

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
November 12, 2024

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

SANTA FE COUNTY

REGULAR MEETING

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November 12, 2024

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

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. O'ga P'ogeh Owingeh Land Acknowledgement

F. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hughes. He acknowledged that this building and Santa Fe County as being in the original homeland of the Tewa people also known as O'ga P'ogeh Owingeh, "White Shell Watering Place." The Moment of Reflection by Brickman House of the Community Development Department.

G. Approval of Agenda

CHAIR HUGHES: Manager Shaffer, are there any changes to the agenda?

GREG SHAFFER (County Manager): Thank you, Mr. Chair and

Commissioners. There's no recommended changes from staff to the amended agenda as presented. I would just note the following changes between the initial agenda that was posted last Tuesday and the final amended agenda that was posted on Friday. Those changes were the addition of item 4. J to the Consent Agenda, and in addition, on the final amended agenda, item 6. D was withdrawn. And I would also just note that the final amended agenda was posted on Friday, more than 72 hours in advance of today's meeting as required by the Open Meetings Act. Thank you.

CHAIR HUGHES: Okay.

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

COMMISSIONER GREENE: And I'll second that.

COMMISSIONER HANSEN: Mr. Chair, under discussion. When we made the time for the presentation, Director Kunkle from DOE requested that she could be heard around 4:00 pm. So I just wanted to –

CHAIR HUGHES: Is she still expecting that?

COMMISSIONER HANSEN: Yes.

CHAIR HUGHES: Okay.

COMMISSIONER HAMILTON: Okay. That's incorporated into my motion.

COMMISSIONER GREENE: And that's a friendly – yes.

COMMISSIONER HANSEN: Thank you.

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

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

2. Approval of Meeting Minutes

A. Request Approval of September 26, 2024 Board of County Commissioners Special Meeting Minutes

CHAIR HUGHES: What's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve the minutes.

COMMISSIONER HANSEN: Second.

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

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

B. Request Approval of September 27, 2024 Board of County Commissioners Special Meeting Minutes

COMMISSIONER HAMILTON: Mr. Chair, move to approve the special meeting minutes.

COMMISSIONER HANSEN: Second.

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

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

C. Request Approval of October 8, 2024 Board of County Commissioners Special Meeting Minutes

COMMISSIONER HAMILTON: Mr. Chair, move to approve the October 8th minutes.

COMMISSIONER HANSEN: Second.

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

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

3. Consideration Proclamations, Resolutions, and/or Recognitions

A. Resolution No. 2024-140, a Resolution to Implement the Santa Fe Food Policy Council Report on Strengthening and Expanding Food, Nutrition, and Agricultural Programs in Santa Fe

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Commissioner Hughes. The resolution before us is to basically support that Santa Fe County will implement all the recommendations as feasible, for strengthening our food access and security in all areas of Santa Fe County, and we work closely – the Food Policy Council was established with the City of Santa Fe so it's both a joint City and County initiative. We have Agri-Gate within the County. And what we've been asked to support this year in the interest of moving forward into the 24-25 report is that the County will strive to support programs that benefit long-term economic viability and wellbeing of individuals and entities and businesses that are related to our local food systems, that the County will advocate for beneficial food and agricultural programs through state legislative actions and support the food initiative and other related programs, not limited to universal school meals that are healthy.

New Mexico Grown K through 12 early childhood and senior center, local food, farm to Food Bank, Food is Medicine; Medicaid Waiver, Approved Supplier Program and Senior & WIC Farmers Market Nutrition programs and water initiatives for farmer's programs.

So with this resolution I ask support from the Santa Fe County Board of County Commissioners that we implement the Santa Fe Food Policy Council Report on strengthening and expanding food, nutrition and agricultural programs in Santa Fe. And that's a motion.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay. Any discussion? Commissioner Hansen.

COMMISSIONER HANSEN: So thank you, Commissioner Bustamante, for bringing this forward. I just want to reiterate that for the last eight years I have advocated the Agri-Gate program to be up and running. I think it is really important that

we find a way to support our farmers and the local market and I also think that this resolution kind of covers all of our issues that we want to advocate for at the legislature.

COMMISSIONER BUSTAMANTE: That is actually what it's for. Thank you.

COMMISSIONER HANSEN: So I think that that's really important, because we still have plenty of money from the legislature from oil and gas and so I think that supporting our agricultural realm is really important. So thank you.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: Okay. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair, and thank you, Commissioner Bustamante. I appreciate this resolution and support most of it, or all of it, as far as I can tell, and probably even more. And that leads me to the next question. Having spoken to a constituent recently about the TDR program and how it can be used to preserve agricultural land. I know that you and I have spoken about this. Is there something specific in here that speaks about how we, as an organization, should be looking at updating the SLDC to make sure that we take care of and preserve and optimize the preservation of agricultural land? Is that stated in there?

COMMISSIONER BUSTAMANTE: Thank you, Commissioner Greene. It does not currently and it doesn't specifically identify TDRs, though it does inherently in its recognition of County policies and activities. It's broad enough that it would incorporate that and anything that would specific to TDRs would be supported by this resolution, if and when it passes, that it would be consistent with what we're supporting here.

COMMISSIONER GREENE: Wonderful. Because as you know we need to preserve the TDRs, but as well as TDRs but how to preserve agricultural land. So thank you very much.

CHAIR HUGHES: Any other comments? All right. We have a motion by Commissioner Bustamante and a second by Commissioner Hamilton.

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

4. Consent Agenda

- A. Resolution No. 2024-___, a Resolution Authorizing Holidays, Closing of County Offices, and the 2025 Santa Fe County Employee Calendar
ISOLATED FOR DISCUSSION**
- B. Request (1) Approval of Amendment No. 6 to Agreement No. 2021-0010-C-CSD/CW Between Santa Fe County and Innovate + Educate, Increasing Compensation by \$80,000 for a Total Contract Sum of \$280,000, Inclusive of NM GRT, and Extending the Term to December 8, 2025, and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Community Services Department/LeAnne Rodriguez)**
- C. Resolution No. 2024-141, a Resolution Requesting a Budget Increase to the State Special Appropriation Fund (318) in the Amount of \$100,000 (Finance Division/Yvonne S. Herrera and Community**

- Development Department/Paul Olafson)**
- D. Resolution No. 2024-142, a Resolution to Accept Grant #24-ZI5042-17 for Salary Funding to Recruit Certified and Non-Certified Correctional, Detention, Parole and Probation Officers (Finance Division/Yvonne S. Herrera and Public Safety Department/Derek Williams)**
 - E. Resolution No. 2024-143, a Resolution Requesting a Budget Increase to the Corrections Operations Fund (247) in the Amount of \$525,000 for Grant #24-ZI5042-17 Received from the New Mexico Department of Finance and Administration for a Corrections Recruitment Fund (Finance Division/Yvonne S. Herrera and Public Safety Department/Derek Williams)**
 - F. Resolution No. 2024-144, a Resolution to Accept Grant #24-ZI5036-51 for Recruitment and Hire of Full-Time Firefighter and Emergency Medical Technician Positions (Finance Division/Yvonne S. Herrera and Public Safety Department/Jacob Black)**
 - G. Resolution No. 2024-145, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) in the Amount of \$450,000 for Grant #24-ZI5036-51 Received from the New Mexico Department of Finance and Administration from the Firefighter Recruitment Fund (Finance Division/Yvonne S. Herrera and Public Safety Department/Jacob Black)**
 - H. Resolution No. 2024-146, a Resolution Requesting a Budget Increase to the Fire Operations Fund (244) in the Amount of \$7,272 for the New Mexico Energy, Minerals & Natural Resources Grant (Finance Division/Yvonne S. Herrera and Public Safety Department/Jacob Black)**
 - I. Resolution No. 2024-147, a Resolution Requesting a Budget Increase to the Law Enforcement Operations Fund (246) in the Amount of \$3,314 (Finance Division/Yvonne S. Herrera and Sheriff's Office/Ken Johnson)**
 - J. Resolution No. 2024-148, a Resolution Authorizing Free Waste Disposal Via Roll-Off Dumpsters for the Pueblo of Tesuque During Calendar Year 2024 (Public Works Department/Ryan Ward) (Item Added)**

CHAIR HUGHES: Does anyone want to remove an item from the Consent Agenda?

COMMISSIONER GREENE: I'd like to – if possible, if we could have a quick discussion on item A I'd like to just discuss the calendar for next year.

CHAIR HUGHES: Okay. Item A is removed. Anything else?

COMMISSIONER GREENE: No. And with that I'll make a motion to approve as amended.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay. Motion to approve the Consent Agenda except

item 4. A. Motion by Commissioner Greene, seconded by Commissioner Hamilton.

The motion to approve the Consent Agenda with the exception of item 4. A passed by unanimous [5-0] voice vote.

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

4. A. Resolution No. 2024-149, a Resolution Authorizing Holidays, Closing of County Offices, and the 2025 Santa Fe County Employee Calendar

CHAIR HUGHES: Commissioner Greene, would you like to ask your question?

COMMISSIONER GREENE: Yes, please. Thank you, Mr. Chair. So I guess today is a BCC meeting which is important and it seems to follow a regular schedule and this doesn't necessarily speak to our BCC meetings. But today was also a feast day at Tesuque Pueblo, and we have four pueblos – more than four pueblos, really, but four that are entirely within Santa Fe County. And I think that when we're looking at the schedule that we need to really appreciate and find a way to accommodate our pueblo brothers and sisters and make sure that our schedule in the future years, maybe even starting with 2025, doesn't schedule meetings on feast days. They're pretty known in advance. They might move a day or two but usually they move from a weekday to a weekend if that's going to be when they move, but they're still holy days for our brothers and sisters there. I don't know if we matched up this calendar to that and I don't know if it has to do with any of the meeting calendars. I don't think it does but I just wanted to state that for the record is to say I hope that we can accommodate that with our scheduling of important meetings.

MANAGER SHAFFER: Mr. Chair, Commissioner Greene, we will bring that information forward when we ask the Board to adopt its annual Open Meetings Act Resolution, to which is appended its regular meeting schedule. So we'll bring forward the feast day information. I think that's what you're describing.

COMMISSIONER GREENE: Yes.

MANAGER SHAFFER: That's a separate action item at a future meeting rather than this calendar.

COMMISSIONER GREENE: Yes. And I hope that we would pass on, if our Native brothers and sisters feel that this is the day of comp time that they would like, as opposed to a different holiday I would hope that they were able to do that without penalizing them for time off, but that's another issue.

Thank you very much. With that I will make a motion to approve item 4. A, a resolution authorizing holidays, closing of County offices, and the 2025 Santa Fe County employee calendar.

COMMISSIONER HANSEN: Second.

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

5. Appointments/Reappointments

A. Request Reappointments of Members to the Capital Improvement Advisory Committee (CIAC)

CHAIR HUGHES: Can we have the Growth Management Department? Herbert Foster?

HERBERT FOSTER (Growth Management): Good afternoon, Mr. Chair and Commissioners. I'm the planning team leader for the transfer of development rights program. I'm also managing the Capital Improvements Advisory Committee who is advising the Commission on everything related to impact fees. The decision before you this afternoon is we're requesting your reappointment of three members to the current committee. The role of the committee is to advise the Commission really on all matters, like I said, related to imposing impact fees on new development.

We will be presenting a discussion and suggestions on impact fees, basically whether to move forward with impact fees or if not, and if so, how much and where and how and all of those details related to the Development Fees Act. So at a later date, probably at the beginning of next year we'll be having a more full discussion about impact fees – what those are, what they mean and how they work, but for today's decision we're asking your approval to reappoint three members of the current committee. Those individuals are Daniel Painter, Cass Thompson and Barbara Felix. They've all served on the committee prior and have sent in their letters of interest and résumés. They all meet for sure the qualifications to serve on the committee.

We did receive a fourth letter and résumé from an individual who was also highly qualified. You do have the option to appoint all four of them if you like. The state law allows at least five. The resolution that formed the committee says five. I don't see any reason if it's your desire to appoint more it would be nice to have another individual to give us his expertise. His name is Robert Schaevitz. I think he may be here. But I wanted to make that clear. You don't have to limit it to just this three.

I interviewed them. The only reason I would suggest you might want to limit it to just the three, frankly, is because Mr. Schaevitz has been in Santa Fe for barely four years and the others are basically, with some exceptions, lifetime residents. So I just wanted to reiterate that. So we will be discussing the impact fees at a later date but today we're recommending reappointment of the three current members to the committee, and if it's your desire we may need to amend our resolution at a later date to allow at least five, but it's your discretion. I don't see any issue if you're interested in putting an additional member.

I'd be happy to answer any questions.

CHAIR HUGHES: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So I just want to be clear. We can put Mr. Schaevitz, Robert, on the board now. Or you would rather do it later?

MR. FOSTER: Again, the state law says at least five. The Commission resolution says five. It doesn't say no more than nine or anything like that.

COMMISSIONER HANSEN: Okay. And also welcome to the Santa Fe County.

MR. FOSTER: Thank you.

COMMISSIONER HANSEN: And why don't you tell us a little bit about yourself/

MR. FOSTER: Oh, thank you. I'd be happy to. Lived in New Mexico for almost 30 years. Born and raised in Arizona, southwest native. Been a planner for 30 years nearly, worked with a number of local government in the southwest and the Town of Taos, Village of Taos Ski Valley. I've also worked as an economic development planner and land use planner for Sandia Pueblo. Housing Director for Taos Pueblo, so I have some experience working with pueblo communities. Also as a consultant for some time. Some comprehensive plans and any number of development review reports for Commissioners and I'm very excited to be managing the TDR program. It's something that I really enjoy and believe in. Just moved here from Maui eight months ago. Glad I went but more glad I came home.

COMMISSIONER HANSEN: Well, welcome home.

CHAIR HUGHES: Welcome. Let's go to Commissioner Greene next.

COMMISSIONER GREENE: Thank you, Herbert. So a question. In my sort of opinion there should be staggered terms, and I don't really – these look like three all at the same time, and then in 2027 we're going to have all five. Was it originally staggered and just from some past appointments sort of unstaggered themselves.

MR. FOSTER: Correct. That's my understanding, yes. I think there was someone perhaps had left and filled in that appointment and I can't tell you the whole history, the sequence of things and how this unfolded and turned out the way it did but the intention was to stagger the terms but that's not how it is at this point.

COMMISSIONER GREENE: Okay. I guess I would have liked to have seen things restaggered at this opportunity. I don't want to necessarily want to do that from the dais but it would have been great to do that. The other question I had is do you know which districts each of these individuals – they all have to live in Santa Fe County, if that's correct.

MR. FOSTER: They do all have to live in Santa Fe County.

COMMISSIONER GREENE: Do you know which districts they live in?

MR. FOSTER: No, I'm sorry. I don't.

COMMISSIONER GREENE: That's okay. Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: I think I can tell you that one of them lives in 2.

COMMISSIONER GREENE: One of them lives in 4.

COMMISSIONER HANSEN: And I can't –

COMMISSIONER GREENE: That's okay. Just out of curiosity. But that's all right.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you. To Commissioner Greene's point, since we can't see who is representing each area it would be important or at least I'd like to see a balance of representation from each particular district, just to ensure that any of those recommendations, whatever those recommendations may be, are balanced throughout the county. We're not able to see that at this point but I think it is

important.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I'd like to make a motion to –

CHAIR HUGHES: Wait. I have a comment.

COMMISSIONER HANSEN: Oh. I'm sorry.

CHAIR HUGHES: I was just curious. Does Cass Thompson fill a particular requirement for members of the Commission, him being the only active developer on the committee?

MR. FOSTER: Yes. Thank you, Mr. Chair and members of the Commission. He represents the development community. He's a homebuilder. The other criteria are at least two have to represent real estate, engineering, the development community in one way or another. At this point in one way or another they all do. One's an architect. Two are retired planners, worked a lot in civil engineering, and Mr. Thompson works for a developer.

CHAIR HUGHES: Okay. Now, Commissioner Hansen.

COMMISSIONER HANSEN: Okay. Thank you. So I would like to make a motion to appoint David [sic] Painter, Cass Thompson, Barbara Felix to reappointment for the terms ending on November 13, 2027.

COMMISSIONER GREENE: And I'll second.

CHAIR HUGHES: How about Robert Schaevitz.

COMMISSIONER HANSEN: That's something that needs to come back at a later time.

CHAIR HUGHES: Okay.

COMMISSIONER HANSEN: I was not going to – that was why I asked that clarifying question.

MR. FOSTER: Thank you. I personally would feel more comfortable having amended the resolution to allow at least, so it's precisely following your resolution from years back. And I'll speak with him –

JEFF YOUNG (County Attorney via Webex): Mr. Chair, if I may just add a comment on this. So going back to the resolution 2013-73, it does say that the committee was created subject to the appointment by the BCC of five eligible individuals, and then as mentioned by Herbert, they will consist of five members, at least two of whom must represent the real estate, development, or building industries. So the resolution does contemplate that five members will be appointed. You can come back and again, additional appointments – it's at the Board's pleasure, but I just wanted to highlight that. Thank you.

CHAIR HUGHES: So Attorney Young, you're saying we could appoint Mr. Schaevitz right now?

COMMISSIONER HAMILTON: No. The opposite.

CHAIR HUGHES: The opposite. Okay. Very good. So we have a motion by Commissioner Hansen, seconded by Commissioner Greene.

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

6. **Miscellaneous Action Items**

A. **Resolution No. 2024-150, a Resolution Adopting a Revised Organizational Chart of the Santa Fe County Fire Department and Authorizing the County Manager and Fire Chief to Develop and Revise Job Descriptions**

CHAIR HUGHES: Chief Black.

JACOB BLACK (Fire Chief): Good afternoon, Mr. Chair, Commissioners. The Fire Department is here today to seek approval to update its organization chart and corresponding positions within the Fire Department. Currently, the Fire Department operates under Santa Fe County Ordinance No. 1997-11 which requires the department to seek Board approval for rules and regulations. Out of an abundance of caution we are seeking your approval to update our current organization chart to make sure we are following appropriate processes.

The current organization chart was approved by this Board in May of 2023. When approved we discussed the future development of administrative roles within the department, such as the need to prioritize medical services within our department. Since May of 2023 we've experienced a number of changes. First, the policy and planning section of the Office of the Emergency Management was separated from the Fire Department and now answers to the County Management. The response functions, specifically, the special operations of wildland and tech rescue and incident rehabilitation were determined to remain within the Fire Department.

Secondly, the department has had a number of vacancies that we have not been able to fill that we wish to change to support the prioritization of the medical services and special operations within the department. The proposed changes to the Fire Department's organization chart were done in consultation with both command staff as well as the district chiefs. To support the needs of the Fire Department we're asking the following changes to be made. We're asking to assign a special operation function to the Battalion Chief of Operations and District Liaison and to change of Assistant Chief Position to Battalion Chief of Medical Services. The Special Operations of the department – wildland, tech rescue and incident rehabilitation relies heavily on both volunteer and paid personnel in the department.

Based on the feedback we received from the district chiefs we incorporated this change specifically to the District Liaison to support that function of the department. The assignment of the special operations to the District Liaison allows us to also then focus on prioritizing the medical services of our department. Changing the vacant Assistant Chief position to Battalion Chief of Medical Services allows our department to focus on the growth of our EMS capabilities and Mobile Integrated Health.

To further support these initiatives, the department seeks to reclassify the vacant Captain of Recruitment and Retention to an Operations Support Manager position. This position would work with the Battalion Chief of Special Operations and District Liaison to focus on the dynamic needs of creating a robust combination paid and volunteer programs to facilitate special operations. Additionally, this position would be responsible for spearheading our recruitment and retention initiatives within the department.

The second component is we wish to reclassify the vacant Mobile Integrated Health lieutenant position to a civilian position of Mobile Integrated Health Program Manager. This request follows industry trends that Mobil Integrated Health teams are a component of fire departments that are built with case managers, social workers, and/or community health workers. This change will assist the Santa Fe County Fire Department in building upon the foundation to expand its Mobile Integrated Health program.

These requested changes will support the department in addressing our key needs that we're currently facing. With that I stand for any questions.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Not necessarily a question but an appreciation for the fact that this reorganization focuses on two areas that I think are both important to the department. One, recruitment and retention, and have somebody specializing in that, and then secondarily, somebody that works on the medical side of things and the EMS program, knowing that I think when we sat down and discussed this a couple days ago, it was 90-something percent were medical calls, but I think the 80/20 rules was what I had originally heard. So if it's in the nineties we definitely need to bump up the capabilities of our medical personnel. So thank you very much for bringing this forward. I know this takes a lot of brain damage, so thanks.

CHAIR HUGHES: Other questions? Commissioner Hamilton.

COMMISSIONER HAMILTON: No, I don't really have a question. I just really appreciate the thought and the serious development over time that this reflects. I think that's exactly what's needed and I think it's really good to see that happening under current leadership. And I just wanted to acknowledge to those of you who don't know that the president of the Volunteer Chiefs Association, Clark Thomas, is also here so there's clearly support for this all the way around, which is really good. And I would make a motion to approve if nobody else is.

COMMISSIONER BUSTAMANTE: I will second.

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

COMMISSIONER HANSEN: Discussion.

CHAIR HUGHES: Discussion.

COMMISSIONER HANSEN: I thank you, Chief Black for everything that you have done and I think that this updating of the org chart and everything is a good move. I think that many of the programs that you have tried to do are good moves. I appreciate you reaching out to me whenever San Ysidro is flooded, which seems to be a regular event and makes it even more necessary for a bridge at the crossing to lessen your load, since it is a regular event happening these days, of having to close that. So thank you very much for all your work.

CHAIR HUGHES: All right. I say thank you also.

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

- 6. B. Request Authorization to Publish Title and General Summary of Ordinance No. 2024-___, an Ordinance Providing for the Administration and Operation of the Santa Fe County Fire**

Department, and Repealing Ordinances Nos. 1997-11 and 2010-1

CHIEF BLACK: Mr. Chair, Commissioners, thank you very much. We do have a presentation which we will be projecting here momentarily.

CHAIR HUGHES: It's the traditional wait for the presentation.

CHIEF BLACK: Yes, sir. All right. Mr. Chair, Commissioners, we are now here before you to seek approval to update two County ordinances. Specifically, we're looking to update Santa Fe County Ordinance 1997-11, which is the Santa Fe County Fire and Emergency Services Administrative Ordinance. The second ordinance that we wish to update as well is Santa Fe County Ordinance 2010-1, which is an ordinance amending Section 7.A of Ordinance 1997-11, the Santa Fe County Fire and Emergency Services Administrative Ordinance regarding the reporting requirements for the Chief of Santa Fe County Fire Department.

To highlight what these ordinances cover – first we'll look at Ordinance 1997-11. This ordinance was adopted in 1997 when the Santa Fe County Fire Department was formed. At that time, 15 volunteer fire districts were brought under one umbrella to form the Santa Fe County Fire Department. This ordinance outlines a number of procedures to include adoption of rules, regulations, which require Board approval, as well as provides guidance through a number of administrative processes. At the time that ordinance was very appropriate and did a tremendous job of bringing 15 fire departments in to operate under one Fire Department and administration.

The second ordinance that we are looking to update is Ordinance 2010-1. This ordinance amends Section 7.A of Ordinance 1997-11 which states that the Fire Chief is an employee of the County and reports to the County Manager through the Community Services Department. Since 1997 when 1997-11 was adopted the Fire Department has experienced a large amount of increasing number of emergency calls requiring not only more regional staff and district staff, but also has created a number of administrative and logistical needs as well. Furthermore, one of those needs that has arisen is for an operational ordinance that supports streamlined processes, agile operations, highlights the department's current functions, and establishes clear and administrative processes.

To address the needs of the new ordinance, the department invested a significant amount of time and energy in evaluating current ordinance 1997-11 and what it captured and prioritized what we needed to prioritize in a new ordinance. This process was a collaborative process starting in January of this year when two district chiefs began soliciting feedback from the other district chiefs. This culminated in May when all of the district chiefs came together and those district chiefs reported out to the remainder of the district chiefs of what the collective priorities were, how Ordinance 1997-11 captured district identity, allowed for the functions of individual fire districts, and out of that came a working group of several district chiefs that put together a draft ordinance.

They brought forward that draft ordinance this past summer and that was presented to both the district chiefs as well as our command staff to solicit feedback and suggestions. That then was then taken to County Legal and we worked through with the District Chiefs Association president and County Legal and evaluated all of the feedback and input that was received and incorporated that into the proposed ordinance.

As we looked to put together the new ordinance we focused on a number of

priorities. One was to enhance clarity in administrative processes. Two was to streamline and improve operational efficiency within the Fire Department. Three was to ensure alignment with the department's current organizational structure. The proposed ordinance in today's packet material builds on those foundations of collaboration that was laid out in 1997-11 and prioritizes that as we move forward. It also acknowledges the significance of both regional and district members are paid and volunteer members of the department. Furthermore, it also streamlines establishing of rules and regulations clarifying that the Fire Chief has the authority under the County Manager to develop rules and regulations in collaboration with command staff and district chiefs.

As we look to compare the differences between Ordinance 1997-11 and 2010-1 to the proposed ordinance, we see the difference in even just the very purpose. The purpose of the new ordinance captures that we are taking an all-hazards approach, including rendering a number of emergency and non-emergency services as well as community risk reduction models.

Next is the department's structure. The original ordinance discussed the fire districts and the fire district chiefs. The new proposed ordinance highlights the collaboration of district chiefs and administration and emphasizes the district chiefs role in their communities.

Next is the position of the Fire Chief. Ordinance 2010-1 states the Fire Chief reports to the County Manager through Community Services. The proposed ordinance today in the packet material captures the current reporting structure of the Fire Chief to the Deputy County Manager and the County Manager. Additionally, it emphasizes collaboration with the district chiefs and command staff. Similarly, regarding district chiefs, the proposed ordinance emphasizes the role of district chiefs in managing day to day operations within the individual fire districts. It highlights their roles as conduits as advocates for their local communities and encourages collaboration amongst the district chiefs.

Additionally, the proposed ordinance also captures definitions that highlight our regional and district members and their crucial role in our department. Next, there also is a change in how we address rules and regulations. Under the previous Ordinance 1997-11, all rules and regulations would be required to come to the Board for approval. Under the new ordinance, the Fire Chief under the direction of the County Manager collaborates with the district chiefs and command staff to develop rules and regulations for the department. This allows for input from department personnel but also facilitates an agile organization. This was highlighted specifically over the last few years when the need for this was highlighted over the last few years during COVID when we were having to change our rules and response procedures on a weekly basis. This streamlines and allows us to effectively address and build policies and guidelines for our staff to keep them as safe as possible.

Lastly, we would like to highlight the Fire Advisory Committee. Under Ordinance 1997-11 it captures a Fire Advisory Committee that provides advice to the Board and the Fire Chief. Under the proposed ordinance there's no such mention of the Fire Advisory Committee. However, we do capture the District Chiefs Association which was only mentioned by name in Ordinance 1997-11. The District Chiefs Association in the proposed ordinance is clearly defined and it highlights their role and command staff's

role in collaborating and engaging in strategic planning and decision-making.

Today we seek your approval to publish title and general summary of our proposed ordinance, an ordinance providing for the administration and operation of the Santa Fe County Fire Department and repealing ordinance numbers 1997-11 and 2010-1. And with that I stand before you for any questions.

CHAIR HUGHES: Any questions or comments? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair and thank you, Chief. I guess really I appreciate how this organizes and streamlines and modernizes this. I guess there's just one, sitting here as a member of the BCC, there's one thing that you take from us as an oversight body and you put solely in the County Manager's realm, and I'm wondering if there's a reason for that. You mention COVID and so on, but we could be a pretty nimble organization to review these things. I'm wondering why there's a reason why we don't participate in approving and reviewing these things.

CHIEF BLACK: Mr. Chair and Commissioner Greene, thank you for that question. Specifically, when we look at our operations and our policies and procedures and guidelines there's a lot of specific technical details that we need policies on of how we load hose on the fire trucks, our uniforms, our medical operations and how we administer medications and things that are very technical in nature. And so with that, as we are having to change and adapt within those technical items of the Fire Department, that's where we have proposed to bring that to a department level so that we can address those in an effective manner.

COMMISSIONER GREENE: And you think that one County Manager is better than five as well Board of County Commissioners to review with your recommendations?

CHIEF BLACK: So Mr. Chair, Commissioner Greene, what we're specifically looking at is the timely and effective – the time that we're able to move through these processes. Specifically, when we do bring things for approval, there is a process of getting on the agenda, review, getting packet material in, and those can compound the time and the ability for us to make a timely policy change. Specifically, I earlier used the example of COVID where we're having to change and adapt our operations on a weekly basis. In that situation it would be prohibitive for us to be able to bring all of those changes on a weekly basis to the BCC for approval.

COMMISSIONER GREENE: I would argue that we were under a state of emergency during COVID so any change could be done relatively much faster in an expedited way, but in the normal course of business, getting on our agenda, nothing has to be done within a week, right? It's within 30 days would be pretty good, because there's probably been months of discussion about how these things need to come forward.

If it's going to ultimately be taken out of our hands to review and to authorize these things, I would hope that there was a way that these things would be reported out, either for our sake to be knowledgeable, but really for transparency sake, so that people know these changes have come and that there's a public report that any time you actually go through a change that you decide is warranted, go to the County Manager to get approved, then that these changes are reported to the BCC, even if we don't have any say in the matter, just so that this body and the public can see and maybe some of your rank and file can see that some changes are coming.

CHIEF BLACK: Mr. Chair, Commissioner Greene, yes. So our SOPs and SOGs and how we operate as a department, those are to be reviewed on an annual basis, and we're putting together a process to do that, and a continual re-evaluation. And those are things that we will communicate out to our staff on a regular basis to make sure that everybody is apprised of change. We have developed a collaborative process so that we are able to seek subject matter experts as well as members from our regional staff and districts members to have input on those operational policies as well.

COMMISSIONER GREENE: As we've seen, this ordinance doesn't change often, right? So the last time it changed at least was at 2020. So 14 years, there's probably been four or five chiefs and two County Managers. So these things outlive you. And so great leadership right now doesn't necessarily mean that that always holds up. So that's one of the reasons why I would appreciate these things reported to us, but in general I'm supportive of this. So thank you.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: With all respect, I think the levels of things that you're talking about changing, including the way you load hose on trucks, the color of uniforms, the technical level of things are exactly the sort of things you guys should have discretion over and does not need to be approved by a body of elected officials that have no idea why you would load hose one way or the other. Or shouldn't really care about the color your uniforms are. If you vote for pink uniforms, I won't be in office anymore. Somebody else can express the alarm at what that might represent, but beyond that sort of thing I think this is entirely appropriate. I think it's higher level policies that the Board should weigh in on. Policies having to do with are we up to date on things relative to the international code, national codes, and how we're dealing with insurance issues and things that you do report back to us.

But I think for nimble operations it's interference to do otherwise. Thank you, Mr. Chair.

CHAIR HUGHES: Thank you. Can we have a motion?

COMMISSIONER HAMILTON: I would love to move to approve this.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Okay. Motion by Commissioner Hamilton, seconded by Commissioner Bustamante. Anything under discussion?

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

6. C. **Resolution No. 2024-151, a Resolution Approving the Formation of Nueva Acequia 4 Santa Fe County, LLC, Nueva Acequia 4 LLLP, Nueva Acequia 9 Santa Fe County, LLC, and Nueva Acequia 9 LLLP, for the Development of the Nueva Acequia Multifamily Affordable Housing Project, Including Execution of Limited Partnership and Operating Agreements, and Authorizing the Chair or Designee Authority to Sign Documents Necessary for the Formation of Such Entities**

CHAIR HUGHES: And that's Paul.

PAUL OLAFSON (Community Development Director): The item we have before you today is requesting formation of entities that will help us administer the Nueva Acequia projects, both the four percent and the nine percent tax credit projects. So these new entities are typically formed in the LIHTC, low income tax credit project world, and the primary reason for creating new legal entities is to provide separation of ownership for the partners in the project. It will also provide tax benefits for investors as well as risk management for all the partners of the project.

We did have a presentation on this at the previous meeting, so I'm kind of repeating it but I wanted to just get it on the record. Creating the new legal entities is helpful for managing the relationships, taxes, and risks associated with a LIHTC project. The County's Attorney's Office, as well as our LIHTC attorney have reviewed all today's documents and approved of them. We also have worked closely with our partner which is TWG as a development partner. They have also reviewed and approved these documents and this is a normal course of business in their LIHTC world.

As a condition to the present submittal of the LIHTC application is the County and TWG will each need to form the LIHTCs, which will be members of the two LLLPs. For the four percent LIHTC project, the County will form Nueva Acequia 4 Santa Fe County LLC, and TWG will form Nueva Acequia4 TWG, LLC. And then each of these entities will be partners in Nueva Acequia 4 LLLP and in turn these partners in Nueva Acequia 4 LLLP. And for the nine percent project the County will form Nueva Acequia 9 Santa Fe County, LLC, and TWG will form Nueva Acequia 9 TWG, LLC. And each of these entities will be partners in Nueva Acequia 9 LLLP.

The resolution as part of this packet authorizes the Chair to sign formation documents attached in exhibits 2 through 16. However, for administrative reasons, Denise Benavidez who is the interim Housing Authority executive director would sign and file the employer identification number documents, which are in the packet under Exhibit 4, 8, 12, and 15. Those would be filed with the IRS. And Denise will also be designated as the registered agent for the review of the articles of organization documents for both Nueva Acequia 4 and 9 LLCs.

Further, the Chair may authorize the County Manager or a designee to complete any additional documents or make corrections as needed for the formation documents. And then additionally, the letter in Exhibit 5 simply notifies the Secretary of State that Nueva Acequia 4, LLC approves of the formation of Nueva Acequia 9, LLC. They have very similar names so it's just a letter saying that's okay.

In summary, the County will be the sole member and manager of each LLC. As manager the County will have sole responsibility to manage each LLC except for certain matters that require member approval, which the County would approve in its capacity as member. The primary purpose of the LLCs is to be partners in the respective Nueva Acequia LLLPs and own real and personal property.

And then summary of the Limited Liability Limited Partnership Agreements, Santa Fe County LLCs would act in dual capacity as both a general and limited partner; the limited partner units initially allocated to the Santa Fe County LLCs would ultimately be transferred to investors purchasing the tax credits, so-called substitute limited partners; and the MOUs between the County and TWG for the 4 percent and 9 percent projects contemplate that the County will delegate its responsibilities as Managing General

Partner in the LLLPs to TWG.

While the current drafts of the Partnership Agreements do not delegate such responsibilities, it is anticipated that once the tax credits are awarded, new partnership agreements would be drafted in which the County will delegate its responsibilities as managing general partner to TWG, and we will bring back those agreements for Board consideration at that time.

And then with respect to the lease agreements in Exhibits 9 and 16, the County would have a short-term lease with the two LLLPs, which provide the necessary site control over the land on which the project will be built for purposes of the four percent and nine percent LIHTC applications. Once the tax credits have been awarded, the parties still contemplate that the County will enter into a long-term lease with the LLLPs. And separately, the Board has authorized the County Manager via Resolution 2024-116 or a designee to complete the four percent and nine percent applications. And with that we respectfully request approval of the resolution that's in your packet, along with all the formation documents.

And I'll stand for any questions.

CHAIR HUGHES: Okay. Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Paul. A question about one of the last items that you brought up with respect to the lease agreements. Without sort of an option, it's contemplating a short-term lease for site control but it doesn't really put into an agreement for the long term. I wonder if there's supposed to be like an option, a contingency, sort of saying that if they get these tax credits that we are obligated to do this. Would that give this application a stronger thing, because to me a short-term tie-up, being a developer myself, a short-term tie-up means nothing without an option or a long term with a contingency in either direction.

MR. OLAFSON: So Mr. Chair, Commissioner Greene, the short-term lease is to enable the applications to be submitted to MFA and it's following MFA format, I believe. The longer-term leases would be a part of the closing agreements if the tax credits are awarded and the rest of the funding stacks are all put together. So I understand your comment but the way I've been told through our development team and speaking with the attorneys, this is kind of a standard process, and I don't think we anticipate there's a risk of not following through if the funding is awarded.

COMMISSIONER GREENE: Okay. Just to me it seemed like to have it in hand for this agreement sort of gives more oomph to our application. So I was wondering if it connects there with something that I'm catching that somebody else didn't. But that's fine. If they think that that's the boilerplate that works, more power to them. Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Paul. Thank you, Mr. Chair. So we're going to have Denise sign these. Is she going to be signing these as the deputy for Community Development? Or is she going to be signing it as the acting Housing Authority.

MR. OLAFSON: She would be signing as the interim Executive Director of the Housing Authority, under that title.

COMMISSIONER HANSEN: Okay.

CHAIR HUGHES: Okay. Any other comments or questions?

Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you. A couple of questions that I have and just for clarification I'll just say this out loud. So the importance of this, we understood this from our previous meeting is that Santa Fe County is able to move forward in providing tax credits and affordable housing at Camino Jacobo. So this allows us to do this. The question that I have regarding the manager of the statement that if any vacancy the manager's position may be filled by election, and that would be in the case that the County would no longer manage this operation. Correct?

MR. OLAFSON: I'm not sure I understand the question.

COMMISSIONER BUSTAMANTE: Any vacancy occurring in the manager's position may be filled by election or an annual or special meeting. So it says Santa Fe County shall serve as the manager of the company. So Santa Fe County is the manager. Any manager may resign at any time. Such resignation shall be made in writing, shall take effect – so I'm trying to understand under what conditions Santa Fe County would – and this is in both of the operating agreements for Nueva Acequia 4 and 9, the LLCs. And it says that the acceptance of a resignation shall not be necessary to make it effective unless expressly so provided in the resignation. A manager need not be a member or resident of the State of New Mexico. So under what conditions would Santa Fe County not be the manager of this operation, and under what conditions, or why would we want an entity outside of the State of New Mexico? Why would we open it to external management and under what conditions would Santa Fe County step away as manager of this?

COMMISSIONER GREENE: Madam Vice Chair.

COMMISSIONER BUSTAMANTE: I'm asking him.

MR. OLAFSON: Okay. Mr. Chair, Commissioner, my understanding is we have our partner, TWG, and they are outside of New Mexico. So we want to have them be able specifically during the construction period, to have an ability to move nimbly and make things happen. We would still be a part of the process and we'd definitely be an integral partner with it, but I think – and I would defer to the attorneys, but I believe this allows us then to empower them to make the project get developed.

COMMISSIONER BUSTAMANTE: I need to understand that better. So Manager Shaffer, I don't know if you can answer this or if it would be Jeff. Under what conditions would Santa Fe County not be the manager or this company, and why would we relinquish Santa Fe County's management responsibility to an entity not from the State of New Mexico?

MANAGER SHAFFER: Mr. Chair, Commissioner Bustamante, the way I read the operating agreement, which is I believe what you have reference to, the operating agreement for both Nueva Acequia 4 and Nueva Acequia 9, Santa Fe County LLC. I don't know that I could readily think of any instance in which Santa Fe County would choose to do that. What I would underscore is that that would be a decision of Santa Fe County, meaning ultimately the Board of County Commissioners to take that step, and as the only member of the LLC, it would ultimately fall to the County to decide who the successor would be. So I hope that addresses your question as best I could. I can't think of necessarily an instance when we would want to do that under this arrangement, but the reality is that those powers would remain with the County to decide

whether to take that step and if so, who the replacement manager would be. And I would defer to the County Attorney if I mischaracterized how that provision would operate in practice.

COMMISSIONER BUSTAMANTE: I'm hoping to hear from the County Attorney.

CHAIR HUGHES: Attorney Young, can you weigh in?

MR. YOUNG: Mr. Chair, Commissioner Bustamante, I would agree with the County Manager's response on that item. I think with all of these documents we have to have an eye towards some flexibility because the investments change and things change. So I think these are kind of standard form documents prepared by our counsel in this case but that's the way I see them, at least is to provide some flexibility. As the County Manager pointed out, we are – Santa Fe County is the only manager or member of this LLC so this is all – control of the LLC rests with the Board of County Commissioners.

COMMISSIONER BUSTAMANTE: Okay. Thank you, Mr. Chair and our Attorney, Jeff Young. So I understand that legalese can be confusing and I am hoping that we are – I am hoping that there is some way that we can assure our constituents that we're not weakening any ownership and responsibility for what is otherwise a County asset except that we are becoming a party to an LLC or an LLLP. The language – any vacancy occurring in the manager's position may be filled by an election of annual or special meeting of the members called for that purpose. And I've just heard that the only members are the County. So the County is the manager and the members.

And I can just say, I'm putting on my neighborhood hat, my mom's question, the normal Joe down the street is going to say what the hell does that mean? When we're the only manager; we're the only member, and we are entering, for lack of – in the interest of not using a word improperly in legal terms, but we're putting our trust in partnership and we're saying as manager we'd not be a member or resident of the State of New Mexico. And under what conditions would we make our assets vulnerable? And I don't know. I'm not going to say, but under what conditions would someone come in and be able to take over, if that's a harder term, an asset that is managed and solely membered by Santa Fe County? Why does that language need to exist? Mr. Chair and Jeff, I'm just trying to understand what that means and why we would have that.

MR. YOUNG: Mr. Chair, Commissioner Bustamante, I just have one comment on that and I see that Jen Lopez has her hand up from Project Moxie as well, who is consulting with us on the project. I guess I would say one perhaps instance is if the County sold the LLC, but the Board of County Commissioners is creating this, and so any withdrawal or resignation or dissolution of that would have to be approved by the Board of County Commissioners. I'd also ask Jen to comment.

COMMISSIONER BUSTAMANTE: Thank you, Jeff, and I would have strong concerns that any management or member over Santa Fe County, over an asset that is run by an external LLC should or must be a resident of the State of New Mexico. So I do have concerns about that.

JEN LOPEZ (Project Moxie via Webex): Thank you, Commissioner Bustamante. Thanks, Chairman Hughes. I'm going to step back a few steps, Commissioner Bustamante. So again, this is an incredibly complex tax structure we're

creating.

COMMISSIONER HANSEN: Jennifer Lopez of Project Moxie, which is located in, I believe, Colorado.

[Audio difficulties]

COMMISSIONER HAMILTON: Yes, I believe. Apparently YouTube viewers can't hear you. Or is that fixed as well? Thank you.

MS. LOPEZ: Can you hear me now?

COMMISSIONER BUSTAMANTE: If I may just say, I appreciate what you said, Mr. Chair, and I just want to say I'm just looking to assure that the assets remain under the management of people who are in state. That's all I'm saying. Thank you. And I understand that monies would come from out of state, but that's just my perspective. Thanks.

CHAIR HUGHES: Okay. Jennifer, do you want to add anything real quick?

MS. LOPEZ: I apologize, because I missed the back and forth you all had, you might have resolved this, but I was just going to reiterate the tax credit program is very complex. The way these agreements are written follow not just tax credit law but investor requirements. So oftentimes your LIHTC attorney is – to look at the program, the requirements of the investor, rights of your development partner. Your development partner is taking huge risk, so they have to weigh that into the deal of these agreements. And so it's a hard question to answer but I can say that you have an excellent tax credit attorney. You have excellent County Attorneys and they've all reviewed this within the context of this complex program. They said this is the way it needs to be laid out.

CHAIR HUGHES: Well, okay. It seems that in order for the County to give up management we have to vote as a Commission to give it to an out of state manager, so it's very unlikely.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you very much, Jen. Thank you, Paul. Thank you, everyone. One of the things that we've gone around and around with Nueva Acequia is first we had another developer. Now we're bringing it back in house to have it here, right? It's now our project, so to speak. We're creating these LLCs, or LLLPs.

MR. OLAFSON: Mr. Chair, Commissioner Hansen, [inaudible]

COMMISSIONER HANSEN: Or we were going to do it internally and now we're doing it externally?

MR. OLAFSON: Yes. These are just legal entities that allow for the tax credit process to proceed. So we're not taking the project back. We're still partnering with TWG as our primary development partner and these documents – they're also filling out LLCs and LLLPs documents, and they're working in tandem to allow us to do the applications.

COMMISSIONER HANSEN: Okay.

MR. OLAFSON: So we're not giving up or taking back. We're proceeding as planned. And this is just new for all of us.

COMMISSIONER HANSEN: Thank you.

COMMISSIONER BUSTAMANTE: A motion, I'm prepared to make one.

CHAIR HUGHES: All right.

COMMISSIONER BUSTAMANTE: Go ahead.

CHAIR HUGHES: Go ahead, Commissioner Hansen.

COMMISSIONER HANSEN: Okay. So this is really an important project for the County and for District 2. We've all worked on this for a number of years. I'm happy to see us take one more step in moving this forward, so I would like to make a motion to approve, a resolution approving the formation of Nueva Acequia 4 Santa Fe County, LLC, Nueva Acequia 4 LLLP, Nueva Acequia 9 Santa Fe County, LLC, and Nueva Acequia 9 LLLP, for the development of the Nueva Acequia Multifamily affordable housing project, including execution of limited partnership and operating agreements, and authorizing the chair or designee authority to sign documents necessary for the formation of such entities.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Okay. We have a motion by Commissioner Hansen, seconded by Commissioner Bustamante.

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

D. ITEM WITHDRAWN

E. Request (1) Approval of Agreement No. 2025-0120-PW/DK with Matrix Builders, Inc. in the Amount of \$3,655,357.81, Exclusive of NM GRT, for the Construction of the Turquoise Trail Waterline Extension and Bulk Water Station Project, and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)

CHAIR HUGHES: Go ahead, Mike Hart and Bill Taylor.

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair. We are before the Board to ask approval for a construction contract for improvements of the Turquoise Trail system. Purchasing did the IFB, invitation for bid. We received two bids. One from GME General Building, and Matrix Builders. We found Matrix Builders as the most responsive bid, although GME provided a lower bid by just a minor amount. The bids were very close but pursuant to Procurement Code, they did not submit a security bid bond and it's clear that we could not accept the bid if there's no security bid bond. So that's the reason why we went with Matrix. And we have Mike Hart here to answer any questions specifically the project and I'll stand for questions.

CHAIR HUGHES: Okay. Any questions? Commissioner Hansen.

COMMISSIONER HANSEN: I have a question. So we're working on this waterline. How are we doing on the South Meadows waterline?

MIKE HART (Public Works): So the South Meadows waterline will be going out to bid this next month.

COMMISSIONER HANSEN: Okay. It's been a long time coming. It seems this one got ahead.

MR. HART: We have a small acquisition we have to make. We have a private property right in the middle.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR HUGHES: So I have just a couple of questions. Was the engineer who reviewed this independent of – that gave us a recommendation, is that independent of the construction companies and the County?

MR. TAYLOR: Mr. Chair, the engineer, if I understood your question correctly, the engineer of record did recommend award to Matrix. Was that your question, Mr. Chair?

CHAIR HUGHES: An engineer making a recommendation. I just want to make sure they're independent. In other words we got an independent recommendation.

MR. HART: Yes. They were independent.

CHAIR HUGHES: And then why were the numbers so far off on items 1 through 4?

MR. HART: So items 1 through 4 deal with traffic control as well as SWPPP. This is a 2 ½ mile line down Highway 14 and it's fairly significant traffic control process with respect to concrete barriers. The engineer's estimate of probably cost have been historically low over the past year that I've been here with the County and not have been very reliable, unfortunately.

CHAIR HUGHES: Okay. Commissioner Greene.

COMMISSIONER GREENE: Thank you. Thank you, Mike. Thank you, Bill. A question: in the dig once theory of things, are we putting a conduit in here for broadband? There is a school down in this direction and they do not have broadband at their location.

MR. HART: We're picking it up from the school and extending all the way down to the fire station. This is off the road itself. It's about four feet off the road. There was no provisions for conduits.

COMMISSIONER GREENE: Don't we have a resolution that discusses dig once somewhere in the – this seems to be something that we should just be doing matter-of-factly and at \$3 million this can't be that much more to put in conduit.

LEANDRO CORDOVA (Deputy County Manager): Mr. Chair, Commissioner Greene, Plateau as a private entity has already been award NFTI money to do that project, so they will be providing the conduit up 14.

COMMISSIONER GREENE: And it's an open access conduit, open access fiber, or is it stuff that – sometimes that we can build fiber that we can open up and make more affordable, but if a private entity such as a Plateau builds it they control it and they can actually restrict use and access to it.

MR. CORDOVA: Mr. Chair, Commissioner Greene, I don't know how to answer your specific question. I just know that they're building that line all the way through 14 and it's going to probably be higher capacity than we would be capable of putting in in this trench.

COMMISSIONER GREENE: All right.

CHAIR HUGHES: Other questions?

COMMISSIONER BUSTAMANTE: Mr. Chair, just to try to understand what Commissioner Greene is saying, that makes a lot of sense. So I see that we're just

going to take it but we do have an understanding that we would – so there's a whole separate different line we're going to pay more to get the line through for the water without coupling it with the other endeavor. Is that what I'm understanding? So we all just agreed, yes, Plateau's doing it. We won't take into consideration what Commissioner Greene just said with regard to possibly more access, but we have a separate contract and we're going to pay for two separate lines to be pulled through? End of story? Is that what I'm understanding?

MR. CORDOVA: Mr. Chair, Commissioner Bustamante, we could definitely talk with Plateau and offer the opportunity perhaps to see if there's any kind of synergy on this project but we have not directly talked to them about this and we don't have all the details of their plans. And to answer Commissioner Greene's question, because of their funding source it would have to be an open network because they did get the federal funds.

COMMISSIONER GREENE: Okay. Great.

COMMISSIONER BUSTAMANTE: So Mr. Chair, Commissioner Greene, does that satisfy your concern? I have a concern that it's not efficient, but I understand that you understand – I want to hear from Commissioner Greene.

COMMISSIONER HANSEN: I want to say that we have a dig once policy. I wrote it and brought it forward numerous years ago, so what happened to it?

COMMISSIONER GREENE: So if I may, just to answer Commissioner Bustamante, I think there's an opportunity to do both of what we're talking about, given Plateau's project of going up here at the same time that we're opening a trench, I think it would behoove us to go to Plateau and say, by the way, we're going to have an open trench here. Do you want, while we have this open trench to coordinate so we don't have to be redundant but we also don't have to dig twice. Right? So let's use this opportunity that if we can get the conduit put in and Plateau wants to take that job on, that we could make it easier for them and therefore build a better partnership –

COMMISSIONER BUSTAMANTE: Commissioner Greene, that's exactly my concern and I'm hearing Commissioner Hansen say that we already had something in place that work would be done this efficiently. This is taxpayer money that we're being trusted with so I expect that if Commissioner Hansen put something through a number of years ago that says when we're going to dig a trench we're going to look for every possible way to use that trench and I'm hearing that Plateau is going to do something differently and we have taxpayer dollars or legislative dollars as well. How can we assure that this is done in the most efficient and beneficial way to our constituents? That's all I'm asking.

MR. HART: Mr. Chair, Commissioners, the installation of the cable cannot coexist with a water line. These have to be in separate trenches. The waterlines, sewer lines, electrical, low voltage, all have to be separated.

COMMISSIONER GREENE: So that is true to a point. Electrical lines have to be separated, but the separation can be 18 inches and it can be vertically separated so you can bury your water line and you can bury your fiber 18 inches above that. It's just a lift and it's still one dig.

MR. HART: That is true, but if we have to repair the waterline we're damaging all your conduits.

COMMISSIONER GREENE: Yes. That's true.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I was actually just going to point that out. And in addition, the concept of efficiency and having a policy to encourage digging once is laudable. It's important. But there are times when we reach out, for example, to the company here that's putting in the broadband line and they're like, we're doing that. There's no way we're going to start until a year after you're going to start. And we want to push that policy to be highly restrictive. We could well end up spending a lot more money and increase construction costs waiting for them to get their act together.

There are times when there are, for example, things that are so sensitive. In-ground archaeological resources or where it would make it well worthwhile not to dig twice, but there are times when even logic must give way to physics. It may not be paying or achieving the goals. So they should definitely look into it. That's wonderful. But to make it an absolute doesn't make – doesn't account for situation-specific variations that in this case, at the rate – construction costs are going up, could really be counter to what we're trying to achieve.

MR. CORDOVA: Mr. Chair.

CHAIR HUGHES: Yes. Go ahead.

MR. CORDOVA: We definitely have contact with the project managers from Plateau and we'd be more than happy to contact them and work through this and see if there is a potential synergy. Absolutely. We've met with them a couple other times, looked at other projects that we're doing along Highway 14 and we'll be more than happy to run this through them and see if there's an opportunity to save some taxpayer dollars.

CHAIR HUGHES: Thank you. Do we have a motion on this?

COMMISSIONER HANSEN: Mr. Chair, it's your district. Do you want to make the motion?

CHAIR HUGHES: I guess so. I make a motion to approve agreement 2025-0120-PW/DK with Matrix Builders, Incorporated in the amount of \$3,655,357.81 exclusive of New Mexico gross receipts tax, for the construction of the Turquoise Trail waterline extension and bulk water station project. And two, delegate authority to the County Manager to sign the purchase orders.

COMMISSIONER HANSEN: Second.

COMMISSIONER BUSTAMANTE: It's District 2. Also my district. But go ahead.

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

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

6. F. **Request (1) Approval to Enter into Agreement No. 2025-0159-CDD/TJ with Paradise Power Company, Utilizing the Statewide Price Agreement for the Implementation of the County Utility Monitoring and Reporting System, in the Amount of \$454,117.03, Inclusive of NM**

GRT, and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)

MR. TAYLOR: Before you we are requesting approval of a contract with Paradise Power Company in the amount of \$454,117.03, inclusive of tax, and delegating signature authority to sign the purchase order. We determined that the statewide price agreement was in the County's best interest and advantageous for us to utilize that with this firm who is in the price agreement, and implement this software. And so the amount of the contract requires approval by the Board, and with that I'll stand for any questions. We have Jacqueline Beam here to answer any questions specific about this system, and Will Donohoo. I'll stand for questions.

CHAIR HUGHES: Do we have any questions? It seems no questions. We think it's a great idea. At least I think it's a great idea.

COMMISSIONER HANSEN: It's a great idea.

CHAIR HUGHES: Do we have a motion?

COMMISSIONER BUSTAMANTE: So moved.

COMMISSIONER HAMILTON: Second.

COMMISSIONER GREENE: It's in all of our districts. We should say it unison.

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

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

[The Commission recessed from 3:30 to 3:45.]

8. Matters of Public Concern

CHAIR HUGHES: I'd like to ask if anyone in the audience here today would care to speak to us. One hand? Come forward to the microphone.

DANIEL FRESQUEZ (Media Specialist): Mr. Chair, would you like me to display a timer?

CHAIR HUGHES: Yes. Display a timer. Tell us the topic of your comment.

PATRICIA SILL: Yes. Hi. My name is Patricia Sill. I'm here to discuss a meeting on hazard mitigation analysis and emergency response planning for AES, the lithium battery storage facilities. I attended this meeting last Tuesday and the County is only asking to have 35 percent of the plan revealed. What they've redacted are the hazards. So the hazards to our wellbeing if one of these facilities explodes, and it happens one out of four times, is hazardous not only to our air quality but to the watershed, to the value of our houses – everything that we all value is potentially at risk.

I'm a couple miles from one of these facilities. There are other solar solutions that need to be considered. Bernalillo is asking for 100 percent of the plan to be clear. We're only asking for 35 and if they're redacting the hazards issue, then clearly we know we cannot trust them. Or they are not ready to be endowed with the 40 different facilities that

they're planning on plunking down.

So when the County was talking about, oh, we're just going to train our firefighter. Have you seen our firefighters? I'm sorry, but they're volunteer. And also that they're going to put a 30,000-gallon tank of water there. Well, what happens when water hits lithium? It explodes. So AES, a \$13.5 billion company –

CHAIR HUGHES: Can you address specific projects?

MS. SILL: Okay. I'll try. Well, water is not a good solution. We can't use water or foam. Okay? But the County thinks that that is the good solution. So with PFAS, forever chemicals in our watershed, drinking water – who knows what will happen to all of that. So it is alarming that the hazards portion was redacted, and I think that we need to have the same that Bernalillo has, which is 100 percent of the plan in place so that we have nearby like gas lines that run north and south along the western edge of Eldorado and to the Community College. So these gas lines could be triggered. In Eldorado we're in a high fire zone area, which of course you know, and yet I really doubt that the regulations will be in place, especially if it's been redacted. They're not concerned about the hazards to our wellbeing.

And the noise quality, just for one thing, would be like the sound of an inner city, but it would be 24 hours a day. So our water, our air, the value of our houses, including tourism, etc. would all be challenged and I beg you to take your time to really see what's happening before we just sacrifice me and 6,500 other people. We deserve better than this. Plus I will just say, they aren't even saying that the energy that they collect will go to us. It could go to Colorado. Send it to Colorado. Send it to the middle of nowhere, wherever that is. Because there won't be anybody there to oversee it. Thank you. My time is up.

CHAIR HUGHES: Thank you.

MS. SILL: Please consider this. Thank you.

CHAIR HUGHES: Do we have anyone else in the audience here today in the chambers? Okay. If not, Daniel, who's up first?

MR. FRESQUEZ: Mr. Chair, our next speaker is Kay Cooper Mead.

CHAIR HUGHES: Okay. Go ahead, Kay.

KAY COOPER MEAD (via Webex): The County has just listed the starting times for the December 4th Hearing Officer meeting and February 3rd Planning Commission hearing for 9:30 am. This will keep working people from attending these crucial hearings. Can the County please reconsider these times? Is it possible to start them at 5:00 pm and break it into a second meeting on a separate day if required, or hold a meeting on Saturday to begin at 9:30 am? That's it.

CHAIR HUGHES: Thank you very much. I can't respond to you directly but we heard you. Next, Daniel.

MR. FRESQUEZ: Mr. Chair, we did have somebody sign up electronically named Chris Mechels but I do not see him online.

CHAIR HUGHES: Okay. And how about Patricia Sill. That was here. Anybody else online?

MR. FRESQUEZ: Mr. Chair, no.

CHAIR HUGHES: Okay. We'll close Matters of Public Concern.

COMMISSIONER GREENE: Mr. Chair, two people just walked in. I

don't know if they're here to speak but they seemed to walk in right now. Okay. I just wanted to make sure we weren't missing that. Thank you.

CHAIR HUGHES: Okay. Is our presenter for number 7 present in the room? Okay. We'll go back to 6. G.

6. G. Request (1) Approval to Enter into Agreement No. 2024-0212-PW with Bohannon Huston, Inc. for Engineering Design Services for the Hyde Park Estates Water System Improvement, in the Amount of \$1,007,401.81, Exclusive of NM GRT, and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)

CHAIR HUGHES: We'll hear from Mike Hart and Bill Taylor.

MR. HART: Bill's missing. Mr. Chair, we're requesting approval to enter into agreement 2024-0212/PW with Bohannon Huston for the engineering design services for the Hyde Park Estates water system improvements in the amount of \$1,007,401.81, exclusive of NMGRT. I stand for any questions.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you. Thank you, Mike. Two questions. There are fire hydrants that satisfy the Fire Marshal in the Hyde Park Estates? This is literally a property at the edge of the forest, and I'm wondering if we're building at least a portion of this water network to be able to have some firefighting capacity.

MR. HART: Chairman Hughes, Commissioner Greene, the project as based on its current funding allows for the retrofit of the existing tanks, to circulate to redo our circulating pumps, and to put in isolation valves and meters that can be read remotely. The isolation valves will provide a means to install or replace waterlines in the future with fire hydrants for the purposes of – well, the isolation valves will allow an easier installation with less disruption to the community that it is now currently part of this program.

COMMISSIONER GREENE: So even – so are the pipes capable of serving for fire hydrants? Like I think the requirement for the ISO fire code is six-inch pipes. Are we putting any six-inch pipes in any of this development?

MR. HART: Chairman Hughes, Commissioner Greene, the isolation valves will be installed as six-inch lines. The current lines are two-inch and four-inch and are not capable of fire hydrant suppression. So there are fire hydrants but they are not currently meeting the current codes, if you will.

COMMISSIONER GREENE: Some of this up at the top is going to be six-inch lines, maybe? Near the top.

MR. HART: There will be no lines installed.

COMMISSIONER GREENE: No lines installed.

MR. HART: No. There's isolation valves. It will be a replacement of the control systems for the tanks and the booster pumps so that they can fill with a flow valve rather than a timer. So it's eliminating FTEs having to go up to the site on a regular basis.

COMMISSIONER GREENE: Was there any discussion about trying to do some fire control? Because I know that probably 50 percent of the people that live in that development have lost their homeowners insurance and had to find new policies right

now. This seems to be – if we're doing waterlines, especially at the edge of the forest, we should be putting fire hydrants, at least a few of them at the edge.

MANAGER SHAFFER: Mr. Chair, Commissioner, the project is not a waterline project, so we are not installing any waterlines. When the County acquired the Hyde Park Estates system, the acquisition agreement by which we acquired it was pretty express on this point that the existing system, which we did not build, which was owned by a mutual domestic, did not meet current County service levels, including fire protection. And it was also express that there was no anticipation that the County would be addressing that at any particular time.

So as you look through the preliminary engineering report that was done to look at options, given the agreement of the association at the time the County acquired the property, that was not a design consideration when they were looking at these useful upgrades, but the PER was express in effect that if you were going to do fire protection the entire distribution network would need to be upsized to a minimum of six-inch waterlines, as well as equipped with a dedicated fire pump to meet fire and domestic service, as well as increase the storage volume of the system by approximately 10,000 gallons.

So that's a horse of an entirely different color and a project, again, of an order of magnitude far beyond what was contemplated by these initial system upgrades to just make the system work a bit more effectively from the perspective of County staff. I defer to Mr. Hart but nothing that's being done here would preclude any such future project should that ultimately be programmed and budgeted, but it has not yet been to date. I hope that addresses your question.

COMMISSIONER GREENE: It does to an extent. Like given – are we now on the hook for any future upgrades or would this be something that if this development wanted to do would they be able to contribute to this? Or is this all on us at this point?

MR. HART: Commissioner Greene, the design will take into consideration future lines, like we discussed, the six-inch lines, along with the fire hydrants. But I believe we own the water system outright.

COMMISSIONER GREENE: Okay. And does this then connect to the City-County water system down on Hyde Park Road?

MR. HART: Commissioner Greene, yes. The system used to have wells. Those wells have been decommissioned and capped and it is strictly on the City's meter.

COMMISSIONER GREENE: Okay. And does this interconnect with the development directly to the south of it called the High Summit? I know that the High Summit has a water system that includes a fire hydrant that connects into this development here on Hyde Park I, or Hyde Park III, whichever it is. But it doesn't connect. It just provides a fire hydrant at Camino Lisa.

MR. HART: That is correct.

COMMISSIONER GREENE: Is there going to be an interconnection between the two systems?

MR. HART: Not to my knowledge, no.

COMMISSIONER GREENE: So you have no better pressure within the systems. They seem to have flow going in both directions, instead of one point of access.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So just for a little bit of history, this is something that has been going on for eight, ten, fifteen, twenty years, because this is a part of the problem with annexation. And this came out of the issues of annexation by the City and other agreements. We took this over because the City was incapable. So I think there is a lot of history that needs to be looked at and saying, well, you're not doing this or you're not doing that, well, it was not done by the City when they first created this water system and we are fixing it. Like we're fixing many things for the City.

CHAIR HUGHES: All right. Any other comments? Can we have a motion?

COMMISSIONER HAMILTON: I move to approve.

COMMISSIONER HANSEN: Second.

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

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

7. Presentations

A. Presentation Concerning Legacy Cleanup at Los Alamos National Laboratory

CHAIR HUGHES: Jessica Kunkle, manager, Environmental Management, Los Alamos Field Office. And it's amazing that we were able to take you at exactly 4:00.

JESSICA KUNKLE: Perfect timing. Good afternoon. My name is Jessica Kunkle and I'd like to thank you for the opportunity to introduce myself and also give you an update on the legacy cleanup work at Los Alamos National Laboratory. And just to confirm I do have slides. Will those be – okay. Just wanted to double-check.

COMMISSIONER HANSEN: It takes a few minutes but welcome, Jessica. Thank you. Thank you very much for being here. We really appreciate it. We feel that it's important to our residents in Santa Fe County that they know what is going on up on the hill with cleanup. So thank you very much for being here.

MS. KUNKLE: You're welcome. So my name is Jessica Kunkle. I'm the new manager for the Department of Energy's Environmental Management Field Office in Los Alamos, otherwise called as EM-LA in our sort of acronym alphabet at the Department of Energy. I'm coming to the Environmental Management Office from the National Nuclear Security Administration where I spent the first 15 years of my career, and most recently served as the Deputy Associate Administrator for infrastructure, life-cycle management there, which I basically focused on maintaining, operating, and modernizing real property assets across the nuclear security enterprise, including here at Los Alamos as well as Sandia National Laboratories.

So I have a very strong professional tie to this area but I also have a very strong personal connection. I was born and raised in Los Alamos. My husband is a native New Mexican as well so we're really excited to be getting back to our New Mexican roots, but we're also really excited to be raising our daughter Hazel, who's five, in the great State of

New Mexico.

So just at a very high level we have three predominant priorities for our cleanup work up in Los Alamos. The first is focusing on protecting our water quality and that's focusing on groundwater, surface water and stormwater. We also focus on cleaning up the land via soil remediation work and taking care of what we call legacy landfills or material disposal areas. And the last predominant focus are is shipping waste offsite and that's focused on our trans-uranic waste or what's referred to as true waste as well as low-level and mixed low-level waste. Our focus is to try to get that waste off the hill as quickly as possible.

Just a quick reminder, the Department of Energy's Environmental Management Office is a separate and distinct organization from the National Nuclear Security Administration which actually runs the bulk of the Los Alamos National Laboratory. So for NNSA, the predominant or the primary contractor on the hill is Triad National Security. They are the management and operations contractor on the hill. For my organization, the EM or Environmental Management focus area, our primary contractor is a company called N3B that's Nuclear Newport News BWXT International. Yes, quite a mouthful which is why we do the acronyms.

So you can see that as we are separate and distinct organizations we will also have separate and distinct focus areas, so my organization principally focuses on environmental remediation and waste management.

So now I want to give you an update on our hexavalent chromium plume. I'm happy to report that at the end of September we actually resumed partial operations of what we call our interim measure, which is the interim measure that we are coordinating with the State of New Mexico specifically via the New Mexico Environment Department on addressing this hexavalent chromium plume. Addressing this plume remains one of our top priorities for my organization, and right now we've resumed full operations to what we call a 24/5 schedule, so we're fully operating during the week and we do shut down over the weekends just to make sure that we have coverage available if we were to run into any issues but so far any issues have been incredibly minor and been resolved very quickly, and we're making plans to resume 24/7 operations just as quickly as possible once we're really got sort of the full restart with the system under our belt. As you can imagine this is systems and equipment that is supposed to be run, so after having been dormant for about a year and a half it's not shocking that we've had a few hiccups but nothing major, as I said. So we're very excited that we've resumed partial operations. We are operating with three injection wells and three extraction wells, and the primary focus is to not only address the plume but also prevent migration of the plume.

COMMISSIONER HANSEN: Jessica, do you want questions now?

MS. KUNKLE: Sure.

COMMISSIONER HANSEN: Okay. So I would like to know what are the ranges of both the shape and the depth of the plume, and how deep is the source that feeds the plume?

MS. KUNKLE: I would have to get back to you with the specific details. I don't have those off the top of my head. If I could get back to you with a written response, that would be –

COMMISSIONER GREENE: Can I ask a follow-up?

COMMISSIONER HANSEN: Yes.

COMMISSIONER GREENE: I see this plan here and it shows a deep strata versus a shallow strata, are you modeling this in 3-D?

MS. KUNKLE: We do have a very sophisticated modeling system that we do use. Of course the geology in the area does present some challenges with modeling but we do have extensive modeling capabilities based on the monitoring wells that we have set up, sort of the network of monitoring wells that spread across the range of the plume.

COMMISSIONER GREENE: And then this looks to me like the shallow is uphill and the deeper is the migrating – that's where it's heading towards the Rio Grande. Is that an apt analysis of this drawing or is it the stuff was buried at that deeper level or it's percolating from the ground? What created this shallow level and then something further to the east.

MS. KUNKLE: So it is percolating through the ground. It was hexavalent chromium that was dumped via standards at the time into the ground, and it was intended or it was thought at the time that it would not actually migrate through the ground, and it was discovered in 2003 that it had migrated. So as it is migrating it is migrating in a southwest direction.

COMMISSIONER HANSEN: But you don't know the depth.

MS. KUNKLE: I don't know the depth off the top of my head. If I could get back to you that would be helpful.

COMMISSIONER HANSEN: Okay.

CHAIR HUGHES: Don't you mean it's migrating east or west?

MS. KUNKLE: I'm sorry, southeast. Sorry. Southeast. Yes. Thank you.
Southeast/

CHAIR HUGHES: Okay. Go ahead.

MS. KUNKLE: So as part of our ongoing coordination with the New Mexico Environment Department we actually engaged in what we're calling our expert technical review. We've assembled a technical team composed of experts across the National Laboratory Consortium, academia, private industry and other experts to resolve or look into a number of technical questions. So we had about five charge questions that ranged from everything from the efficacy of our interim measure to things as simple as well design. I say as simple as well design but it's actually fairly sophisticated.

So that activity has been ongoing for about the past year. That team was actually formed in December 2023 in order to help resolve some technical disputes. That team has made great progress. We have received a draft report, so the Department of Energy, along with the New Mexico Environment Department are completing a factual accuracy review, and we're still hopeful that we'll have the final report available by the end of the calendar year. And after the release of the final public report we will be planning a series of public meetings to go over the final recommendations and findings from the team.

Shifting gears slightly, I want to give an update on what we call our corrugated metal pipe or CMP activity for short. So as you may recall, corrugated metal pipe is essentially a waste containment system that was established many decades ago. These are one of our top priorities for soil remediation and also waste removal from the site. So I'm happy to report that all 158 of the corrugated metal pipes or CMPs have been retrieved as of the middle of September. Now, our N3B contractor is fiercely working to complete

what we call size reduction. They're essentially taking these about 20 feet long metal pipes and then cutting them into five distinct pieces and then repackaging them for shipment.

So we're really excited about the progress we've made. I think we're about 82 percent complete on size reduction, so we're making good progress and we're forecasted to have that complete in a short time. And then sort of looking forward I've challenged the team to start thinking about what is the schedule for actually getting this waste off the hill. It will probably take multiple years to complete this waste removal process, just because we are going to be creating over 700 standard waste boxes of waste. So it will take quite a bit of time but we're really excited to be actually at the point where it makes sense for us to start looking forward to getting this CMP waste off of the hill.

So this is a picture of the actual final retrieval, the final CMP retrieval at what we call Technical Area 54, or Area G. So you can see we have a couple workers here who are suited up in all their personal protective equipment and they've got all the appropriate and required radiological controls that they're administering and following here.

And then here is a picture of the size reduction activity at work. You'll see that there's sort of series of rollers where a CMP is actually rolled into this machine here. The box that you see in sort of the left-hand side of that picture is actually where they do the cutting, and you'll see again we've got one segment of a CMP that's been cut and repackaged and is being configured into what we call a standard waste box. That's that container that that crane is lower that segment of that CMP into.

Next I want to turn to an update on our cleanup of Middle SP Road. So this is a really great success story. We actually completed the remediation and received the certificate of completion from the New Mexico Environment Department earlier this year in February. We were really excited because the certificate of completion was released to us without additional controls, meaning that it can be used for any public use, and this land has been turned back over to Los Alamos County for continued economic redevelopment.

I'm not going to touch on all of these because there's a number of these here but I do want to highlight some of the additional key accomplishments that we had in fiscal year 2024. So first, we did complete all of the 15 what we call Appendix B milestones under our 2016 compliance order on consent which is often called our consent order, which, as you recall, is our principal regulatory document governing the cleanup work at Los Alamos. We've also successfully installed the latest of our hexavalent chromium monitoring wells, what we call our R-76, so we're happy to have that completed and under our belt.

We did ship 22 shipments of trans-uranic waste or TRU waste to WIPP. That equaled about 50.3 cubic meters of legacy waste that's been removed from the hill, and we also completed a number of investigation activities in five of our aggregate areas, focusing on soil investigation to determine whether or not additional remediation would be necessary. So it's been a very productive year.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. So on slide 10, if we can go back. You installed the monitoring wells in R-76 to acquire additional data for the hexavalent chromium plume. What did you find?

MS. KUNKLE: So this well has been installed, but we don't have the pump installed. So I believe it's being installed later this month. At that point once we get the actual pump installed then we can actually start beginning monitoring activities and get gathering samples.

COMMISSIONER HANSEN: Okay. And on the 22 shipments of TRU waste, how much have you shipped in previous years?

MS. KUNKLE: We have shipped more in previous years. This year we encountered a challenge with our – what we call our high energy real time radiography machine. It's used as part of what we are – our systematic waste certification process that's required to comply with the waste acceptance criteria at the Waste Isolation Pilot Plant in Carlsbad. So it's essentially a big x-ray to x-ray the waste drums to make sure that they comply with the waste acceptance criteria or not, to determine whether remedial action is necessary. So we have encountered a longer than planned outage for that machine which did impact our ability to get more waste off the hill. We did go ahead and ship everything that we had certified and that was ready.

COMMISSIONER HANSEN: And do you know, like what was the most shipments you ever made within a year, in the last 24 years?

MS. KUNKLE: I don't know that off the top of my head.

COMMISSIONER HANSEN: Okay. What was the highest amount of shipments they made in one year?

MS. KUNKLE: I'll take that for action.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR HUGHES: Continue with your presentation.

MS. KUNKLE: Okay. So I did want to give an update on what we call our compliance order on consent or consent order for short. So there was a compliance order on consent that was established in 2016. With that the New Mexico Environment Department where we essentially work jointly with the New Mexico Environment Department to establish cleanup goals and cleanup activities for the Los Alamos National Laboratory. The consent order is a corrective action process in order to satisfy the requirements of what's called the Resource Conservation and Recovery Act, or RCRA for short.

So we do actually have cleanup campaigns that are organized using a risk based system, and we have a number of campaigns in soil, water, as well as sort of that landfill type activity, where you were with the CMPs there. And so we have legacy cleanup at Los Alamos Laboratory that's really organized in 17 distinct campaigns across those different cleanup priorities.

So in August, the Department of Energy reached agreement with the New Mexico Environment Department to revise the 2016 consent order, and on September 30th this year that revised consent order went into effect. There are several major sections with what we call major changes to the consent order, which are outlined in the revised consent order that's available online. I'm not planning to talk to any of these in detail but I will talk to you about two of them that I think are very important.

The first is the changes to what we call Section 8. This is the section that covers the cleanup campaigns. So the big change here is that now campaigns are classified into either Class A or Class B campaigns, and the easiest way to think about how to

differentiate between those two is to think about whether or not enough information is known about the campaign and the remediation work required in order to really establish a completion date.

If it's not, then it's called a Class B campaign. Class A campaigns are those where we really do have enough information and we can establish a campaign completion date. So we have six Class A campaigns. Those will all require a new requirement for developing five-year schedules. Those will have to be a rolling five-year schedule until the campaign is actually completed, and we will also have to establish campaign completion dates.

The next thing that I wanted to talk to is dispute resolution. So the changes for Section 25 on dispute resolution actually provide for a more documented and regimented approach for resolving technical disputes in a more timely manner, and so essentially an independent party would be identified by both the Department of Energy and the New Mexico Environment Department and appointed to resolve that issue. And the findings or recommendations of that independent party would be binding.

So we're hopeful that this will help us resolve any technical disputes such that we can move to find a remedy and complete cleanup actions in a timely manner. Yes.

COMMISSIONER HANSEN: So I just, Mr. Chair, how will the stipulated penalties be charged?

MS. KUNKLE: Well, there's a table for different levels of stipulated penalties based on the penalty or the infraction. So it just depends on what infraction there is, but they come to us as a fine and then we pay them.

COMMISSIONER HANSEN: And as you know, this is my last year on the County Commission but I think it's important that the County Commission continue to be involved in public participation and so any way that you can continue that dialogue with my colleagues I feel is really important. So I'm encouraging you to continue that.

MS. KUNKLE: Thank you.

COMMISSIONER HANSEN: And one of my colleagues, who happens to be listening online, told me that LANL made 230 shipments to WIPP in FY 2012. So do you think you can match that some time soon?

MS. KUNKLE: Well, I would have to dig into the details because that is likely inclusive of that we call new gen trans-uranic waste, which is not something my organization has purview over. So the numbers I was reporting was just the legacy TRU waste.

COMMISSIONER HANSEN: So we know that there's new gen waste, that trucks get loaded with both legacy waste and new gen waste but in the consent order does it stipulate that legacy waste will be prioritized over new gen waste?

MS. KUNKLE: No. The consent order does not talk to waste.

COMMISSIONER HANSEN: Is there any agreement that says you will prioritize legacy waste over new gen waste?

MS. KUNKLE: So legacy waste removal from the hill does remain a priority so we do have what we call at-ready priority for shipments to the Waste Isolation Pilot Plan in Carlsbad, so it will remain a priority for the Department of Energy.

COMMISSIONER HANSEN: Thank you.

CHAIR HUGHES: Okay. Go on with your presentation.

MS. KUNKLE: Just the final slide here, just another quick tidbit on the updated revised 2016 consent order. So as part of this process the Department of Energy and the New Mexico Environment Department actually reached agreement on three of our appendices for fiscal year 2025. At a very high level, Appendix A is what we refer to as our list of solid waste management units, or SWMUs and AOCs are areas of concern. Along with the list we include the current status and a list of any of what we call deferred sites. We've also reached agreement on Appendix B which includes our annual milestones and out-year targets, and milestones are subject to stipulated penalties if those are not reached. And Appendix C is our list of campaigns. In the future year we will be working to revise all three of these appendices to align with the revisions of the 2016 consent order, because we have started the planning process for these three appendices before the revised consent order had been executed. So you'll see quite substantial changes here next year with these appendices.

And then we do have links to all of these documents for your convenience here on this slide.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So I know this didn't cover it and I know where you stand on this issue but I feel that the public needs to understand your responsibility to the tritium containers that are on LANL's land. It's on your site.

MS. KUNKLE: The flanged tritium waste containers?

COMMISSIONER HANSEN: Yes.

MS. KUNKLE: Yes. So there are at least six flanged tritium waste containers that are co-mingled with some other waste drums in what we call Technical Area 54 or Area G, which is where I showed that photo from our corrugated metal pipe activity. Those actually – ownership and liability for those containers remains with the National Nuclear Security Administration. Those are not under our purview. So my office is over your requirement is to support the National Nuclear Security Administration with readiness for when they are prepared and authorized to actually take action.

COMMISSIONER HANSEN: And is there any movement towards that?

MS. KUNKLE: I can't talk to that. That would be a question for the National Nuclear Security Administration.

COMMISSIONER HANSEN: They don't always return my calls. So I have a couple other questions. How many employees do you have working on cleanup at the moment?

MS. KUNKLE: So federally there are about 65. There's a team of about 65 in the Environmental Management at the Los Alamos field office. That's comprised of about 40 feds and then some additional support service contractors, and then I believe on the N3B side we've got between 700 and 800 – don't quote me on that number. I think it's about 730 employees working cleanup.

COMMISSIONER HANSEN: And are you understaffed or fully staffed or where are you in your staffing?

MS. KUNKLE: Staffing remains to be one of my top priorities for the federal component of the cleanup work. We are currently understaffed; we have a number of vacancies that we are working very hard to fill. So that is one of my continuing

priorities.

COMMISSIONER HANSEN: And then I'm wondering why when you return land that you don't return it to the pueblos.

MS. KUNKLE: I couldn't speak to that because technically I am not – Environmental Management is not the landlord of the Los Alamos National Laboratory, so we don't – we're not the landlord of the real property. So those decisions are made by the National Nuclear Security Administration.

COMMISSIONER HANSEN: Personally, I cannot of course speak for any of the pueblos, but I would think that it was originally San Ildefonso land that it would be returned to them. And for the moment that's all the questions I have but I do believe my colleagues might have questions.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you. Thank you for the presentation. I think I've gotten it down to four questions and maybe I'll have more. But keeping to the closest thing that you just spoke about with filling vacancies, when you recruit people, what are the issues that you're having, running up against for recruiting.

MS. KUNKLE: Well, recruitment is challenging on what I would call the Environmental Management side just because one of the big challenges, we are competing with the National Nuclear Security Administration, but I don't think that unlike many employers in northern New Mexico, we have challenges recruiting people if we can't find anyone locally, because of the housing shortage and just the national housing challenges that we're having across the nation. Sometimes we just don't get enough very interested candidates. Los Alamos can be a very difficult place to recruit for. It's a very unique area. Folks are not necessarily always interested in relocating to Los Alamos so there's just a variety of sort of unique challenges that we have and they're all very different on a case by case basis.

COMMISSIONER GREENE: I don't want to speak for Los Alamos but you can easily live in Santa Fe if only we had the housing. So I ask for your group to partner with us in a way that says housing is an issue, both for the lab and for Environmental Management, and for all of our workforce in Santa Fe and Los Alamos that we find a way to get some federal dollars to help you recruit and retain people, but also to alleviate our sort of macro-level housing crunch here. A concept that has been tossed out to Los Alamos County and to the folks up there was an idea of designating one percent of your budget towards a housing initiative. Right? Maybe it doesn't take from your budget but it's 101 percent of your budget, that one percent over to be put towards housing whether it's in Los Alamos, in Santa Fe County, Rio Arriba County, but just to help us build the infrastructure so you don't displace people with your great jobs. Which is wonderful; you're serving a great purpose, but you're also, when you don't recruit from locally, you're also gentrifying and displacing some locals that can't compete with what you pay. Which is great. Pay people more. However, we need to backfill it with housing.

So I request that you partner with us and discuss these common areas of interest, housing being one of them for sure.

The next one is how is your budget decided?

MS. KUNKLE: Our budget is staying about stable for our FY 25. Our FY

25 budget request is stable from FY 24. So it is something that we are very in need of getting our full request this fiscal year. We're not immune to the national and local economics and inflation that I think everybody is feeling the crunch on, so without a growing budget we are up to the challenge of making sure that we can maintain our cleanup activities within the new budget that we have but it is one of the focus areas that I have is to drive more attention to the need of increasing the budget for cleanup at Los Alamos.

COMMISSIONER GREENE: So your budget was not indexed to inflation in the last few years?

MS. KUNKLE: No, it has not.

COMMISSIONER GREENE: So you're doing the same with less, basically right now.

MS. KUNKLE: Essentially.

COMMISSIONER GREENE: Okay. So I hope you're making that apparent to our delegation in DC and to your bosses in DC as well to make sure they understand that costs have gone up, right? Everything's gone up 20, 30 percent for our lines of work and they should be reflecting that in their stuff.

Is the reprocessing project that is – I forget where it's coming from – Amarillo or something, that was going to be in Savannah River and in Los Alamos and it was going to be reprocessing the surplus? Is that an environmental project or is that –

MS. KUNKLE: That's National Nuclear Security Administration –
NNSA.

COMMISSIONER GREENE: Okay. So that doesn't touch you. Great. Thank you for clarifying that. And that's it for now. But thank you. Please advocate for more money for housing and more money for cleaning up.

COMMISSIONER HANSEN: Mr. Chair, I think it would be important for you to say what your budget is.

MS. KUNKLE: I don't have that number off the top of my head. I apologize. I'm four or five months on the job. I don't have these numbers.

COMMISSIONER HANSEN: It's been around \$230 million, \$235 million. I don't have the figures off the top my head but I think it's in those numbers.

MS. KUNKLE: That is about correct. Yes.

COMMISSIONER HANSEN: Thank you.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. Thank you so much for the presentation. Could you remind me why the pumping and extraction, the extraction and re-injection was stopped for a while from those six wells?

MS. KUNKLE: Well, the entire interim measure itself was actually turned off so that's on those six wells that I highlighted, is actually only a part of what we call interim measure system. There are more injection and extraction wells that we do have. It was essentially turned off because there was a technical dispute between the Department of Energy and the New Mexico Environment Department on the potential unintended impacts to the migration of the plume from the interim measure. So as a recommendation from the New Mexico Environment Department we ceased operations about a year and a half ago.

COMMISSIONER HAMILTON: And how was that dispute resolved? Because it looks like you started extracting and re-injecting to the exact same wells so I assume the same unintended consequences would be realized.

MS. KUNKLE: So there was some ongoing negotiations with the New Mexico Environment Department and Department of Energy on the importance of the interim measure and the expert technical review team that I spoke about is actually doing the more in-depth technical dispute resolution process for us.

COMMISSIONER HAMILTON: So it was restarted even though the possibility the plume is actually being dispersed further by the re-injection? It could still be happening?

MS. KUNKLE: We don't have any indication that the plume is migrating because of any of the injection wells that we're using.

COMMISSIONER HAMILTON: But that was the dispute, wasn't it?

MS. KUNKLE: I think that was the basis of the dispute is the potential impact on the migration of the plume.

COMMISSIONER HAMILTON: Right. Okay. Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So I'm going to – both Commissioner Hamilton and I sit on the BDD Board. We are very happy that we had the flow meter down at the bottom of Los Alamos Canyon, but unfortunately, our meeting in November was cancelled. And so I'm wondering if you can give me any update on the MOU that BDD has with you for our grant of \$96,000 that we normally get for sampling and other issues. And so I'd like to know where that fits at the moment.

MS. KUNKLE: So the discussions are ongoing on renegotiating the memorandum of understanding and I believe there's been quite a bit of good conversation about some of the additional requests from the Buckman Diversion organization, and so I believe those requests are under consideration, perhaps awaiting some additional information before we can really finalize a decision.

COMMISSIONER HANSEN: The agreement that we have expires December 10th, so I'm hoping that it's on our December 5th meeting so that we can approve it, so we don't not have an agreement. I think that Commissioner Hamilton would agree with me on that.

MS. KUNKLE: Yes. It's in our best interest.

COMMISSIONER HANSEN: It is in the best interest of everybody to make sure that the MOU is brought to the BDD and part of the reason why you are here at my Santa Fe County Commission meeting is because you have not had the opportunity to appear in front of BDD, which is the Buckman Direct Diversion, for those of us that talk in alphabet soup. So I wanted to make sure that the public was aware of all the activity and also have an opportunity to meet you because I am – one of my requests over the time that I've been in office is that we have communication with your office and I am grateful to Stephanie and to you and to Michael Mikolanis who was the director before for being good stewards to communicate and be available to the public, because I think it is really important for our constituents to know what is happening up there. And I really appreciate your being here. So thank you.

MS. KUNKLE: Thank you. And continued transparency and engagement

is one of my top priorities.

COMMISSIONER HANSEN: We appreciate that.

CHAIR HUGHES: Yes. Thank you for being here and I hope you'll continue to work with us and keep us informed so we can all work together on cleaning up the waste.

MS. KUNKLE: Thank you.

CHAIR HUGHES: Any other comments? Thank you very much.

6. H. Request Approval of Santa Fe County Lodgers' Tax Grant Awards to Organizations as Recommended by the Santa Fe County Lodgers' Tax Advisory Board

CHAIR HUGHES: Lisa Katonak.

LISA KATONAK (Marketing Coordinator): Good evening, Commissioners. Lisa Katonak, Marketing Coordinator for the Santa Fe County Community Development Department, Tourism and Marketing Division. In front of you today I have a request to approve 18 lodgers' tax grant awards recommended by the Santa Fe County Lodgers' Tax Advisory Board. To provide a summary, the Community Development Department is requested approval to grant Santa Fe County Lodgers' Tax grant awards in the amount of \$167,000 to 18 organizations for fiscal year 2025 as recommended by the Lodgers' Tax Advisory Board.

On August 29, 2024, the Santa Fe County Lodgers' Tax Advisory Board and the Community Development Department released a Notice of Funding Availability for the Santa Fe County Lodgers' Tax Grant Program. The notice requested applications for the advertising, publicizing, or promoting of tourist attractions and tourism-related events in Santa Fe County.

The grant program funding would be available from mid-December 2024 through June 30, 2025 and it is a reimbursable grant with the authorized program areas limited to advertising, publicizing, or promoting tourist attractions or events in the County. All applicants were asked to clearly delineate how their activities are intended to increase tourism activities and visitors to the county.

Eligible applicants were limited to government entities and non-profits that have the required qualifying documents for advertising, publicizing, or promoting tourist attractions in the county. Applications were due to the Community Development Department staff by Monday, September 30, 2024, at 2 p.m. And the total grant funding for fiscal year 2025 being \$200,000 with grant awards that would be in increments of \$12,000, \$8,000, \$5,000, and \$3,000. The highest grant award provided to an organization is \$12,000 and it is to be considered for organizations that exhibit that they hold multiple events, being two or more events a year or year-round programming with matching funds of at least \$12,000 for marketing in their application.

Twenty organizations submitted applications for review and consideration before the deadline. Nineteen organizations submitted complete grant application packets for consideration along with their qualifying documents. There was a total of \$186,000 in funding requests.

The LTAB held a special meeting on Thursday, October 17, 2024, to review and

score applications and to provide recommendations for grant funding. The LTAB evaluated and rated the applications based on a point system with the following evaluation criteria: Section 1: overall proposal concept with a maximum points possible: 40 points; Section 2: marketing plans with maximum points of 20; Section 3: partnerships with maximum points possible of 10; Section 4: financial capability, maximum points of 20; Section 5: pre-event budget and attraction projections with a maximum points possible of 10, totaling 100 points.

The LTAB recommended that applicants scoring less than 70 points not be awarded funding and only one applicant who submitted an application did not meet the threshold. The LTAB reviewed and scored each application on an individual basis, and upon review and final scoring, the LTAB made the determination to fund one applicant and their program at a lower grant increment. I will now list the following organizations that submitted their applications for consideration, being the International Folk Art Market Alliance, the New Mexico Wildlife Association for Wildlife West Nature Park, Santa Fe Century for the Century Bike Race, Wildlife Center for their events in April and May. El Rancho de las Golondrinas for the 2025 season, Santa Fe Desert Chorale for their summer festival in 2025, Parallel Studios for their Currents 2025 art and technology festival in June, Kiwanis Club of Santa Fe for the burning of Zozobra as well as for Dia de los Muertos, the Santa Fe Opera for the 2025 Santa Fe Opera Season, the Museum of New Mexico Foundation for Museum of Indian Arts and Culture for one of their exhibits now in June 2025, SITE Santa Fe for their 12th International Exhibition June 2025 through January of 2026, the Santa Fe Children's Museum for their year-found programming at their museum, City of Espanola government for their lighting parade in December, Santa Fe Film Institute for their Santa Fe International Film Festival, Lightning Boy Foundation as a fiscal agent for Mwangaza Athletics Club, for the Santa Fe half-marathon, Atrisco Heritage Foundation for their winter Spanish Market and traditional Spanish Market, the Human Rights Alliance for Pride Santa Fe for 2025, the Center for the Photo Symposium in November, and Santa Fe Playhouse for their first half of the 2025 season.

Recommended action is to approve the 18 lodgers' tax grant awards as listed and recommended within your packet material by the Santa Fe County Lodgers' Tax Advisory Board. I stand for questions.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you. Thank you, Lisa. Of these 18 or 19 that are on here, which ones of them are new? New meaning first time.

MS. KATONAK: Yes. Let me take a look at that. Museum of New Mexico Foundation for Museum of Indian Arts and Culture, SITE Santa Fe, City of Espanola, the Santa Fe half-marathon applicant – they had previously received funds but under a different organization so they're considered a new applicant – the Center and Santa Fe Playhouse. So that's six.

COMMISSIONER GREENE: Okay. That's great. Thank you. I was worried that it was organizations that I'd heard of and had probably been in our cycle already and I was hoping that we were reaching out to new emergent things. And I would encourage you to do that. I know one is the new Canyon Road Walk wanted to be included in this but they found out way too late to be able to spin this up and so if you

can find a way to reach out to them so that they learn about that that would be wonderful.

How much is in our lodgers' tax pool right now?

MS. KATONAK: That would be a question for our Finance Department director at this point. I'm awaiting the report for lodgers' tax collection for the last month.

COMMISSIONER GREENE: Do we generally spend what we take in every year? Or are we building some secret pool of money for something big in the future?

MS. KATONAK: We allocate a specific dollar amount for grants, and then we have money for the current contract for the marketing, advertising and promotion of Santa Fe County lodging properties and tourism attractions and events. There is a remaining dollar amount that we carry over but based on state statute there's a limitation.

COMMISSIONER GREENE: Right. Okay. And then my last question, this looks like it was for a six-month period here. It says this can be spent from December until June. Is this done twice a year or is this done once a year and it was just done late and now it's –

MS. KATONAK: It is done once a year and based on information from our Finance Department and auditing purposes they request that we close the grants by the end of the fiscal year. So there's a clean audit.

COMMISSIONER GREENE: So I then ask, so that we can give people more than six months to spend this money and basically only do summer events. Maybe I guess we're doing some winter events. Is it possible to open this up for next year some time in like, March, so that we could start putting money out in July and have a one-year track?

MS. KATONAK: So the way the fiscal year ends is June 30th. However, they have the ability to pre-pay for their advertising, marketing and promotional services, and then they would get reimbursed. So it does not prevent them from applying as long as they have money within their organization to be able to fund the costs or the expense.

COMMISSIONER GREENE: That's one of the tricks, right? So I would hope that we would give people more time to spend the money. I understand those work-arounds and things like that but to me, if it was possible to get next year's round set up in March or April so that the money could be freed up by July 1st, so people would have a full year to spend it, it would be great. Thank you very much.

MS. KATONAK: Thank you, Commissioner.

CHAIR HUGHES: Any other questions, comments?

COMMISSIONER GREENE: I'll make the motion then, approving the Santa Fe County Lodgers' Tax grant awards to organizations as recommended by the Santa Fe County Lodgers' Tax Advisory Board.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay. And I would just comment that I'm glad to see some of the new organizations on the chart and we're funding them.

MS. KATONAK: Thank you so much, Commissioner.

CHAIR HUGHES: Now, a motion by Commissioner Greene, seconded by Commissioner Hamilton.

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

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Yes.

COMMISSIONER HANSEN: I want to welcome Commissioner-elect Cacari-Stone, sitting in the audience. Welcome. Nice to see you.

9. Matters from the County Manager
A. Miscellaneous Updates

MANAGER SHAFFER: Thank you, Mr. Chair and Commissioners. Three updates and two with a request for some potential direction. First, I wanted to make sure that the public was aware that there will be a special meeting of the Housing Authority Board of Directors this Friday, November 15th at 2:30 pm, or upon the conclusion of the special County Canvassing Board Meeting.

Secondly, there is a conflict between the Board of County Commissioners regularly scheduled meeting on December 10th and the New Mexico Counties Better Informed Public Officials Conference, which begins on December 10th and runs through Thursday, December 12th. I had planned to attend that conference along with our two incoming Commissioners and I believe several sitting Commissioners were going to attend as well. So I wanted to see if the Board wanted to explore rescheduling our last BCC meeting to Monday, December 9th to avoid that conflict. So I'll pause there and see if the Board has any reaction to that suggestion.

COMMISSIONER HAMILTON: Mr. Chair, I can do that.

CHAIR HUGHES: I can do that too. Monday, December 9th.

Commissioner Greene, Commissioner Hansen, Commissioner Bustamante.

COMMISSIONER HANSEN: Yes. I can do the 9th also.

COMMISSIONER GREENE: I have a dentist's appointment that I can try to reschedule. Unlikely, but worst case, I'll show up late. That's all.

CHAIR HUGHES: Okay. It sounds like December 9th is okay. We should go ahead and do that.

MANAGER SHAFFER: Thank you, Commissioners. We'll make that so. Lastly, it appears that if a constitutional amendment #4 was approved by the voters. That means that once the state canvass is concluded on November 26th, and assuming that the results of that canvass does confirm that constitutional amendment #4 did in fact pass, the Board of County Commissioners would have authority to establish the salaries for County elected officials without regard to the legislative maximums that were established by the legislature in 2018.

Salaries cannot be changed mid-term per the state constitution, which means that any salary increases approved after January 1 will not impact elected officials whose terms began on January 1 for that term of office. Again, the current County elected official salaries were set in 2018. There's a range of potential options that the Board of County Commissioners could take relative to that constitutional amendment to include: take no action to adjust salaries before January 1, increase the salaries that were established in 2018 by cost of living adjustments that were given to County employees

since then, and three, begin to establish a process by which salaries for elected officials would be studied and established regardless of the implementation date, which could include the creation of an independent salary commission to make recommendations to the Board.

So I'm bringing this up now to see if any one Commissioner wants County staff to bring something forward before January 1st on this topic, and if so, to potentially get a sense of the parameters you would want us to explore whenever that matter was brought back for actual action by the Board. Thank you, and I'd be happy to answer any questions on that topic.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So one of the things that always has bothered me is that when, as an elected official, everyone else gets a cost of living raise, and County Commissioners do not. And I think that it is really fair and honorable without going into a lot of negotiations that we do a cost of living raise for the elected officials at this time. I think that that is the most reasonable thing. And then in the future study the salaries and the ranges of what would be done at a later point. But that would be my recommendation.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes. That sounds great. I actually quite agree with that but I think a combination of your second and your third options is what I would recommend. So I don't think it's controversial to think about doing cost of living increases so that the incoming Commissioners benefit from that after – whatever it is – six years later. But I think it would be useful to bring forward enough of a presentation before the end of the year about what – if it's possible and with staff time and everything, about what options there are for a committee that would help recommend, do more formal recommendations for salary increases.

So bringing the options forward isn't going to put us in a position to make any decisions. That will fall to the new Commission, but it will start the process. And certainly one of the things that is very difficult is to have some – aside from COLAs, which are a little more of no-brainers to have an idea of what's fair and what kind of recommendations people could act on it. I think it's probably a really good idea. Like I said, clearly, it will be the next Commission that thinks about that, but to start having that information, if it's possible. We only have two more meetings after this; I would think that would be a good idea as well. So thank you.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes, thank you, Chair Hughes. I agree. The COLA is an important variable to consider when making determinations about salaries and increases. I think we're jumping way ahead. I agree with the concept of having an entity that would make recommendations for those raises, which is a good, logical way to make sure that you're transparent and that people other than the Commission are involved in that determination.

I would want to see if we could possibly get something presented to us ideally before January that is just best practices nationally. What do other entities do other than having external or on top of a recommending entity? Whatever the case may be, but to really get a good, thorough, best practices presentation would be very helpful. And I

appreciate that. Thank you.

COMMISSIONER HAMILTON: And that's very similar to what I was thinking. I think that's great.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Generally agreeable of all of these things. I hadn't thought of the cost of living increase as something that we might enact before that but I also didn't want to rush into anything. But a cost of living increase is something that is pretty straightforward and easy for us to adopt in anticipation of the new people coming in here, new Commissioners. But a full blown study is going to take too long, but once January 1st comes and goes, we have time to think about this, but definitely it would be interesting to hear what Commissioner Hamilton and Commissioner Bustamante mentioned as some of the best practices around the country of what comparables are, right? What do the Commissioners in Arizona get? What do the Commissioners in California get? What do they get in Colorado and Texas, and so on, just to understand.

Having gone to NACo enough, twice now, I understand that every state has different obligations for Commissioners, so it's not always just a pay. Our positions are different than other states. So it would be good to make sure that those scopes of work are sketched out as well.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: It just doesn't include Commissioners. It includes all elected officials, so it would be a study of all elected officials – Clerk, Assessor, Sheriff, Treasurer, Probate Clerk, Probate Judge, so all of those would be included in the study. But they'd also all be included in the COLA.

CHAIR HUGHES: Let me just add that I think it's important to do it before January 1st –

COMMISSIONER HANSEN: Yes.

CHAIR HUGHES: Because that's the only way the Clerk and the Treasurer would get a raise for four years.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR HUGHES: Go ahead.

COMMISSIONER HAMILTON: And just for clarity, we're talking about cost of living only, because we don't know – and I think what I was talking about and I presume what Commissioner Bustamante was talking about but I'm not speaking for her, is talking about sort of an overview of best practices. It's not a comp and class study. It's because it's like how do they go about determining what salary recommendations would be. Do they do committees? Who's on them? How do they handle them? I just wanted to make it clear that's what I was thinking about.

COMMISSIONER BUSTAMANTE: Thank you, Commissioner Hamilton.

MANAGER SHAFFER: Thank you and I believe I understood and I appreciate the clarification as well. Thank you. That's all that I had, Commissioners. Thank you.

CHAIR HUGHES: Okay. Do you have enough direction? Okay.

10. **Matters from County Commissioners and Other Elected Officials**
A. **Commissioner Issues and Comments, Including but not Limited to
Constituent Concerns, Recognitions and Requests for Updates or
Future Presentations**

CHAIR HUGHES: Who wants to go first? Commissioner Hamilton.

COMMISSIONER HAMILTON: I think I've got it right. So being seemingly late to the game but it is going to be the last month of serving on the Commission my final Coffee with the Commish will be Tuesday, December 3rd from 5:30 to 6:30 at the Hondo Fire Station and it will be in some ways very similar, all kinds of concerns. I really encourage people to come, however, because in addition to general concerns this is going to be the transitional meeting and we're going to have Commissioner-elect Adam Fulton Johnson and you'll get a chance to really meet him and talk about what our ongoing issues have been in District 4. So Tuesday, December 3rd. I look forward to seeing everybody. Thank you.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes, thank you. We definitely had an exciting week last week and I think when we get through an election it's important for all of us to reconnect and I've just been really reflecting on what the needs, the interests, the concerns are of the constituents in District 3, as I always do, but maybe bumping it up a notch if you will, given a new outlook on how to proceed.

And one of those issues that came up with the electricity failure, and I have great gratitude for Santa Fe County in setting up a warm location at the fire station and one of the volunteers actually spent several hours there with some snacks and I was absolutely grateful that even though it was more of an exercise and most people opted. The roads weren't great as we all know, but three days without electricity and we've had the conversation from this Commission on what it really takes. Two, is it about putting pressure on – I think one of those conversations that we've had before is you put pressure on and people tend to go – kind of pull back.

But we have to assure that our constituents have their services, and it was uncalled for. I'm so grateful to the volunteer who sat there. It made for good conversation and time well spent although we didn't have any community members show up. The volunteer was none other than Manager Shaffer. So thank you, sir. But it was really about standing up the warm location and I'm grateful. And community members, even though they didn't show up, knew that it had happened. Knew that we had set something up for them.

I have mentioned before from this dais that we have community members who have, in other times, not had electricity when they have family members who are on life support. And the good news was the bad news. They have a generator now and the family member on life support was using that generator. It's unfortunate. So I'm really grateful for that.

The next thing that I want to make the Commission aware of, COSSA – the Colorado – I can't remember what the acronym stands for. The Colorado Institute for Safe Solar Energy Storage. Colorado Solar Storage Association is having a meeting on November 18th that I will be attending and it's co-sponsored with another entity from

New Mexico. It will be at Ft. Lewis College and it's going to be a symposium that really focuses on what it means to have safe energy storage. So I think we're all hearing a lot of statements, concerns, but I think it will be very interesting to hear what other people are doing to address those concerns because though there are safety issues that people want and should be aware of, we also have a future that maybe won't have as much environmental protection and addressing our climate change. So I'm grateful to be attending that if anyone wants more information. It's on November 18 at Ft. Lewis College in Durango.

So that's all I have. Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Yes, I will just pile on about the electricity going out. I live in the city. I was grateful to PNM that they actually got my electricity back on on Wednesday. On Wednesday I did not have electricity from around 3:00 until 6:00 and PNM did get it back on but it was in other parts of the city that I know people did not have electricity, and I think this is something that we really need to be mindful of.

I want to share with a few people, yesterday was Veterans Day which we all appreciate all of our veterans and everything that they did for this country and protecting us but also in the past this was known as Armistice Day which was a dedication to peace, and the Veterans for Peace held a small gathering on the plaza and I was asked to speak. I was honored to speak there in the support of peace, something that I completely, wholeheartedly believe in and diplomacy is a way to solve our problems.

Also I attended the Women's Luncheon for the Chamber of Commerce, which was quite entertaining and a great event and it was completely packed. But the keynote speaker was Valerie Plame and her topic was What's next. And I felt that was really apropos to Commissioner Hamilton and myself since we are facing what's next. So I wanted to share that.

Also, tomorrow the Defense Nuclear Facility Safety Board staff will be having a meeting at the Santa Fe Public Library from 4:00 to 6:00 The Defense Nuclear Facility Safety Board is probably the most important national board under DOE that exists. They are the ones that do all of the oversight at LANL, at Sandia and at WIPP. And they are the ones that report all the safety violations that happen and everything that we need to know about to create transparency.

And then a good friend of mine, Erica Wannamaker, is having a solo show at SITE Santa Fe on November 15th and she is a long-time Santa Fean, eccentric and a great artist, and I'm so happy for her to have a show at SITE Santa Fe and I just want to mention that for her.

And then the big issue that I'm working on also right now with the Caja Coalition is we are working on a letter to Secretary Holland to create a national monument of the Caja del Rio. We are requesting this due to the election change and we feel that this is really imperative timing, that she has the ability to do this with President Biden, so I will be bringing forth a letter at our next meeting and I hope that I have all of your support with that letter. Myself, the County Attorney, and my liaison will be working on that letter and we'll have a draft up for you soon.

And on a sadder note, December 2nd is the Agua Fria Village meeting which will

be my last meeting and I'm looking forward to it. I love the Village of Agua Fria and I think everyone knows that here, that I have worked incredibly hard for them. And then I just want to mention that Martha Rotunda passed away who was a long-time member of the Agua Fria Village community and her memorial and services was last Friday and she almost always came to the village meeting, and her daughter Gilda is the treasure of the Agua Fria Village Association.

So I think that's all I have for the moment. Thank you, Mr. Chair.

CHAIR HUGHES: Thank you. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. My district was also impacted by the power outage and in our case we had a bunch of neighborhoods impacted by PNM, but mostly in my district it was the areas impacted by Jemez Mountain Electric Coop. And so I'm hoping to follow up with them in the next few weeks to understand how we can support their doing better and making sure that they have a more resilient power system up there. I too thank the County Manager for standing up a warming center up in Pojoaque. That was nice to get spun up in the last minute and for those folks that needed to get warm or to recharge their phone or to recharge their oxygen tank it was a great resource for us to have and I think we should be prepared for that more and more in the future.

As I mentioned earlier, today was feast day in Tesuque. I was up there for that and I brought us a loaf of pueblo bread for us all to share if we all need to have a snack today. It was donated and gifted to me by Marsha Leaf, a tribal member that I served on a board with years ago and she's got the best red chile ever and I got to eat that today. So thank you, Marsha.

We have a meeting tomorrow evening that Santa Fe County is organizing up in Chimayo at the Head Start to talk about post office options up there as well as other things that the County is doing at the Bennic Chavez, upgrades to the Bennic Chavez Senior Center, as well as discussion of different things that could happen with the Head Start building, whether it becomes a post office or not, it is a valuable asset that we should look at redeveloping for the community up there.

Lastly, many of you know that Santa Fe County has a loose partnership with the City of Santa Fe to start looking at a new amphitheater for the region. The City of Santa Fe was awarded \$40,000 in a grant from the state. Santa Fe County has pledged \$50,000 in matching money in an effort to facilitate a feasibility study for an amphitheater. So that is actually in progress. The City has contracted with a group who is in town as we speak meeting with stakeholders and will be here for two or three days to talk about all of the different issues that come in – who might use it, who might manage it, where it might go, what the timeline is, what the budget is, what the size is, and how we decide what is feasible for our community if it's a go or a no-go in the future. They are talking about trying to get a level of decision or recommendations to us by the end of the year or before the legislature so that we might be able to go to the legislature to get the next level of seed money to this if it seems appropriate to move ahead with this. And that's it. Thank you very much, everybody.

CHAIR HUGHES: Thank you. In District 5 just a couple of things. One is of course Veterans Day is very important to all us, especially to my brother who was a veteran and passed away due to his service in the Navy. Also District 5 Hour with Hank

is also scheduled for December 3rd at 5:30, competing with Commissioner Hamilton's but I think it will be okay. There's no overlap of our districts. And that's about it for me.

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

There were no other elected officials wishing to make comments.

11. Matters from the County Attorney

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

1. Acquisition of Real Property Interests for the Pojoaque Basin Regional Water System

CHAIR HUGHES: Attorney Jeff, do you want to lead us into executive session.

MR. YOUNG: Yes, thank you, Mr. Chair. I would ask that we go into executive session to discuss threatened or pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1(H)(7) NMSA 1978, and discussion of the purchase, acquisition or disposal of real property or water rights, as allowed by Section 10-15-1(H)(8) NMSA 1978, and specifically including acquisition of real property interest for the Pojoaque Basin Regional Water System.

CHAIR HUGHES: Do we have a motion?

COMMISSIONER HAMILTON: Mr. Chair, move to go into executive session to discuss the items just listed by Attorney Young.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Okay, we have a motion by Commissioner Hamilton, seconded by Commissioner Bustamante. Can we have a roll call?

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

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

[The Commission met in executive session from 5:16 to 6:00.]

CHAIR HUGHES: All right. Let's call the meeting back to order. We're going to have a motion to come out of executive hearing. No action was taken.

COMMISSIONER HANSEN: I move that we come out of executive session and that no action taken and the only thing discussed was what was on the agenda presented to us by the Attorney.

COMMISSIONER HAMILTON: Second.

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

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

B. Potential Action on Items Discussed in Executive Session

No action was taken.

12. Public Hearings

- A. Case #24-5160 Las Campanas Residential Holdings, LLC, Applicant, JenkinsGavin, Agent, Request a Type 3 Major Subdivision Approval to Create a 13-Lot Residential Subdivision per the Sustainable Land Development Code, Chapter 5. The Total Acreage of the Proposed Major Subdivision Consists of 34.13 Acres +/- The Proposed Subdivision is a Type-Three (Major), Which Consists of 6-24 Parcels, Where Any Parcel is Less Than Ten (10) Acres in Size. The Property is Zoned as Residential Estate (RES-E), Which Allows for One Residential Unit Per 2.5 Acres. The Property is Located at 7 & 11 Calle Monte Vista, Just off Caja del Rio Rd, Within SDA-2, Parcel ID Nos. 99309411 & 99309412 (Commission District 2)**

CHAIR HUGHES: Can we have our presentation?

[Mr. Quintana read the case caption.]

KENNETH QUINTANA (Case Manager): Good afternoon, Board. The current owner of the property the applicant, acquired the property by special warranty deed recorded as Instrument #2013681 and Instrument # 2013803 in the Santa Fe County Clerk's records dated June 13, 2023, and June 15, 2023. The two contiguous parcels of land contain legal lot of record by approved survey plat dated January 8, 2018, recorded

in the County Clerk's Office as plat book 828, page 36.

This application has been reviewed for compliance with the applicable standards as set forth in Chapter 7 of the Sustainable Land Development Code and Ordinance No. 2017-7, Road Design Standards, as follows: access, fire protection, landscape and buffering, lighting, signs, parking and loading, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, flood prevention and flood control, solid waste, operation and maintenance of common improvements, affordable housing.

Staff's recommendation: Staff has determined that this Application for Preliminary and Final Plat to allow a 13-lot residential subdivision known as Calle Monte Vista to be developed in a single phase is in compliance with the subdivision and design standards set forth in the SLDC and therefore recommends approval of the applicant's request, subject to the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIR HUGHES: Yes.

[The conditions are as follows:]

1. The boundaries of the development area shall be clearly marked on site with limits of disturbance (LOD) and fencing or construction barriers to be approved by staff prior to any grading or clearing and before starting construction in accordance with submitted engineered Grading & Drainage Plan.
2. Applicant must provide an approved Storm Water Pollution Prevention Plan (SWPPP) with the permit application for infrastructure construction.
3. Mass grading of the site will be prohibited and noted as "Special Building Condition" on recorded Final Plat and transferred to any other plats associated with Calle Monte Vista.
4. Limits of grading shall be shown on Final Grading & Drainage Plan.
5. Applicant must comply with all review agencies' Comments and Approval Conditions.
6. Applicant must build all roads within Calle Monte Vista to SDA-2 "Cul-de-sac" standard. Calle Monte Vista is providing a 50-foot easement with paved roads said roads to be maintained by the homeowner's association.
7. Lots 10, 11, 12, and 13 shall contain a 50-foot rear set back. This shall be noted on the Final plat.
8. Final Plat shall be recorded within twenty-four (24) months after its approval or conditional approval or the Plat shall expire. Prior to the expiration of the Final Plat, the subdivider may request, from the Board an extension of the Final Plat for a period not exceeding thirty-six (36) months.
9. Applicant must submit a Financial Guarantee prior to Final Plat recordation.
10. Accessory dwelling units are prohibited within this subdivision. This shall be noted on the Final Plat.
11. All staff redlines and comments shall be addressed prior to plat recordation. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat. Water

restrictions and conservation covenants shall be filed in the County Clerk's office and referenced on the plat.

12. All roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
13. The Preliminary and Final Plat is subject to all the conditions of approval listed above.

MR. QUINTANA: Thank you. I stand for any questions.

CHAIR HUGHES: Any questions?

COMMISSIONER HANSEN: Is there any way that this subdivision can connect to the Las Campanas wastewater system? Because they're having septic tanks and you know how I feel about septic tanks, so I would like to see them be connected to a sewer system, and they seem to be right across the street from Las Campanas who has a sewer system.

MR. QUINTANA: Mr. Chair, Commissioner Hansen, thank you. For the water they'll be connecting to the County and for the Las Campanas, I believe they received a letter for no serve, but I will let the agent go through and verify that information.

COMMISSIONER HANSEN: Okay. That's disappointing. Also I'm kind of concerned about this affordable housing fee in lieu. I don't like fee in lieu. So they're paying \$230,000 for a house. So where is the land coming from for that house?

MR. QUINTANA: Mr. Chair, Commissioner, I'm not sure I understand the question.

COMMISSIONER HANSEN: Where will it be located?

MR. QUINTANA: The house?

MR. QUINTANA: They're paying the fee in lieu.

COMMISSIONER HANSEN: Right. So they're paying \$230,000 for a house. You can't build a house for \$230,000.

CHAIR HUGHES: I think we can use it for any affordable housing purpose when we do the fee in lieu.

COMMISSIONER HANSEN: I'm just pointing out that fee in lieu is way under priced and that it needs to be raised, and I hope that Ms. Ladd will hear me on this, that in the revision of the SLDC that the affordable housing price for fee in lieu is either raised to make it reasonable, to actually build a house and pay for it, and with a piece of land, or that it goes away all together. My preference would be that it goes away all together.

And then I'm wondering why this subdivision does not need a light on Caja del Rio and my subdivision in La Tierra was required to have a light. I don't want a light, but I want to know what the difference is, why we were made to put a light in on La Tierra and not on this subdivision off of Calle del Rio.

MR. QUINTANA: Mr. Chair, Commissioner, I don't have that answer, unfortunately. We sent it off to our reviewer agencies in the Planning Department and it was their determination that the light was not necessary for this subdivision.

COMMISSIONER HAMILTON: Are we talking about a traffic light?

COMMISSIONER HANSEN: I'm talking about a streetlight.

COMMISSIONER HAMILTON: A street light. Thank you. Good question.

COMMISSIONER HANSEN: I just want to know. They're both dark. They're both out in the middle of nowhere. So one subdivision has to have a streetlight and the other one doesn't? So I'm having a hard time when I'm hearing that the SLDC says, oh, they're required to have a light, and then – I don't want a light. I'm fine with these people not having a light, but I don't like the double standard.

JORDAN YUTZY (Building & Development Services): Mr. Chair, Commissioners, the light at the subdivision you're talking about, the one that was installed, that was a request and a note for safety by the traffic engineer of that project. It was noted in the TIA for that subdivision and I do not believe that the traffic engineer on the TIA in this one noted that a light was required for safety.

COMMISSIONER HANSEN: Okay. It's a different traffic engineer. That's one reason why I never believe traffic engineers. Okay. One other question I have is why is there not a turn-out on the road on Caja del Rio to get to this road? Is that also not necessary from the traffic engineer's view?

MR. QUINTANA: Mr. Chair, Commissioner, there's an existing road, Calle Monte Vista that is an existing turn-out opposite Caja del Rio.

COMMISSIONER HANSEN: Okay. That's all I have for right now but I'm not done.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you. Thank you, Kenneth. So the memo starts off with Las Campanas Residential Holdings, LLC, applicant. Is this a Las Campanas project?

COMMISSIONER HANSEN: No.

COMMISSIONER GREENE: No. But they're the applicant, or is this just a euphemism for somebody that lives next to, using the brands of Las Campanas to make it almost seem like Las Campanas?

MR. QUINTANA: Mr. Chair, that's a good question. Unfortunately, the deed the way it's written out isn't to the Las Campanas Residential Holdings, LLC, as owner.

COMMISSIONER GREENE: Okay. So it would seem strange to Commissioner Hansen's point, and this can be explained by the applicant or the agent why a no-serve was offered. This is adjacent to Las Campanas. This is as about as easy an extension to connect to the sewer system at Las Campanas. It seems like a much better solution, so I look forward to hearing all about that shortly, but that was my main question because I see Las Campanas written in this thing and it's adjacent to Las Campanas, and then if Las Campanas refuses to serve it with sewer that seems strange. So I'd like to understand that ownership issue.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: So to continue along those lines, there are other developments that have put in package plans and what not. Why would this one be approved with septic if technology is advanced enough to have affordable package sewage treatment plants.

MR. QUINTANA: Mr. Chair, Commissioner, for the treatment plants, the

size of this development doesn't require that they have one.

COMMISSIONER HAMILTON: Just because it's smaller?

MR. QUINTANA: Commissioner, correct.

CHAIR HUGHES: Other questions? Do we have a presentation from the developer/agent?

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: My name is Jennifer Jenkins. My address is 130 Grant Avenue and I confirm I am under oath. Good evening, Commissioners. I'm Jennifer Jenkins here this evening on behalf of Las Campanas Residential Holdings, LLC, and request for subdivision plat approval for the Calle Monte Vista Subdivision. I have a fairly brief presentation and I will attempt to answer some of the questions that have been posed as we go through the slides.

So while we get the technology resolved I can confirm that very early on in our planning process for the project we did reach out to the Las Campanas Water & Sewer Cooperative, because as you point out we are adjacent to the Las Campanas master plan area. We are not in the Las Campanas service area and they declined to expand the service area to encompass this project to allow us to connect. It was one of the first initial outreach that we did. I can share with you that the ownership entity also has developed property in the Las Campanas community, so that is why the LLC is the same, because they utilize the same LLC to acquire this property as they had used to acquire property within the Las Campanas master plan. So that's the only –

My client has no control over the co-op, has no real influence over the co-op and what they decide – they are a separate entity. They have their own board, their own set of regulations and bylaws that govern their utility service.

Okay, so just a little bit – our project team here. I am the owner's representative here on behalf of Las Campanas Residential Holdings. Civil engineering services were provided by Oralynn Guerrerortiz with Design Engenuity, who is also here this evening, and surveying provided locally by Dawson Surveys.

So this is the subject parcel. There are two parcels totaling a little over 34 acres. We are located at the north extent of Caja del Rio and just south of the intersection of Las Campanas Drive. The property is zoned residential estate, which is one dwelling per 2.5 acres. You can see everything in gold here is the residential estate zoning district. The pink color you see is the planned development district for the Las Campanas master plan, and then over to the west is we have an institutional zoning designation. There are a lot of public institutions that exist on the west side of Caja del Rio.

So zooming in on the property and the existing conditions, again, there are two parcels totaling a little over 34 acres. There is an existing roadway, Calle Monte Vista, that connects into Caja del Rio, that will serve the project, and there is an existing drainage that kind of bisects the property here that is protected within a drainage easement. And the terrain, as you can see, this is the low point on the site, just near the entry to the subdivision, so the terrain is dropping this way to the south and it's dropping from east to west to get down to our low point at the southwest corner of the site. The terrain is actually quite gentle. We don't have any 30 percent slopes, any escarpment, so it is quite developable in that regard.

So this is our proposed site plan for a 13-lot subdivision and we put it here so you

can see it within the context of the neighboring properties. We have a Las Campanas subdivision north of us and we have an existing community here off of Calle Hacienda to the east, and then there's additional residential lots on the south side of Paseo de Estrellas.

So zooming in on the site plan, as I mentioned, we will be utilizing the existing Calle Monte Vista that terminates in a cul-de-sac and then traveling north from that cul-de-sac we will build a new roadway that forks, and then we terminate into two new cul-de-sacs on the west side of the project and on the east side of the project. This is the drainage area that I referenced here that runs this way across the site. The lots range in size from the mid two acres up to over three acres. So the development pattern is quite consistent with what we see in the surrounding neighborhood.

We are connecting, we are going to be County water customers. There's an existing 12-inch stub coming off the BDD line that is within Caja del Rio, so there is an existing 12-inch stub that we're going to be connecting to in this location. And serving the property with County water and fire hydrants and all of that appropriate water infrastructure.

So this is just again, 34 acres. We're zoned for one dwelling per 2.5 acres which results in 13 single-family lots. We are not proposing guesthouses on this property and we are on County water service and individual septic.

So that concludes my presentation. I'd be happy to answer any questions. And I can confirm that we are agreement with staff conditions of approval.

CHAIR HUGHES: Thank you. Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Jennifer. Two quick questions. Who owns the property immediately south to you all?

MS. JENKINS: That would be – I honestly don't recall the entity's name but it's the same owners that my client acquired these two parcels from.

COMMISSIONER GREENE: And you can confirm that you have no option to buy that property.

MS. JENKINS: That is correct. We actually were pursuing acquiring the property during the due diligence phase, but they elected not to proceed and only purchased the two northern tracts.

COMMISSIONER GREENE: This is more of a question for Santa Fe County. Do we have a serial development regulation that says if these guys come in and buy those next lots next door that they would then be subject to – like they're trying to meet a lower threshold now, but suddenly if they buy the land below this here that they would trigger something?

MR. QUINTANA: Mr. Chair, Commissioner, that's correct. It's identified as the succeeding subdivision, and they'd have to wait a period of seven years in order to perform that.

COMMISSIONER GREENE: So if these developers decide to buy that property within seven years and try to add on to this development there would be certain other levels of requirements would be either enacted or triggered.

MR. QUINTANA: Mr. Chair, correct.

COMMISSIONER GREENE: Good. Thank you very much. And then why no guesthouses?

MS. JENKINS: That was the election of the client in order to not be obligated to acquire the additional water for the guesthouses.

COMMISSIONER GREENE: As you've heard me up here a few times, the guesthouse is the answer to a lot of our issues here, right? These houses are literally going to be second homes or if lucky, they're first homes for pretty idly wealthy people. They're not working class. We need to build a mixture of housing in developments like this, at least having a mixture of housing in 13 lots to have 20 percent with the ability to build that. Also it would give people a bigger variety of choice in this. We'll get to that later, but I just hope that you can change their mind in the next few minutes.

CHAIR HUGHES: Okay. Any other questions? Let's have a public hearing then. Does anyone wish to speak about this development? Yes, sir. I see one person. Come on up.

[Duly sworn, Richard May testified as follows:]

RICHARD MAY: My name is Richard May. I live at 33 Calle Hacienda. And I understand I'm under oath.

CHAIR HUGHES: You have two minutes.

MR. MAY: Thank you, Mr. Chair and members of the Commission. My name is Richard May. I live cattycorner to this development. I am on Calle Hacienda. If you noticed the map, and we are concerned about this development. Commissioner Hansen just mentioned in a meeting that she may be having a letter to do a national monument of Caja del Rio. This development is literally right across the road from Caja del Rio area that she's very concerned about in preserving.

There's also a concern about the setback from the lots. The representative did not mention it. I think there's a question that the Commission may want to ask is originally it was 25 feet. My understanding was it might be 50 feet. I think the residents in the community adjacent to this development would prefer 100 feet to make it fair. Even though the slope of the land is going downward towards the lower level to the southwest, that potentially could be harmful to the value of our lots because those houses may interfere with the sunset views that we have to the west.

So again, I'm not necessarily opposed to this but I think there are issues that need to be addressed to make this more accommodating or everybody in the neighborhood. So thank you.

CHAIR HUGHES: Thank you. Does anybody else wish to speak? Okay, we'll close the public hearing and go back to the Commission for discussion or a motion. Yes, Commissioner Greene.

COMMISSIONER GREENE: Ms. Jenkins, would your clients be willing to allow for three of the lots to have guesthouses on them?

MS. JENKINS: My client is joining this virtually, so I do not have access to them in the chambers right now, so I would need to take a moment – I would have to get on the phone with them, because I am not authorized to agree to that on their behalf.

COMMISSIONER GREENE: Any other questions?

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you, Jennifer. So you have agreed to the 50 feet setback?

MS. JENKINS: Thank you, yes. I did neglect to – on the east side of our

project, which is the common boundary with the Called Hacienda community that Mr. May referenced, we doubled the minimum setback required by the County code the minimum is 25 feet and we doubled it to 50 feet to address the concerns expressed by the neighborhood with respect to that setback.

COMMISSIONER HANSEN: So how about 75? Would that still work?

MS. JENKINS: It's not ideal, and we have a project before us that is probably the cleanest subdivision I've ever done. We are free of variances. We are looking forward to the opportunity to comply with the County code as written and we have doubled the setback in that area, and we feel like that is a fair enough compromise at this point.

COMMISSIONER HANSEN: And if I remember the lot layout –

MS. JENKINS: Yes, I can go to it real quick. So this is the area where you have the cul-de-sac and all of this area is where we have the 50-foot setback.

COMMISSIONER HANSEN: Along the back.

MS. JENKINS: Along those back lots, yes.

COMMISSIONER HANSEN: So I see three lots that you probably get a 75. I see one lot or two lots that will be more difficult. I get it. But you have agreed to 50 feet.

MS. JENKINS: We have agreed to 50 feet on those lots as depicted here. And as pointed out, the terrain slopes down so where these homes are going to be is easily ten feet below the neighbors to the east.

COMMISSIONER HANSEN: So I'm going to go back to the sewer issue because it really bothers me that we cannot get Las Campanas Co-op to agree, and so one of the things that I have believed from the beginning of my term is that the County should buy that co-op. It's underused, it's badly run. I don't have any problem saying that. I'm leaving office. And it's an embarrassment, because it's underutilized. So I just want to put that on the record because I feel like it's really an embarrassment to Santa Fe County and to the Las Campanas residents that they're so unwilling to close the gates after we've come in, so to speak. I think that's all I have.

CHAIR HUGHES: Okay.

COMMISSIONER HANSEN: I will make a motion. In Case #24-5160, Las Campanas Residential Holdings, LLC, request a Type 3 major subdivision approval to create a 13-lot residential subdivision per the Sustainable Land Development Code. I still don't like your fee in lieu and I really stress and hope that the Manager and this Board hear me that that needs to be changed. The price needs to be \$500,000 minimum for a fee in lieu, if not more, and it should go away altogether. I'll go on, a total acreage, etc. So I move to approve.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: We have a motion by Commissioner Hansen, seconded by Commissioner Hamilton.

COMMISSIONER GREENE: Under discussion, please.

CHAIR HUGHES: Discussion.

COMMISSIONER GREENE: So requiring three guesthouses, or at least allowing three guesthouses, gets us, if it's not fee in lieu, it at least gets us more housing stock in this area at a small scale and it's literally by the water plant. It seems like it

would be an easy offer. They don't have to build them, but they can say that they can do them.

COMMISSIONER HANSEN: I'm willing to consider that, but what lots?

COMMISSIONER GREENE: They can choose whichever lots they want.

COMMISSIONER HANSEN: So, Jennifer, do you need to call your owner?

MS. JENKINS: If I may, Commissioners, if I understand Commissioner Greene's friendly amendment is that the approval would say three guesthouses are permissible, to be determined should the applicant proceed with all the other elements that would need to go into facilitating that.

COMMISSIONER GREENE: Before the final plat, you would designate three lots that would have the ability to have a guesthouse on them.

COMMISSIONER HANSEN: And you'd have to then get more water.

MS. JENKINS: So I would have to confer with my client because under the new – that's a \$100,000 out the door, just for the privilege to buy the water for the guesthouses.

COMMISSIONER GREENE: For guesthouses?

MS. JENKINS: Well, I have not been informed if there's a firm policy for how much a quarter acre-foot of water would result in writing a check for \$100,000 which is concerning. So I'm not in a position to spend my client's money in that regard. But if there's a policy that guesthouses have a lower number that is permissible I'm not aware of that. Maybe staff could speak to that.

COMMISSIONER GREENE: That is definitely one of the things we've been trying to get on the SLDC to adjust, not to penalize people for a 500 square foot guesthouse at the same amount as a 5,000 square foot primary.

MS. JENKINS: Yes. I think that's an important effort. I totally agree. It's a really important effort, but it is a concern. Our water connection alone, to connect to the County system is a \$300,000 price tag, just to make the water connection, because we have a pressure reducing valve and a master meter. There's a lot of infrastructure there. So the infrastructure for spreading that just among 13 lots is not a lot of density to work with. So every penny does count.

COMMISSIONER GREENE: But you'd have rental houses that people could rent out and make that money back quickly.

MS. JENKINS: But my client's not renting out the guesthouses.

COMMISSIONER HANSEN: Yes, your client is not.

MS. JENKINS: May I offer that the approval could say up to three guesthouses are permitted, and it would give us an opportunity that should the client and we're able to negotiate maybe a different fee structure for the guesthouses with respect to water. If we're able to do that then we wouldn't have to come back to amend the plat, and so it would give us the opening to have that conversation with Growth Management and Utilities about how the water use for those could be addressed.

COMMISSIONER GREENE: Okay, five. You got it; you can come back later, but for five. Five out of 13.

COMMISSIONER HANSEN: You said three.

COMMISSIONER GREENE: I said three, but she negotiated the other

direction. There's no requirement to build them now; they're totally optional.

MS. JENKINS: I think optional is the key. And the other thing is it creates an option for a future property owner to say I want to build a guesthouse. I'm going to pay my water connection fees for that privilege. With that, I'm completely open. I'm completely open to the optionality of the guesthouses that creates the ability for a future property owner to say, you know, I want a guesthouse and I'm going to pay my fees and I'm going to go about my day.

COMMISSIONER GREENE: I just don't want to see a preclusion of this.

MS. JENKINS: I totally respect that. So I would find that acceptable, that there would be the option of five guesthouses and we could document that on the plat in some way that would carry forward into the future that would be clear.

COMMISSIONER GREENE: Thank you.

CHAIR HUGHES: Is that a friendly amendment to your motion.

COMMISSIONER HAMILTON: And the second does as well.

CHAIR HUGHES: Okay. So it's five houses.

COMMISSIONER HANSEN: You also accept all the conditions, and so all the conditions need to be listed on the plat. Anything else I forgot? Please, let's work on no septic tanks.

CHAIR HUGHES: Okay. Further discussion?

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

12. B. **Case # 21-5142, Esencia Holdings LLC, Applicant, JenkinsGavin, Inc., Agent, Request Approval of Amendment to Final Order the Esencia Conceptual Plan for a 710-Lot Residential Subdivision Consisting of 277 Acres More or Less. The Property is Located at the End of Camino Vista Grande and at the End of Vista del Monte (South of the Intersection of Avenida del Sur and A Van Nu Po) Within the Community College District, Within Section 30, Township 16 North, Range 9 East (Commission District 5) [Exhibit 1: Letter from Tom Church & Ed Church, Re: Esencia Development dated 10/28/24; Exhibit 2: Santa Fe Gateway Alliance, dated 11/10/24; Exhibit 3: Letter from Patty Montes Burks dated 11/8/24]**

[Mr. Quintana read the case caption.]

MR. QUINTANA: The applicant requests an amendment to condition #21 of the order. This condition required that vertical construction not commence until Avenida del Sur was constructed by the developer to County standards. However, on April 15, 2024, the BCC approved the agreement regarding road improvements by which the County assumed the responsibility for constructing the road in exchange for a financial contribution from the applicant. By taking on that responsibility, the County essentially took compliance with Condition #21 out of the applicant's hands. For that reason, the applicant is requesting to amend Condition #21 to state "No vertical construction shall begin until operational water and sewer utility lines are installed and

stubbed out at the property lines within the subdivision.”

On September 13, 2022, the Board approved the conceptual plan for a 710-lot residential subdivision to be completed in five phases on a total of 277 acres. On July 8, 2024, a conceptual plan amendment was recorded with the County Clerk’s Office as Instrument No. 2037145 to allow subphases. On August 13, 2024, the BCC approved subphase 1B consisting of 102 single-family residences and 15 affordable dwellings; subphase 1C consisting of 78 single-family lots and 12 affordable dwellings; and subphase 1D consisting of 84 single-family residences and 13 affordable dwellings.

On October 29, 2024, the BCC heard this case and voted to table the item to provide notice to surrounding neighbors. On October 31, 2024, the Applicant provided a modified application to withdraw the request to remove condition #22 of the Esencia conceptual plan final order. The applicant now plans to build out the gravel road as originally contemplated by the January 11, 2023 order. For that reason, the applicant no longer intends to use Camino Vista Grande for construction purposes and the notice to neighbors contemplated at the October 29 meeting did not occur.

Staff is aware of the traffic issues discussed at last month’s meeting, including the need to implement improvements as the need arises to the road network in and around the southwest portion of Rancho Viejo, where the Esencia development is located. Specifically, staff is aware of the conditions imposed on future development by the language contained in the conditional road dedication executed by Rancho Viejo de Santa Fe, Inc. and recorded on June 4, 1999, as Instrument No. 1077361.

Staff’s Recommendation: Staff recommends amendment of the conceptual plan conditions so that condition #21 states: “No vertical Construction shall begin until operational water and sewer utility lines are installed and stubbed out at the property lines within the subdivision.

Mr. Chair, I stand for any questions.

CHAIR HUGHES: Okay, any questions? I have one question which you already stated but I wanted to confirm that they don’t intend to use Camino Vista Grande for construction purposes.

MR. QUINTANA: Mr. Chair, Commissioners, that is correct. As of the October 31, 2024 they have withdrawn the amendment to that condition.

CHAIR HUGHES: Okay.

COMMISSIONER GREENE: Thank you for clarifying that. That was going to be one question because I think the audience wanted to know that and to hear that very clearly.

CHAIR HUGHES: Okay. Jennifer, do you have a presentation?

MS. JENKINS: Hello again, Commissioners. I am Jennifer Jenkins and I confirm I am still under oath. Daniel, I don’t think I need the presentation right now. I will have it to refer to should there be any questions. But following, I just wanted to touch on Commissioners, following our hearing a couple of weeks ago I really want to thank Commissioner Greene for really challenging us a little bit to think through the construction access and we did that. We got very granular around our construction schedule, the construction schedule for Avenida del Sur. We engaged with the Public Works Department and we came up with a plan that we feel is very workable for us to move forward utilizing Vista del Monte and Avenida del Sur even during the

construction phase that is workable, and everybody is on board. And so that is why we withdrew our request to modify that condition. So we really – we’ve taken that couple of weeks and having time to really drill down on it. I think it turned into a good result. So we withdrew that request and so we’re moving forward as originally contemplated when the conceptual plan was approved. And so we’re just asking for the one amendment just to reflect the terms of the roadway agreement. And so with that I would be happy to stand for any questions.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you for coming up with a solution, but what have you come up for a solution for Avenida del Sur and the traffic impact that Rancho Viejo –

MS. JENKINS: Okay. So now we do need to cue the presentation. So yes. So what we did is, as I mentioned before, for each phase of subdivision approvals for Esencia, we’re required to update our traffic study for each phase. So we did that. We submitted the Phase 1 subdivision plats were approved here back in August. As part of that submittal we update our – we did brand new traffic counts. We updated our traffic study. We submitted that updated traffic study.

At that time the La Entrada Phase 2 project in Rancho Viejo was not yet submitted into the County. It wasn’t moving forward. So at that time it was not included in our background traffic. Because that’s the standard process. If there’s a project in the system already approved or under construction you clearly – you include those projects in your background traffic to account for it. But we had not done that at that time. So we went ahead and did that. So we wanted – let’s see what happens. We take our current counts – we took out counts that were done in fall of 2003 in preparation for our spring submittal and we assumed all of La Entrada Phase 2. I believe it’s 264 lots. We assumed 100 percent of those houses were built and occupied and we added them in to that update.

So what you see here in the first chart, this is Phase 1 that was just approved at Rancho Viejo Boulevard and Avenida del Sur intersection. The levels of service are fantastic. Bs and As. So then we leap-frog to the next phase, which is going to be tracts 3 and 4, another 318 units plus La Entrada’s units. This is in 2029. Still, excellent levels of service. In 2029 we do not have a capacity issue at that intersection.

Then the final phase of Esencia, implementation year 2023, we have an issue at that intersection. That’s a maybe. That’s a projection. Here’s one thing we don’t know yet. We have not yet counted cars when the southeast connector is open. We’re going to be doing our next batch of counts in January for our next subdivision application, and we’re going to have new, fresh data that looks at how have traffic patterns changed in response to the southeast connector? That’s going to be really important data and important information.

COMMISSIONER HANSEN: Let’s start referring to it as Falcon Way.

MS. JENKINS: Thank you, Yes, Commissioner. Falcon Way. And then following that, the next update we do, Avenida del Sur is going to be open. We’re going to – and this finished out in a lot of ways the bulk of the transportation network in the Community College District that has been planned for the last 24 years. So we’re going to have even better information on how are the traffic patterns – how many Esencia residents actually are using Avenida del Sur out to Highway 14 and how many are

heading north going through Rancho Viejo. We have assumptions. Our traffic engineer has made some assumptions in that regard. Maybe the assumptions are right on; maybe they're not, but we should pursue the opportunity to get the most accurate data we can.

This information right here is the most current, accurate data available to any of us. Any of us. The data that Rancho Viejo is relying on with their assumption that there's some sort of imminent failure at that intersection of Rancho Viejo Boulevard and Avenida del Sur is based upon the counts that Esencia did for their conceptual plan application in 2021. Three and a half years ago. And it was during COVID, so we had to modify that data based on DOT recommendations in order to try and replicate pre-COVID traffic conditions. So this is the data that is being relied up. It's not good data anymore.

We went to the effort to demonstrate there is no imminent failure. Standard practice and process is you do a traffic study. You determine do you have acceptable levels of service at all your studies intersections? Yes or no? If you do, great. You move forward. If you don't, you need to mitigate and address intersections that have issues. That's just how the process works. And we in Esencia are completely aware, if there's an issue, whether it be in 2029 or 2033, we understand the obligation. We're not saying we don't have a potential obligation here. What we're saying is it's not today. There's nothing before us that says it's today.

And the thing that's really critical is the right-of-way dedication plat that Mr. Sommer referenced where you – if you look at this little stretch from A Van Nu Po south to our north boundary, when that right-of-way was dedicated to support this Avenida del Sur extension project there were conditions. Absolutely. We're very aware of the conditions. But the key thing about these conditions is that there's a couple of words here under number 1. Any and all owners of property which will utilize the connection be required to do such improvements as are necessary. As our necessary. And it says it again in number 2. Improvements as are necessary. They are not yet necessary.

We are following the standard development process with respect to traffic and traffic improvements. We're not asking for special treatment. We just need to follow the process. We will be back in front of this body probably at least three more times for three more subdivision plats with three more traffic study updates. There's no chance this is going to get away from us, that it's somehow get missed. It's not going to get missed, because we're going to follow the process. So with that I'd be happy to stand for any more questions.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Will you plan to put, if you go back to the other slide that you were just on, do you plan to put a roundabout eventually in the corner of Avenida del Sur and A Van Nu Po?

MS. JENKINS: That's part of the extension project. Yes. That will be a roundabout.

COMMISSIONER HANSEN: So the roundabout will go at that –

MS. JENKINS: Right at this little T right here, yes.

COMMISSIONER HANSEN: When are you putting that in?

MS. JENKINS: That is part of the Avenida del Sur extension project that the County is constructing and we are contributing to.

COMMISSIONER HANSEN: Okay. So as we saw with traffic engineers or traffic whatever, they all have different opinions.

MS. JENKINS: Well, Rancho Viejo and Esencia have the same traffic engineer.

COMMISSIONER HANSEN: Okay. So we don't have two different ones like La Tierra and Del Rio. Okay. I think we need to go to public hearing.

CHAIR HUGHES: Yes. Let's go to public hearing. I have just one question though. What was the original condition 21 that you're changing to just what it is now?

MS. JENKINS: So in the study in 21 they added – they took the 21 counts that were modified for COVID conditions. They added 100 percent of the Esencia homes of 710 homes, assuming all 710 of those homes are occupied today, which we are nine years away from having a completed project.

CHAIR HUGHES: No, I think I was asking about staff recommends amending the conceptual plan condition so that condition 21 states –

MS. JENKINS: Oh. You said condition – my apologies. I thought you were talking about the 21 traffic counts. My apologies.

CHAIR HUGHES: No vertical construction shall begin until operational water and sewer lines are installed and stubbed out at property lines within the subdivision.

MS. JENKINS: Yes. That is our proposed amendment to that condition per the request of – the original condition was based on an assumption that Esencia was responsible for constructing Avenida del Sur, and since Esencia is no longer responsible for constructing Avenida del Sur it's now a County project. So the condition does not align with the roadway agreement. So I just pulled up on the screen the original condition 21, is "No vertical construction shall begin until Avenida del Sur is completed to County standards." And then the proposed amendment, staff expressed concern and wanted to make sure water and sewer stub-outs were at all of the lots before vertical construction so we just are modifying that condition to address that.

CHAIR HUGHES: So how do you envision Avenida del Sur working through construction and then reconstruction [inaudible]

MS. JENKINS: So going to the next slide, so the schedule for the construction of Avenida del Sur and for the onsite infrastructure within Esencia are aligned actually quite elegantly. So I'm going to go to the next. So what you see here on the top, in the orange, is the County schedule for constructing Avenida del Sur. The design is complete. It's going out to bid, and they are planning to start construction this spring. We are planning to start our backbone infrastructure within Esencia as early as next month, December, January, so we're a little bit ahead of them, which actually works really great, because it gives us an opportunity to get materials on site, get the earthmovers moved on site and all of that so we're a little bit ahead, and so what you can see here is the road is slated to be complete in spring of 2026 per the roadway agreement. It's actually the end of April of 2026, and we don't have people moving in till late summer of 2026. So the road will be complete before any of our homes are occupied.

CHAIR HUGHES: Thank you. That was my question.

MS. JENKINS: Okay. Great. Sorry that I went down a rabbit hole here.

CHAIR HUGHES: Any other questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you. So one of the ways to cut down on traffic counts is making it where people don't have to leave their development to get certain goods, right? That might be going to work, a gallon of milk, a six pack of beer, going to even have dinner, right? And you're building a park – smaller than I wish but we'll accept it, and it has a street right across the street, some townhomes right across the street from it. Phase 3, this is in the future, so I'm just putting a seed in your brain.

If you want to cut down on people's trips, you put an amenity internal to your development of some commercial value to the people, so when you get to 500 homes you start to go, wow, what do my neighbors want? And somebody's going to be an entrepreneurial neighbor and say I want to live here and open a bar, a restaurant, a daycare center – whatever is most suitable for the neighborhood that you are developing.

So I ask you now, just to put a seed in, that those townhouse that face the park have commercial viability, that you leave very small – right? Two thousand square foot, three thousand square foot pads with not very much parking meant for neighborhood use that people can go grab a sandwich and to sit in the park and not have to leave to go get a sandwich to go sit in the park. Think about that. I know that that will cut down on your traffic and I will look at it and say, well, obviously the traffic – you're doing everything to mitigate the traffic on the roads that go into Rancho Viejo or back to Highway 14 just to get a sandwich, a six pack of beer or whatever.

MS. JENKINS: Great. Okay. Thank you, Commissioner Greene. Noted.

CHAIR HUGHES: Okay, let's move to public hearing. Does anybody want to speak? You get two minutes each.

[Duly sworn, Kurt Sommer testified as follows:]

KURT SOMMER: My name is Kurt Sommer. My address is 2000 Old Pecos Trail. I'm an attorney. I'm here on behalf of Uni-Vest Rancho Viejo and I understand I'm under oath.

Good evening. Thank you for your time this evening. Rancho Viejo has had its master plan recorded for years and built this infrastructure in accordance with that master plan, with the anticipation, as you can see from 1999, that there would in fact there would be additional developments coming on. What we know is Rancho Viejo had its own traffic study and notes by the same company that Esencia is showing, it shows a failure. The study you just saw shows the failure.

So we know a failure is coming based upon the studies. It's a question of when you're going to address that failure. There's going to be an infrastructure development if you extend Avenida del Sur with a roundabout. We know that Rancho Viejo Boulevard, coming into Avenida del Sur, there's going to be a failure, even by their own numbers. To disregard whether you believe either of the numbers, both sets of numbers show a failure. So what we're asking for is there's also an expected failure on Camino del Rancho where another roundabout or turnabout is going to be needed. It's just a question of time.

So we're going to ask these neighbors and the Rancho Viejo Subdivision to endure more construction down later in time when we know there's going to be a failure.

So what we're asking you to do tonight, is if you approve this, that they bond for these additional improvements on Avenida del Sur now. Not that we wait, because we know they're going to be necessary as Ms. Jenkins pointed out. Their study shows it's going to be necessary.

So what we would like you to do is put a condition that they bond for these or put the infrastructure in for the County to do so at the time that they're doing this new extension. So thank you for your time. I'm out.

CHAIR HUGHES: Thank you. If everybody who wishes to testify can stand up and take the oath at the same time.

[Those wishing to speak were placed under oath.]

[Previously sworn, Tom Church testified as follows:]

TOM CHURCH: Thank you, Commissioners. My name is Tom Church. I'm a resident of 63 Browncastle Ranch which is off Vista del Monte, and very quickly, you've made most of the neighborhood here very happy in removing the construction access along Avenida Vista del Grande. I think that's what most of them were here for.

I came tonight, my brother Ed and I and his wife Tracy represent 35 acres of our grandparent's 1930 homestead patent where I've lived continuously for 40 years. I'm a retired 26-year employee of the State Transportation Department serving as the cabinet secretary for my final six years.

The access to the Esencia Subdivision appears to be unclear and changing continuously. Several years ago I was told the primary access would be off Avenida del Sur, essentially making this a south Richards Avenue community. I later learned in the Commission notes that Vista del Monte would become a construction access gravel road. I approached the County and have now learned that there are plans to pave the road, Vista del Monte and connect it, open it up, to Avenida del Sur. What this is going to do is it provides a very different strategic outlook for this community. I've served on the Community College District planning process for years and I can tell you I understand the access, the community nodes concept. No problem with that.

I can't stop development, but what you're about to do is create a southern relief route for all of the south Richards communities. You're projecting traffic going out Rancho Viejo Boulevard, which is inaccurate and deceptive to the public. I let one of my other people finish with time as we have several more comments. We've handed out our letters of concern that have been submitted.

[Previously sworn, Tracy Church testified as follows:]

TRACY CHURCH: Tracy Church, 119 Vista del Monte. I'm under oath. So as Thomas mentioned, we need to make sure that the plan is clear because we've heard now three or four different options, and if indeed this is a connection from Avenida del Sur into the Esencia project that links into Vista del Monte, that traffic pattern, it's easier to get south coming down that road. And if that is a construction outlet we as the landowners and residents of that community need some clarity around what that means for us, the duration, the disruption, the noise, the traffic, the safety, the access.

So you have the letter that we submitted to the County officials. We have the right-of-way request that we are waiting to hear what is needed from us as landowners, and we're really just looking for clarity and for protection.

CHAIR HUGHES: Thank you.

[Previously sworn, Mark Ewing testified as follows:]

MARK EWING: Mark Ewing. I live in the Valle Lindo Subdivision and I've been a resident there for 40 years. 18 Camino Vista Grande. I am under oath.

I have three letters in my hands. One them which I wrote and one by the Santa Fe Gateway Alliance, and one by Patti Burks who was unable to attend due to an emergency. However, she did provide me with these letters, which I can present to you Commissioners and they'll be [inaudible]. And I do have my letters. However, I think our questions and our concerns have been answered by disallowing Camino Vista Grande to be used as a construction traffic road. So I think those are my concerns. And I think you also have a copy of my letters that you could refer to if you have any questions as to my concerns, but I think pretty much disallowing that road as construction road has been answered. So thank you.

CHAIR HUGHES: Thank you very much. Is there anyone else who would like to speak during public hearing? Going once, going twice. Okay. Anybody online. Okay. Back to Commission discussion.

COMMISSIONER BUSTAMANTE: Mr. Chair.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: The question that I have regarding the bonding for future failures, is that something that the applicant has considered, would be amenable to?

MS. JENKINS: We are aware of Rancho Viejo's request in that regard and we are not in agreement. There is nothing in the SLDC, there's nothing in standard, commonly accepted practice that would require an applicant to bond for an improvement that might be required in nine years. It's not acceptable.

CHAIR HUGHES: Other questions? Comments? I think I'm in pretty much agreement with what is requested. I'll make a motion. I move that Case \$21-5142, Esencia Holdings, LLC, request approval of amendment to final order of the Esencia conceptual plan for a 710-lot residential subdivision consisting of 277 acres, more or less. The property is located at the end of Camino Vista Grande and at the end of Vista del Monte, south of the intersection of Avenida del Sur and A Van Nu Po within the Community College District, within Section 30, Township 16 North, Range 8 East. And that includes the addition to the conditions as recommended by staff.

COMMISSIONER HAMILTON: Second.

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

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

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

Upon motion by Commissioner Bustamante and seconded by Commissioner Hamilton, and with no further business to come before this body, Chair Hughes declared this meeting adjourned at 7:10 p.m.



Approved by:

Hank Hughes

Hank Hughes, Chair
Board of County Commissioners

ATTEST TO:

Katharine E. Clark
KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:

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

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

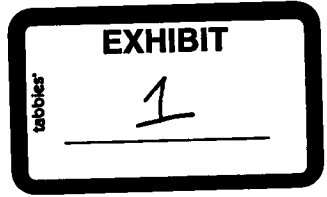
BCC MINUTES
PAGES: 74

I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of December, 2024 at 01:25:06 PM
And Was Duly Recorded as Instrument # **2048533**
Of The Records Of Santa Fe County



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

SFC CLERK RECORDED 12/10/2024



Tom Church
63 Browncastle Ranch
(105 Vista del Monte)

Ed Church
119 Vista del Monte
Santa Fe, NM 87508

10/28/24

Lawrence Imprescia
Cc: Curt Temple, Brian Snyder
Santa Fe County Public Works Department

Cc: Greg Shaffer, Santa Fe County Manager

Re: Esencia Development/ Avenida del Sur, Vista del Monte

Lawrence thank you very much for inviting me to the meeting regarding the Vista del Monte and Avenida del Sur road improvement project to benefit the Esencia development of 700 homes and the entire south Richard's Avenue communities. I commend the County for addressing the transportation infrastructure upfront with the developer.

As you requested, I am writing my concerns for your consideration.

I have been involved in the Community College District Plan since its inception knowing that eventually Vista del Monte would be incorporated into Avenida del Sur as a *southern relief route* with direct access to Highway 14, I-25, NM 599 and the Railrunner station. The connection and opening of these two dead end roads offer so much positive potential for traffic movement away from north Richard's Avenue that predicting ADT is virtually impossible.

Ed Church and I represent 35 acres of our grandparents' original homestead patent from 1930. It has been my home for the past 40 years; we have three homes on the property. The County will require 30 feet of our frontage for right of way.

Access

Through the CCDP I have retained our ability to sub-divide into 2.5 acre parcels for our 35 acre property. *While this is not our intent anytime in the foreseeable future* I would like to retain that ability through appropriate access. In the spirit of the CCDP, our needs and requirements as small land holders are insignificant in the larger picture and our use is negligible compared to the large land holding developments. And the impacts to our rural lifestyle are potentially great. Our initial request was for five points of entry (driveways) as well as appropriate fencing and gates, currently the County proposes two (Tom Church driveway, Ed Church driveway). While that is appreciated and provides a safe entry to our homes we would like to settle on a third driveway on the east end of the property for an additional family home. It is prudent to put this in

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place during design and construction considering the complexity of the road, drainage and other structures that could be impacted.

On the north side of Vista del Monte, there are 7 driveways that benefit 2 acre properties, for our 35 acre parcel, three driveways appear reasonable in the interest of managed growth. These will be the only points of access on the north side of Vista del Monte beyond the RV Park entrance until the roundabout at the Esencia subdivision- about 2 miles.

Utilities

I pay an annual county fee for a waterline that I don't currently use. While it is unclear at this point which side of the road the water line will be, I request stub outs at our property, to prevent crossing and tearing up the road should I need to convert from well at some point in the future.

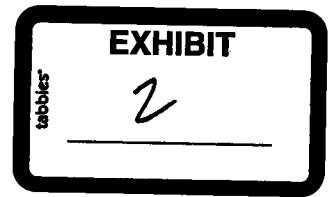
Noise

As we discussed at the site visit there is a low spot (drainage bowl) that amplifies all sound from the existing gravel road up to my home. (Not to be hysterical, I can literally count the cars on the gravel road below- thankfully it's still a dead end.) The plans indicate a ditch along this area, in doing this, I would like some type of berm, even intermittent, to elevate ground 4-5 feet above the road level as a sound barrier. Whether inside the right of way or on my property is not important to me. My initial thoughts and discussion with you were that the county could use my land for innovative water retention, as flooding from this bowl is a significant issue for properties on the south side of the road. However, my issue is not drainage, it's the noise impacts if the road is above grade, therefore any type of deflecting barrier would be acceptable.

I'm supportive of the project, the development, and the county for moving forward with this connection as a complete transportation corridor rather than a gravel road patchwork. As a long-standing county taxpayer and resident, it's important to point out that a small landowner cannot compete with the large developers and require the county to protect the future of our homes and property in alignment with responsible growth directed in the CCDP. I appreciate your consideration of my requests and concerns.

Thank you Lawrence, you've been responsive and thoughtful in representing the County and I look forward to working with you on these solutions to further our right of way negotiations.

Tom Church
505-231-7155



**SANTA FE GATEWAY ALLIANCE,
SFGA, SF COUNTY REGIONAL
ORGANIZATION RO**

PO Box 29900, Santa Fe, NM
87592-1999

November 10, 2024

**Santa Fe Board of County Commissioners
C/O Ms. Alexandra Ladd, Director
Santa Fe County Growth Management Department
aladd@santafecountynm.gov**

RE: Case #21-5140 Esencia Subdivision

Dear Commissioners,

This letter expresses the concerns of Santa Fe Gateway Alliance (SFGA), a Registered Organization (RO) [2018], that Santa Fe County and/or developer or agent for developers have neglected to provide notices as required to the RO regarding public meetings related to the Esencia subdivision (Case# 21-5140) application.

As you know, the Sustainable Land Development Code (SLDC) created a mechanism for communities to become established ROs in order to receive notifications about development proposals. <https://www.santafecountynm.gov/growth-management/planning> The RO process is supposed to ensure that ROs "will receive notification for [among other things] . . . "various types of development applications including major subdivisions". . . In May 2021, SFGA received the required (hard copy) letter of notification of the Esencia subdivision application. However, in subsequent years during which the application was progressing through the County application process, SFGA received no further notifications of public meetings and hearings related to this application. In 2022, a conceptual plan to increase the density of the development in terms of number of houses planned was approved. In January, 2023, the Board of County Commissioners (BCC) unanimously voted to approve the final conceptual plan for the Esencia 277-acre subdivision of 608 single-family homes.

SFC CLERK RECORDED 12/10/2024

In addition to our disappointment that Santa Fe County failed to notify our RO of Escencia meetings and hearings, excluding valuable community input, our original concerns regarding this development remain: 1) insufficient water and 2) increased traffic (despite completion of connector roads in the past months.) SFGA submitted a letter of opposition to the project in 2021 when the developer request was for 580 residential lots. We continue to disapprove the current 2024 plan approval for 710 residential lots without local community involvement through this letter.

While developers in general always claim secured water rights, many of those rights exist on paper only, assuming future acquisition, rather than actual availability. And, while the concept of purchasing future water rights from agricultural users is appealing, actual water availability will never be sufficient as severe drought conditions continue. Also, while we applaud the County's recent completion of the NE-SE connector road project, it will not relieve increased traffic as the south side continues to build thousands of new houses.

The approvals granted to the Esencia development are illegitimate due to negligence to inform the public about nearby high -density development and be allowed to provide input. This approach contradicts established regulations and planning requirements and highlights a lack of transparency. Such practices risk leading to development that falls outside the county's planning guidelines and fosters community dissatisfaction with local governance. At the October 29, 2024 meeting, The BCC tabled votes on amendments to the final approval for two weeks for developers to notify neighbors of their intent to use Camino Vista Grande for their construction truck traffic.

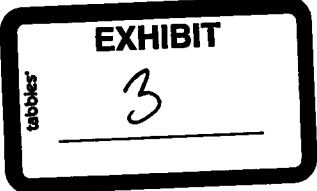
As of yesterday no one has received notice. Therefore, SFGA urges the BCC to rescind the approvals and re-evaluate the project correctly.

Thank you for your attention and assistance,

Katherine Bilton
Katherine Bilton, President

Patricia Burks
Patricia Burks, Vice President

CC: Hank Hughes, Commissioner, District 5



November 8, 2024
From: Patty Montes Burks, 14 Vista del Monte Santa Fe, NM 87508

To: Board of County Commission, BCC
Re: November 12, 2024 Meeting

Subject: Call to the BCC to rescind Esencia Development Approvals based on the high-density impacts to the local community without proper notification.

- Developers did not reasonably notify the neighboring community of Valle Lindo through the course of the Esencia Development Approval Process.
- Continued neglect of Road use in Valle Lindo.
Impact on Existing Road Network: Addressing how the landlocked parcel of Esencia will be served, including both auto and construction traffic. Additionally, after the project approval, the developer announced plans to send its heavy construction trucks directly in front of homes on Camino Vista Grande thru final build-out (2029). The October 29 meeting was tabled and the developers were instructed to notify the residents. None have been notified.

POSSIBLE ALTERNATE ROUTE EXTENSIONS TO ESENCIA FROM HWY14:

- MAP ← {
1. ROAD NEXT TO UTILITY EASEMENT ON STATE LAND SOUTH OF VALLE LINDO
 2. SANTA FE STUDIOS ROAD (PHOTO)
 3. CAMINO JUSTICA (PHOTO)

The Esencia Developers failed at a critical procedure to inform the neighbors in Valle Lindo Subdivision about projects that will impact them daily. In the Pre-Application hearing stage, The developer notified us by email or postal service. And it was expected that that would continue but it did not. It has been discovered that postings on the property fence line since 2022 were woefully inadequate and allowed this project to get approvals throughout that time without proper community involvement to update their concerns.

Key unresolved concerns expressed by affected residents include:

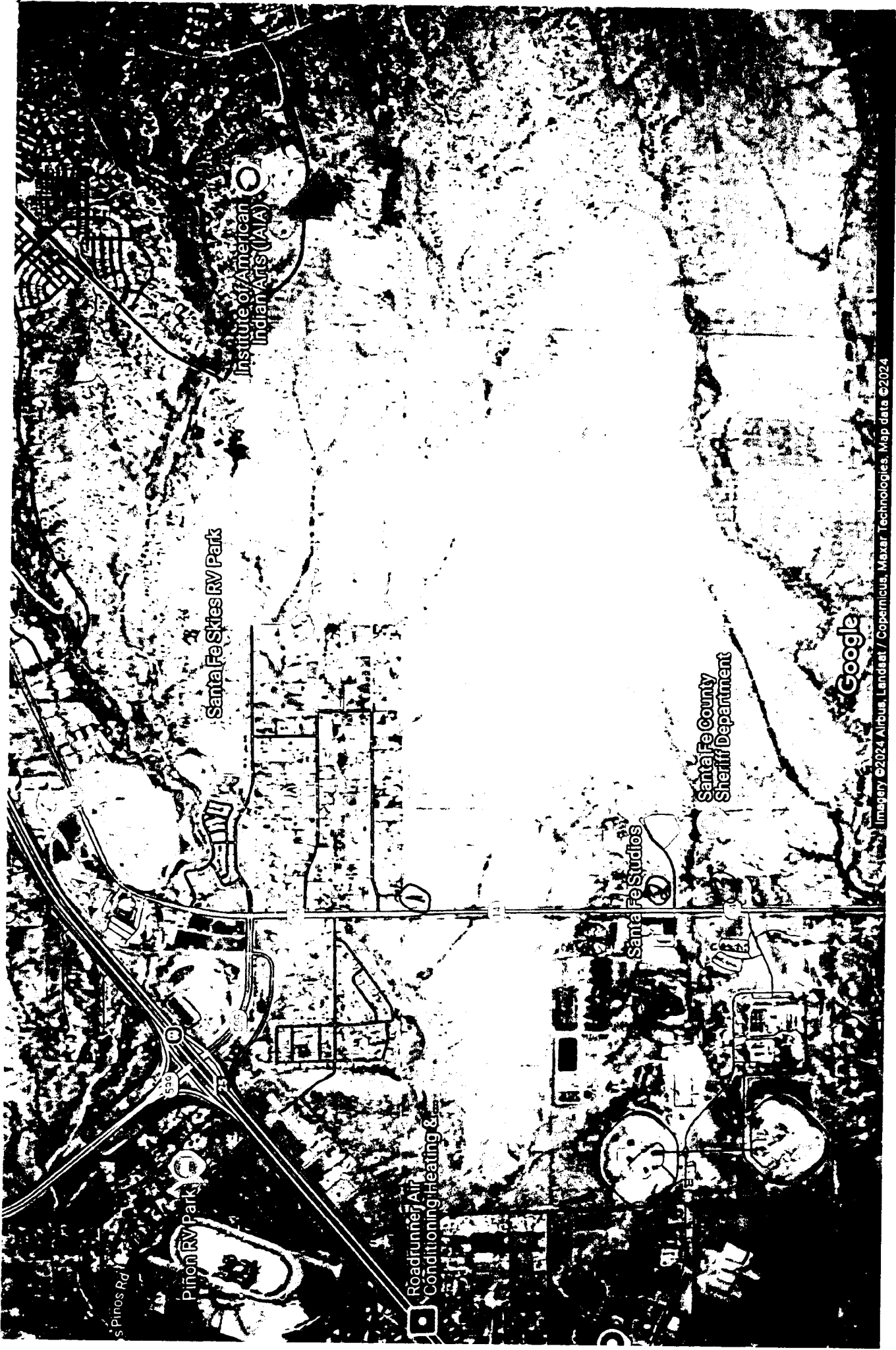
1. Density: The Esencia Development lacks conformity to the Community College District Plan and Sustainable Growth Management Plan vision.
2. Water Resources and Sewage Obligations: The projected need for 135 acre-feet per year; clarification on where this water will be sourced. Unclear if the state penitentiary wastewater facility has adequate level of service to meet the need.

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3. **Public Safety Resources:** Sign-offs from all public safety officials Ensuring police and fire services are sufficient to support the new development are unknown.
4. **Road and Trail Connectivity:** Unsure if project plans show roadway and bike trail connections to improve area mobility by bicycle as well as car. It would be extremely important to connect community cyclists with SAFE ACCESS into Santa Fe, The SF Community College, 599 Railrunner Station, and nearby bus stop locations along Highway 14 and Cerrillos Road.
 - **The Proximity of an 800 Acre Battery Energy Storage System BESS to Esencia:** Ongoing planning of BESS must be referenced to the validity and the environmental and human safety implications it poses for this large residential community and existing nearby communities.
 - **Concern that the Sustainable Land Development Code was not followed with regard to the adequacy of existing public infrastructure impacted by a development of this size and location namely road service, sewer, water, and proximity to an 800 Acre Battery Energy Storage System BESS.**
 - **Sustainable Land Development Code 1.4.2.1 and 1.4.2.2** referencing "provision of capital facilities and services available to the development at levels of service established in the SGMP and 1.4.2.2 regarding agreements and commitments by the developer and Santa Fe County mitigating degradation of environment and advancing adequate public facilities and services for needs generated by new development.

We urge the BCC to review Esencia's notification history and rescind its approvals in order to proceed fairly, reasonably, and transparently with the community towards a mutually agreeable project.

Respectfully,
Patricia M. Burks
Valle Lindo Resident



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