is the most complete of the data sets and therefore the most reliable.

This chart shows the same data with the percentage changes from 2005 to 2018, and 2017 to 2018 in the final two columns on the right. Total emissions for County government operations in 2005 were calculated at 426,707 metric tons of CO₂ equivalent.

By contrast, 2017 greenhouse gas emissions totaled 10,745 metric tons of CO₂ equivalent. And 2018 greenhouse gas emissions were 11,741 metric tons. Total greenhouse gas emissions showed a 97.2 percent decrease from 2005 to 2018. Over 99 percent of this large reduction is directly related to the use of the gas collection system at Caja del Rio.

Scope 1 emissions were 6,429 metric tons of CO₂ equivalent for 2018, a 98 percent decrease from 2005 to 2018. Scope 2 emissions were calculated at 5,312 metric tons of CO₂ equivalent for 2018. That's an 18 percent increase from 2005. This increase is directly related to an 83 percent increase in County staff between 2005 and 2018 which necessitated an increase in the County's building footprint. Remember that Scope 2 is primarily utility provided electricity.

To your credit, however, the County was able to reduce per capital emissions during this same time period likely due to your sustainability efforts such as your solarization program.

This shows the same data but by sector, combining both Scope 1 and Scope 2 into the same pieces of the pie. This is 2005 and as you can see, Solid Waste is the giant contributor and that was because it was before the installation of the gas collection system at Caja del Rio.

This shows the same information for 2017.

And this shows the same information for 2018. Concluding Phase 1 we provided a report that includes a much more detailed summary of our results, recommendations and estimated costs. We also provided staff access to the completed inventories and data [inaudible] path.

We worked with your Sustainability staff to recommend reduction targets for 2025 through 2050, and to identify high impact strategies to achieve greenhouse gas reductions in County operations. We would recommend that you consider in the future completing a community-wide emissions inventory, creating a reduction plan for community emissions, and developing a comprehensive action plan to further reduce emissions and increase resiliency for both County operations and the community.

It's been a pleasure working with the County and we thank you for the opportunity. I will now turn it over to Sustainability Specialist Murthy who will summarize the specific recommendations for continuing on the County's great sustainability path. Thank you.

MS. MURTHY: Thank you, Ms. Brown, Mr. Chair, and Commissioners for the opportunity to speak with you today. So with an understanding now of our historical greenhouse gas emissions we can now set forth targets to guide the County to achieve the net zero by 2050 goal as laid out in the Paris Agreement. I want to go over some of the proposed interim greenhouse gas emission reduction targets and strategies that we identified with Adelante.

This table shows our proposed road map with interim reduction targets set every five years. The first reduction target we proposed is a 25 percent decrease in greenhouse gas emission by 2025, compared to 2018 levels, which as Ms. Brown said is the baseline we selected due to the quality of the data of that inventory year.

Here's some of the ways to visualize the historical emissions by sector on the left and our proposed reductions on the right.

We worked with Adelante to identify reduction strategies across each sector and

in general, the primary reduction actions needed to reach our net zero goal are implementing energy efficiency measures in buildings, sourcing our electricity from renewable energy, electrifying our buildings and fleet, decreasing methane emissions from solid waste and wastewater treatment operations, and eventually, if needed, carbon offsets.

It's important to remember that we're thinking of the long term, over a time span of three decades, so of course not everything can be achieved today. However, these are four projects we identified with Adelante as projects that could reasonably be achieved within the next five years and which would allow us to meet our proposed 2025 interim target which again, is to reduce greenhouse gas emissions be 25 percent from 2018 levels.

Those four projects are, first, to complete the Quill Wastewater Treatment Facility improvements. Two, convert the two facilities with the highest use of natural gas to electric heat pumps and other electrical appliances. Three, receive 1.3 megawatts of solar energy from PNM's Solar Direct program to power half of the County facilities. And this is currently in progress and expected to go live this fall. And fourth, implement the facility improvement measures identified by Yearout in the County's recent investment grade audit.

Other reduction avenues can be taken but these are the ones we identified as the projects with the greatest potential for emission reductions in the near term. With that I will pass it on to Jacqueline, Sustainability Manager, who will present an overview of next steps.

MS. BEAM: Thank you Adeline and Mr. Chair, Commissioners. I just want to emphasize in the plan we really looked at ways to make it nimble and flexible so that we can take advantage of any innovation, new technology that comes up and is made available to us. So we decided to go with five-year increments and then to review those five years at the end of each phase and see where we are and how we're standing with our goals, and then make adjustments as we need to. So it would be a living document.

What we are really interested in focusing on is embedding these ideas within the departments and really working together as a whole unit in the County, but also thinking about that Climate Action Plan as an integrative plan we're looking to respond quickly and resiliently to anything that we're facing in the future as a result of climate change. And so it's not just an interoperational focus but this is just the first step and then we're looking towards how can we operate and respond more effectively as whether events happen and severe drought continues, etc. And so that is really what we are asking for as approval to publish the findings and to implement the next steps. With that I'll stand for questions, and Adelante and staff as well as Adeline are prepared to answer any questions.

CHAIR ROYBAL: Okay. Thank you so much for that great presentation. Do we have questions from the Board? I'm going to look for a show of hands.

COMMISSIONER GARCIA: Mr. Chair, I have questions.

COMMISSIONER HANSEN: I had my hand raised.

COMMISSIONER GARCIA: Go ahead. Ladies first.

CHAIR ROYBAL: I do Commissioner Hansen and Commissioner Hughes, but I'm going to go to Commissioner Garcia, and then I'll go to Hansen and then Hughes afterward.

COMMISSIONER GARCIA: Mr. Chair, you can let Commissioner Hansen go first, ladies first. I'm okay with that.

CHAIR ROYBAL: Okay. Thank you for being so gracious, Commissioner Garcia. Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I just want to thank [technical problems]

CHAIR ROYBAL: Let's go to Commissioner Hughes and then we'll come back to Commissioner Hansen when she gets back on. Thank you.

COMMISSIONER HUGHES: Thank you, Mr. Chair. This is a great presentation and a really good study. I think this will be very helpful. My question was how far along are we or have we started at all on some of the harder things on this list, such as – especially converting the two high natural gas users to electrical appliances and heat pumps? It seems to me that would be a rather ambitious project. And I just wonder if we'd priced that out or where are we in that? Thank you.

MS. MURTHY: I can answer that. Thank you. So we have made some progress on three out of the four projects that are identified, and you're correct that the conversion of natural gas to electricity, we have not done any groundwork on yet besides Adelante calculating the emissions reductions associated with those projects, so that would be something that we need to budget and add to the capital improvement plan. So at this point, no, there has not been any work done on that project.

COMMISSIONER HUGHES: Okay. Thank you. So can you tell me – I know where we are on the solar project but how about the other two, the Quill Plant and the Yearout Energy. Just remind me of those.

MS. MURTHY: So Quill has been identified as a priority in the capital improvement plan. That's all I know at this point, after speaking with someone from Utilities. I've just been informed that it's nearing end of construction, so that's great. And the Yearout facility improvement measures, we are still – Jacqueline can give an answer.

MS. BEAM: Many heads in many areas, Commissioner Hughes, Commissioners. So the Yearout Energy for retrofitting 14 of our facilities and providing substantial energy efficiency upgrades has been approved, the contract has been signed, and so a notice to proceed will be going out this week. So that will at least have kicked off also on that list.

COMMISSIONER HUGHES: Well, thank you. That's good. We're doing three out of the four already and we just have to tackle the other one. That's it for me, Mr. Chair.

MANAGER MILLER: Mr. Chair.

CHAIR ROYBAL: Go ahead, Manager Miller, and then I'll go to Commissioner Hansen.

MANAGER MILLER: So I just wanted to let the Board know, the Yearout Energy audit, the Board needs to determine, and I brought it up in our last budget study session, whether you'd like to use some of the federal funding or whether we'd want to try to finance that to get that completed. So while we are engaging Yearout we have not identified the funding source for the \$2 million work of improvements but we have a couple of options.

CHAIR ROYBAL: Okay. Great. That's good to hear.

COMMISSIONER HANSEN: Yes, I'm sorry. I keep getting kicked out of this meeting. I'll be happy when we're meeting in person. I've only been kicked out now three or four times, just today. So thank you. I want to thank the Sustainability staff for moving forward with this. This is such an important project to me and seeing the results of us doing this today I was on a call with Secretary of the Interior Haaland and with a number of other county commissioners and councilors of cities and they were talking about their greenhouse gas reductions and I was happy to be able to mention that we were having a presentation on ours. So it makes me happy.

I really think that we need to share this information with Randall, also, at SWAMA. I think he would be very interested in seeing this and I think it would continue to help us reduce our greenhouse gas inventory.

I don't know if we've had a motion to approve and accept this but I would like to make a motion to approve and accept this.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We hadn't had a motion yet. We have a motion now from Commissioner Hansen and a second from Commissioner Hamilton. Okay, and is there any other comments from the Board?

COMMISSIONER GARCIA: Yes.

CHAIR ROYBAL: Yes, Commissioner Garcia. Go ahead.

COMMISSIONER GARCIA: Just thanks to Adelante for doing an excellent job in doing this study. Thank you, Ms. Brown. Thank you to staff from the County. One of the things I have is the budget. Is there a budget included in your study? That's a question. And also you talked about metric tons; what does that mean? And also with PNM, when we talked to PNM, didn't we – because we talked to them. Did this study include PNM? Also, in the news, the PNM pipe from Texas all the way to the east coast, they got hacked. So does our City actually look at that as well, as into getting hacked? Because like I said, the pipeline from Texas, it's going to be shut down for three or five days.

And also you talked about the gap for three years. Why are we only looking at three years, not seven, ten, twenty years? Question. And then the 600,000 meter – where are we at with that? So those are some of the questions I have. You don't have to answer right now. You don't have to.

MS. MURTHY: Mr. Chair, Commissioner Garcia, Commissioners, to answer your question regarding the budget, we do not have an exact number as of yet, however, that is the next step, certainly, in making these improvements, looking at costs and savings. A lot of what we are looking at is also the cost of not doing some of these upgrades and not making these changes. To become more resilient we are going to have to invest in ways that that will be up to the Board to decide how much.

We're looking at five-year increments all the way up to 2050 because we want to stay very fluid and nimble in how we approach this, for the very exact reasons we mentioned. The solar is changing, legislation will change, opportunities may become available to us that we cannot predict at this point in time, and so we will always be looking at this from a strategic standpoint and looking at our opportunities first.

As far as hacking, I certainly feel like that is something that we have to think about in our portfolio of where we're getting our energy from. That's a consideration

always but that's a much bigger problem and challenge than I think the Sustainability Office has addressed at this point in time.

COMMISSIONER GARCIA: So, Mr. Chair, thank you for answering the questions. We talked a little bit earlier about the students and the kids in the schools. In three years I might not be here but however I just want to look at the sustainability for the community in the larger picture, because it's the young kids here that are actually going to – they're the ones that will have to take over this stuff. So I would just like to see a budget as into what we would actually like – what's in the tank for the County to budget for that stuff, because, yes, PNM says we're going to close down our facility. They're only closing down one facility. Not two or three, only one. However, I just want to take care of the community, the young kids. So if we could maybe create a budget for that, that'd be great. So that's why I'm asking that. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. So we do have a motion and a second. I want to see by a show of hands, I'd like to see if you have any questions or comments. Being as we do 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.

7. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: Daniel, do we have anybody that's signed up for Matters of Public Concern?

DANIEL FRESQUEZ (Media Coordinator): I do not have anybody signed up for this Matters of Public Concern.

CHAIR ROYBAL: Okay, so if you would like to address the Commission with any concerns or comments that you would like the Commission to look at please unmute yourself and if you're someone's that's called in, please hit star 6 to unmute yourself and just state your name for the record.

JONI ARENDS: Good afternoon, Commissioners. My name is Joni Arends. I'm with Concerned Citizens for Nuclear Safety.

CHAIR ROYBAL: Would you like to address the Board? We're just getting names right now, Joni.

MS. ARENDS: Okay. Thank you.

CHAIR ROYBAL: Thank you, Joni. Any other – it looks like we have Scott Kovac, if you'd like to include him. And we have a Jay Coghlan as well. Jay, did you also want to speak to the Commission?

JAY COGHLAN: Yes, Mr. Chair. Thank you.

CHAIR ROYBAL: Thank you, sir. And Scott Kovac. Is there anybody else? So we have three so far that would like to address the Commission, and I'm assuming this is on the RCLC. Any other members of the public that would like to address the Commission? Hearing none, we're going to go ahead and close public comment and we'll go to Joni Arends first.

MS. ARENDS: Thank you, Mr. Chair and members of the Commission. My name is Joni Arends. I'm with Citizens Concerned for Nuclear Safety. CCNS

respectfully requests that the Board of County Commissioners withdraw from the Regional Coalition of LANL Communities joint powers agreement. And the reason that we ask that is because I personally attended one of the Regional Coalition meetings at Rocky Flats and ended up seeing the results of bad cleanup at Rocky Flats in terms of the Regional Coalition being involved in less than adequate plutonium cleanup there. And I would prefer not to see that at LANL, especially because of the water resources that are below the Pajarito Plateau. So I would ask the County Commissioners to please protect the regional drinking water aquifer and withdraw from the Regional Coalition of LANL Communities JPA. Thank you very much.

CHAIR ROYBAL: Thank you, Joni. And when you say the Regional Coalition was involved, is that the Regional Coalition from Los Alamos that was involved with Rocky Flats?

MS. ARENDS: Yes. The people that are organizing the Regional Coalition of LANL Communities started the Regional Coalition at Rocky Flats as well.

CHAIR ROYBAL: Okay. I didn't know that. That's a good piece of history to understand. Thank you for that information, Joni.

MS. ARENDS: Yes, Mr. Abelson was heavily involved in the Rocky Flats Regional Coalition. And as you know, the cleanup of plutonium was not sufficient. They set one standard for the first three feet of soil that was contaminated, and then another level for the next three feet, and then anything below six feet deep would remain. And that included the pipes that carried the liquid plutonium across the many facilities. So what they did is they capped – they cut those pipes off at six feet and capped them, and those pipes still remain below the surface. And there's concern about the wind blowing the caps off those facilities.

CHAIR ROYBAL: I see. Thank you, Joni. It's nice to see you. I'm glad that everything's going well during this pandemic. I know it's been tough for all of us so I'm glad to see you doing well.

MS. ARENDS: It certainly has. Thank you Commissioners and Chair.

CHAIR ROYBAL: I'm going to go to Jay Coghlan. I know we've heard from you a couple times, Jay and even on the Regional Coalition so I'm really glad to see you here today, sir. How are you doing?

MR. COGHLAN: I'm doing well. Thank you, Chair. Thank you very much. This is no surprise to you but I'll speak against the Regional Coalition as well, knowing that you all have a vote coming up to affirm or not the joint powers agreement that is the legal basis for the Regional Coalition. I will briefly mention what Joni alluded to, the history of the Regional Coalition. It was a preceding entity at Rocky Flats and also the Mound Facility in Ohio that is the predecessor and the model for the Regional Coalition here.

When the Regional Coalition started in 2011 it used to have a fact sheet on its website which I have archived, but it's no longer in the Regional Coalition's own website, stating about how it was modeled on that preceding entity and essentially boasting about how it saved taxpayers' money, which of course is laudable. But the downside is it means cleanup on the cheap. Joni briefly addressed how cleanup was insufficiently performed at the Rocky Flats Plant. In fact none at all, basically, below three feet of the soil. Again, this led to the claimed savings of taxpayers' dollars, which

while seemingly a virtue is not when it comes to incomplete cleanup.

So I want to note, and I will attempt to be brief, I actually sympathize with Councilors and Commissioners who have to sit through endless meetings. I don't know if I could do it. But to practice what I preach, to be brief – the Regional Coalition essentially sold itself, so to speak, as having two main goals. That was to promote mission diversification of the laboratory, and to promote accelerated cleanup. I would state that it failed miserably in both. Concerning mission diversification, in 2011 when the Regional Coalition was formed, nuclear weapons programs at LANL had a total funding of \$1.9 billion or 61 percent of total institutional funding. Now, a decade later, the weapons programs have been boosted by a full billion to \$2.9 billion, and the percentage is now 78 percent of total institutional funding. So the aim of promoting mission diversification has completely failed.

Likewise with accelerated cleanup, the Coalition actively supported a 2016 consent order that stay in the way of a genuine cleanup. And don't take my word for it. Just look to the fact that the State Environment Department is so unhappy with that 2016 consent order that it has sued the Department of Energy to get out of it.

And just in closing I would note that the Coalition has been largely dysfunctional for at least a year now with an executive director. There's been quite a bit of controversy and publicity over misspent money. I believe that the treasurer of the Coalition misstated claims when only some \$8,000 was questioned concerning improper spending. I would point out that the State Auditor found over \$150,000 in improper spending. So for all of these reasons I'll just close in saying I believe that the County should not approve the amended joint powers agreement. It should follow the example of Taos County who recently voted to get out, and follow the example of the City's Quality of Life Committee in getting out of the Regional Coalition. So thank you all for hearing me out and I hope you're able to have a rather efficient and effective and mercifully expedient meeting. Again, thank you.

CHAIR ROYBAL: Thank you, Mr. Coghlan. And like every governmental entity we have to look at these things independently and I know that everybody can appreciate that. So we do have that on the agenda. There is a lot of concerns from myself and I'm sure from other Commissioners and we've heard a lot from a lot of our constituents, both in favor and not in favor, but we will definitely – I'm very positive in what my Commissioners will make decisions on tonight relative to this issue. But we appreciate the comments. And I have my own feelings on how things have gone and where I've been with this adventure, I'll say. Because it's been difficult and as most of you know, I did do things that I felt was for the betterment. I'll go into more detail a little bit later but I appreciate both Ms. Arends' and Mr. Coghlan's comments. They're very well taken and I understand sometimes we try to make things better but there's sometimes we're fighting uphill battles. And so I appreciate your comments tonight, Mr. Coghlan and I want you to know that I'm very level-headed and my Commissioners are very educated, very smart, very educated and we will make some decisions tonight that are based off of what we think is best for Santa Fe County, not really what other entities have done, but based on what we think is best for Santa Fe County. So thank you, sir. I appreciate you being here tonight. Mr. Kovac. You're up, sir.

SCOTT KOVAC: Thank you, Chair Roybal and members of the County

Commission. I also am here to urge you to vote against accepting the amended joint powers agreement for the Regional Coalition of LANL Communities. You may have noticed that DOE completely ignores Santa Fe County resolutions calling for the resolution of nuclear safety problems before expansion of pit production, comprehensive cleanup, and a new site-wide environmental impact statement.

We have a long history of the Regional Coalition but my main concern is that the Regional Coalition stands in the way of genuine cleanup at the lab, because it supported the 2016 consent order negotiated between the State of New Mexico Environment Department of Energy. The consent order favored DOE contrary to the best interests of New Mexicans and is not suing DOE to have the order terminated. As an example, the Regional Coalition posted an accomplishment in 2016, "The Regional Coalition of LANL Communities pushed for ensuring our community's set of new documentation necessary to make marked progress at Los Alamos by requesting a lifecycle based line cost from the Department of Energy/Environmental Management, and a consent order agreement from the New Mexico Environment Department, DOE/EM to be sure we could defend our request for additional cleanup funding."

But in the meantime, the State Environment Department has sued the DOE on that very same consent order. And the RCLC's support for the 2016 consent order was not merely passive or just by omission. A few months after the defective consent order went into effect the Regional Coalition asked for and received a lifecycle baseline cost for cleanup at LANL. The lifecycle baseline documentation provides our communities with the necessary foundation to properly advocate on behalf of the best possible interests of cleaning up the legacy waste at the laboratory in the most time and cost efficient manner. After years of request of this document we have the tool. They finally got the tool to do it but it was wrong. It turned out having misestimating the amount of waste that was left at the site at Los Alamos.

So thank you, Chairman Roybal and I'll turn it back to you.

CHAIR ROYBAL: Thank you, Mr. Kovac. I appreciate the input of our community members and also from the entity that you represent which is Nuke Watch New Mexico. We listen to our constituents and we always have. That's the bottom line. I can't express enough gratitude for you being here because we don't always hear from everybody. So we really appreciate that. So thank you for public comment. I think that's all for public comment and we'll be addressing this item later on in the agenda but these are always comments that we appreciate from our constituents, so thank you, Mr. Kovac, Mr. Coghlan and also Joni. I know we've known each other for quite a long time now and I appreciate all of you guys, Mr. Kovac. Mr. Coghlan, I think we've known each other a little bit shorter of a time than Mr. Kovac and also Ms. Arends. So thank you, guys. I always appreciate hearing from you guys so I just want to say thank you again for this public comment. I really appreciate it.

MS. ARENDS: Mr. Chair, I just said thank you very much for the opportunity to speak.

CHAIR ROYBAL: Absolutely, Joni. Thank you. You have a good evening now and stay tuned. We'll have some more feedback on that issue a little bit later, so thank you, Joni.

8. MATTERS FROM THE COUNTY MANAGER

A. COVID-19 Updates

B. Miscellaneous Updates

CHAIR ROYBAL: Manager Miller.

MANAGER MILLER: Thank you, Mr. Chair. As far as our COVID updates, Santa Fe County remains in the turquoise to allow us for continued opening of retail and restaurant establishments. There has been a recent uptick in our daily numbers though, so hopefully that won't continue and we'll stay within the ranges set by the Department of Health and the governor for staying in turquoise.

Our current statistics for Santa Fe County for vaccinations are that 69.2 percent of residents are partially vaccinated, and 50.1 percent of eligible residents are fully vaccinated. Santa Fe County serves on a vaccination liaison group and they meet weekly to discuss strategies for moving forward with vaccinations. The large-scale events, we're starting to curtail them because they're not attracting as many individuals as they had in the past, and so now we're focusing on homebound and smaller pop-up events in targeted areas where we know there's a desire for vaccinations or a need for vaccinations without access to some of the large-scale events.

We also do have two events coming up that include the Moderna boosters in Edgewood and at the Santa Fe County Fairgrounds. As you know, last month we did the first shots and we have the second shots scheduled for those individuals who received their first shots in either of those two events. Also, our Santa Fe County Fire Department Med-30 unit is starting homebound vaccinations, and we're working on a list of our homebound seniors and we're using the mobile health van, or the mobile vaccination van in Glorieta, La Cieneguilla, Gorham's Scout Ranch and some other strategic areas of the county.

And then lastly, all Santa Fe County employees have been invited to participate in getting vaccinated at all the local events and several did register to do so. It's not a required component of their employment but it's strongly encouraged but I would note that many employees have eagerly volunteered to get vaccinated.

Also, we are continuing our public awareness campaign, but since we are hitting the wall a little bit on the large-scale vaccination events we're actually starting to look at targeting vaccination hesitancy, so we want to address the numerous reasons that individuals may be hesitant to get the vaccine. We're working with Firestik and the City and others on radio public service announcements and messaging to address that wide range of hesitancy issues. And we're putting significant social media messages encouraging people to get vaccinated.

Relative to our seniors, last week we sent out a total of 2,878 meals that were delivered; 2,000 of those were hot meals and about 800 were frozen meals. And then we also delivered a total of about 12,178 meals during the month of April. Last week we did a total of 143 Food Depot bags that were delivered to seniors. Those, as I've said before, usually contain canned food and non-perishables, and then also we do fresh produce bags to seniors. And then we're still averaging about seven trips per day of high risk medical appointment transportation.

And then on the crisis center – good news. On Monday, May 10th the New

Mexico Department of Health approved the crisis center and recommended licensure of the program. We're working on rate-setting. We also still need to take a lease to the State Board of Finance and work out some other technical issues with those, but we do have an opening in late June or early July and hopefully that will be an in-person grand opening.

On other updates, just a reminder, we have one more of our Earth Day events. We've done four out of the five. This weekend's event, Saturday, May 15th at 9:00 at the Max Coll Community Center. Those events have been a huge success with many volunteers, very eager and happy to be out in nature and beautifying your surroundings and connecting with community. So I just want to acknowledge Jacqueline and the team that helped put those events together and we still plan on having our final one this Saturday.

And then also we have, I want to remind the Board, we do have our Finance/Budget study session and hopefully action on the interim budget via Webex on next Tuesday, May 18th from – it's currently scheduled from 10:00 to 1:00. We did need to add at the request of the Assessor an item on property valuations. So we may end up running a little bit longer. Hopefully the Board has some flexibility that we can get through everything. Because we did receive – and this is my final update – yesterday we did receive the guidance from the Treasury. It's fairly long. I think it's about an eight-page fact sheet but then there's 150-page, very small print set of guidelines relative to what we can use the federal funding for. We did get an update on the numbers so it looks like the state will receive about \$1,750,000,000. Santa Fe County got a slightly different number, about \$29,250,000. That will be over two tranches. The first tranche looks like it will be about \$14.6 million.

We're doing the work necessary in order to get that funding delivered to our bank account and I hope on next Tuesday to discuss potential uses of those funds and get some direction of the Board on where you'd like to see us focus our efforts, aside from some of the things that we already discussed. The City of Santa Fe also will be receiving a little more than \$15 million, and tribal governments will receive allocations as well. So it does look like, just for some guidelines for those funds: support public health expenditures, mitigate COVID-19, issues, medical expenses, behavioral healthcare and certain public health and safety staff, addressing negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, public sector, replace lost public sector revenues, so that was one of the questions we wondered. They do provide a formula for determining that. I hope by next Tuesday that we know what that would look like for Santa Fe County. They do use a formula that they have you plug in your revenues.

You can't use it to replace a revenue if you removed a tax, but I don't think that we're in that situation, but if an entity has gotten rid of a tax that was in place or reduced taxes, you can't use it to replace revenue that you intentionally removed or reduced.

Also, it can provide premium pay for essential workers, offering additional support to those who have or will bear the greatest risk because of their service in critical infrastructure sectors. And then investing in water, sewer and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and expand access to broadband internet.

So those were the categories that we had previously been told. They expanded on

that quite a bit, and we'll be providing that information to the Board so that you could see what we have. Also, what we've tried to look at is making sure that we're not copying something that's also out there, so we continue to update the graph we gave you at the last budget study session that listed out all of the areas for assistance, and I just want to reiterate one that keeps coming up is rental and utilities assistance. DFA and the State have been promoting their portal to receive rental assistance and utility payment assistance. I've provided – the liaisons have that sheet but we'll make sure that they have it, that if any of your constituents are still looking for rental or mortgage assistance or utilities assistance, we do have avenues through the state as well as through the CONNECT program for some of those items. We would just want to steer people to that rather than setting up a whole other assistance program if there's already one at the state level.

The same with the business assistance. I know that last week the New Mexico Finance Authority opened up the low interest loan program that was vastly expanded during the legislative session and they'll be opening up the business grant program, the LEDA grant program shortly if it hasn't opened already. With that, that ends my updates and I stand for questions.

CHAIR ROYBAL: Do we have questions from the Board? Commissioner Hansen, and then I'm going to go to Commissioner Hughes.

COMMISSIONER GARCIA: I'm third, Mr. Chair. Thank you.

COMMISSIONER HANSEN: I'm hoping I don't get kicked off. So is there money in the federal money to buy scanning devices? Like when I was up in Taos last week, when I went into Taos County Commission they had this – it kind of looked like an iPad on a stand that you walk up to. It takes your temperature. It gives you an all clear. So can we purchase something like that with this money? I would hope that we could. I would think that that would be a really efficient use of the money.

MANAGER MILLER: Mr. Chair, Commissioner Hansen, yes. I would think that that would be a qualifying expenditure under the first category of the support public health expenditure.

COMMISSIONER HANSEN: Anyhow, it was a very efficient manner to go in there. I think we could do it in all of our buildings and I of course would like to encourage every single one of our employees to get the vaccine. I am grateful to be vaccinated. I still wear my mask every time I leave my house. Even when I go for a walk, but I still feel a little safer and I am looking forward to us being back in the chambers.

I'm also wondering if somehow there is money that could be directed to BDD through the City and the County.

MANAGER MILLER: It would depend, Mr. Chair, Commissioner, specifically what you're referring to. It can be used for water infrastructure though.

COMMISSIONER HANSEN: And then could we use some of this money for sewers in our county, installing sewers, such as in Agua Fria and other places?

MANAGER MILLER: Mr. Chair, Commissioner Hansen, I believe that would be an eligible expense as well. So if the Board were to direct – one thing we have to make sure we do is that we spend it by December 31, 2024, which sounds like a long way off, but as you know, infrastructure projects take a long time. So we might – one thing that we could potentially look at doing is something that we have shovel-ready

now. We might want to use these funds for that and then if we have some capital outlay funds or something that isn't real time sensitive, push that to maybe a later year. But we can certainly look at some recommendations along that line, and I would say that water, wastewater infrastructure would be eligible. They kind of put a focus on that as being – and broadband. Three areas of infrastructure they thought would be most appropriate for the direct allocation of funds. But they did note in their guidelines or their fact sheet to pay attention to getting it spent timely.

COMMISSIONER HANSEN: I think I forwarded you a copy of this Dig Once policy, that grant found for broadband if we're going to be doing infrastructure, pipelines, whatever it may be. The water out to Eldorado. We do have a number of projects that include water and so I would just hope to see that we try to maximize our dollars as best as possible. Thank you. That's all I have for right now.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Can we go on to Commissioner Hughes, I believe had his hand up.

COMMISSIONER HUGHES: Yes, thank you, Mr. Chair and Manager Miller. I have two quick questions. One is how long do you want me to reserve on May 18th? How long do you think? We're starting at 10:00.

MANAGER MILLER: I would say no later than 10:00 to 2:00. And it may not take that long. After we had set the agenda the Assessor, Deputy Assessor contacted the Deputy Manager and had concerns about getting the Assessor's valuation plan approved at the same time as or as close to the same time that the Board would consider approval of the interim budget, so we thought that would be a good thing to do before we look for approval of the interim budget.

COMMISSIONER HUGHES: Okay.

MANAGER MILLER: I think that that will take maybe 20 minutes. It depends on how many questions. I don't know that all of the Board members have had an opportunity to see one of those presentations so it might take a little bit longer. But I wouldn't think longer than 2:00 at all. Most of the information that we have has already been given to the Board. There's just going to be a little more detail of those kind of expanded proposals, unless there's anything else that the Board would like me to bring forward on Tuesday.

COMMISSIONER HUGHES: And so that leads to my other question. So are we going to try and decide how to spend the federal money on Tuesday as well? Because initially I thought we were just going to do the bare bones budget and then later do the federal money, but now that you have directions are we going to try to do it all on Tuesday?

MANAGER MILLER: Mr. Chair and Commissioner, it's really up to the Board. Personally, I don't think we want to try to figure out where to spend all \$29 million next Tuesday but there might be a few things that the Board would like to allocate some funding for. We can do it separate and include whatever the Board might want to include in the final budget. I would just – if we do then I'd want them to do the final budget prior to June 30th so that it gets loaded into our system. Once we do a final budget and submit that to DFA we can't do any budget adjustments until they give us approval, which tends to be about September. So I think if there's things that the Board would like us to do this summer, that those things should get included in the interim budget.

Things that are maybe a little further out we can probably do in the final budget but it's a little challenging the way that DFA has their system. We just used to turn in a budget and it wasn't loaded into their system. Their system has limitations between our interim and our final budget and then they have limitations on what we can do before we receive formal approval of our final budget. So I just wouldn't want to get – if we're trying to do something in July or August I'd want to make sure that got approved prior to June 30 so it was built into what we submit to DFA.

COMMISSIONER HUGHES: Okay. Thank you. That's it for me, Mr.

Chair.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Commissioner

Garcia.

COMMISSIONER GARCIA: Just really quick. It might not be a matter from the County Commission but we had the planting day in Edgewood this weekend. Thank you, staff. Excellent job, and all the volunteers. We did a great job. It came out really great. So I just want to thank everybody that participated from District 3. Great job. Great job.

So Katherine, as Commissioner Hughes said, \$29 million – so are you going to give us a presentation as into how we're going to spend that money? It doesn't matter. But we'll have \$29 million and we can spend it as you suggested. Got it.

Also, as President Biden said, we have billions for infrastructure, so if we do the \$29 million, if we get \$29 million, what are we going to spend it on. So I just have a question. You don't have to answer right now. Got it.

And then are we going to go forward on that plan to go in front of the Congress and give us \$29 million, but I just don't know how we're going to spend it. That's all I had, Mr. Chair. I just thank Katherine, your staff. Thank you very much. Appreciate you all. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Hamilton, did you have any comments or questions?

COMMISSIONER HAMILTON: No, I don't have any questions for Manager Miller at this time, although I will mention that I am also available to go later next Tuesday.

CHAIR ROYBAL: Sounds good.

COMMISSIONER HANSEN: And Mr. Chair, I am also available to go later. I could go as late as 2:30 or 3:00. Max.

CHAIR ROYBAL: Okay. Manager Miller, did you have anything else or does that conclude your updates?

MANAGER MILLER: No, Mr. Chair. That's all. Thank you very much.

CHAIR ROYBAL: Thank you, Manager Miller.

9. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS

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

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

COMMISSIONER HANSEN: Thank you, Mr. Chair. I had a busy couple of weeks. On May 5th – Happy Cinco de Mayo to everybody – Senator Heinrich invited the executive board of the Northern Rio Grande National Heritage Area to meet with him in Taos at the Martinez hacienda. It was a place I have always wanted to go. The Martinez hacienda is kind of like Las Golondrinas. It was a way station and a place where people stopped and got their wagons fixed and bought their food, did all the things they needed to do. It was a really nice event with him. Senator Heinrich has introduced the reauthorization legislation for the Northern Rio Grande National Heritage Area to be reauthorized for the next 15 years and of course Senator Lujan has supported it, along with Congresswoman Theresa Leger Fernandez. So I'm hoping that that will move forward. As I mentioned before I brought a resolution to NACo to support the national heritage areas and they have all also signed onto that. So that is great.

And since I was up in Taos and I couldn't quite get back for a meeting in Santa Fe with my constituents from Las Campanas, Taos County was so kind to let me use their executive chambers to have my meeting with the Las Campanas Master Association, who wanted also for me to thank everybody from the Board for approving the cell tower. They were especially grateful to Sara Smith for all her hard work on that and I am also grateful to her. So that was really polite and kind of them to let me use their executive chambers.

And then this morning I had the great honor of meeting with Secretary Haaland, our former congresswoman with the Mountain Path speaking about America the Beautiful, the newest program that is in support of the 30 by 30 resolution that Commissioner Hughes and I brought forward. It was a very interesting conversation, as I said earlier with a number of other Commissioners, and I will be sure and forward the America the Beautiful, or have Sara forward it to everybody on the Commission so you can read it. But the way that they are approaching the 30 by 30 is as a voluntary program throughout the country and they are looking for ways to make sure that we engage as many people as possible – farmers and ranchers, and Secretary Haaland spoke on how she felt this was really important, the 30 by 30 campaign and I of course invited her to come back to our Commission chambers any time. And so it was exciting to be able to see her. It was the first time that I had actually had the chance to see her since she has been appointed to that position. So I was grateful for that. I would be happy to share more information about the 30 by 30 campaign with everybody, and America the Beautiful, which is the policies which four departments have written – Commerce, Interior, Agriculture, and the Climate Action Secretary.

So thank you, Mr. Chair, very much.

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

COMMISSIONER HUGHES: Yes. Thank you, Mr. Chair. Just a couple. I'll just reiterate that the Earth Day celebration for District 5 is this Saturday, if anybody is not tired of planting plants or didn't get a chance to go to the others. You're welcome to join us at the Max Coll Community Center on Saturday and I'm sure it will be a great time.

The other thing I wanted to bring up is that a lot of my constituents keep talking to me about the Dark Skies Ordinance and the dark sky laws at the state and I think

there's quite a desire to do something about dimming the lights around Santa Fe County at night. They're sort of looking at the laws but I think what we're finding is that a lot of buildings that have a lot of light pollution are older buildings that didn't fall under the current regulations and they're also owned by either the County or the schools. So we might want to put something in our – or I'd like to see something in our strategic plan about addressing how we could darken the skies a little bit and I'm sure it would also save money even though there'd be a little bit of investment to have lights dimmed after a certain hour initially, although I think we would save money in the long run and it could fit in with our sustainability plans.

Lastly, I just want to give a shout-out for the Arroyo Hondo Trail meeting tomorrow evening at 5:30. The Arroyo Hondo Trail will be the one that runs from the 599 Rail Runner station eventually all the way up to the Community College, which would be a really nice commuter route for students and others using those facilities. So that's it for me, Mr. Chair. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Hughes. Commissioner Garcia, did you have any announcements?

COMMISSIONER GARCIA: Yes, Mr. Chair. Just really quick. Regarding the Dark Skies, I talked to Robin Martin with the New Mexican about this and she's totally into the Dark Skies and we'll work on that, Santa Fe County-wide. Our schools actually are doing really well in regards to that. They said Randall that works for the schools does an excellent job, but, we'll work on that. Thank you.

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

COMMISSIONER HAMILTON: Thank you. We did our Earth Day planting Saturday, May 1st and I just wanted to again thank the Sustainability Department. It was a very successful event. We had lots of people show up including Representative Tara Lujan and Commissioner Kathy Holian and all sorts of firefighters and non-firefighters. I think everybody had a wonderful time and did some really lovely plantings. It was a well conceived plan to both celebrate Earth Day and get some community involvement in that program. So thank you very much to Jacqueline and Adeline who were there doing a fabulous job organizing everything. Thank you.

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

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: I'd like to thank Olivia and Daniel, our staff and the entire staff from the Public Works Department. They were out there to help digging trees. But thank you, Daniel, Olivia and all the staff that were out there from the Public Works Department. Appreciate you all. Thank you, guys.

CHAIR ROYBAL: Thank you. And I couldn't agree with my Commissioners more. It's such a great project to beautify our community and it was a great event. We had a great event in District 1 as well, so I couldn't agree with you more, so great job and I appreciate all of the subjects that the Commissioners have brought up tonight. It's something that Commissioner Hansen talked about the Cinco de Mayo, just wishing everybody a Cinco de Mayo. I know we already passed that six days ago but I hope everybody had a great time during that time and I'm glad to see that everybody is safe and sound. I'm glad that it was a time that we celebrated Cinco de Mayo and now

we're past that celebration but I think that the constituents and everybody has a different thought about Cinco de Mayo and I think just getting back to the roots is positive so thank you all for that.

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

CHAIR ROYBAL: Is there any other elected officials? I'm going to go to Madam Clerk. Did you have any announcements that you would like to make today to your constituents? I know you had some stuff that you were bringing up, so I just wanted to give that opportunity if you have any comments to your constituency.

KATHARINE CLARK (County Clerk): Well, I did want to say that our election is still going on for the special election in Congressional District 1. We have voting currently and will be voting early up until Saturday, the 29th and then election day is June 1st.

But also we are taking self-nominations for the Board of Registration, and that is the board that every two years looks at a list of recommended voters that have been very inactive, who've been given many opportunities to contact us or respond to postcards, that are likely no longer in the county and are recommended for purge, and we need a bi-partisan or multi-partisan board which you the Board of County Commissioners appoints, and we are taking nominations up until May 21st, so if you are interested in being on that board and serving, potentially being appointed by the BCC, then email our office. You can email us directly at clerk@santafecountynm.gov. And that's all I have for now.

CHAIR ROYBAL: Great. Thank you, Madam Clerk. We appreciate it. Daniel, do we have any other elected officials that are currently on the meeting?

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

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: I'd just like to thank the County Clerk for actually doing an excellent job down in Edgewood because we have a special election and doing an excellent job. Appreciate that.

CHAIR ROYBAL: Thank you, sir, and thank you for the recognition. Madam Clerk, I'm sure that you have some comments.

CLERK CLARK: It's actually been a pleasure to run the election. It's small enough that I feel like for my first election I can initiate some of those ideas that I had, like a QR Code and a map and some of the new technology. So we're getting some of those lessons learned for the bigger fall election, so it will be fun.

CHAIR ROYBAL: Awesome. Thank you, Madam Clerk. Mr. Fresquez, do we have anyone else?

MR. FRESQUEZ: It looks like Treasurer Manzanares is on, Mr. Chair.

CHAIR ROYBAL: Treasurer Manzanares, do you have any announcements you would like to convey to your constituents?

JENNIFER MANZANARES (County Treasurer): Mr. Chair, members of the Commission, other elected officials, we are completing our second half tax rush and busy with the processing of property tax payments so busy at work and looking forward

to all the payments we are able to collect.

CHAIR ROYBAL: Great. Thank you for that update. We really appreciate it, Treasurer Manzanares.

9. C. Request Approval of (1) Restated and Amended Joint Powers Agreement Establishing the Regional Coalition of LANL Communities By and Among the Incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, City of Espanola, Rio Arriba County, the Town of Taos, Taos County and the Sovereign Governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez or (2) Withdrawal from the Regional Coalition of LANL

CHAIR ROYBAL: I'm going to go to our County Attorney, Mr. Greg Shaffer. He's going to highlight some of the changes that we do have, which are more clerical changes, but I know that we do have some issues and concerns from County elected officials on the Commission side, and so I'd like to go to him first and then I'll make some statements relative.

GREG SHAFFER (County Attorney): Thank you, Mr. Chair and Commissioners. By way of background, at its April 30, 2019 the Board of County Commissioners approved the restated and amended joint powers agreement establishing the Commissioner Roybal. The amended and restated JPA, however, was only recently presented to the County for signature. In addition, it has not yet been approved by the Secretary of Finance and Administration as required by law.

So the restated and amended JPA is not currently in effect. As it made its way through the passage or consideration by other governmental entities there were certain non-substantive changes that were made to the restated and amended JPA. I looked at them before putting them on the agenda and frankly, they're so miniscule as to not warrant discussion in the public meeting. They're really changing capitalization, punctuation and things of that sort.

The reason that this was put on the agenda was some direction that we had received at the last meeting that, number one, there had been not insignificant passage of time since the Board had considered the restated and amended JPA, and secondly, some County Commissioners had publicly expressed a view that perhaps the better course would be for the Board to withdraw from the RCLC.

In addition, it was our understanding at the time that this memo went to print that at least two other members of the RCLC would soon consider whether to withdraw from the RCLC and I believe I heard one of the members of the public allude to the fact that Taos County took that step. I can't independently confirm that but I would just note that by way of overview as to where things stand today.

In terms of the differences between the amended and restated JPA and the original RCLC JPA, I was not directly involved in the negotiations of the amended and restated JPA. My understanding, having looked back over meeting minutes from 2019 is that the changes were really meant to increase fiscal oversight and accountability for the RCLC and allow some flexibility as to who the fiscal agent might be and that the drafting efforts around the restated and amended JPA were not meant to and did not touch the mission of

the RCLC as it was stated in the original JPA.

So in sum, this matter was brought to the Board today so that the Board can make a decision about whether it wishes to continue its membership in the RCLC, in which case staff would recommend that the amended and restated JPA be approved by the Board again, or, if the Board determines that it no longer wishes to be part of the RCLC then staff recommends that the Board instead adopt the letter included in the packet for this item that would be sent to all of the existing RCLC members, as well as the former member of Taos County, alerting them to the fact that the County has exercised its right under the JPA to withdraw. Thank you, Mr. Chair, Commissioners. I'd be pleased to stand for any questions, and I don't know if the County Manager would like to add anything relative to the amendments or changes to the fiscal and oversight provisions of the JPA as reflected in the amended and restated JPA approved by the BCC in April of 2019.

CHAIR ROYBAL: Okay. Thank you. I really appreciate that, Attorney Shaffer. Manager Miller, did you have anything relative – any additional comments?

MANAGER MILLER: Mr. Chair, I really don't other than the original JPA had the Los Alamos County as the fiscal agent, but in 2018, Los Alamos County informed the RCLC that they would only deposit and disburse funds and sent us a letter, the County a letter to that effect as well. So the new or the restated JPA would allow for a selection of a different fiscal agent but to my knowledge none of the other members have really expressed an interest to do that. So that's one thing that if the Board were to stay in the RCLC I would just caution that there are – we don't really have the structure of a fiscal agent that I think was intended by the original JPA, and it would require some action by RCLC to select a different fiscal agent to get all of those duties complete. But that's all I have to add.

CHAIR ROYBAL: Thank you, Manager Miller.

COMMISSIONER GARCIA: Mr. Chair, I have a couple of questions.

CHAIR ROYBAL: For Manager Miller or Mr. Shaffer?

COMMISSIONER GARCIA: Can we get an executive session? Because there are some questions I have about how it works with Santa Fe County.

MR. SHAFFER: Mr. Chair, Commissioner Garcia, a basis to discuss this particular item in executive session is not readily apparent to me. It's not on the agenda to be discussed in executive session this evening, but in terms of the statutory basis that would allow its discussion, it's not readily apparent to me what that would be, since there's no pending or threatened litigation related to it and it doesn't otherwise fit the criteria for discussion in closed session. So I hope that answers your question, Mr. Chair, Commissioner Garcia.

COMMISSIONER GARCIA: Yes, Mr. Chair, Manager Miller, Attorney Shaffer. So I guess if I have questions should I just bring them up now?

MR. SHAFFER: Mr. Chair, Commissioner Garcia, I think that would be appropriate as this is scheduled for action this evening. So if you would like those questions answered before the Board takes action I think that would be prudent, but again, that said, at your discretion, Commissioner.

COMMISSIONER GARCIA: Thank you, Mr. Chair. So back in the days when we created the agreement – not us/me, but the late Speaker Ben Lujan was there,

Richard Martinez, Carlos Cisneros, they created this agreement to work the coalition and the goal was to work with the laboratory. And so they may or may not have done that. They surely had some challenges in the board the last three or four years. I understand that. We all read in the paper. However, what does the agreement say? Do we have to be in this agreement? Not be in this agreement? Do we get tax dollars from the laboratory or not? I don't know. So I'm just thinking way ahead.

MR. SHAFFER: Mr. Chair, I'm sorry. I'm probably being dense. Could you repeat your question? I want to make sure that I'm answering it correctly.

COMMISSIONER GARCIA: So back in the days when we created this agreement with the state legislature as well as the ex-Speaker and all the other people that are charge of this stuff, so can we just get out of the agreement and just say, good bye. See you. We're done. Or do we pay a fine or fee? And do we actually get taxes from the laboratory for this agreement? A couple of questions.

MR. SHAFFER: Thank you Mr. Chair and Commissioner Garcia. So the joint powers agreement that is currently in effect does, by its terms, allow for any member to withdraw from the Regional Coalition. There is no penalty in terms of an out of pocket expenditure that comes along with such withdrawal. I believe that the agreement provides that we wouldn't be in a position if we did withdraw to share in any surplus property or funds on hand, but there aren't any, so I don't think that that's really a deterrent to the Board making whatever decision it thinks is appropriate. So again, to sum up, there is no penalty that we have to pay to withdraw and the JPA that is currently in effect expressly allows parties to withdraw from the Regional Coalition.

COMMISSIONER GARCIA: Thank you, Mr. Chair. Thank you, Attorney Shaffer. So I'm just going to throw this out there. I have a couple of colleagues that are totally involved in the cleanup of the laboratory, as well as with all due respect, Commissioner Roybal, this is your district. So this is a group that actually is in charge of overseeing cleanup at the laboratory. I understand. I get it. So once we actually get rid of that group, now what? I'm just putting it out. My colleagues and thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Are there any other questions or comments from the Board? Commissioner Hansen, you have a comment?

COMMISSIONER HANSEN: Yes. Thank you, Mr. Chair. So I will try to answer some of what Commissioner Garcia said. The Regional Coalition is not in charge of overseeing cleanup. That is one of their missions that they have stated in their JPA to encourage, but the people who are in charge and responsible for cleanup and getting more cleanup done are our Senators, Heinrich, Ben Ray Lujan, and Theresa Leger Fernandez. And they are the people who can actually get us more money to do more cleanup at the lab. And those are the people who we need to be talking to on a regular basis about more money to clean up the legacy waste.

The UNM study has said that there was no benefit to any of the other counties who were a part of the Regional Coalition. This was a BBER UNM study that mentioned that. In the 11 years that I have seen the Coalition has existed I have not seen a real concentrated effort to diversify the mission or to encourage to get more cleanup. I believe that we as a Commission, as the Santa Fe County Commission, as the Taos County Commission, have much more leverage, the City of Espanola, than the Regional Coalition has to advocate for cleanup.

One of my other concerns is the consistency of safety violations at the lab which is certainly not the purview of the Regional Coalition but it's something that really does concern me. I have not received one email that says for us to stay in the Coalition. I have only received tons and tons of emails over the last couple of years for us to remove ourselves from the Coalition and I would like to make a motion but I want to be respectful to everybody else before I do that.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Are there any other Commissioners that have comments relative to this item?

COMMISSIONER GARCIA: Mr. Chair, I do. I totally respect – this is your district, Mr. Chair and Commissioner Hansen. I just – I just – I understand the –

COMMISSIONER HANSEN: This is not his district. This is Los Alamos. The Regional Coalition is all of us.

COMMISSIONER GARCIA: I understand that. All the water comes down to the Rio Grande. So I just want to make sure – do we get funding for that, federal funding? And so I respect the two Senators. I understand that, and I'm okay – I understand what's happening with what happened in the past and so I just want to make sure. So whenever they give us federal funding, who's going to run it? Katherine and her staff? Or another group? I don't know. I'm just thinking out loud. I understand what you're saying, Commissioner Hansen. Appreciate that. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. And I appreciate all my colleagues' comments and questions and the question is do I feel that a collaborative voice from elected officials in these communities is powerful? Yes. I do. It's very rare that we have elected officials that sit on the same board, that we do – we have collaborative boards with the City of Santa Fe. We don't have any with Espanola, Taos or any other areas. Do I think it could be a very powerful voice? Yes. Absolutely.

I asked for this item to be on our agenda to either ratify our approval of the restated JPA or withdraw from the Commissioner Roybal. It recently came to my attention that the approval of the restated JPA over two years ago that we approved wasn't fully executed and I heard from my other elected officials on this Board that we had some concerns. And I thought that in light of the recent communications by my colleagues, out of total respect and other entities that felt that the RCLC didn't quite meet the expectations that were set forth, and questioning of our membership. It will come back to the full board for ratification and I asked for it to come back for full ratification of our previous approval or withdraw from this authority.

I've been the chair of the RCLC for the last three years, and until I stepped down from that role a couple of months ago I felt that it was important to try to turn the organization around from the incidents that brought criticism to this affected board. The purpose and intent of the Coalition was to have a collaborative voice for our communities affected by the laboratory and for much of the past 10 to 12 years I believe this organization has accomplished that with a regional dialogue from all of our elected officials. We may all individually feel differently, but I still think that we've accomplished what we needed to do from the voices from these communities.

The issues brought forward three years ago were serious but I felt that I could overcome the situation in the Coalition and we could regroup and accomplish this mission. Much of it has been done over the last couple of years. We've had a new legal

counsel, auditors, accountants that we've hired for this board to make sure that those situations don't happen again. What we've worked for is we've cleared the organization of any wrongdoing with the Inspector General, recovered misinterpreted funds and we've paved the way to be eligible to reapply for federal grants, and hired independent counsel and fiscal agents, as I stated before, and accountants.

In spite of the obligation of the JPA, one of the biggest things is now, Los Alamos – this RCLC board sits on unsteady ground because of the fact that we can't hire – we've put out an RFP for the executive director position. Los Alamos County has also stated that they don't feel that they will remain as the fiscal agent in the future, and so it's just totally unsteady. For every step that this organization has taken forward it's five steps backwards. The mission of the RCLC and the intent of the collaborative is admirable. It's admirable to everything that it stands for looking out for our constituents. It's needed. However, with the progress, it does not seem that this vehicle, the RLC is the best avenue to express this collaborative voice, is how I feel at this point. There's so many things that just aren't where they need to be, and there's so many issues with where we're going to be in the future.

So to take responsibility for fully managing the fiscal agent for the RCLC, we haven't been able to agree on a contract for the service for the execution of the director without additional funding operations of the organization and it just cannot continue to function in this manner. The mission of the RCLC and the intent of the collaborative organization is, like I said I before, is admirable but it needs a lot of work. At this point, like I said, I've made an extra organization to try and pull the organization to a certain point and put things in place that would make sure that we didn't revisit things that happened in the past and make sure this organization is better.

So I've spent a lot of time trying to make sure that this organization is ready to function correctly. We've had a lot of criticism in the past like I stated earlier. I think that right now, we're at a point where we don't know who are fiscal agent will be in the future because Los Alamos County has already indicated that they don't want to stay as a fiscal agent, and we've already put an RFP out for the – as far as the director for the Regional Coalition. It's just very difficult.

I understand that there may be a path forward but one of the biggest things that I wanted to make sure that I accomplished was that the negative impact that happened in the past could not happen again and we've got independent legal counsel, an auditor, an accountant, to make sure that none of that happens again. Whether or not the Regional Coalition moves forward, we put processes in place that will deter this situation from happening in the future. And we have gone out and if not collected anything that was incorrectly reimbursed, we've asked for reimbursement. And sometimes things like that, we don't get the full reimbursement and sometimes legal counsel will say this is what it's going to cost you to get that reimbursement and this is what the reimbursement is, and you have to make those decisions.

So I feel like we have gotten to a point where I don't know that this is the best vehicle to represent our constituents in the manner that we need to. There's a lot of situations that we have to look at. As the former chair of the Regional Coalition, I'm asking from my constituency – I have my own feelings of where I'm at and what needs to happen with the Coalition and whether or not we can get there. Well, we have met

milestones but we've also been pushed back. Like I said, once we take one or two steps forward, we get pushed back two or three steps.

Right now we're in a good position to get DOE funding once again. I don't know where the Coalition is going to go at this point but what I'm looking for from my board is the direction that we need to go to decide do we stay in the Coalition or do we take a backseat at this point and look at in the future, if the Coalition gets to a point that the County feels comfortable, do we move forward at that point and do we possibly look at re-engaging at that point? But at this point I would say that looking at everything with the Coalition is at, I just can't see this being the vehicle to represent our constituents in the manner that we need to. But do I feel that elected officials throughout this area and collaboration with them is imperative? Absolutely. Absolutely. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. So first of all, I could agree that the general concept of having a Coalition of multiple regional counties and municipalities and trying to work on what should be some laudable projects is a good concept. I'm not convinced it's actually been fully realized. The Regional Coalition, the stated intent is to help realize economic and environmental benefits to the surrounding communities. And this is my opinion and I believe this is accurate, to emphasize for Commissioner Garcia. They don't implement cleanup. Their existence or non-existence has no direct effect on the cleanup process that's being done under the consent order. I think that frankly that one contributor to the problem with the Coalition that the goals of the Coalition are vague and overlap with some other complex processes. And while we've talked about the problems with the Coalition since pretty early in my career as a Commissioner, we have attempted in thinking about this problem to have people come to address the BCC, to explain what their perception of the Coalition goals and mandates are. I have gotten very vague input.

So while I actually want to say that I appreciate Commissioner Roybal's efforts while he's been chair to try to rectify things at the Coalition, I feel obligated to point out that, as Commissioner Hansen pointed out is true. The economic study indicated that it is only Los Alamos County that benefited economically from this, that what our constituent that made a comment during Matters of Public Concern indicated is also true. The consent order was revised to the great detriment of the cleanup process at LANL in 2016 while the Coalition existed. And so I have to question what they do. And I frankly feel like at this point they are dysfunction. There is not a director. There is not a willing fiscal agent, and I think it takes quite a while if you have to so fundamentally rebuild an organization, that as good as it sounds to have one voice where you can bring in all these communities, I don't actually observe that happening. And I think as a result it is appropriate at this time to let it go. If it reforms or continues and revises its goals, yes, certainly, we can reconsider options at any point in the future. But I don't see that we've actually had the contributions to funding levels for cleanup, to any sense of having that cleanup be a strategic imperative or other aspects of economic development that Santa Fe County and the surrounding communities would actually benefit from.

So I don't see the value of continuing with this at this time. But once again, I just want to reiterate the laudable efforts you made in trying to correct problems at the Coalition. That was quite an effort that you made.

COMMISSIONER GARCIA: Mr. Chair, just really quick. I'll add

something really quick.

CHAIR ROYBAL: Go ahead, Commissioner Garcia.

COMMISSIONER GARCIA: Briefly, as policymakers, these are difficult choices we have to make and we're going to make a choice and it has to be done. And I just want to – the GRT tax that goes to the laboratory, a lot of GRT, the state gets a lot of GRT. I want to just make sure we have communication and I don't want this to actually hold against us, the Coalition. Also, Commissioner Roybal, thank you for what you did. As Commissioner Hamilton said, thank you for what you did because you've been there for the last two or three years and there's been some challenges that you've dealt with and we all dealt within the State of New Mexico. Thanks for hanging in there.

I just want – the laboratory is an economic development engine in northern New Mexico that is – they do stuff up there that we don't realize. They do cell phones, they do this and that, and I just want to make sure that our communication with the laboratory is going to still be good, and so if we do this, I just want to make sure our communication is going to be good. And so if we actually do move forward and we have -- this organization that is paid for by the federal government, now who is going to oversee the cleanup? I don't know. Those are just things to think about.

Also, yes, we have \$6 million over the last administration, there's tons and tons of jobs out there. I just want to make sure our communication with the laboratory is actually good, and somebody's talking with the city councilors in that area? I don't know. So I just want to make sure we have good communications. And I understand the whole stuff that was happening, how it worked, what happened and so forth and so on, but those are just some of the questions that I have. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia, and I appreciate all the comments. We do have other entities that do actually look at cleanup and make sure that the laboratory is doing the right thing. One thing that Commissioner Hamilton alluded to is the BBER report which was conducted by UNM. The issues that came out in the BBER report would have never been public except for the Regional Coalition and that is something that happened where there were slides that were included that shouldn't have been included and they were included with our request, and that's where a lot of these issues came up with the BBER report. Otherwise we may have not known about these. So it's something that did come forward that wasn't a part of the original report and wouldn't have come forward unless they were inadvertently given to the Coalition to present. So that's one thing that I do give kudos to the Regional Coalition because otherwise that portion of the BBER report wouldn't have become public at that point, so I appreciate that.

And I just wanted to make note of that because that was something that was not included with the original BBER report except that it was brought forward by the Coalition at that point for one of their studies. So thank you for bringing your concerns forward, sir, and there are other entities that do actually pay attention and advocate for this cleanup, so I appreciate you bringing that forward, Commissioner Garcia. Are there any other Commissioners that have comments? Commissioner Hughes, go ahead, sir.

COMMISSIONER HUGHES: Thank you, Mr. Chair. I think I'm echoing a lot of things that you said and Commissioner Hamilton said so I won't belabor the points. I think that one of the things that concerns me the most is the fiscal problems of

the agency, because I've been down that road with other organizations in the housing work where once agencies get a reputation for fiscal mismanagement, and then the federal government starts asking for money back, it becomes really, really hard to rescue an agency at that point. I've seen two agencies that were really important to their communities go completely under when they got to that point and I think that the Regional Coalition has been at that point for a while and I just want to commend you, Mr. Chair, for all the effort you put in to try and make things right. I know how much work that can be and it's especially discouraging if all the work is put in and still isn't quite enough to rescue it. But I think the lack of a fiscal and agent and the lack of a director are kind of indications that there's not very much confidence in the organization in our community. We also heard that from the various constituents who spoke today who've been emailing us all day.

So I would be really concerned about us continuing in this organization but I do agree with you that getting local officials together in some way to coordinate and collaborate around these issues is very important. You all put me on the Regional Transit District Board which does include a lot of the same communities and that board is really a wonderful example of cooperation, and if we could achieve that around some of these other issues in a different vehicle I think that would be great. So I think I don't need to add anything else to what's been said. Thank you.

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

COMMISSIONER GARCIA: Commissioner, do you want me to make a motion or would you like to make a motion, Mr. Chair?

CHAIR ROYBAL: I think Commissioner Hansen wants to make a comment and then I'll go to you for a motion.

COMMISSIONER HANSEN: I'm also ready to make a motion. Just because I'm having computer problems it doesn't mean I should be punished.

CHAIR ROYBAL: I'm not punishing you, Commissioner Hansen, I didn't know you wanted to make a motion but you're move than welcome.

COMMISSIONER HANSEN: I said that earlier, but as I was starting to say, but I was trying to get unmated, I also do want to recognize the efforts that you put into this, Commissioner Roybal, because I know how hard it is on all of these boards that we serve on and how much they all have different issues. There are many other organizations that oversee cleanup. One of them is the CAB, the Citizens Advisory Board. I in no way believe that by leaving the Regional Coalition will we be punished by DOE or anybody else. I think that we can still have a strong relationship and maybe possibly a stronger relationship by joining with the City or with other entities that share similar views to us, and that support a new consent decree. We supported the 2005 consent decree. I think that there are many ways for us to continue to advocate for cleanup, for economic diversity and good, healthy oversight.

I also want to mention to Commissioner Garcia, the Defense Facilities Nuclear Safety Board is one of the best organizations that we have to watch over the labs as far as safety violations go. They are constantly on target and whenever you see anything in the paper it is because of the Defense Facilities Nuclear Safety Board that is incredibly important and is an advisory board to DOE.

And with that I would like to make a motion to withdraw from the Regional Coalition.

CHAIR ROYBAL: Okay. So I'm going to go to Commissioner Garcia as well. I know he did ask for a motion and I did see you making a motion. I'd like to go ahead and have a second motion.

COMMISSIONER GARCIA: Mr. Chair, just really quick. Manager Miller, if you could tell us, what do we pay to the Coalition?

MANAGER MILLER: Mr. Chair, Commissioner, it's \$10,000 a year.

COMMISSIONER GARCIA: And also, Mr. Chair, Katherine, or someone, how many staff members are there on that board?

COMMISSIONER HAMILTON: Point of order. I think we need to have a second before we can entertain further discussion. I'd be happy to second Commissioner Hansen's motion.

CHAIR ROYBAL: I think that Commissioner Garcia also asked to make a motion.

COMMISSIONER HAMILTON: We can't entertain two motion at the same time, so I'm seconding Commissioner Hansen's motion and then we can have.

COMMISSIONER HANSEN: I asked right in the beginning, Mr. Chair. I asked right in the beginning, Mr. Chair. Mr. Chair, I said when I made my first comments that I would like to make a motion, but that I wanted to allow discussion to happen. And so I did say that right in the beginning of when I made my first comment.

CHAIR ROYBAL: You did say I'd like to make a motion but I want discussion, so yes. Thank you.

COMMISSIONER GARCIA: So Mr. Chair, I was seconding the motion. Yes, I want my name on seconding the motion.

CHAIR ROYBAL: Under discussion now, we're under discussion so go ahead and ask your questions, Commissioner Garcia.

COMMISSIONER GARCIA: So, how many staff are working for the Coalition?

MANAGER MILLER: Mr. Chair, Commissioner Garcia, there aren't any staff that work for the Coalition. The contractors, the directors have already been hired as a contractor and they provide an executive director function as well as administrative functions to the Coalition. Then the JPA that's currently in effect, Los Alamos County is the fiscal agent and provides staff support. Santa Fe County does not provide staff for the Coalition.

COMMISSIONER GARCIA: Thank you, Manager Miller. Thank you, Mr. Chair. So I'll second the motion. Thank you, sir.

CHAIR ROYBAL: Thank you, Commissioner Garcia. And I do want to just reiterate that at this point the Regional Coalition, they do have an accountant and also legal services that are by contract. But we don't have any employees directly related to the Regional Coalition at this time because we don't have an executive direction. So I don't know. I hope that helps answer your question. I think that might help answer your question, Commissioner Garcia. At this point we only have a contracted legal service and we also have an accountant and an auditor. So we have those three contracts right now that are part of the Coalition. But we don't have any employees because of the fact that

we don't have an executive director at this point. Does that answer your question, Commissioner Garcia? Okay, we may have lost Commissioner Garcia but that probably helps with some of the other Commissioners in case you were wondering. That's basically the employment. So I hope that clarifies that question. I just want to be respectful to all the Commissioners and their questions.

So we do have a motion and a second, and I'm going to go to a roll call vote. If this passes I will look at what – or have our County Attorney Mr. Shaffer look at what it looks like for Santa Fe County to leave the board of the Coalition. Is there any other questions, Commissioners, or comments? I know this was an item which was a little bit more than what I expected as far as opposition. I don't think anybody was in opposition at this point but I'm going to go to a roll call vote.

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

CHAIR ROYBAL: So unanimously we have decided to pull out of the Regional Coalition. So we'll look at what needs to happen in the future for us to go ahead and make this official. I think, like I said, this being a body of elected officials as I stated in my statements earlier, I think it's not at that point. It's not at that point and I feel that the Commission needs to take that in perspective and look at possible future boards or even the possibility of this board putting things together that would actually be at a better area. I don't want to say dysfunctional as one of the Commissioners did state but I do want to just say that as a collaborative voice for elected officials representing their communities I think this could be a really great opportunity, but at this point this vehicle is not the best opportunity to do that. If that makes sense. Do my Commissioners agree that at this point that's where we're at?

COMMISSIONER GARCIA: Mr. Chair, I totally agree with you. You work up there. You know what's going on up there. You have all the individuals working that work in New Mexico that work at the laboratory. And you're on the board so if you feel that we need to do this and – so, yes. I understand what you're saying. Thank you, Mr. Chair.

CHAIR ROYBAL: As you mentioned earlier, Commissioner Garcia, a lot of sleepless nights trying to figure things out. It's just the nature of the beast sometimes as elected officials, but I appreciate everybody's input.

MR. SHAFFER: Mr. Chair, if I could, I just want to be clear that included within the packet this evening was a formal withdrawal letter from you as chair of the Board of County Commissioners to the elected heads of the other governmental entities, the city mayors and pueblo governors and the chairs of the boards of county Commissioners. So my understanding of the motion is that you have now been authorized to sign that letter and to send it to the pueblo governors, mayor and board of county commissioner chairs. The JPA does not prescribe a particular form of withdrawal. It just says that we can withdraw by providing notice, so that's what that letter would do and that's my understanding of where we're at, but before we leave that item I just wanted to state that to make sure we're all on the same page. Thank you, Mr. Chair.

CHAIR ROYBAL: That is correct, Attorney Shaffer. Thank you for the clarification.

10. MATTERS FROM THE COUNTY ATTORNEY

A. Statement for Inclusion in Meeting Minutes Concerning April 27, 2021, Executive Session

CHAIR ROYBAL: Mr. Shaffer, if there isn't anything else I do want to express my gratitude for all the information has presented but I know that we will be coming out of executive session for public comment and it looks like we have four items that we'll be hearing after executive session, if that's correct, and if you could give us a summary of what we'll be going into executive session for I'd appreciate that, sir.

MR. SHAFFER: Thank you, Mr. Chair. The first item on the agenda from the County Attorney is item 10. A. It's a statement for inclusion in the meeting minutes concerning the April 27, 2021 executive session, and we'd be looking for a motion to have the minutes of this meeting reflect that the matters discussed during the April 27, 2021 executive session were limited only to those specified in the motion for closure.

CHAIR ROYBAL: Okay. So if we could get a motion relative to the summary that our Attorney just gave us.

COMMISSIONER GARCIA: So moved, Mr. Chair.

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

COMMISSIONER HUGHES: Second.

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

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

10. 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) Disputes Arising Under Santa Fe County Agreement No. 2020-0189-PW/KE
- 2) Performance Evaluation of the County Manager
- 3) *City of Albuquerque et al. v. New Mexico Taxation and Revenue Department, et al.*, Cause No. D-202-CV-2018-08036

CHAIR ROYBAL: Mr. Manzanares.

NATHAN MANZANARES: Thank you, Mr. Chair. I'll just give a brief history, description of the development. In 1992, the Board of County Commissioners granted approval for the development known as Las Campanas, consisting of 1,419 residential lots to be developed in multiple phases. The approval included two golf courses with club complex, tennis courts and equestrian center, and related accessory facilities all on 3,549 acres. On December 11, 2001, the BCC granted preliminary and final plat and development plan approval for the Las Estancias at Las Campanas, which consisted of the three subdivisions that would later be known as Mesa de Oro, Black Mesa and Las Terrazas Phase III, totaling 125 lots on 161 acres.

On January 29, 2021, Mesa de Oro was submitted for preliminary and final plat and sent to review agencies and County staff for review in accordance with Chapter 4, Table 4-1. On April 6, 2021, Staff determined that the Mesa de Oro project was expired and needed to be resubmitted as new proposal in accordance with Chapter 8.10.10.2, Existing Approvals Identified as PD's, which states: "A planned developments shall be developed in accordance with, and governed by and restricted to the densities, uses and conditions identified on the approved master plan, plat or development plan or final plat."

The applicant is now seeking preliminary and final plat for Mesa de Oro at Las Campanas which will consist of 20 residential lots with accessory dwelling units. The project is located in an existing PD and will access via Trailhead Drive which is an existing paved road in a gated way serving the Las Campanas community.

Mesa de Oro at Las Campanas will be constructed in one phase and development will also be served by the Las Campanas Water and Sewer Cooperative.

Building and Development Services staff has reviewed this project and determined that the proposal is in compliance with the applicable SLDC standards set forth for preliminary and final plat approval. Staff has reviewed all applicable studies, reports and assessments set forth in Chapter 6 of the SLDC. In addition to the applicable standards set forth in Chapter 7 pertaining to sustainable design standards, as well as the requirements set forth in Chapter 8 which talks about planned development areas being developed with the original master plan approvals.

In conclusion, staff finds that the facts presented support the applicant's request for preliminary and final plat approval for Mesa de Oro which will consist of 20 residential lots to be developed in one phase with a primary residence and accessory dwelling unit allowed on each lot, subject to the following conditions as stated in the staff report. Mr. Chair, may I enter the approval conditions one through twelve as stated in the staff report, with proposed amendments to conditions 3, 8, and 12.

CHAIR ROYBAL: Yes, Mr. Manzanares.

MR. MANZANARES: Thank you, Mr. Chair. Mr. Chair, I propose to amend conditions 3, 8, and 12 to state the following: Applicant shall record a final plat with the Santa Fe County Clerk's Office. Amendment to condition 8: Applicant must ensure all solid waste be removed from property on a regular basis but no less than monthly in accordance with Chapter 7, Section 20 of the SLDC. And lastly, an amendment to condition 12, we ask that condition 12 be removed. Staff has determined that the applicant has satisfied this condition. Therefore, condition 12 should no longer be on the record.

- 4) In Re: National Prescription Opiate Litigation, US District Court,
Northern District of Ohio, Eastern Division, Case No. 1:17-MD-2804

CHAIR ROYBAL: So now we need a motion to go into executive session. If you could give us a summary of what we need to go into executive session to discuss, Attorney Shaffer.

MR. SHAFFER: Yes. Thank you, Mr. Chair, Commissioners. We'll be needing executive session to discuss limited personnel matters as allowed by Section 10-15-1(H)(2) NMSA 1978; threatened or pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1(H)(7) NMSA 1978, including 1) Disputes Arising Under Santa Fe County Agreement No. 2020-0189-PW/KE 2) Performance Evaluation of the County Manager, and 3) *City of Albuquerque et al. v. New Mexico Taxation and Revenue Department, et al.*, Cause No. D-202-CV-2018-08036, and 4) In Re: National Prescription Opiate Litigation, US District Court, Northern District of Ohio, Eastern Division, Case No. 1:17-MD-2804, and that would be the basis for executive session at this time.

I would note for the record that going into executive session to discuss these items would not preclude the Board, should it choose to do so, from choosing to go into executive session to deliberate on one or more of the land use once the Board has concluded the public hearing on those matters. So again, this isn't your only bite at the apple, so to speak, with regard to such deliberations. Thank you, Mr. Chair.

COMMISSIONER GARCIA: Mr. Chair, I'd like to make a motion as the Attorney mentioned, to go into executive session.

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

COMMISSIONER HUGHES: Second.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Garcia and a second from Commissioner Hughes. Can I get a roll call vote. Madam Clerk?

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2 and 6) 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 5:35 to 6:48.]

CHAIR ROYBAL: I know I called for 7:00. It's a little bit before 7:00. We're still waiting on Commissioners Hansen and Hughes. I think they should be joining

us shortly. They do show that they're on the meeting. Commissioner Garcia, go ahead sir. Would you like to make a motion to come out of executive session? Any of the Commissioners that would like to make a motion to come out of executive session.

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

COMMISSIONER GARCIA: Second.

COMMISSIONER HUGHES: I'll second.

CHAIR ROYBAL: So we have a motion from Commissioner Hamilton to come out of executive session and a second I believe from Commissioners Hughes and Garcia. 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.]

10. C. **Request (1) Approval of Settlement Agreement Between Santa Fe County and A.A.C. Construction, LLC; (2) Approval of Change Order No. 5 to Agreement No. 2020-0189-PW/KE Between Santa Fe County and A.A.C. Construction, LLC, Increasing the Amount by \$25,652.11, Exclusive of NM GRT, for a Total Contract Sum of \$382,175.38, Exclusive of NMGRT; and (3) Delegating Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR ROYBAL: I'll go to you to make a motion on that item.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I would like to request approval of a settlement agreement between Santa Fe County and A.A.C. Construction, LLC, and two, approval of change order #5 to agreement No. 2020-0189-PW/KE between Santa Fe County and A.A.C Construction LLC, increasing the amount by \$25,652.11 exclusive of NMGRT for a total contract sum of \$382,175.38, exclusive of NMGRT, and delegating signature authority to the County Manager to sign the purchase order.

CHAIR ROYBAL: Okay. Thank you for that motion, Commissioner Hansen. Do I hear a second?

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: And 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.]

MR. SHAFFER: Mr. Chair and Commissioners, since we did say that we'd come out of executive session at 7:00 pm and these are public hearings, I would respectfully suggest that we sit tight until 7:00 just so to avoid any potential miscommunications or misunderstandings from members of the public who may have

relied on that statement that was up on the broadcast that the meeting would resume at 7:00. I'm not overly concerned about it for the item that we just took action on but for the public hearings I would respectfully suggest that that would be prudent if we delayed for a few minutes until 7:00 pm.

CHAIR ROYBAL: Absolutely, and my apologies. I did go off of the time on my County computer and IT has already informed me that I need to log in and connect to the County system so that my time will be recalibrated.

[The Commission recessed from 6:54 to 7:02.]

CHAIR ROYBAL: Attorney Shaffer, so we've already made a motion and a second. I believe we had a vote to come out of executive session. Is that correct or are we still awaiting a vote?

MR. SHAFFER: That is correct, Mr. Chair, and we've already taken care of that item of business under item 10. C. It's now past 7:00 pm by two minutes so I think you're clear to go on to the public hearings which consist of items 11. B, C, and D, on the agenda.

11. PUBLIC HEARINGS

- A. CASE # 11-5371 Copacabana Development Co. LLC, Removal of a Condition of Approval Previously Imposed by the Extraterritorial Zoning Authority. Copacabana Development Co. LLC, Applicant, Molly Matthews Multedo, Agent, Are Requesting Removal of a Condition of Approval Imposed by the Extraterritorial Zoning Authority (EZA) on the Master Plan/Preliminary Development Plan for the New Mexico Academy for Sciences and Math. The Condition States, "Overnight occupancy is prohibited." The Site Was Also Formerly Known as Desert Academy. The Property is Located at 7300 Old Santa Fe Trail, Within Section 7, Township 16 North, Range 10 East (Commission District 4). (Jose E. Larrañaga, Case Manager) (TABLED)**
- 11. B. CASE #21-5040 Mesa de Oro Subdivision. Las Campanas Land Holdings, LLC, Applicant, Design Enginuity (Oralynn Guerrerortiz), Agent, Request Preliminary Plat Approval per Chapter 5, Section 5.7 (Preliminary Plats – Major Subdivisions) and Final Plat Approval per Chapter 5, Section 5.8 (Final Plats – Major Subdivisions) of the SLDC for a Twenty (20) Lot Residential Subdivision on a Parcel of Land Consisting of 41.22 Acres, Which Was Formerly Known as Las Estancias, Unit 2. All Lots within Mesa de Oro Propose to Have a Primary Residence and an Accessory Dwelling Unit per Lot. The Property is Located Within the Las Campanas Planned Development District (PD-16) at the Southeast Corner of Camino La Tierra and Trail Head Drive, within Section 2, Township 17 North, Range 8 East. (Commission District 2)**

CHAIR ROYBAL: Mr. Manzanares.

NATHAN MANZANARES: Thank you, Mr. Chair. I'll just give a brief history, description of the development. In 1992, the Board of County Commissioners granted approval for the development known as Las Campanas, consisting of 1,419 residential lots to be developed in multiple phases. The approval included two golf courses with club complex, tennis courts and equestrian center, and related accessory facilities all on 3,549 acres. On December 11, 2001, the BCC granted preliminary and final plat and development plan approval for the Las Estancias at Las Campanas, which consisted of the three subdivisions that would later be known as Mesa de Oro, Black Mesa and Las Terrazas Phase III, totaling 125 lots on 161 acres.

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The applicant is now seeking preliminary and final plat for Mesa de Oro at Las Campanas which will consist of 20 residential lots with accessory dwelling units. The project is located in an existing PD and will access via Trailhead Drive which is an existing paved road in a gated way serving the Las Campanas community.

Mesa de Oro at Las Campanas will be constructed in one phase and development will also be served by the Las Campanas Water and Sewer Cooperative.

Building and Development Services staff has reviewed this project and determined that the proposal is in compliance with the applicable SLDC standards set forth for preliminary and final plat approval. Staff has reviewed all applicable studies, reports and assessments set forth in Chapter 6 of the SLDC. In addition to the applicable standards set forth in Chapter 7 pertaining to sustainable design standards, as well as the requirements set forth in Chapter 8 which talks about planned development areas being developed with the original master plan approvals.

In conclusion, staff finds that the facts presented support the applicant's request for preliminary and final plat approval for Mesa de Oro which will consist of 20 residential lots to be developed in one phase with a primary residence and accessory dwelling unit allowed on each lot, subject to the following conditions as stated in the staff report. Mr. Chair, may I enter the approval conditions one through twelve as stated in the staff report, with proposed amendments to conditions 3, 8, and 12.

CHAIR ROYBAL: Yes, Mr. Manzanares.

MR. MANZANARES: Thank you, Mr. Chair. Mr. Chair, I propose to amend conditions 3, 8, and 12 to state the following: Applicant shall record a final plat with the Santa Fe County Clerk's Office. Amendment to condition 8: Applicant must ensure all solid waste be removed from property on a regular basis but no less than monthly in accordance with Chapter 7, Section 20 of the SLDC. And lastly, an amendment to condition 12, we ask that condition 12 be removed. Staff has determined that the applicant has satisfied this condition. Therefore, condition 12 should no longer be on the record.

[The conditions are as follows:]

1. Applicant shall comply with all review agency conditions as stated in the record under Exhibit 6), which shall be noted on the recorded Final Plat and Development Plan.
2. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, which agreement shall be signed by the Administrator, recorded and referenced on the plat.
3. Applicant shall record ~~the a~~ Final Plat ~~s-and Development Plan~~ with the Santa Fe County Clerk.
4. Applicant shall submit an engineered cost estimate to be approved by Staff and a Financial Guarantee in an amount sufficient to ensure completion of all required improvements prior to recording the Final Plat.
5. Each Lot within Mesa De Oro shall be allowed one Accessory Dwelling Unit, which allowance shall be noted on the recorded Final Plat and Development Plan. These accessory dwellings shall comply with Section 10.4 of the SLDC.
6. Applicant shall record Water-Restriction Covenants restricting annual water consumption to 0.50 acre feet per year per lot for all lots within Mesa De Oro at Las Campanas, and limiting each of the Primary Residence and Accessory Dwelling Unit to an annual water allotment of 0.25 acre feet each, not to exceed 0.50 acre-feet per year per lot. Water-Restriction Covenants shall be referenced on the recorded Final Plat and Development Plan.
7. Applicant shall obtain -- and note on the Final Plat -- easements from the Las Campanas Master Association to discharge storm-water runoff into the Las Campanas Master Association Open Space Tracts as proposed by the project's civil engineer.
8. ~~Prior to Final Plat recordation, the Applicant shall submit an executed service letter between Waste Management, Inc. and Mesa De Oro regarding Solid Waste Removal.~~ Applicant must ensure all solid waste be removed from property on a regular basis but no less than monthly in accordance with Chapter 7, Section 20 of the SLDC.
9. Applicant shall provide Santa Fe County Fire with Knox Lock information on proposed entry gate of the subdivision prior to installing the subdivision's required infrastructure.
10. All exterior lighting associated with the development shall be shielded, and an updated lighting plan will be required to be approved by Staff prior to Final Plat recordation. Lighting Plan shall include specs for all subdivision lighting, including lighting on proposed entry gate, monument sign, etc.
11. All rainwater harvesting overflow from cisterns must be captured. Overflow for rainwater harvesting ponding requirements will be determined on a case-by-case basis and determined by the total roofed area of each dwelling unit per lot within Mesa De Oro.
12. ~~Applicant must execute and record Proposed Las Campanas Water & Sewer Cooperative Agreement to Construct & Transfer Water & Sanitary Sewer~~

~~Improvements prior to recording Final Plat.~~

MR. MANZANARES: Mr. Chair, I now stand for any questions. Thank you.

CHAIR ROYBAL: Thank you, Mr. Manzanares. Are there any questions from the Board? Okay, seeing none, I'm going to go to the applicant, Ms. Orallynn Guerrerortiz.

ORALYNN GUERRERORTIZ: Hi. I'm Orallynn Guerrerortiz with Design Egnuity. Do I need to be sworn in?

CHAIR ROYBAL: Yes.

[Duly sworn, testified as follows:]

MS. GUERRERORTIZ: Again, I'm Orallynn Guerrerortiz. I'm an engineer with Design Egnuity. Our office address is 1421 Luisa Street, Suite E, and I am under oath. I understand that.

Commissioner, may I share a screen with you so that I could show you a small presentation.

CHAIR ROYBAL: Yes, I believe so. Is she able to share a screen, Daniel? Yes, go ahead.

MS. GUERRERORTIZ: Can you see my screen?

CHAIR ROYBAL: Not yet.

MS. GUERRERORTIZ: Okay. Let me exit out of this and try again. Can you see it now?

CHAIR ROYBAL: Yes, ma'am. We can.

MS. GUERRERORTIZ: Thank you. Okay, so tonight we're talking about the Mesa de Oro Subdivision. The project is located in the Las Campanas are on the north side of Las Campanas. It was part of the original master plan. It's got Camino La Tierra bordering it and Las Campanas Drive on the north side and Trailhead Drive is on the west side of the project. The land is beautiful. It's got juniper and piñons through it. You can kind of see the northern two-thirds of it from the aerial is kind of light on the junipers and the piñon and then on the southern third there is a great deal more vegetation.

The white line that kind of goes around our property boundaries, that's an existing trail that is covering three-fourths of our sides. The existing median that is in this lower portion here, that's that existing cut between the medians on Trailhead Drive and that will be our entrance location.

The land itself is beautiful as much of Las Campanas is and it has pretty amazing views. This project has evolved over time. When it was originally conceived it was planned for 29 lots. That was in 2001. In 2007 it went in front of the BCC and got approval for 23 lots. This plot was approved by the BCC but never recorded and in a sense, lost its entitlements. So we went from 23 lots and we looked at it and we designed it now with 20 lots. So there's 20 lots total. There's a split in trends at the existing median break coming into the project and then off of that planned road there'll be three cul-de-sacs. On the 43-acre site there are 20 lots, so the average lot size is two acres. The smallest lot is a little above one acre in size.

You'll notice that we have permanent landscape maintenance easements along our east, our north and part of our western boundary, and I'll discuss that in a little more

detail. The roads are going to be paved. It will be on Las Campanas water and sewer systems. The cul-de-sacs are teardrop shaped and they have been approved by the Fire Marshal. There will be a gate at the entrance.

There's been a lot of concern in Las Campanas because of development by others, not anything associated with our developer, myself, or anybody associated with this project, of mass grading. This project will have no mass grading. The sites in general will not have any grading at all. There will be infrastructure, roads installed; those will be graded out, and along the boundaries we intend to build a very wide natural berm, no more than 42 inches in height. It's going to be organic looking, and we do have Knight Seavey, who is the project planner with us tonight if you'd like to learn more about those berms, but they will be very gentle, 6:1 side slopes, and their point will be to help mitigate sound from the roads and lights, and also to provide some additional screening with trees.

Interior to the area there will be no grading, so these lots, until the houses are developed will be untouched except for the infrastructure and the landscaping that we're intending to do, there will not be site grading on the project.

I believe that's it for my presentation. I do agree to all conditions as presented by staff.

CHAIR ROYBAL: Thank you, Ms. Guerrerortiz. I think next I'm going to go to public comment unless we have – of course we don't have an appellant so I'm going to go to public comment. Has anybody signed up to speak in opposition or in favor, Tessa Jo? And then I'll take others. I see Mona Shoup raising her hand, but let's see. Tessa Jo do you have some individuals that have already signed up?

TESSA JO MASCARENAS (Operations Manager): Yes, Mr. Chair. The only person that's signed up thus far is Mona Shoup.

CHAIR ROYBAL: Okay. I do want to ask if there's anybody that is currently present at this meeting that would like to speak in favor or opposition of this subdivision. Can you please state your name for the record so we can get you included? And if you're a call-in person you'll need to hit star 6. Is that right? Yes. Okay, we're going to go ahead and hear from the one constituent that did sign up. Ms. Mona Shoup, go ahead.

MONA SHOUP: Okay. Thank you, Do I just do the regular, state my name?

CHAIR ROYBAL: You'll need to be sworn in, so if we could have our Clerk swear you in and then you'll need to state your name and address for the record.

[Duly sworn, testified as follows:]

MS. SHOUP: My name is Mona Shoup. I live at 7 Tecolote Circle, Santa Fe, New Mexico, 87506. And I'm representing Northwest Residents United RO. And I am under oath and I swear to tell the truth. My concern and others that I've been receiving emails from in our little group, we have been burned before as noted by the Las Terrazas Subdivision which is right next door the Mesa de Oro and I did send the Board of County Commissioners a letter and I sent some maps that show where Las Terrazas is compared to Mesa de Oro. The residents are very concerned about the protection of trees. And what I would like to say is I'm hoping there is a flood easement next to Mesa de Oro where the trees are located and we would like to see some type of construction fencing

put up so those trees are protected where a bulldozer will not inadvertently harm those trees when they come in to bulldoze the streets.

And I am rather concerned about when they excavate the streets to get dirt for the berms, the noise barrier berms, that berm is going to be around three-fourths of the subdivision. It's going to be 55 feet wide, although it's only going to be four foot tall, that's going to be a lot of dirt and a lot of dust. And we are in a drought with high winds. That is a big concern and we are already dealing with a lot of dust from Las Terrazas. I'm wondering, since we are a gated community and we promote security, wouldn't a stucco fence be more environmentally sound? And people are expecting a fence, not just a gate to protect them, but they are expecting a fence, not a berm.

So that's my main comments, that we would like to see dust control and tree protection, and how can we guarantee that those trees will be protected? They weren't protected in Las Terrazas, even though we were told they would be protected. We would like to see aerial photographs before the project starts, during and after the site is developed, and then before it's revegetated. And that's all I'm allotted to the Commissioners.

CHAIR ROYBAL: Okay. Thank you, Ms. Shoup. And I want to give staff the opportunity and also Ms. Guerrerortiz the opportunity of possibly addressing those concerns that were presented.

MR. MANZANARES: Mr. Chair, staff has been working with Ms. Shoup and we appreciate her comments and concerns. During the next phase of this project after it receives a decision from the Board they will have to submit for an infrastructure permit as Oralynn had stated. At that point staff will condition on the development order of the infrastructure permit that proper management standards are taken, SWPPP plans are submitted and that a dust control plan is submitted as well. As Oralynn stated, the problems with dust control are coming from a different developer that's kind of outside of their realm. The County has intervened in that situation. Paul Kavanaugh my supervisor wanted me to let the Board know that we have gone out there and we have issued violations and we're working very closely with the neighboring developers on controlling the dust out there and limiting mass grading.

Also, the developer and applicant have agreed to not mass grade this site, so I think with that alone it will alleviate a lot of the concerns that the neighbors have. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Mr. Manzanares. Oralynn, did you have anything to add?

MS. GUERRERORTIZ: Well, I think I would like one of my design team members to join at this point. His name is Knight Seavey. He's available. I hope he could be sworn in and speak a little bit more about our intentions with regards to the berm and a little more of the history of things, possibly, that might be useful to the Commission.

[Duly sworn, Knight Seavey testified as follows:]

KNIGHT SEAVEY: My name is Knight Seavey. My address is 6 Camino Medianoche, 87506 in Santa Fe, and what I have to say is truthful. Okay, just an extremely brief history, unless there is some other question first.

CHAIR ROYBAL: No, I believe go ahead and proceed, sir.

MR. SEAVEY: All right. The current developer, and I say current, Cienda

Partners, was not the original developer of Las Campanas. That was Lyle Anderson who did all of the master planning and also did all of the major infrastructure that comprises Las Campanas right now. Cienda Partners came in well after those phases were done and essentially picked up the charge of dispatching the balance of the undeveloped sites.

Las Terrazas was sold to Pulte. Las Terrazas was a very different project in that it was always zoned for higher density from the original master planning and there had been no change in that. The fact that they came in and mass graded, personally I think that was a poor decision, even though I do understand why they did it. They simply wanted to balance their dirt. And when you're setting pad elevation and building homes that's what tract builders tend to do. It didn't roll out smoothly and I think everybody who's even remotely associated with Las Campanas appreciates that now.

Cienda, on the other hand, to focus on the most positive, most recently has developed two projects that are almost immediately adjacent and were shown briefly on that intro that Oralynn did. One being Black Mesa and the other Tesoro Enclave, much like Mesa de Oro, in fact almost a template. These were state lots. They were not mass graded. All of the vegetation that could be preserved was preserved and much is the same in fact very much the same on Mesa de Oro. When you saw the aerial you'll have noticed one section of the site that was fairly barren except for some low, scrubby plants, but then the southern third is heavily wooded, almost 100 percent juniper. There are a few piñons in that area as well. We're not really having any earthwork of substance at that southern boundary aside from the street and infrastructure that goes in the street, that being utilities.

The only exception to that is two very small drainage ponds that are going to be created right at that boundary which are being done with full agreement with the HOA to stop erosion that is occurring there naturally now. And so we're going to remedy an existing situation with a little bit of offsite work. We will attempt to transplant healthy juniper trees where it is practical. That is not always successful but there are some very fine trees that are going to be in the way of the roadway and if we can move those out to the perimeter, all the better.

So if I may just touch briefly on the berms and the perimeter treatment, the thing that makes this project so different from the others that we've done recently – Tesoro and Black Mesa – and really unlike any other that I can think of in Las Campanas, we are bounded by an extraordinary amount of asphalt. We have Camino La Tierra, we have Las Campanas Drive and we have Trailhead bounding us on three sides. That is a lot of hard surface at that edge and we see the buffering that we would like to employ at the perimeter really a two-way street. It softens the view looking in from those passing by and it also cuts down to some degree on noise. I don't see it as a noise abatement plan to a great degree. It's really to cut traffic lights from penetrating into the subdivision and just to essentially soften the edge. We do not want to do a continuous berm. We do not want it to look like a dike. We want it to have a very natural, organic feel and that's part of the reason why we want to maintain slopes that do not exceed 6:1. That is a very moderate slope. And also it enhances our ability to have successful revegetation of the soil that is placed in that perimeter.

Unlike some of the projects that you've seen recently where native seed is broadcast and maybe even in Las Terrazas, native seed was broadcast. There was a

plasticizing mix sprayed on top of that to hold it to the ground, but then irrigation was simply done by water truck or by hand. Very unsuccessful. The outcome was predictable before they started. We're not doing that. We're going to be providing temporary irrigation at all of these perimeter areas that will be receiving the berms and that is going to stay in place until germination has occurred, which when done properly will easily occur within one growing season.

Now the berms are not continuous. We think that even if we make them natural and organic looking it's still going to look a little weird. So we are breaking them up at intervals with short segments, maybe 75 to 100 feet of wall that will probably be curb sections. They are not going to exceed – and I may not have this number exactly right, but I believe we set the top set height at five or ten, and that would allow us to continue the buffer, break up the monotony of just having the berms, and then the whole perimeter will be broken up once again with landscaping and all of this will be coniferous and native landscape materials, some of which we hope is successfully transplanted in the course of establishing roadways.

So that's a quick rundown on what we're doing. One last point to make is the developer, Cienda, really sees this as an opportunity for a project that is focusing on green, saving what and what have you with the right plants, we would like to encourage passive house construction that is going to be extremely friendly environmentally, low energy. The builders will be brought in earlier in the game and are going to have résumés that point to that. We would like to see all the building methodologies used throughout the construction to be as environmentally friendly as possible, dust control, SW PPP, protocols, all of that will be maintained. The same developer who developed Tesoro Enclave and Black Mesa – when I say developer I'm now talking about the infrastructure development, it'll be the same entity working on this project as well. So we're keenly aware of neighborhood concerns. We couldn't be any further away from the Las Terrazas model in terms of how this is going to enroll, and with that I could stand for any questions.

CHAIR ROYBAL: Okay Thank you, Mr. Seavey. Do we have any questions from the Commission? Commissioner Hansen, you have a question? Go ahead.

COMMISSIONER HANSEN: Are we done with public hearing? I'm just asking.

CHAIR ROYBAL: Yes. We're done with public hearing. We only had one individual that wanted to talk to that and then I asked for questions that she had asked to be addressed. So now we're on to Commissioners' questions. Go ahead, Commissioner.

COMMISSIONER HANSEN: Okay. I keep getting kicked off. I'm sorry, Commissioner Roybal. So I understand that this subdivision will be part of the master HOA with Las Campanas. Is that correct, Orallynn?

MS. GUERRERORTIZ: Yes, that's correct, Commissioner.

COMMISSIONER HANSEN: And so then therefore they will follow all the rules of the Las Campanas Master HOA?

MS. GUERRERORTIZ: Exactly.

COMMISSIONER HANSEN: Okay. So I wonder why you have .5 acre-feet of water. I believe some of the other places have .25. I'm just wondering.

MS. GUERRERORTIZ: Well, Commissioner, when you think of Las Campanas it's actually all over the place. There are some lots in Las Campanas that have 0.75, some that have .5, .4, and .25. Recently I brought you the Valverde projects. Those were all .25, and those were smaller lots that didn't have room for having a guesthome. This project has always been assumed to have guesthomes and that's why it had a .5 set aside for it. There's an overall water budget for the entire master plan of Las Campanas and they've stayed within that budget, and it's tied to a bulk water agreement with the County. And so we have to document every project and how much water that one is going to use and so far we're totally within our total budget.

COMMISSIONER HANSEN: Okay. So then it was extremely unfortunate what happened at Las Terrazas with the mass grading and even through Mr. Seavey does understand why it happened it was very hard for the residents to understand and I know that George and Mona were really shocked by what happened and they created so much dust and disturbance throughout the whole Las Campanas area. And so anything that we can do to mitigate that is really important. The protection of the trees. If there's some fine piñon trees I hope they will be moved also. I know they're a little harder to move than juniper but that would be great if the piñons would also be saved as much as possible. Our piñon jay population is definitely dwindling and so the more habitat we can provide for them the better.

Las Campanas has a – I don't know what the right word is exactly but I have brought forward a pollinator resolution, so I want to make sure that when you're planting this landscaping that you include pollinator plants such as Apache plume and other things. As you know, we just upgraded or lowered our energy efficiency code so I'm hoping that there will be as much solar as possible in the subdivision, and I think those were the basic notes that I had.

MS. GUERRERORTIZ: And if I might say, Commissioner, the concept of saving trees is definitely our goal. If a tree is healthy and is in a roadway or somewhere we're going to have to remove it we will try to save it. And we will go ahead and look at your pollinator resolution and try to incorporate some of the plants that you recommend there, Apache plume and other. Sounds like a wonderful idea.

COMMISSIONER HANSEN: Our pollinator friends will be happy and so will I.

MR. SEAVEY: If I may add to that, we are just in the process of settling on our landscape architect, likely to be Dekker/Perich/Sabatini out of Albuquerque. We mentioned that early on, that this would be important. I can't say that I've read your pollinator resolution but I had heard of it and I love the idea. That will be part of our palette to be certain.

COMMISSIONER HANSEN: I will ask Sara Smith to send you and Oralynn a copy of the resolution. We have had other neighborhoods, Ranch Viejo has adopted this and other subdivisions throughout the county. Also Las Campanas. So I'll see if there's any other questions before I make a motion from the rest of my Commissioners. Thank you.

CHAIR ROYBAL: Okay, so I'm going to go to other questions and comments. Once again, I want to remind the Commission that this is actually Commissioner Hansen's district so I'd like the motion to come from Commissioner

Hansen. Any additional questions.

COMMISSIONER HAMILTON: No additional questions. Thank you, Mr. Chair.

COMMISSIONER GARCIA: Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Garcia, I heard you chime in, sir. Go ahead.

COMMISSIONER GARCIA: This is Commissioner Hansen's district. I understand that. Oralynn, she actually did a lot of things when she was in the Land Use Department. She's actually done a lot of things for the properties and engineering. So I respect Oralynn, totally.

Egg: Thank you, sir.

COMMISSIONER GARCIA: You're welcome. So that's all I have to say. She does an excellent job as an engineer. Just wanted to let you know that. Commissioner Hansen, it's your district, when you're ready.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Commissioner Hughes, did you have any comments sir, or questions?

COMMISSIONER HUGHES: No questions at this time, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hughes. And I don't have any additional questions. I do just want to make some comments and just say that I really appreciate the thought and effort that Mr. Seavey and Ms. Oralynn Guerrerortiz are putting into the request of Commissioner Hansen. I think it's something that is very important for us to look at and make sure that we're following. So I do appreciate the openness from the developer to incorporate that as well. So we don't have any other questions from the Board. Unless there's any other comments or questions of anybody else from the Board I'm going to go ahead and go back to Commissioner Hansen. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. I would like to move to approve preliminary and final plat approval for Mesa de Oro at Las Campanas, a residential subdivision consisting of 20 residential lots to be developed in one phase with accessory dwelling units allowed on each, with all the staff conditions that need to be fulfilled. Nathan, am I missing anything?

MR. MANZANARES: Mr. Chair, Commissioner Hansen, just in accordance with staff's amendments to conditions 3, 8, and 12.

COMMISSIONER HANSEN: And staff's conditions to 3, 8, and 12.

CHAIR ROYBAL: Okay.

COMMISSIONER GARCIA: Second, Mr. Chair.

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

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

11. C. **CASE #21- 5080 Coyote Mountain Community Appeal. Coyote Mountain Community, Appellants, Jim Terhune, Representative, are Appealing the Santa Fe County Planning Commission's Decision to Approve a Variance of Chapter 7, Section 7.17.10.4.1, (25% Slope**

Disturbance for Roads and Driveways), a Variance of Chapter 7, Section 7.17.9.2.7, (Significant Tree Removal), a Variance of Chapter 7, Section 7.17.9.2.3 (30% Slope Disturbance for Residence), and a variance of Chapter 7, Section 7.17.10.1.1 (Building Area Analysis). The Property is within the Residential Fringe Zoning District and located at 66 Coyote Mountain Road, within, Section 17, Township 16 North, Range 10 East, (Commission District 4)

CHAIR ROYBAL: And the Case Manager is Mr. John Lovato. If we could go ahead and have that presentation, Mr. Lovato. Mr. Lovato, if we could have you be sworn in, sir, since you did make a site visit. We'd like for you to be sworn in. Madam Clerk, can you swear in Mr. Lovato.

[Duly sworn, John Lovato testified as follows:]

JOHN LOVATO (Case Manager): Thank you, Mr. Chair. My name is John Lovato and my address is 6 Via Prima, Santa Fe, New Mexico, 87507, and I am in agreement with being under oath.

On March 17, 2021, Coyote Mountain Community, Jim Terhune, filed an Application for an Appeal of the Planning Commission's decision to grant a variance of Chapter 7, Section 7.17.9.2.7, Significant Tree Removal, a variance of Chapter 7, Section 7.17.9.2.3, 30% Slope Disturbance for Residence, a variance of Chapter 7, Section 7.17.10.4.1, 25% Slope Disturbance for Roads and Driveways, and a variance of Chapter 7, Section 7.17.10.1.1 Building Area Analysis, in order to allow the property owner of 66 Coyote Mountain Road, Gerard Ohlsen, to construct a residence. The appeal was submitted within the 30 working days allowed by Chapter 4, Section 4.5.4 of the SLDC. The agent for Mr. Ohlsen, Jim Siebert and Associates, was made aware that an Application was filed to appeal the decision on the proposed variances.

The Application for Appeal was signed by Jim Terhune on behalf of the Coyote Mountain community. There is nothing in record, however, to suggest the Coyote Mountain community as a person within the meaning of the SLDC, namely an entity recognized by law. Accordingly, absent clarification as to organizational status of Coyote Mountain community it would appear that Mr. Terhune as the owner of an adjacent lot and therefore an interested party is properly considered the appellant.

This case first came before the Santa Fe County Planning Commission on August 20, 2020. At that meeting, the Commission postponed a final decision on the application so that the Applicant could have a survey performed, and a survey plat prepared, of the northern portion of the property where the Applicant proposed an access off of Coyote Mountain Road. The case came before the Planning Commission again at its November 19, 2020 meeting. At that meeting, the Commission received testimony from County staff, the Applicant and members of the public. The Commission also considered the exhibits constituting the record for this case, including a document titled Easement Exhibit Prepared for Gerald Ohlsen, as had been requested at the August 20, 2020 hearing. At the November 19, 2020 meeting, the Santa Fe County Planning Commission approved a variance of Chapter 7, Section 7.17.9.2.7, Significant Tree Removal, a variance of Chapter 7, Section 7.17.9.2.3, 30% Slope Disturbance for Residence, a

variance of Chapter 7, Section 7.17.10.4.1, 25% Slope Disturbance for Roads and Driveways, and a variance of Chapter 7, Section 7.17,10.1.1, Building Area Analysis.

The appellant states there are numerous application details presented by the applicant/developer are inaccurate, misleading, and incomplete. There are many unanswered concerns and contradictions that the application exhibits to approve this application. The appeal document presents the problematic details of the applicant's exhibits and the inconsistencies missed by the Planning Commission reviewers. The appellant listed in detail the inconsistencies and staff has responded to these statements as contained in the memo.

To allow the Board of County Commissioners to conduct a review of facts staff includes the variance request as it was presented to the Planning Commission. The agent for the property owner/Applicant responded to the variance review criteria as set forth in Chapter 4.9.7.4 of the SLDC and staff has responded to the Applicant's statements as contained in this memo.

Recommendation: The Application made by Mr. Ohlsen for the requested variances is not in strict compliance with the SLDC, but it meets the necessary criteria for granting of the variances. Due to the topography of the lot, the property owner is unable to build a home on the lot without variances. The site offers limited buildable areas due to its topography, the code requirements and litigation regarding an access easement. If the property owner were allowed to build on the ridgetop, the necessary access would scar the entire face of the mountain, and the proposed residence on the ridgetop would be visible from many locations along I-25 and Old Pecos Trail.

The Applicant has satisfied the variance criteria where, due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner.

Therefore, staff recommends that the BCC deny the appeal and grant and approve the four requested variances: a variance of Chapter 7, Section 7.17.9.2.7, Significant Tree Removal, a variance of Chapter 7, Section 7.17.9.2.3, 30% Slope Disturbance for Residence, a variance of Chapter 7, Section 7.17.10.4.1, 25% Slope Disturbance for Roads and Driveways, and a variance of Chapter 7, Section 7.17,10.1.1, Building Area Analysis.

Staff recommends the following conditions be imposed as part of the BCC approval. Mr. Chair, may I enter those conditions into the record?

CHAIR ROYBAL: Yes, you may, Mr. Lovato.

[The conditions are as follows:]

1. The Applicant shall provide a plan showing the limits of disturbance and provide a construction fence along the limited area.
2. The proposed structure shall not exceed 18' in height.
3. The site shall be screened with native vegetation.
4. The Applicant shall submit a stabilization plan for all disturbed areas, including re-seeding of native vegetation.
5. The Applicant shall submit a grading and drainage plan and soil report for approval prior to building permit issuance.
6. No future development of the ridgetop site will be permitted.

7. The Applicant shall comply with Santa Fe County Fire Prevention requirements.

MR. LOVATO: Thank you, and I stand for any questions the Board may have.

CHAIR ROYBAL: Thank you, Mr. Lovato. I'm going to go ahead and before we go to the Board I want to go to the applicant. I want you to give your presentation and if you have any witnesses in support of the application you can call on those right away, but as far as witnesses, we'll have to have them sworn in and you'll be sworn in as the applicant. I'm going to limit the time for witnesses of support to three minutes.

MR. SHAFFER: Mr. Chair, I'm sorry. It's Greg Shaffer if I could interrupt. I think the time limit is for non-party members of the public who are simply present offering their testimony in support or opposition to the project. For those entities that are parties, the applicant and the appellant the time limit, there would not be a hard and fast time limit on their testimony or the testimony of their witnesses, and that's due to their status as a party to the appeal. So again, I believe what was contemplated was a time limit just when you get to the public hearing portion for anybody who wishes to speak who had not been recognized as a party or called as a witness by a party. I'd stand for any questions but I believe that's what was intended.

CHAIR ROYBAL: Okay. I appreciate that. So there will not be a time limit for witness in support or opposition when we do call on the appellants and the application. So there will not be a time limit, just for the actual public hearing. So if you'd like to proceed I'll go ahead and start with the applicant and their presentation.

MR. LOVATO: Mr. Chair, I think maybe the appellant. Because there's an applicant and an appellant.

CHAIR ROYBAL: Okay, actually, right now I am calling for the applicant. Is this Mr. Jim Terhune?

JIM TERHUNE: We're the appellant, I believe.

CHAIR ROYBAL: Okay, I'm looking for the applicant.

MR. TERHUNE: We understand. Not us.

WAYNE DALTON: Mr. Chair, this is Wayne Dalton with James W. Siebert and Associations.

[Duly sworn, Wayne Dalton testified as follows:]

WAYNE DALTON: My name is Wayne Dalton, address is 915 Mercer Street, Santa Fe, New Mexico, 87501. And yes, I understand I am under oath.

Mr. Chair, Commissioners, thank you. I want to start by saying that we feel that staff has addressed all the appellant's issues in regard to the application. The engineer will provide more detailed plans which staff is requiring at time of development permit, but we are in agreement with all staff conditions. I also want to state that this is a legal lot of record and the applicant, our client, is allowed a residence and a driveway on that property.

Mr. Chair, I also want to state for the record that once the permit is submitted to the County it is public record and can be reviewed by the community. Thank you, Mr. Chair. I stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Dalton. I did want to ask, did you have any witnesses that you would like to call on, sir?

MR. DALTON: Mr. Chair, we do have the surveyor available – who may be available. He was here earlier; I'm not sure if he's still here. It's Diego Sisneros from Dawson Surveys.

CHAIR ROYBAL: Okay, I see Diego Sisneros on. Diego, if you would like to speak, if you could unmute yourself and just state your name and for the record be sworn in please.

[Duly sworn, Diego Sisneros testified as follows:]

DIEGO SISNEROS: Diego James Sisneros. My address is 7505 Mallard Way, Santa Fe, New Mexico, and I understand that I am under oath.

CHAIR ROYBAL: Go ahead, sir.

MR. SISNEROS: I don't know if there was a particular question for me. My duties were to prove where the portions of easement were in relation to the actual road that was built. And I had provided exhibits for Mr. Ohlsen and for Mr. Siebert's office for the application.

CHAIR ROYBAL: Okay. Thank you, sir. Are there any questions from the appellants in regard to the statements that were just made.

MR. TERHUNE: Mr. Chair, we've got some questions of John but I think we're covered in what I present.

CHAIR ROYBAL: Okay. Thank you, Jim. So we're going to go on to the appellant, the presentation and also any witnesses that you would like to call as well. So Jim, go ahead, sir. Mr. Terhune, if you could be sworn in.

[This transcript contains "inaudibles." Audio sound editing did not improve the quality of the recording.]

[Duly sworn, Jim Terhune testified as follows:]

MR. TERHUNE: I understand I am under oath for my testimony to be valid. I am Jim Terhune, 99 Coyote Mountain Road, Santa Fe, New Mexico. May I start?

CHAIR ROYBAL: Yes, sir.

MR. TERHUNE: Thank you, Chairman Roybal. Pursuant to this I may call you your honor once in a while, so excuse me. Before I get started with the County Land Development issue, can you all hear me fine?

CHAIR ROYBAL: Yes, sir. We can.

MR. TERHUNE: Thumbs up. Thank you. I just want to say I was truly moved by the Santa Fe High School mentor program presentation this morning or earlier today, and the students' words and their video. I was truly moved, and more to the point, their commitment to being solid citizens and future leaders and astronauts. I am actually currently in a leadership position for NASA's Artemis Program to put the first woman and the next American man on the moon in 2024, and to Mars, and as we say *ad astra*.

To the subject at hand, I want to say up front we represent – first of all, it was a difficult job that John Lovato and Vicki Lucero have been doing balancing complicated variance applications with numerous SLDC regulations and a rather long drawn-out CPC – County Planning Commission – CPC hearing with conflicting details from the

owner/applicant. Thank you, John, Vicki, we do appreciate it. We have learned more about the process than we would have thought possible or really actually wished to.

At every step of this way we've learned from Hearing Officer Virtue and to the CPC, you guys all changed the page numbers and all the references, so I've striven to – everything that I'm going to bring up is my justification or our claims. I'm doing my best to reference the 325-page BCC hearing that John has sent out in the two files. John, I think it was a 20-pager and then it was a 310-pager or so. I will be calling things out sometimes as BCC dash, and that's the number of the page in your material, John, that follows.

Back to the BCC, this is about our total agreement that the corporate owner absolutely has the right to build on his land, but it has to be within code regulations. However, our appeal is based on three things: that the applicant had blatant disrespect for the BCC's SLDC, the SGMP, and the County Fire Code. Second, the CPC conducted an extremely flawed review of the hearing process. We can go into all the details; I'll answer all the questions you wish, but I'm going to summarize a lot so that we can get through this. But any claim I'm making I can back it up for 10, 20 minutes if I have to. Third, the CPC – so the first is the applicant's basic disrespect for you SLDC. Second, CPC conducted some flawed review hearings. And then third, the CPC really had an ineffective and an incomplete review of the exhibits with respect to the code.

So, good evening, Commissioners. I have chosen to speak for our county mountain community, present our appeal, and answer your questions and summarize our ongoing concerns of this multi-variance application and proposed construction of a building on a very dangerous curve at an extremely steep slope on this fragile hillside here in Santa Fe County, District 4. This is a consolidation of our concerns of the community and details in reviewing the variance applications, the recent submittals by the County and what John was reading a bit of, we've got some questions that we've brought forward, and then the testimony of the applicant.

There are more than 20 major issues to present, proving the intent of the spirit of the SLDC is being dishonored and many other code regulations are not being met and are being violated. These are serious, dangerous precedent setting. The bottom line crux, as Marines would say, a bluff. Bottom line up front. Commissioners, our county mountain community members thank you for your service. We really appreciate the fact you working diligently to maintain and improve the Santa Fe County. On our part, we have worked hard to support the County staff in reviewing the multi-variance applications, and as you will read and will hear, we the public expected respect during the CPC hearings and we did not receive that.

Our appeal is based on the following. So let it be known clearly in the beginning, we would not be against the four variances in this application and its previous statements if our concerns were respectfully and satisfactorily adjudicated, if the code exceedances were quantified correctly, and three, if the applicant's exhibits were consistent and aligned to only the four variance solutions. You're going to hear there's far more than four variances, and I'll back that claim up.

The corporate owners received this 21-acre parcel back in 2003 in a quitclaim deed, from page BCC-256. If I keep referencing the pages and that's not doing anybody any good just let me know – in a New Mexico Supreme Court case. If the four variances

were accurate and approved, and there were only the four, there is a small footprint that is accessible for construction at the hairpin curve, but nothing of the size that's being proposed. What they're proposing is a 5,600 square foot building outline. This area that has been logged in chalk is far under that, so that's going to be the crux of the issue. We're using their conceptual grading plan with all their details. I'm going to come up in a minute and show some charts that do summarize all this.

The 21-acre parcel was received as-is from the corporate ownership back in 2001 and they gave the property to the quitclaim deed as a steep-sloped plat and limited small patches of shallow or low slopes for construction of a site. There is a very notable quote that came from the New Mexico Supreme Court on BCC-page 256 and I may quote. "While Desert Sunrise and Amethyst may have been mistaken as the type of property interest they were receiving, MacDuffee, the previous owner, was not mistaken as to the type of interest he was conveying."

What you're going to hear and read and see a lot from the applicant is that they have a right to build on their land and that they have a "legal lot of record". They say that over and over and over again. That is absolutely true; that is not the issue. The right to build has never been the issue. The issue is the inconsistent details and the apparent violations of far too many violations of your SLDC, SGMP and the County Fire Code. In helping the County to review the variance application what we expected and wanted to hear, read and study is honest, consistent, and accurate details of the code, the ravines that exist, the trees, the flora, the fauna and the impacts of said, and then the pad plans themselves.

Again, we concur that the corporate landowner has a right to build but within well intended SLDC code regulations like all of our homes. There's 14 in the community. All of our homes had to follow them, not just some of them. What you have read or will read is that the County worked with the applicant and worked out a solution with exhibits that state "this plan will be approved." In our testimony we provided two troubling quotes, without community involvement in the developer's variance letter to the County, and it's their Exhibit 1 on page BCC-75.

Let me stop. Is there any value for me telling you all these page numbers of this at all, your honor? I'll continue using the page numbers if that helps.

CHAIR ROYBAL: I'm sorry, sir, can you repeat that. If you could talk a little bit louder.

MR. TERHUNE: That's the first time in my life anybody said they can't hear me. All right. How is that, sir?

CHAIR ROYBAL: Sounds good. We could still hear you but it was just getting a little bit difficult there towards the end.

MR. TERHUNE: I appreciate that. Is it of any value for me to call out the BCC pages in John's recent package?

CHAIR ROYBAL: Sure. If you'd like to that'd be fine.

MR. TERHUNE: So the quotes that are actually very troublesome is these are from the Siebert, the agent, writing back and forth with the County and the quote is "After several meetings and discussions with staff it was determined by the administrator 'staff' that the proposed location was an alternate area suitable for the construction of a residence."

Second quote, "It was also discussed that the alternate location chosen by staff would receive a positive recommendation with the variances needed to move forward with the public hearing process." That's pretty troubling to us to go into the whole hearing process and find that that's pretty much was already a foregone conclusion.

SLDC 2.2, entitled Community Participation, that's the section title, and it states, "In accordance with the SGMP the community regulations of the SLDC are designed to maximize public input on important decisions that affect the county, a community or a neighborhood." I reviewed many past CPC and BCC hearings. For instance the Pilot Travel Center, the Eldorado-related hearings. In those hearings you hear the public and the community involvement and the outcries to be heard and decisions to be made to benefit all concerned. You have heard none of that in this case, and the applicant and the CPC itself failed to embrace this SLDC doctrine to have us involved in the community outreach in the early pre-application neighborhood meetings, for instance, starts one of the concerns.

So this case is complicated. There are many issues with the application as currently documented. We have worked diligently to help the County review this multi-variance application with respect to your all's SLDC, SGMP and County Fire Code. And we unanimously strongly recommend you do the following: A. Approve our appeal and overturn the CPC's decision; B. Deny the variance application as it's currently detailed; C. Invite the corporate owner to resubmit their application with accurate details regarding all the codes, not just some, but all codes and code regulations, accurate details of the hillside topography, and the proposed construction, and then honestly address the impacts to the steep slopes of three existing stormwater runoff ravines, and then the requisite erosion control, etc.

That we would not have any problem with. I was trying to keep this brief as possible and I do understand it's a *de novo* hearing which I don't think you all want to have this actually all the way back to the beginning. But we've submitted a lot of the material into our appeal file for you all to digest but for some reason some of it wasn't passed on to you but I'm going to present all the things that we would want you to hear and I think we'll be satisfied in getting the *de novo* aspects of this review accomplished.

So the grounds of our protest, assuming we have that all correct above, we appeal the CPC's decision on the following grounds based on the applicant agent did not do their job to honestly and accurately comply with the codes. Their exhibit details are incorrect and are inconsistent. For example, total disturbance area is woefully understated. Related slope percentage values, destroyed tree count, and the existence of stormwater runoff ravines. Two, another ground, the applicant's exhibits have at least 20 more SLDC regulations and one County-imposed condition of the height of the building is being violated. It doesn't get addressed in the application, but it says that they'll following it, to the reverse of that.

Then three, this dysfunctional conduct of the two CPC hearings was very upsetting to us all. They grossly violated the County code of conduct. They did not follow the rules of order and one female CPC member flung rude comments at us, like Hallelujah when our comments were done. It was a very foul personal request. My wife has asked me to change one of the F-words but it was very loudly stated, give me a F-ing break. That has upset our neighborhood immensely. The public could hear it. It's on the

internet, and actually it's also unethical that the County has redacted it to where it said, that give me a F-ing break – and I'm doing that because there are ladies here present. But the County has changed that to say: [There was a disturbance on the line.] That's unethical. And strongly, it's actually redacted on the internet. It's pretty hard to be redacted on the internet, but the Santa Fe County CPC member got redacted on the internet and it got changed to give me a bird. This is unbelievable. Wow.

Number 4, CPC did not do their job to conduct a thorough review of the exhibits and the questions, the numerous inaccuracies of the applicant's exhibits, they gave very few questions. They failed to get answers to their own couple of questions and they requested a couple actions. They didn't get the actions resolved. But they voted soon after that because, in our opinion, there's an apparent pre-application deal that was cut between the County and the applicant, apparently because they had the right to build on the property. So the hearings were not – were ineffective.

But we do agree with the last point. Everybody has a right to build on the property, but within the regulations of the SLDC, SGMP and the County Fire Code. The applicant's plans are far from that case. Most egregious, I will show you they failed to disclose the existence in their plans to build over a deep stormwater runoff wash. And I will show violations of the County Fire Code that will create life-threatening public safety access hazards due to the very narrow hairpin curve on the property. That will occur during construction and after construction, all concerns that we've expressed since the first hearing.

The proposed building pads are too big for this location as planned. Acceptable would be a smaller building with four accurately detailed code variances that fit the buildable area of the property the corporate owner received. There are far more than four code violations that are clearly visible in their exhibits which they failed to bring up and the CPC failed to question. As well as the variances as far as the number of trees, the slope percentages, are all either significantly in error or were missing. Since day one our concerns of this appeal are about three things: honesty, accuracy and abiding by all County code regulations, not just some of them. The integrity of your SLDC, and I believe the BCC is in charge of the SLDC, the integrity of your SLDC is at stake. The applicant's apparent insolence with deceiving details and the flawed application process will result in a permanent environmental damage to the steep hillside. This *de novo* formal review of the multi-variance application is appreciated and much needed, especially with due respect to the value of your all's codes.

We were shocked that the CPC did not follow County code of conduct and the rules of order, and especially the rude comment and the foul language flung at us, and they did not question the many inconsistencies in the application, some so obvious our children can see them.

Now, there's going to be just a little bit of some exhibits that I'll show, but in an effort to get rid of this ugly image of the disrespect of CPC I will walk through a few slides that clearly show the major issues of our appeal. Everything discussed and written in the rest of my presentation has been available to the County staff and CPC since the first SLDC hearing with Mr. Virtue, Hearing Officer Virtue. I will walk through what really happened and the deceptive actions by the applicant regarding the total disturbance area and buildable area limit claimed to be 8,267 square feet on their Exhibit 2, which is

on page BCC-55.

And again, we did give over a lot of these exhibits but they didn't somehow make it into you all's BCC's hearing package. But I'm going to present them here. And in a typical briefing or hearing we would be handing out copies of these exhibits and we'd make it very easy for you all to follow along, 3 X 4 exhibits on easels, but seeing that the process is trying to rush forward rather than wait a few more months for the effective meeting environment we will forge ahead, though we have had a suggestion on the table, a very strong suggestion, is delay this another month or two, let us all get back to a normal kind of a meeting where we can actually make it a little bit easier to make the presentation of what I'm going to go through. So I choose not to make it too boring but it's going to take a little bit to get through some of these exhibits.

So our first exhibit, I think you do have it, it's Exhibit S. It is our professional survey that we recently contracted for surveying shots of the proposed building site, the ravines, and the roadway, and we did deliver that with our appeal file so I believe you have that. Obviously it's a large piece of paper. You've got it in 8 ½ X 11, but that's our Exhibit S. May I go ahead and share my screen?

CHAIR ROYBAL: Yes, sir. Go ahead. I believe you have the capability. Is that correct, Daniel?

MR. FRESQUEZ: Yes, sir. He should have that ability.

MR. TERHUNE: Sharing. And are you seeing my T-1 86 Coyote Mountain Road professional survey results? Thumbs up. Thank you. So this is part of what's on – these are screen shots of images of the portions of the big signed Exhibit S, and we're going to call this Exhibit T-1. This is the details from our exhibit. It's the certified shots of the roadway, the north property line, and the details of the building site and the existing ravines. The tables are signed by the surveyor, LSC Surveys, a registered New Mexico professional survey. The image that's blown up on the left – in the big picture it's about a thumb scale of detail but I've blown it up here.

What you see here, and it's important to keep in mind in here, there's this heavy purple horizontal line. We surveyed it. It's the north plat boundary of his property at the roadway. You can see the hairpin curve. It's coming uphill from the left, into the curve and then further uphill to the right. Then there's a thin yellow boundary line. That is the outline of what they, the applicant, chalked out. It was ordered by the first meeting with Virtue. They were ordered to come out and chalk the disturbed area for "the count of destroyed trees". Those coordinates for that light yellow outline are above and all. The blue lines are the two survey depth – deep – existing stormwater ravines that exist. We had the surveyor walk down the ravines, take the shots, and those are the numbers that are called out, like 64, 65, all the way over to 48, and then the other one would be the 57 downhill to the 59.

Thick yellow line's important. That is what the applicant had chalked off as the markings that you could stand on today – the chalk lines are still there – that it's basically, it's the driveway. It would obviously be to the north and the building would be to the left. It's an important line to keep in mind. The red line is for the shots that were around the height at the bottom. That shows the height of the stormwater runoff. It's significant, and water ran in it the last week or two. Then points 28, 29, and 49 were actually shown just for some professional slope analysis that we wanted.

Note that in our opinion and our surveyor's opinion, the applicant has not provided a recently surveyed assigned slope analysis by a licensed surveyor. There's some paperwork that shows some licensed engineer but there is nothing that we can see where there is actually the recent survey that we did.

So if I go to slide 2, which is the second computer here. Give me a minute if you please. All right. Am I back? My screen? Sorry. So T-2 is just the rest of the surveyor's data. It's the same picture on the left. North is always north on these. There's a few more of the point shots, but then on the right is the recent email where we just asked him – these surveys were taken a month or so ago – we asked just take the dimensions of that yellow outline and tell us – and sign – and tell us what is the area of that polynomial. It says right there in the middle on the right. It's 3,833 square feet. That's a pretty important number to remember. 3,833.

T-3 is they gave us – this is an image that came basically off of T-1. We've rotated it where the north now is always going to be to the left. The surveys that were done, T-1 and T-2, are shown. The surveyor gave these to us in KML format. They gave us this screen. So the shots that are the two – there's a blue on the upper left, is a ravine. These are all their shots and the confirmation of the 3,833 square feet. Just a look ahead. That yellow outline is 63 percent smaller than what they're drawing as the total disturbance area.

Staff stated and I'll quote, "Since the time of the Hearing Officer meeting the applicant's agent state, 'The buildable area' and marked significant trees to be removed. Staff followed up with a site inspection on April 4, 2020 and confirmed that the applicant is within the proposed buildable area presented at the – John, I think you wrote February 1 but unless there was another meeting we missed it was February 14th – the staff confirmed that the amount of significant trees to be removed was accurate: "10 significant trees." That's all on BCC-page 68.

The short yellow line, again, that's where they indicate a driveway to the left, house to the right, that is confirmed with our numbers to be a 12 percent slope. That actually then proves that this site is being built on a shoulder of the hillside. That aspect of this being on a shoulder is going to come up in a few minutes. It also shows that 30 percent of this proposed site is on less than 30 percent slope. These are numbers that we're getting right off of their Exhibit 2. The thick blue line on the upper left is the first deep stormwater runoff. The thick blue line in the middle right is the second one. And then the red line is actually where – that would be the south berm height. Higher up there's the edge of the – so basically the right ravine is at the end of the yellow, deep into the blue by about five feet, and then back up again about eight feet on the red.

So from our survey data both washes, the ones that are both shown here in blue from the data we got are about four feet deep. They're significant. They get down to granite, which means that water races. They're about 20, 25 feet wide, and they're all close to the 30s and 40s. So they're significant stormwater, existing runoffs and again, the two thunderstorms we've had in the last week, the 3rd and the 6th, there was a good amount of water running down those.

Exhibit T-4 is their exact picture. You'll see it in a lot of your materials. It might be 90 degrees rotated but it's north is left. This is actually the applicant's Google Earth image, and it's entitled first landscape plan. It's on page BCC-149, and it's showing the

north boundary. So it's showing the north boundary. We agree. And it's showing the dimensional details of their Exhibit 2, which is on BCC-55. It shows the driving parkway. You can see that. I'm not sure if I mouse around a little bit if you see these things but it's pretty clear. That's exactly their outline of their proposed outline of the building and the heavy blue line.

What you see is – I'm not going to go through all of them, but there's a dozen violations just on this very page. They're missing the three ravines. If you can read topography you can actually see them. I don't know if anybody can see my mouse movement. But in the area that's this lower tree that's been installed, this is the ravine. You can actually see it from these topo lines ever two feet. You can see it climbing up that hill. They chose not to bring that up. We believe this picture because these out trees that are outbound of black disturbed area, they are up against the root diameters; they're going to die. There's more trees in the area – they claim it to be the eight-inch wide tree at 4 ½ feet off the ground, but also, there's another definition, if it's eight foot tall. These trees, there's easily 66 significant trees that hold back the soil that are going to get destroyed by this picture. Not to mention the Fire Code actually says you can't [inaudible] the trees in. That's in SLDC 7.6.3.1.2, 20 feet apart. So they're drawing something that's in violation of the code.

They're also not showing a very tall retaining wall. I'm sorry. They're showing it but they're avoiding it. And if – can you see the mouse? Is it effective? Let me just circle the mouse a little bit.

CHAIR ROYBAL: Yes, we can see it, sir.

MR. TERHUNE: All right. I'd be standing in front of an easel and pointing to it. If you want to just – and I'm under oath, and I'm a mechanical engineer and nuclear physicist so I think you can trust that I can read a topography, the way that they've detailed this and I'm going to show it coming up, but this spot is important right in this area because that's actually – this hillside as currently exists is 22 feet higher than this driveway. So they're showing a detail in their other drawings I'll be coming up on. This could be a fairly flat driveway parking but to get up to this corner of this building, that's 22 feet. You're violating another rule, SLDC 7 – something. Whatever. Whatever 7 – that then says you've got – 7.17.10.7.8. Then you've got to have it five-foot back. I'm sorry, five foot up, six foot back. That area of that retaining wall setback is not shown within the picture of the black. There's many things that are not shown in the black area and I'm going to get to that in a little bit.

This also shows the lower roadway, which is causing major life-threatening safety hazards. SLDC 7.4.5, Fire and Emergency Access Easements. "Emergency access easements shall be not less than 20 feet in width and shall remain clear at all times of obstructions including other vehicles." The Fire Marshal has been out. The Sheriff has visited and they say – and I'll show a picture, but when you picture a fire engine sitting on the roadway, or a construction truck, or their cement truck, they are in violation of that 7.4.5 and so that road is not wide enough. And all that needs to be done is have the County put another imposed condition and say that curve, that hairpin curve, needs to be made wider so that there is a full passage of emergency, or non-emergency while there's construction trucks, or when the Fire Marshall wants to go around the big fire truck.

Things that – there's many things that are supposed to be, and I had it earlier for

maybe some questioning of John but it was going to take too long. And I'm under oath, so you can believe me, but the disturbance areas that need to be defined have things that are totally not considered in this black line. Construction lay-down. Leach fields. Retentional setbacks as I just mentioned. And if you're going to be honest about the ravines, you're going to have to do something above it, which would be to the north of the [inaudible] side, and you're going to have to a lot down to the south of it, because you're going to basically be trying to probably put some piping or something, which is another violation that would have to be a variance.

So there's a huge amount of disturbance area. The basic rule of thumb is 2.5 times the building size. This area, first off, the black, I'm going to tell you. That black area is bigger than they claim. It's far bigger than the area as what we measured it. And there's another picture that makes it even bigger. So to our point, we just continue to see numbers that do not match anything. And by the way this driveway is actually sloped by 11 to 12 percent. The code, SLDC 7.11.2 says 10. So it's not that these violations couldn't be overcome. They've got to be admitted to. There's a serious reason for these codes and just blatantly calling for – to not have the right numbers and not having all admitted to, it's just – it's beyond us.

Version 5, I'm going to click back for a minute. So three is ours, four is theirs, and I'm going to get up to it, and I'm under oath, but I'll prove in a few minutes every one of these images I've shown you are perfectly and accurately aligned. So you're looking – at this picture you're looking at a 3,833 yellow outline that John is claiming that the agent called as the total disturbance area. End quote.

Then, they've got a black outline. This is their picture. And it does not measure 8,267 as they claim. It actually – you can go on Google Earth and measure it as a polynomial, and it's within a couple square feet. That's 10,287. It isn't close to this 12,000 square foot limit, and that's another SLDC violation. I keep putting a greater sign just before the number because as I said earlier, and this doesn't show leach field. This doesn't show construction lay-down. So it's very clear that there's apparently – I'm always taught to say apparently – that there's some reason that they're not showing an accurate depiction. I think this is unethical and unprofessional in our opinion. It should actually result in some revocation of state licenses. This agent's yellow chalk outline is 63 percent smaller. They chalked, we measured in the black line. It's gotten so many violations it's not even funny.

I go to 6. This is their drawing again, and now I've just taken what they have in Exhibit 2, and I've put the numbers on there. And that is, they claim 5,607 is the building. I drew a square. It's supposed to be 53 feet on the north side, which is the left. That makes it about 106 for the right. That's an accurate sizing of their house. The driveway, 2,660. You add those two together. Here's the 86 – there's the 8,260, and that's what they're claiming to be the total disturbance area. They draw that inside of the area in black. Then they also did show the septic line but the leach field, it's sitting over a ravine. You can see that in the lower right. These lines have been reviewed. They exist. You can see them in the picture but in the topo you can really see them, but these are accurately depicted. And the septic leach field is proposed, but it's proposed on top of a leach field. It is 130 feet away from the next neighbor but it's over a ravine. You don't put leach fields over the top of a water that runs down a ravine and heads down to the well, and the

well for the property is about another 500 feet down. That's just dishonest and that's just unacceptable.

So then I've run up and down many basketball courts. Not the NBA but many basketball courts and I've used this to – we've asked the CPC, we've asked to come out and take a site visit and they won't. Or they didn't. And if you were to stand on that yellow line that's still there today, that yellow line, that short little line, is where they say driveway to the left, building to the right. If you stand there and you picture a basketball court, which is slightly smaller than the 5,607, anybody can see that it's far over the exceeding of the ravine, which confirms their pictures and their dimensions and their layout, so there is no question in my mind that this image does actually show all the dimensions of all the applicable areas very accurately.

And then on the left, if I can take you up to the upper left, one of the things that we did want to do with our 8-4 recently survey, is to make sure that we knew right where the – it's on the upper left, private property, no trespassing. So that line is right there across the uphill side of the very steep curve. That is the edge of the property of access that this owner, the property owner, corporate owner has on this roadway. There's nothing of his above that. So there's going to be a lot of construction that has to be done inside of all that. Mind you, there was no early neighborhood meeting, which they could maybe have worked a few things out but suddenly we're just called into Mr. Virtue's meeting. They took the same pictures and then you take – this is the E-11 pumper truck, out of Hondo. And it's accurate. I know how to scale things. They're not going to park in the driveway because the house is on fire, and this right here, those are the bushes you can see to the left are real. This is a huge slope off to the left, and the Fire Marshal points out to us – anybody that does construction and sees that instead of a fire truck – it could be a load of lumber, they cannot park there if there's not enough road width, and part of it's because of the hair-pin. You learn in geometry that that hairpin is not acceptable and the CPC should have seen it. The County should have seen it. It should have been a very easy condition that could have been added to the case to say clear the left side of the elbow, and then when we want to come down – we live above here – when we want to come down – Susan lives above here, and we need to go to the hospital or a doctor, we have to be able to get past the fire truck. Even if there's a fire, we've got to get past the construction truck. So it's very limited access on this curve area.

Then I take T-9 is the last picture. This is their Exhibit 13 and it's on BCC-page 148, and it's called out as proposed disturbed area and it's in the red. You take the measurements of the red on Google Earth and that's 13,676. This is their picture. And I know that all of this, you don't have to trust me but you should, but this is overlaid perfectly. I can take any tree, I'll tell you the tree on this picture –

MR. DALTON: Mr. Chair.

CHAIR ROYBAL: Yes.

MR. DALTON: This is Wayne with Jim Siebert's office. I just want to state for the record that we did not prepare any of these exhibits that the appellant is discussing. Thank you.

CHAIR ROYBAL: Thank you.

MR. TERHUNE: That's not true. T-4 was theirs. T-4 is theirs and T-9 is theirs. So bottom line, if you go back and take any one of these indicated trees. That's a

tree right there. You go down through all my pictures. These are all overlaid perfect. The bottom line is there is a yellow – there is a white staked area that we show in yellow that's 3,833 square feet and they're proposing it to put in a 5,607 square foot building, and a 2,660 foot – and they claim that the yellow is in trees. We claim that black area – or I'll go to the red one if you want. They agreed that they're both theirs. This red area is their Exhibit 13, BCC-148, so I'm not sure what he was saying. If he didn't recognize it he can help you?. The bottom line, there is so – there's probably more than 66 trees that are dead by this. This area is way over the ravine so the fact is that we've got pictures and we've got documentation that shows ravines. If I were doing a cross-examination of John or to the Siebert right now, there is no – there is absolutely no evidence that they've ever acknowledged a ravine. Or three.

This is their exhibit also. So there are older exhibits of theirs, and maybe he isn't aware of these. They're mostly his. Is the house actually – there's some pictures that show it stepping left to right, which would be downhill. But then this is the most recent depiction of the building that they're proposing, and it actually slopes to the south. You're looking there, you'd be looking to the south. You can see it steps down. There's another picture here that's theirs. It shows it truly stepping down to the right. So in other words, this back level is easily 12 to 13, 14 feet lower than the front level, and by the way, if you remember where the ravine is, the water right now if you just left it as a pipe would be going through the window of this lower area.

But this picture here is blatantly wrong. And if it's their latest version of a stepping down to the south, which we have to accept is right, and we accept it's within the region that they have shown in their exhibits 2 and 13, they just egregiously – this pipe that I've drawn in here, that is the height of the current soil on that current spot of the current diagrams on our mountain. So it's easily ten or so feet higher. So this area that they're showing is a nice little backdrop, patio, or whatever. This all is mountain that has to be retaining wall. So there's our claim, and if you do the topo it basically is the 12 – that's about 22 feet of a retaining wall that's going to be in there. They don't acknowledge that. They don't work through that at all. So what's shown in this picture is absolutely wrong. We didn't create it.

But if there is a version showing this which is one way of looking. There's another version of details I'm going to show in a second that shows that here. So this is theirs. I think they'll recognize this. So this is our Exhibit U-1. It's theirs so no one can claim on the next slide I've changed anything. This is exactly their "conceptual grading plan". I assume they recognize it. The next one is – all I do is I'm going to make it easier to read things. This is the black area that I've been showing. It's their numbers. All the numbers we've got are off of this. You can actually see the ravine. It's showing – this actually over here on the right – maybe I'll just zoom in, if I don't screw it up. I've already screwed it up. So this is actually showing pads high, medium and low. That's to the west. Those other pictures I just showed you are sloping in the other direction. So which one are they using and which one is the County using?

I started out as an architect. I can read topo and can read slices. This scale that's on here, this is a slice, the middle is the slide across the driveway section lines and these are down into the building. So what we've done to help ourselves – my wife actually highlighted them and I'm not going to zoom into all of them, but all of the oranges are

their 53-foot wide front building proposed and the orange, the orange, all the oranges are the same front dimension, if you will. It's a second scale on the bottom. There's a building from the side views. But you can see right here in the middle, they're showing at the corner of that building as I'd said earlier, where my mouse went, that they're going to have a flat area and then there's that pole that I had drawn. In this case they do show the required five-foot up, six foot back, 5,6, although one of them is six, so they break that rule. The rule is 5, 6, 5. This is showing 6,6,5,6.

So come on, people. We got dinged when we built our property for three inches on our parapets. If you take this 32-foot result in terracing, which they do kind of show here. I'll zoom back out. They don't show [inaudible] They don't show the disturbance area. Plus they don't show the trees that are damaged. So you can actually have pointed out storm ravines. So the point of this is is the detail here is what we've used for all the claims and if you've got 3,800 square feet area available and you put 5,000 and 2,000, it doesn't fit. So that just doesn't compute.

CHAIR ROYBAL: Okay. Thank you, Mr. Terhune. I don't know if there was still a lot more in your presentation but we still have to go to public comment. And I think everybody understands your concern but if we could try to – I'm not sure how much longer your presentation is but if we could try to move forward with it that'd be great. I know it's really informative and really detailed so I appreciate that.

MR. TERHUNE: Let me – this basically here walks through what I've just said, that there's claims, the sizes, the measurements we've taken and the proof. This is the listing from – there are far more than four variances all the way down through – what we've confirmed and I and – let me this one please. I understand and I will abide by that. There's far more than four violations. There's drastically understated total disturbance area. I've mentioned that. Oh, by the way, it's 12,000 square feet is the limit, and there's many things that aren't in there.

Three, the three stormwater ravines clearly can be identified. Four, we've talked about the public safety hazard of the road being blocked. This actually violates – this is actually defined in the SLDC as to be on a shoulder, and it's clearly on a slope greater than 30 percent down and it's less than 30. This is a shoulder. The limits of a shoulder, which is SLDC 7.17.9.3.2 is a 14-foot high construction, one level.

Six was probably the one we detected on first meeting, but we've learned now that you can actually grub and grade without a state building permit. The applicant can grade the site and install a pad without the owner's state building permit for a building based on two drastically different pad details, or actually which one, supposedly all you need is the very first development permit that the County "for grading". So the quote that we got from the County was often times the County approves a development permit to construct access on the pad for lots that are a legal lot of record. When developing a residence a permit checklist is provided in a different document and a different checklist. The grading and clearing checklist, which is only required, very minimalistic, is provided for roads and pads.

So what we're concerned about is you've got all these different details, all these numbers are drawn out of, and you can very easily get the very first LG development permit – grading, and you can be up there pretty soon after that, and you can start grubbing and grading. And that to us is egregious.

I actually wanted to show this and I won't. These are actually two quotes that I found and in an August 11th BCC hearing where you all were fighting and having a little issue with LANL and taking water out of the Rio, and I found it really interesting, so I went back a little bit. Commissioner Hansen may recognize this but these are the kind of words that she used in protesting why they didn't have the right details. The application wasn't filled out right. And then Attorney Shaffer followed in that same hearing with the basis of it all. These quotes that were given are exactly what we're saying. Just get the right details. Don't be violating all the rules.

So let me just summarize and I'll respect what you asked for, your honor.

CHAIR ROYBAL: Please proceed, and then we do – the applicant will have the opportunity to ask you questions as well.

MR. TERHUNE: Absolutely. So let me summarize the issues and I think that the worst of this is that the SLDC allows for a pre-application neighborhood meeting, and it's stated as required. John has mentioned it to me they decided it wasn't required. If there was any poster child for a need for a neighborhood meeting to go over these things ahead of time, this is it. This has all happened while we basically have not even been aware of all this and the fact that this development grading plan can be authorized and as was stated can be used to get going with a pad, it seems egregious to even have this with all these SLDC violations.

The last thing I just wanted to say is I've got over 47 years working in the aerospace defense industry, and when we write a requirement and it's a shall statement, and there's 3,789 in the SLDC – that's a law. That doesn't get violated earlier. So what I'd like you to think about is these shall statements being violated left and right. Medical professionals follow regulations. John follows regulations. I, as an engineer for aircraft and of satellites follow regulations – requirements. Shall statements are something. So the next time you sit in an airplane, on inbound approach to SAF, you better hope that the engineer that was involved in that aircraft and that airport were following the shall statements and they just didn't have a few that they thought that they could honor and a few that they didn't. So that's basically what the crux of what our community – and I'm not representing the community but I think I've taken enough time, but I think that our community has never been saying other than they agree with what I've presented and we've put together as a team. We can't even imagine how the CPC didn't catch a few of these things. And I stand for questions.

CHAIR ROYBAL: Thank you, Mr. Terhune. Are there any questions that we have from the applicant at this point, for the appellant or cross-examination? Mr. Dalton, or the surveyor?

MR. LOVATO: Mr. Chair, this is John Lovato with Growth Management. I can add some words as well, just to clarify some issues, when you get a chance or when they are completed.

CHAIR ROYBAL: Absolutely. I haven't heard from Mr. Dalton so –

MR. DALTON: Mr. Chair, this is Wayne.

CHAIR ROYBAL: Mr. Dalton, go ahead, sir.

MR. DALTON: I'd just like to state that the site's not buildable without variances. And we can't comply with code. That's why we're going through this process. Staff is requiring these reports as a condition of approval. Everything that Mr. Terhune is

discussing will be addressed at the time of development permit. And if you look at condition #1, the applicant shall provide a plan showing the limits of disturbance and provide a construction fence along the limited area. So we're requesting 8,200 square feet of disturbed area. That area has got to be fenced and we're not allowed to touch anything outside of that fence.

As far as significant trees go, staff has verified the amount of significant trees. We're required to do a landscape plan, and we plan on transplanting healthy piñon and juniper trees as part of the landscape plan. We're required to submit a drainage and grading plan, which would address Mr. Terhune's issues. And Mr. Chair, condition #7, the applicant shall comply with all Santa Fe County fire prevention requirements. This application – this isn't a development application; it's a variance application. Our client cannot move forward and spend the money on the studies that staff is requiring without these variances being approved first.

Mr. Chair, I also want to say that the drawings that Mr. Terhune was referencing, yes, they're renderings. We were asked by staff to basically imagine a house complying with code requirements, and give them a picture of it. That's what we did. It's not set in stone. That's a rendering. There's still a lot of work to work to, Mr. Chair, and we understand code requirements and so does staff, and staff has done a great job. And as I say, there's still a lot of work to do still and all the appellant's questions and issues will be addressed at the time of development permit. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Mr. Dalton. I'm going to go to Mr. Lovato.

MR. LOVATO: Thank you, Mr. Chair and Commissioners. I certainly don't question the ability of Mr. Terhune. He's a very smart guy. Obviously, he works for NASA, he's a physicist and what not. I don't question that at all whatsoever. But I do bring up a valid point that the slope analysis was done by a licensed engineer, which we allow. The plans that were presented to you are in the packet. They were also done by a licensed engineer. The engineer did not identify any major drainages [inaudible] major drainage was identified and staff was on top of it. I also walked the property as I stated under oath and did not see major drainages that can't be addressed with the engineer's grading and drainage plan. The site would be unbuildable if we did call out every single drainage on a property.

The total disturbance is 8,267 square foot and Mr. Terhune has acknowledged that and so has staff. This was identified by a licensed engineer. So it's hard for us to analyze Mr. Terhune's statements without proper licensed engineers involved. If he had a plan that showed different from a licensed engineer I can surely say, okay, some issues are here. We're going to probably need a third part involved. But that's not the case.

He brought up a point also but the 285/84 Corridor, which is in the Eldorado area in a public hearing and having a pre-application meeting. That's its own [inaudible] and it's stood by itself for a long time and those are required in those overlay districts that are like that. I looked at some of the houses and I provided [inaudible] and many of the houses are along this hillside, in imagining the roadway going up the entire hillside of that mountain and putting a house on top would be way more detrimental and that is why staff has acknowledged and said down low it would be an impossible buildable area.

We are concerned, one of the concerns that the applicants or the appellants have

raised in terms of grading and drainage and safety. We do have a letter in my packet and in the files as well from County Fire showing approval. The access point to the top of this – or to this site, is a 40-foot easement. It has a 20-foot driving surface. In some areas, yes it does dwindle down to about 18 feet, maybe in some cases 14. Our code allows for access on that type of easement. Under our amended ordinance in 2017, I believe, it allows for the road widths to be adjusted so long as Fire gives approval in line with the approval.

So those are some major points I wanted to bring up. The biggest one of all is that this is done by a licensed engineer and I will not question that. I may see small discrepancies whenever I review these types of plans and I will call those out, but obviously they have a license and that is their profession. So with that I just wanted to clarify some of those points and put that out for you guys. Thank you.

CHAIR ROYBAL: Thank you, Mr. Lovato.

MR. TERHUNE: Mr. Chair.

CHAIR ROYBAL: Mr. Terhune.

MR. TERHUNE: Yes, sir.

CHAIR ROYBAL: Mr. Terhune, I also wanted to ask you, did you have any witnesses that you wanted to call on to speak also?

MR. TERHUNE: Yes.

CHAIR ROYBAL: If not, go ahead and ask your questions, sir.

MR. TERHUNE: Did I understand you to say that you – that that yellow line that we drew was not done professionally? That was done by our licensed surveyor. It was done to the chalk line that you had ordered him to do. It's exactly the lines that Siebert's group came out – I don't know if I'm still showing my screen – and our surveyor, he's licensed, he measured that out to be 3,833. You all came out and counted the trees inside of that. You say it's ten. We don't disagree with that, but it's half the size, almost, of a building that they're documenting to you all of a 5,607 square foot building. That's the largest building on this hill. If they were to put – if they were to honor the yellow line that we've drawn and put like a 2,000 square foot house right where they say, that would match what you guys said for trees, and that would be the slope. But the minute you start getting near ravines you've just got onto about five or six more SLDC limits. When you get to the true disturbance area, you break another variance.

So one of the questions I could ask is [inaudible] variances. [inaudible] the right numbers, but I don't understand how anybody could look at this one image that our licensed surveyor said was the yellow disturbed area, marked off to your all's orders, and then they show documentation of a 5,607 building and 2,760 – it doesn't compute. But [inaudible] and just how many variances would it take – way too many variances to put in a 5,000 square foot house. A 2,000 square foot house would fit in the place they announces was their white chalked area. But not the biggest house on the land. Thank you.

CHAIR ROYBAL: Thank you, Mr. Terhune. So if there's not any witnesses, I do want to go to public comment. Did you want to call on witnesses or are they signed up to speak to this? Did you want to call on them or do you want them to just speak when I call for public comment?

MR. TERHUNE: Public comment is fine, sir.

CHAIR ROYBAL: Okay. Thank you, Mr. Terhune. Okay, so Tessa Jo, can you tell us how many people we have signed up to speak in support or opposition of this project?

MS. MASCARENAS: Yes, Mr. Chair. We currently have five people, not including Mr. Terhune that have signed up.

CHAIR ROYBAL: Can we read off their names and if your name isn't called, if you could please speak up and state your name for the record, or if you're a call-in participant if you could hit star 6 to unmute. Can you read off the names, Tessa?

MS. MASCARENAS: Yes, sir. I have Elizabeth Terhune. I have Charlie; I don't have a last name for him. Ann Lehman, Alan Suits, and Susan, I believe it was Kenny.

MR. TERHUNE: Charlie was the C. in the military thing. But I also have a letter from a Paul and Sandra Packman. They have asked for – they sent an email. They were not able to get on and I would ask if I could just read their letter. The Packmans –

CHAIR ROYBAL: Okay. We can do that.

MR. TERHUNE: Raymond and Susan and Elizabeth – we have four.

CHAIR ROYBAL: Okay, so I'm going to go ahead and go, is there anybody else that wasn't mentioned by either Tessa or Mr. Terhune that would like to speak to this item? Okay, hearing none, those are constituents that we'll hear from today. Tessa, if we could start with the first one.

MS. MASCARENAS: Elizabeth Terhune.

ELIZABETH TERHUNE: Here I am.

CHAIR ROYBAL: And if you can be sworn in and state your name and your address for the record please.

MS. TERHUNE: My name is Elizabeth Terhune and I'm raising my right hand.

CHAIR ROYBAL: We can barely hear you so if you could speak up just a little bit more.

MS. TERHUNE: Is this better?

CHAIR ROYBAL: Yes, that's better.

[Duly sworn, Elizabeth Terhune testified as follows:]

MS. TERHUNE: Elizabeth R. Terhune, 99 Coyote Mountain, Santa Fe, New Mexico.

CHAIR ROYBAL: Okay, we're still having a pretty hard time hearing you so if you could speak up just a little bit more. Go ahead, Ms. Terhune.

MS. TERHUNE: Thank you. Commissioners, thank you for your service to our county. I am my neighbors have [inaudible]

CHAIR ROYBAL: I'm sorry, Ms. Terhune. We can't hear you. You're going to have to speak up. I'm not sure if you could call in, but we're having a hard time.

MS. TERHUNE: Let me try another [inaudible]

CLERK CLARK: That's better. That's much better. When you said that last sentence you were very clear.

MS. TERHUNE: Commissioners, thank you for your service to our county. Is that better? I and my neighbors have repeatedly testified we remain concerned about the apparent code violations that are not addressed in this application. [inaudible]

we have documented [inaudible]

MR. SHAFFER: Ms. Terhune, I'm not sure if anyone else can hear you but I know that I cannot. Is it possible for you, perhaps, to get much closer to the microphone or use a different device?

MS. TERHUNE: As I and my neighbors have repeated testified we remain concerned about THE apparent code violations that are not addressed in this application – public safety and erosion issues. We have documented these [inaudible] and others with our in-person testimony over a year ago in front of the SLDC Hearing Officer. From what we have learned through reviewing the SLDC regulations [inaudible] this proposal and detail differs significantly in their application that violates the [inaudible] by a huge amount and the [inaudible] The environmental damage will be done, then the water, sewer and other. This was clearly confirmed in a recent email we received.

I am the CEO of an aerospace consulting company, not a land development expert. I would like to hear how the proposed development and the driveway can fit into [inaudible] chalked area. The proposed building is larger than any house in our neighborhood. I stood on the chalk line [inaudible] twice as far south as the [inaudible]

The three ravines are real [inaudible] professional survey. As a matter of fact this past week thunder storms have [inaudible]. We understand they have a right to build. It just has to be documented by our code. After the first hearing, my husband [inaudible] was too narrow to meet the code requirements [inaudible] This is our only ingress-egress route. If that was blocked [inaudible]

MR. TERHUNE: Can I go ahead and read the one from the Packmans? If that's acceptable to you all.

CHAIR ROYBAL: Okay, so we can go ahead and do that but I'll like to just make sure that we try and stay – not be repetitive on things that have already been mentioned and I think that we had mentioned quite a bit relative to other speakers. If instead of being repetitive just try to be cognizant of everybody's time. It's getting close to 9:30 now. If we can just, if the statements are somewhat repetitive you can just say that we agree with the statements that have been made by Mr. and Ms. Terhune and stand in opposition or support, whatever it happens to be. But if we can try not to be too repetitive on things that have already been presented to the Board, I appreciate that. So go ahead, Mr. Jim Terhune.

MR. TERHUNE: Yes, this is from Paul and Sandra Packman. They've sent it to me. They're at 5 Coyote Hills Lane. They're actually in Texas right now. Not too – it's very short. But basically, they agree with everything that we've written. They helped us write all of that. The bottom line, they expect these changes continue to be respected and adhered to. They're disappointed that the code is being basically – very bad precedents are being violated, and the letter and the intent of the 2016 SLDC. Bottom line, they request, along with our other fellow landowners, that serious consideration be given to the impact of the granting these variances on the environment, the flora, the fauna. They remind us that there is – this is an archaeological, cultural zone. Medium to high. There's a pueblo two miles away. The Civil War was fought 16 miles away. We are in an archaeological, cultural region. Medium high. We don't see that to be [inaudible] We've brought that up many times. Thank you.

CHAIR ROYBAL: Thank you, Mr. Terhune. Can you please state the

names of who you just please state names for the email that you just read for the record, as clearly as you can?

MR. TERHUNE: Paul and Sandra Packman, 5 Coyote Hills Lane.

CHAIR ROYBAL: Thank you, sir. Appreciate that. Tessa, can we have our next speaker, please?

MS. MASCARENAS: Yes, Mr. Chair. Our next speaker is Ann Lehman.

ALAN SUITS: Hello.

CHAIR ROYBAL: Go ahead, sir. We can hear you.

MR. SUITS: This is Alan Suits. I'm the husband of Ann Lehman. I live at
- do you want me to swear in?

[Duly sworn, Alan Suits testified as follows:]

MR. SUITS: Yes, my name is Alan Suits. My address is 43 Coyote Mountain Road, Santa Fe, 87505 and I understand I am under oath. Okay, I guess what I would like to say at this point is I am still kind of stunned at the statements for Mr. Walton [sic] that they have to have variances first before they can show us any valid plans and I can't even wrap my head around that. Okay. Let's let that go.

Here's the only thing I would like to emphasize at this point. I've lived here for 20 years and I've seen numerous incidents of dramatic and destructive runoffs over the years after heavy rains on our dirt road. The worst runoff is directly from the two washes that are right in the center of the proposed building site. Our community statements about this early on in the hearings with the County Planning Commission were dismissed as anecdotal. I was kind of shocked. And I don't want to belabor this anymore but we have been really astounded at the lack of professionalism and courtesy and decency shown us by the County Planning Commission, not to mention that they have ignored, dismissed and evaded an enormous amount of our questions and concerns.

If the applicant is willing to resubmit accurate details and legitimate plans for building on the site in question we could revisit the whole subject for having variances, but there's no valid reason based on the dishonest and misleading plans and documents the applicant has previously submitted for any variances to be considered at this time as far as I'm concerned. That's it. Thank you.

CHAIR ROYBAL: Thank you, sir. Can we get our next speaker?

MS. MASCARENAS: Susan Kennedy.

[Duly sworn, Susan Kennedy Zeller testified as follows:]

SUSAN KENNEDY ZELLER: My legal name is a double name. Susan Kennedy Zeller. I live at 71 Coyote Mountain Road, and I understand that my testimony will be truthful. Okay. Issues I would like to emphasize concerning the proposed construction at 66 Coyote Mountain Road, and please refer to the legal survey our representative Jim Terhune has shown you. I live at 71 Coyote Mountain Road and my property will be severely impacted by this landscape and the actual construction proposed. The destruction concerns the use of my upper roadway and it runs from the security gate past the developer's land and continues up to the higher turn where my property ends. The security gate was installed to prevent excessive public sightseeing to the top and is maintained by myself and the Terhunes.

This roadway, as you can see by the presented legal survey from Jim Terhune, [inaudible] is primarily part of my property. There's a very small, short slice along the

bottom of the hill where the developer's property begins. My property ownership runs from the gate along the outer edge of the mountain on one side and the inner edge on the other, past the developer's land and continues up the hill until it reaches the Terhunes. I have never restricted the developer using this roadway to view or access his property. However, construction machines, trucks, heavy materials, an entire worker crew, possibly a number of worker cars, porta-potties, flood lines and everything involved with any construction traveling on or to this property is another matter.

The roadway is fragile and this excessive amount of construction will destroy not only the environment, as the Coyote Mountain community has indicated, but also my personal roadway property. All current owners above the gate have continued to maintain it. We also pay our share of the lower Coyote Mountain roadway, as do all homeowners contributing funds in proportion to their property's distance from the main road. Guess what. The developer to date has contributed nothing in the way of maintenance to either lower or upper roadways.

Should this committee approve this construction they must stipulate that all damage caused by construction be the financial responsibility of the appellant [sic] and a regular maintenance share also be the responsibility of [inaudible] owner.

Lastly, wildfire, as everywhere in New Mexico, is always a consideration. Our community has their own wells and monitors them carefully. Should this construction interfere with any existing water supply it is 100 percent the developer's financial responsibility to remedy. If this committee approves this construction your approval must stipulate permanent maintenance responsibilities, monitor acts of construction. Thank you.

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

MS. MASCARENAS: Mr. Chair, that was our final speaker on this case.

CHAIR ROYBAL: Okay.

MR. LOVATO: Mr. Chair, before you go any further, can I add a couple more comments in?

CHAIR ROYBAL: Absolutely, Mr. Lovato. Go ahead.

MR. LOVATO: Thank you, Mr. Chair, Commissioners. I just wanted to clarify to you as well that the significant trees that the appellant brought up, those are trees that are located on 30 percent slope. What's been accounted for is on 30 percent slope and I think Mr. Terhune referenced a visual that showed trees that were in general in the general location of this that were not on 30 percent slope as well. And the second part of this is I really understand the points that were made just recently. It would be in the best interest if the applicant, property owner, Mr. Ohlsen had access to the top of the site then we wouldn't be here in front of you for any variances. But in order to construct any residence on this property variance request is required and needed to be granted. So I just wanted to put those out there. Thank you.

CHAIR ROYBAL: Thank you, Mr. Lovato. Okay, so we don't have any other public comment. So we're going to go to Commissioners. And this is Commissioner Hamilton's district so I'm going to go to Commissioner Hamilton first.

COMMISSIONER HAMILTON: Thank you, Mr. Chair. Mr. Lovato, can I ask you a few questions to get some just clarifications on the record. This is a private residence that's being built on a legal lot – intended to be built on a legal lot of record,

correct?

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

COMMISSIONER HAMILTON: And so the issues here – is it unusual to request the needed variances before detailed building plans are developed?

MR. LOVATO: Mr. Chair, Commissioner Hamilton, in terms of the residence, we see these a lot, and what we try to do is we try to get the best detailed plans we can get. In this case they were engineer plans. Sometimes we ask more detail in terms of if they were requesting a height variance or so, but in this case this is where we're at.

COMMISSIONER HAMILTON: So my understanding is that you all went out to pick an alternate site when there was no access available for the building site at the top of slope.

MR. LOVATO: Mr. Chair, Commissioner Hamilton – sorry. Go ahead.

COMMISSIONER HAMILTON: No, well, I was going to – well, it's kind of a double question. And went out to pick one that minimized, in the net, minimized disturbances. But it still allowed the owner to utilize the site.

MR. LOVATO: Mr. Chair, Commissioner Hamilton, initially when I went out to the site a couple years back I walked the entire hillside, which the applicant had proposed an access point. I wanted to take a look as a courtesy to get to the top. I looked at that, discussed it with my supervisor who's Paul Kavanaugh. We discussed it in detail, that this site would be way more detrimental in terms of significant trees, rock outcroppings, slope disturbance, grading and drainage plan would be very – it would create a lot more drainage. And not only that but this site had many possible variances on top for setback and other issues that were at hand being visible from very many locations along I-25 and Old Pecos Trail and St. Michael's at that. And honestly, if the applicant had access or legal access to the top, for whatever reason, this was done prior to him coming forward with this request there was a legal litigation on the road and the applicant does not have access to the top where there is a buildable area. And I feel that if you were to design up there we can meet the standards with some tweaking of his house or his residence. That's not possible and that's why he is building down lower on this lot.

This lot area is close off the road so it would be a lot less of a driveway to create and not only that but it's easier to get access to and it's probably the only area that has the least amount of significant slope before besides the top.

COMMISSIONER HAMILTON: So if these variances that are approved, and there are four variances that are required, correct? If these variances are approved what other plans, studies, and other compliances are they going to be required in order to complete – do, construct a project?

MR. LOVATO: Mr. Chair, Commissioner Hamilton, so what happens is is that we're going to request the grading and drainage plan for the entire site as well as the disturbances and for any of the impervious surfaces that are created as well, and they're going to have to capture the pre- and post-drainage calculations of the development. They cannot change. They've got to be on. And it's stated in our code in one of the sections of our code. That's got to be complied with, as well as all the other conditions of approval. They've got to provide the limits of disturbance with construction fence and showing that they have to be within the confines of the approval.

If they are somewhat out of it then we're talking about a null and void situation

here. It's a unique situation. They can't exceed what they're being granted. So therefore then they would have to go through you or through the proper route, I should say, the Planning Commission and Hearing Officer once again to get those additional approvals. The applicant felt fairly confident that he can be within those confines and that's why he created this plan. Basic plan sets – he's going to need elevations. He's going to need what's provided on our permit checklist. He's going to need to provide a permit from the Environment Department. He's need to provide a permit from the State Engineer's Office for the well. There's minor other documentation and perhaps Vicki may be able to chime in a little bit more on that, but I think that's basically the requirement for a residential single-family residence.

COMMISSIONER HAMILTON: And so all of those things still will be done. These are variances that are just going to allow this to move forward to have any ability to build. Are all – as a lot, he has a right to build a well, he just has to get the permit and do all that with the State Engineer's Office?

MR. LOVATO: Mr. Chair, Commissioner Hamilton, that is correct on the first statement. He does need these variances in order to move forward and there is additional requirements in which he'll have to provide with the conditions of approval as I explained. And then yes, he will need to provide us an application and approval from the State Engineer's Office and Environment Department for the septic system for the water and septic.

COMMISSIONER HAMILTON: And is that consistent with other houses developed in this neighborhood, they're on wells and septic?

MR. LOVATO: Mr. Chair, Commissioner Hamilton, that is correct. It is consistent.

COMMISSIONER HAMILTON: Okay. Well, at this moment those are my questions. Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. I'm going to go to other Commissioners that have questions. I'll just go one at a time. Commissioner Hansen, did you have any additional questions? No? Not at this time? Commissioner Hughes.

COMMISSIONER HUGHES: No. No additional questions.

CHAIR ROYBAL: Commissioner Garcia. We may have lost Commissioner Garcia. Is Commissioner Garcia still on, Tessa?

MS. MASCARENAS: Yes, his is.

COMMISSIONER GARCIA: So, really – John Lovato, great job for your presentation. For an individual that's worked in the zoning department for many, many years and did a lot of – many, many presentations. Great job. You did a great job. Some of the things is that I think that it's a legal lot of record. That's what we do in the zoning part. We mention it's a legal lot of record and you guys have already done that. Yes, it's a legal lot of record. I get it. I understand that.

In regards to the individual that actually kind of – I hate to say obviously the way it is, because bashing staff, I don't like that. So I just have a little bit of a hard time whenever somebody's very talking down the staff. I don't appreciate that, because I have been staff many, many years, so I just wanted to put that for the record.

Also, in regards to we've got the legal lot. So these trees, what type of trees are

they? Are they like – what are they? What kind of trees are they are why are we making a deal about these trees? Are they beautiful trees that have been there for 25 years. But I just wanted to bring that forward, Mr. Chair. But one of the other things is, yes, as the Vice Chair brought up, they're going to do the environmental stuff, State Engineer's Office, all that stuff. They have to do all that stuff before they can get a permit for that stuff.

But one of the things is thanks to staff. I just don't appreciate it when people, they bash the staff. So that's what I want to say, Mr. Chair. So that's all I have to say. Thank you.

MR. LOVATO: Mr. Chair, I just wanted to go ahead and answer Commissioner Garcia's question. The type of trees that are on there are ponderosas. These are piñon trees and juniper trees some brush, some other similar brushes like that.

COMMISSIONER GARCIA: Thank you, John. One again, excellent job, what you guys do because you are people who realize the zoning department is a very challenging department that we all deal with, whether it's City, County, State. So great job and your staff. [inaudible] Thank you, Mr. Chair.

CHAIR ROYBAL: Thank you, Commissioner Garcia. Thank you, Mr. Lovato. If there's not any other questions from the Commission, I'm going to go back to Commissioner Hamilton.

COMMISSIONER HAMILTON: Look, I believe and really appreciate the Land Use staff having done a very credible job on this. The idea of variances exists in fact to support those situations where somebody is not able for reasons just like this to build on their property without certain variances. All the other protections that are in the code are being followed through on, and I trust that our staff is doing an appropriate job on that. Frankly, I think the Planning Commission probably saw that as well. Clearly there are a lot of details to be worked out but the owner is going to be held to complying with all of those rules and regulations, and I appreciate the staff's assurance that that's going to be reviewed.

So under the circumstances, I believe these are – other answers are needed to allow the rightful property owner to build on his property but they've gone to a very reasonable effort to try to minimize disturbances and minimize the problems. And so I would like to make a motion to deny the appeal, uphold the Planning Commission's decision.

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

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: Public comment is already closed sir. And we have a second from Commissioner Hansen. So motion from Commissioner Hamilton and if you could clarify your motion was to deny the appellant's request? Correct?

COMMISSIONER HAMILTON: That is correct. And uphold the Planning Commission's decisions to grant the variances.

MR. LOVATO: Mr. Chair, Commissioner Roybal and Commissioners, is that with staff conditions as well?

COMMISSIONER HAMILTON: That's correct. That's affirmative, Mr. Lovato. With staff conditions.

CHAIR ROYBAL: And the second, Commissioner Hansen, is it also the same?

COMMISSIONER HANSEN: Yes.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Hamilton, a second from Commissioner Hansen. I'm going to go to a roll call vote.

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

CHAIR ROYBAL: So thank you, Commissioners, and I want to say thank you to the constituents and also the applicants and appellants that were here today to give their testimony. We really appreciate it. These decisions aren't always easy but it's something that the Commission has to do so we appreciate you all being here tonight.

11. D. **(1) CASE # 20-5110 Vista de Sangres Subdivision Conceptual Plan, Preliminary and Final Plat, Plat Extension and Variance. El Llano Company Inc., Applicant, is Requesting Conceptual Plan Approval for a 23-Lot Residential Subdivision (Which Includes 1 Open Space/Remainder Tract) to be Developed in Two Phases and Preliminary and Final Plat Approval for Phase 1 (9 lots) and Phase 2 (13 lots) on 12.62 Acres and a 36-Month Time Extension of Phase 2. The Request Also Includes a Variance of Chapter 7.13.7.1.5 and Table 7-19 of the SLDC to Allow Phase 1 to Utilize the Existing Wells Until Such Time That a Community Water System is Established with a Valid Water Permit. The Site is Located North of the NM 599 Frontage Road at the Intersection of Caja del Oro Grant Road Within Township 17 N, Range 9 E, Section 31 (Commission District 2); and (2) Consideration and Potential Action on Affordable Housing Agreement if Preliminary and Final Plat Approval is Granted After Public Hearing**

VICKI LUCERO (Case Manager): Thank you, Mr. Chair. I'm going to give a little bit of the history on the project to start. Prior to enactment of the SLDC, this property was under the jurisdiction of the Extraterritorial Zoning Ordinance. Under the EZO, the subject property was classified as being within the Urban Area. In this area, the allowable density was 0.5 acre per dwelling unit where community water and sewer were being utilized. At that time, the Applicant was proposing to utilize community sewer and connect to the County water system which was anticipated to be extended to the property per 2005 agreement between the County and El Llano Company, Inc. and County Road 62, LLC, which also owned an interest in the property at that time. The property owners were granted approval for a condominium development of 23 dwelling units.

Subsequent to that approval, the roads and infrastructure for the entire project were constructed.

On September 21, 2009, El Llano Company, Inc. recorded with the Office of the County Clerk a Replat and Subdivision for Vista de Sangres Subdivision consisting of 22 residential lots, based on the previous approval of the condominium development. The

plat was never presented to the BCC for review and approval; rather, it was signed in error by the Land Use Administrator at the time.

Eight of the lots in the subdivision were sold and the County issued permits for six of the residences as condos prior to the recordation of the 2009 plat. The County also issued permits for two additional homes on separate lots under the 2009 plat, before realizing that the subdivision had not gone through the proper approval process in order to create a 22-lot, Type III Major Subdivision. A Type III Major Subdivision requires approval by the Board of County Commissioners. The 2009 survey plat was approved administratively without going through a public hearing process and without the BCC taking action.

Upon this discovery, Santa Fe County determined that this subdivision was not created legally and these lots could not be recognized as legal lots of record. When El Llano Company, Inc. was notified of this determination, a Complaint was filed against the Board and current Administrator in New Mexico State Court, First Judicial District, Santa Fe County on January 3, 2019. The Complaint asserted claims for declaratory judgment, equitable estoppel, breach of contract, breach of duty of good faith and fair dealing, promissory estoppel and violation of constitutional rights, and also asserted a claim for injunctive relief.

In an attempt to resolve the dispute, the parties entered into a Settlement Agreement and Release of Claims in August of 2019, and that's in Exhibit 6 of the packet material. The Settlement Agreement requires the Administrator and Board to conclusively presume that El Llano has vested rights in the density required to allow a single family residential dwelling on each of the 22 lots. In addition, the Applicant agreed to submit a consolidated application for subdivision approval. The legal proceedings are stayed pending the outcome of the application contemplated by the Settlement Agreement, which application is the subject of this report.

The proposed development is within the Residential Estate Zoning District and is within SDA-2.

The Applicant is requesting Conceptual Plan approval for a 23-lot residential subdivision, which includes 1 open space tract, to be developed in 2 phases and Preliminary and Final Plat approval for Phase 1 which will consist of nine lots and Phase 2 which will consist of 13 lots. The Applicant is requesting a 36-month extension of the Preliminary and Final Plat approval of Phase 2 which will allow them up to five years to record the Final Plat for Phase 2. The Applicant's request also includes a variance of Chapter 7.13.7.1.5, and Table 7-19 of the SLDC to allow Phase 1 to utilize shared wells until a community water system is established, which will be prior to Phase 2. The use of the shared wells will allow the already-occupied homes to continue to receive water in the manner they are currently receiving water.

The Applicant is developing this subdivision in two phases, as the community water system that was installed does not satisfy all requirements set forth in the SLDC. Specifically, sufficient water rights have not been transferred, and therefore the entire subdivision cannot be recorded. Eight homes have been constructed, and in order to allow those eight owners to have a legal lot of record, the Applicant is phasing the development to include all of these lots in Phase 1.

The applicant is requesting conceptual plan approval in order to phase the

proposed subdivision in accordance with Chapter 5.5.4.1 of the SLDC. The Applicant has addressed the conceptual plan approval criteria as stated in the staff report. Staff has also responded to the criteria.

The Applicant is also requesting a variance. Under the SLC variance requests are required to go before the Hearing Officer and Planning Commission for recommendation and approval. The settlement agreement between the Applicant and the County, however, calls for all public hearings related to the Vista de Sangres project, including hearings related to any required variance to be consolidated and heard in the first instance in one proceeding before the BCC. In addition to being mandated by the settlement agreement this approach streamlines the approval process while still providing the public an opportunity to be heard on all issues.

The Applicant is requesting a variance which requires a community water system for subdivisions of five to 24 lots whose minimum lot size is less than one acre as well as a valid water right permit from the OSE for a quantity of water to meet the maximum annual water requirements of the proposed development.

The Applicant is requesting that the Board of County Commissioners allow the subdivision to continue using its statutory domestic water rights established under NMSA 1978, Section 72-12-1 solely for Phase 1 of the subdivision. A fully compliant community water system, pursuant to the requirements of the SLDC, will be established before recordation of the Final Plat for Phase 2 of the Subdivision.

The Applicant has responded to the variance review criteria below. Staff has also provided a response to each of the variance criteria.

The Application for preliminary and final plat approval was reviewed for compliance with the applicable standards set forth in the SLDC. Staff reviewed the studies, reports and assessments, and also reviewed for access, road design, fire protection, landscaping and buffering, lighting, signage, parking, loading, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, operation and maintenance of common improvements, and affordable housing.

Recommendation: In regards to the Conceptual Plan, Staff has reviewed this Application for a 23-lot residential subdivision to be completed in two phases for compliance with the Conceptual Plan Review Criteria and finds that the Application meets the criteria for approval of the Conceptual Plan.

In regards to the variance: staff has reviewed this request for compliance with the variance review criteria. There are eight existing homes in the development that are currently utilizing the existing wells. The requested variance would allow these eight homes plus one additional home to continue to utilize the existing wells, provided that a community water system be established prior to plat recordation of Phase 2 which would serve the homes in Phase 1 as well. At that time the variance would no longer be needed, and therefore, it would not be contrary to public interest. If the variance were denied and the final plat for Phase 1 were not recorded, the homeowners in Phase 1 would continue to face uncertainty regarding the legal status of their lots, which would create an undue hardship on those homeowners. Therefore, staff can support the variance request.

In regards to the Preliminary and Final Plat Approval and three-year time extension: Staff has reviewed this Application for compliance with Chapter 5,

Subdivision Regulations, Chapter 6, SRAs, Chapter 7, Design Standards, and other pertinent SLDC requirements. The application is in compliance with the SLDC.

Staff recommends approval of the request for a Conceptual Plan to allow a 23-lot subdivision to be developed in two phases. Staff recommends approval of the request for a variance to allow Phase I of the development to continue to utilize the existing wells. Staff also recommends approval of the Preliminary and Final Plat for Phases 1 and 2 of the Vista de Sangres Subdivision to create 23-lots and a three-year time extension of the plat approval for Phase 2, subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIR ROYBAL: Yes, you may.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a. NMDOT
 - b. NMED
 - c. OSE
 - d. SHPO
 - e. Soil and Water
 - f. Santa Fe Public Schools
 - g. County Public Works
 - h. County Fire Marshal
 - i. County Utilities
 - j. County Planning Division
 - k. County Open Space and Trails
 - l. County Affordable Housing
2. Final Plat with appropriate signatures shall be recorded with the County Clerk's office.
3. All staff redlines and comments shall be addressed prior to plat recordation.
4. Water restrictions and conservation covenants shall be amended to comply with Section 7.13.11 of the SLDC and shall be filed in the County Clerk's office and referenced on the plat.
5. Water quality standards of the New Mexico Environment Department shall be met.
6. When the water system provided by the subdivision qualifies as a public water system, as that term is defined in 40 CFR Part 141, it will have to meet and comply with all the provisions of Title 20 (Environmental Protection), Chapter 7 (Wastewater and Water Supply Facilities), Part 10 (Drinking Water) of the New Mexico Administrative Code. At such time, an Application for Construction or Modification of Public Water System will need to be submitted to the NM Drinking Water Bureau.
7. The Community Water system, including the water rights, shall be established and in operation prior to the recordation of Phase 2.
8. A new discharge permit from the NMED shall be submitted to the County prior to June 20, 2021.
9. The disclosure statement shall be revised to reflect the variance.

10. The size of the existing pond shall be increased to 2.6 acre-feet in volume to accommodate the additional water storage for Phase 2. This shall be completed prior to recordation of the Final Plat for Phase 2.
11. The Lot Owners Association is responsible for the maintenance of all private roadways, terrain management structures, drainages and common areas.
12. A Stormwater Pollution Prevention Plan shall be required for Phase 2.
13. The Board's approval of the preliminary plat, final plat for Phase 1 and Final Plat for Phase 2 shall supercede the 2009 Plat in its entirety.
14. El Llano shall record the final plat for Phase 1 within sixty (60) days after the Board enters an order conditionally approving the Consolidated Submissions; provided, however, that prior to or contemporaneously with recording the final plat for Phase 1, El Llano shall (1) re-record the 2009 Plat with a prominent note stating: "Superseded Per Order of the Board of County Commissioners, filed at Book ____, Page ____, " and (2) record an affordable housing agreement entered into with the County in accordance with the SLDC, subject to the stipulations set out in the Settlement Agreement.
15. Prior to recording the final plat for Phase 2, El Llano shall obtain water rights permits from the OSE in accordance with the Settlement Agreement and provide copies of such permits to the Administrator. The permits shall be sufficient to meet all qualifications and requirements for BCC final plat approval, including, but not limited to, all requirements and restrictions in NMSA §47-6-11.2 and in SLDC Section 7.13.7.1.
16. The Variance of Table 7-19 and Section 7.13.7.1.5 shall expire at the time of Final Plat recordation of Phase 2.
17. A vegetation Management Plan shall be submitted for review and approval by the County Fire Marshal prior to the recordation of the Final Plat for Phase 1.
18. The development permit for the affordable dwelling unit in Phase 1 shall be submitted prior to any development permits for homes in Phase 2.

MS. LUCERO: Thank you, Mr. Chair. I stand for any questions.

CHAIR ROYBAL: Thank you, Ms. Lucero. I'm going to go ahead and wait on questions to staff. Is the applicant present?

SCOTT HOEFT: Yes, I am.

CHAIR ROYBAL: Mr. Hoeft, is that correct, if you'd state your name and address for the record and we'll have our esteemed Clerk swear you in.

MR. HOEFT: Scott Hoeft, 48 Paseo Aragon, Santa Fe, New Mexico, 87506.

[Duly sworn, Scott Hoeft testified as follows:]

MR. HOEFT: I'm under oath. My name is Scott Hoeft. Address is 48 Paseo Aragon, Santa Fe, New Mexico, 87506. Thank you very much. So I have a brief presentation this evening. I just was going to take a little bit of time to summarize what Vicki went through because it's long and it's complex and there's a four-year history on this project. I'll take about five minutes of your time.

So first of all, I am Scott Hoeft. I am the land planner for the project and I've been associated with this for the last four years with Kate Fishman, the owner to get to this

hurdle for this project. Kyle Harwood is also on this video conference. He's with Egolf, Ferlic Martinez and Harwood and he's available to field any questions regarding water or water rights. Travis Jackson is also on the video call. He's from Jackson and Loman Law Firm and he can field any questions regarding the settlement agreement or any of the procedures over the last four years. And then also Kate Fishman is on the video call and she is the owner. Again, all are available to field questions. They are not making presentations this evening.

And so first of all we'd like to thank Vicki and Penny Ellis-Green. This has been a long haul. It's been four years to get to this point, believe it or not. We started off in 2017 and it was an inquiry regarding water rights for the project and how do we proceed? In 2019 we found ourselves completing the settlement agreement for the project. It took two years just to get to the settlement agreement. In February of 2020, another year later and a little longer, we went ahead and made the submittal.

And so let me just quickly summarize. The settlement agreement directed us to make a submittal on this project which is complete, essentially. From an infrastructure standpoint, from a home standpoint. The question of course is the legal lots. And so we were required as part of the settlement agreement to complete the submittal and take it to the BCC for public hearing. This process took from conception of starting the submittal to actually completing it and getting it into review about a year and three months to get to this point to date, and that was several submittals, several rounds of submittals with staff and the reviewing agencies. So it took some time to get this submittal right for this evening. There's been a lot of work to get this. And if you think about it, we've been at this for four years and we've got this pretty much narrowed down to 18 conditions of approval, of which 17 of those we agree and one we have a minor correction to. So that's quite an accomplishment of where we've been on this project.

The other point I'd like to make is there's eight existing property owners on this project. So for us to proceed with this we needed their approval. We needed their concurrence, and they've been a pleasure to work with. They've been extremely encouraging and cooperative throughout the entire process.

And so the submittal itself was four pieces. It was a conceptual, which is consistent with the SLDC. It was a conceptual plan, which Vicki pointed out. It was a preliminary plat and final plat. And preliminary plat because you need a preliminary plat before you submit a final plat and then a variance. And the variance is because we have two phases. And the variance is needed because we have water for the first phase, Phase 1, for the first nine lots, and we need that to be able to proceed to get those lots recorded in Phase 1 before we can proceed with Phase 2. In order to get Phase 2 recorded we need to transfer the water rights.

And so the other element of this application this evening is the time extension. And so we need an additional time, which is part of the application tonight, 36 additional months, for 60 months total, in order to have the time to transfer the water rights so we can record Phase 2.

So going forward here, the process is going to be we are going to – if we get approved this evening, within 60 days we have to record Phase 1. Those are the first nine lots. Then the water rights transfer process will proceed, and within, hopefully, a two-year period of time we will have that completed. We will then proceed to record Phase 2

of the project and then development permits for the homes and for the affordable homes will be proceeded with once Phase 2 is recorded.

So in this period of time though we also have to consider the condition of approval. So there was a condition of approval, which is number 10 which we have a slight concern with which is – it's a minor tweak. Overall, as said, we agree with all 18 conditions of approval with the exception of a minor tweak on the tenth condition, and that is that the condition stated that we needed to build the expansion of the storage pond, the ponding area, which you can see on the plan that's on the screen, the ponding area, we need to expand that for the development of Phase 2 and the requirement is is that they need to be constructed, to be finalized prior to us submitting the plat for Phase 2. In fact we're just simply asking that we can post a letter of credit for those improvements, record Phase 2, and then do the improvements once Phase 2 is recorded and we're proceeding with the development of the homes and the balance of the construction.

And so why we're requesting that is because as part of the settlement agreement, Section #5 states that we're not required to do a letter or credit or bonding. And so I'm making this request of staff so that we can go ahead and proceed to get a letter or credit as an option for condition #10.

So in sum, essentially stated, where we were, which four years ago, 2017, was a long way away from where we're at now. And essentially through this submittal process, which has taken us a year and a half we get to the point where we have a complete submittal and now from this point forward – if we can get your approval and if we can get the plat recorded – the existing homeowners will be satisfied with their approved lots, and we can proceed with the water rights transfer and then in the next year or two or three, record Phase 2. And again, that additional time is needed for that extension. It's part of the request this evening, so that we don't have to come back for an approval.

So with an approval of a preliminary plat we have two years to record the final plat and if we don't record the final plat within two years, for Phase 2, we have to come back and ask for another extension, for an extension. We're circumventing that. Rather than have me come back for an extension again, if we have trouble with the water rights transfer, we would have the extension granted tonight so that would save us the issue down the road. And with that I stand for questions, as well as my team.

CHAIR ROYBAL: Okay. Thank you, Mr. Hoeft. I don't know if you wanted to call any other witnesses or any of the other team members to comment as well or are just be available for questions, but I'll leave that up to you and see if you want that to be your presentation and you didn't have any other witnesses at this point.

MR. HOEFT: We are good, Commissioner.

CHAIR ROYBAL: Thank you, Mr. Hoeft. Okay, so we're going to go next to public comment. Is there anybody from the public that has signed up to speak on this item, Tessa?

MS. MASCARENAS: Yes, Mr. Chair, William Mee is.

CHAIR ROYBAL: Okay. And what I'm going to do is if there's anybody else from the public that would like to comment in support or opposition of this request, if you could state your name so that we can go ahead and include you on public comment. If you're a call-in participating by phone you can hit star 6 to unmute yourself. So once again, is there anybody else that would like to speak relative to this item besides

Mr. William Mee Okay, hearing none we're going to go ahead and close the public comment and we'll call on Mr. Mee. Mr. Fresquez, did you have a comment?

MR. FRESQUEZ: Yes, Mr. Chair. It looked like somebody raised their hand, Stephen – there isn't a last name tied to it, but I think they wanted to speak up or comment on it.

CHAIR ROYBAL: Did you say Stephen?

MR. FRESQUEZ: Stephen, yes.

CHAIR ROYBAL: Okay, Tessa, so it looks like we have two speakers. If we could go ahead and start with Mr. Mee. If you could state your name and address and be sworn in by our County Clerk, Mr. Mee.

WILLIAM MEE: It's William Mee with Agua Fria Village Association and my address is 2073 Camino Samuel Montoya, Santa Fe, New Mexico, 87507.

[Duly sworn, William Mee testified as follows:]

MR. MEE: William Mee, 2073 Camino Samuel Montoya, Santa Fe, New Mexico, 87507. I'm under oath. Basically we were sent a letter to the Agua Fria traditional historical community organization and we reviewed the packet. We did have some questions on the water issues but in reviewing the packet, it makes it muddier. No it made it clear, and we have no other issues with the development.

CHAIR ROYBAL: Thank you, Mr. Mee. So your organization is in support of this development?

MR. MEE: I guess we would take no position or no position in opposition.

CHAIR ROYBAL: Okay. Thank you, sir. And I think we had Stephen who also wanted to comment, sir. If you can be sworn in by our County Clerk.

[Duly sworn, Stephen Pattinson testified as follows:]

STEPHEN PATTINSON: My name is Stephen Pattinson, 29 South Calle del Oro, Santa Fe, 87507. I am under oath and I'm in full support of this. I'm a homeowner. I'm one of the eight homeowners that currently bought six years ago. We went through everything legally. One of the biggest investments in my entire life and to find out there was a mistake a long time ago by somebody at that County was just overwhelming. So I really hope that this gets resolved. Thank you.

CHAIR ROYBAL: Thank you, Mr. Pattinson. Okay, so we don't have any other public comments so I'm going to close public comment and I'm going to go to Commissioners. This is in Commission District 2, Commissioner Hansen. Would you like to start us off please?

COMMISSIONER HANSEN: Yes, thank you. I keep getting kicked off. It's only happened like 10 or 15 times today.

CHAIR ROYBAL: Frustrating.

COMMISSIONER HANSEN: Thank you for the presentation. Thank you, William and thank you, Stephen. My question is on item 10, the size of the existing pond shall increase to 2.6 acre-feet in volume. So you don't want – how big do you want to make the pond?

MR. HOEFT: Commissioner Hansen, the pond will increase to that volume, the 2.6 acre-foot of capacity. The issue is not the size of the pond, it's when it will be constructed. And so we were requesting as part of that condition that we can either build it or bond for it prior to recording. It's stated right now that we have to build

it, complete it, prior to recordation, and we're requesting that we can either build it prior to recordation of Phase 2 or we can post a letter of credit for those improvements prior to recordation of Phase 2.

COMMISSIONER HANSEN: Okay, Vicki, how do you feel about that?

MS. LUCERO: Mr. Chair, Commissioner Hansen, because it's a request by the applicant rather than a requirement by the County and the applicant has acknowledged that he will not consider it to constitute a breach of the settlement agreement, I think staff would be in agreement with that condition with the an additional statement just stating that development permits for Phase 2 will not be issued until the pond is fully constructed.

COMMISSIONER HANSEN: Okay. I can go for that. How about you, Scott?

MR. HOEFT: Yes, Commissioner Hansen. That's acceptable.

COMMISSIONER HANSEN: Okay. So I want to make a motion to approve the Vista de Sangres Subdivision conceptual plan, preliminary and final plat, time extension and variance, which includes all of the conditions, and the condition that we've just commented on, that will be in the final order.

MS. LUCERO: Mr. Chair, Commissioner Hansen, I think you've captured everything.

COMMISSIONER HANSEN: Okay.

COMMISSIONER HAMILTON: I'll second.

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

COMMISSIONER GARCIA: So really quick. This is a problem. This happened in – Vicki, very good job. You got right to the point. Good job. Scott, you and your team, great job because this has been around since 2000. It was an interesting thing because – and Vicki knows this and Penny and Land Use is this is a type of project where we did a transfer of development rights. So one of the questions I have is those TDRs, are they still there or are they gone? I had a question on that. But once again, the settlement agreement, we'll talk about this as the County Commission, Manager Miller and her team, as into to see where they're at right now. But great job

So the question I have, is the transfer or development rights, because this is on the first properties we did transfer of development rights, back in the day, back in 2000. So what happens to that stuff? Question. And once again, Vicki, you did a great job. Awesome. And Scott, you and your team, great job. And so we will not get Phase 2 or 3 until we actually have a water system to them, correct? Thank you.

COMMISSIONER HANSEN: There is no Phase 3; there's only Phase 2.

COMMISSIONER GARCIA: So this is better off for a while. Before 599 was there they got zoning from the gentleman who works for Ms. Miller, got the zoning out there, but however, still, what happened with the transfer of development rights, Vicki, that we approved this property for, and where did those go or are they still there? They're not there anymore? And once again, those are the questions I have. Thank you. But great job, Vicki, and Scott, great job for you do.

CHAIR ROYBAL: Okay, Commissioner Garcia. Is that a yes on the vote, sir?

COMMISSIONER GARCIA: Yes. But I had those are questions and I want to put them on the record.

CHAIR ROYBAL: Do we have any answers for those questions that Commissioner Garcia asked, Ms. Lucero?

MS. LUCERO: Mr. Chair, Commissioner Garcia, you're correct. This property actually was part of the transfer of development rights program at one time, and they actually had applied for a subdivision in a different location where they were transferring those rights, but that project never came to fruition. So as far as I understand it there are no longer transfer of development rights now that this project is being developed. And that may have been part of the original agreement, the original approval for the condominiums.

COMMISSIONER GARCIA: Okay. I understand it, but just for the record. I understand that. Thank you, Ms. Lucero. Great job and the consultant, great team you have together. You did a great job. So Thank you, Mr. Chair. Appreciate that.

CHAIR ROYBAL: Thank you, Commissioner Garcia. And thank you for giving us some history on this. Appreciate it.

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

CHAIR ROYBAL: Thank you and congratulations. We look forward to seeing this subdivision report. Thank you, Mr. Hoeft. We appreciate you being here.

MR. HOEFT: Thank you very much.

CHAIR ROYBAL: Thank you, staff for the great job. Mr. Mee, good seeing you, sir.

COMMISSIONER GARCIA: Really quick, Mr. Chair. Mr. Mee, thank you for hanging in there and watching what's going on for the community because that's what we need. We need an excellent job. Thank you, William. Appreciate that.

CHAIR ROYBAL: Yes, sir. Thank you for acknowledging that as well, Commissioner Garcia.

MS. LUCERO: Mr. Chair.

CHAIR ROYBAL: Go ahead.

MS. LUCERO: I'm sorry. There is another part to this application which is approval of the affordable housing agreement.

CHAIR ROYBAL: Oh, okay. Sorry about that.

MS. LUCERO: No problem. And that's in the packet material also as an attachment.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR ROYBAL: Yes, Commissioner Hansen. Go ahead.

COMMISSIONER HANSEN: So my question on the affordable housing agreement, are both of the affordable housing units going to be in Phase 2?

MS. LUCERO: Mr. Chair, Commissioner Hansen, they were proposing to do one affordable housing unit in Phase 1 and one in Phase 2.

COMMISSIONER HANSEN: Okay. That's acceptable. Is there anything else I need to know about the affordable housing agreement?

MS. LUCERO: Mr. Chair, Commissioner Hansen, they're meeting the

eight percent requirement in the SLDC and the affordable housing agreement has been signed by the applicant and by the Legal Department, so it's just awaiting your approval.

COMMISSIONER HANSEN: Okay. I move to approve the affordable housing agreement, and also thank you, Vicki, for all your work on this project and to Penny Ellis-Green, and to the entire County staff for their dedication to resolve this issue.

COMMISSIONER HUGHES: And I'll second.

CHAIR ROYBAL: Thank you, Commissioner Hansen. So a motion from Commissioner Hansen and a second from Commissioner Hughes. Once again we're going to go to a roll call vote. Is there anything else under discussion before we go to that roll call vote? Hearing none, I'm going to go to a roll call vote and once again, this is for consideration on the action of affordable housing on this agreement.

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

12. CONCLUDING BUSINESS

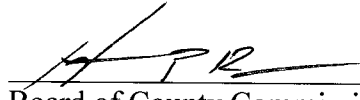
A. Announcements

Thanks were expressed to the staff for their work.


B. Adjournment

Upon motion by Commissioner Hansen and second by Commissioner Hamilton, and with no further business to come before this body, Chair Roybal declared this meeting adjourned at 10:15. p.m.


Approved by:


Board of County Commissioners
Henry Roybal, Chair

ATTEST TO:


KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:


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

