

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**June 25, 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

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1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:40 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. Chair Hughes 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 Rob Hedgepeth of Clerk's Office.

**G. Approval of Agenda**

CHAIR HUGHES: Manager Shaffer.

GREG SHAFFER (County Manager): Mr. Chair, Commissioners, there are no recommended changes to the agenda as presented. I would just note for the record that the initial agenda for today's meeting was posted last Tuesday, June 18<sup>th</sup>, and the amended agenda was posted on Friday, June 21<sup>st</sup> at 5:10 p.m., which is more than 72 hours before the start of today's meeting as required by the Open Meetings Act.

In terms of substantive changes as between the two agendas, the following items were added to the final amended agenda that's before you today: Commissioner items 3.

SEC. CLERK RECORDED 08/02/2024

B ad 3.C, Miscellaneous Action Items 6. F, 6. G and 6 H. Thank you.

COMMISSIONER BUSTAMANTE: Mr. Chair, motion to approve the agenda as presented.

COMMISSIONER GREENE: Second.

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

#### **H. Years of Service, Retirements, and New Hire Recognitions**

CHAIR HUGHES: Manager Shaffer.

MANAGER SHAFFER: Thank you, Mr. Chair. I wanted to start by recognizing new hires during the month of May so that we can end by recognizing some team members who are recognizing significant anniversaries and years of service with the County. During the month of May we had several new employees in a variety of different departments. They include Adrianna Baca in the County Assessor's Department, Brianna Ortega in our Land Use Department, Idalia Perez Cruz in Project & Facilities Management, Carla Valencia also in Project & Families Management in our Public Works Department, two new equipment operators, Josue Garcia Talamante, and Lucas Narvaiz.

We had several new employees at our Corrections Division, two detention officers, Madison Jones and Charles Lucero, as well as maintenance technician, Mario Villalpando. Luke Andrews also joined our County Assessor Department, and the Community Services Department, Patricia Cata joined our team as a driver and cook's assistant. And finally in the Utilities Department, Travis Soderquist joined the team as a water resources manager. So welcome to all the new County employees for May.

We have several County employees that are recognizing significant milestones with us including seven who have been with the County for 20 and 25 years respectfully, who will all receive a special award to honor those achievements and I would respectfully ask that we take a picture with those individuals.

Recognizing five-year anniversaries, Vanessa Rios, with the Adult Detention Facility, Anjala Coughlin with the Housing Authority. In the Sheriff's Office, we have two employees who are recognizing their ten-year anniversary, Marcella Archuleta Bernal and Jonathan Jaramillo. At the 15-year mark we have Michaels Gzaskow with the Adult Detention Facility.

And as I indicated, we have multiple individuals who are recognizing 20 years with the County. They are Aaron Garcia at the Adult Detention Facility, David Ita at the Adult Detention Facility, Daisy Quintana, also at the Adult Detention Facility, Shannon Coles with the Sheriff's Department, Hvtce Miller in the County Manager's Office, and then we have two individuals who are recognizing 25 years with the County: Lorina Acosta Sanchez in the Public Works Department, and Daniel King in the County Assessor's Office.

So Sara, I think we have plaques for 20 and 25 years. So if all of the individuals who are recognizing their 20<sup>th</sup> and 25<sup>th</sup> year anniversary could please come forward to

receive your plaque and to take a picture with the Board I'd greatly appreciate you to allow us to honor your service to the County.

[Pictures were taken.]

**I. Recognition of Employees for Awards, Accreditations, Recognitions, and Other Accomplishments**

MANAGER SHAFFER: Mr. Chair, I wanted to acknowledge just a few employees and achievements. First, our Communications Team, specifically Daniel Fresquez and Olivia Romo were recognized for their recently launched "Beyond County Lines" podcast, specifically last week, Feed Spot, the podcast and database named "Beyond County Lines" one of the top ten podcasts in Santa Fe. One of the most exciting things about the podcast is that it is effectively connecting with the 20- to 30-year-old constituents which some of our other social media and outreach does not reach. And so this was the brainchild of Daniel and I believe in a very short time we have drawn over 1,000 followers of the podcast. So I wanted to recognize their work in that space and their recognition as one of the top ten podcasts in Santa Fe.

In addition I wanted to recognize significant efforts from our Public Works Department in cleaning up property that the County required for the next segment that we hope to get under construction soon of the Santa Fe River Greenway project. The County team, Les Francisco, Dominic Martinez, Jeff Spillers, Luis Garcia, Juan Carlos Valdez, Justin Martinez and Urbano Jimenez removed almost 44 tons of solid waste from that property. It was a significant effort on their part and as we ultimately talk about budgets and the like, it kind of underscores some of the costs associated with the Santa Fe River Greenway project because of historic dumping along the river it's a significant cleanup effort as well as rebuilding of the river channel and the trail as well as revegetation. But I wanted to acknowledge their efforts to jump start that process by cleaning up property that the County acquired for the next segment of the River Greenway project.

And then finally, one of the nice aspects of the New Mexico Counties annual conference is that it provides an opportunity for heavy equipment operators from around the state to showcase their very real skills on heavy equipment through fun games. Gene Romero, a heavy equipment operator with the Public Works Department Roads Section won first place at the New Mexico Counties equipment Road-eo skills competition. The piece of equipment he won on was the excavator and he used the bucket to play golf by hitting three balls into buckets as if he was putting on a golf course. And so while it's all fun and games quite literally it does really showcase the skills of our operators relative to the equipment. So I don't know if Gene is here but I wanted to congratulate him on his achievement, and if he's not here, Brian, you can let him know I also witnessed Gene in the backhoe competition and while he didn't win you can let him know that I acknowledge that he was really crushing it in his efforts. So thank you and congratulations, Gene.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So I just want to recognize Rachel O'Connor. I have had the honor of working with her for the last 7 ½ years and we are all

going to miss you tremendously. And since you're sitting in the audience I had to say thank you for all the great work you have done for Santa Fe County. There's not words that can even describe how valuable you've been, how much work you've given to the County, and I just want to recognize you and thank you so much for everything.

CHAIR HUGHES: Commissioner Hansen said it better than I could, so thank you. Any other recognitions?

MANAGER SHAFFER: No. Thank you, Mr. Chair.

**2. Approval of Meeting Minutes: May 28, 2024**

CHAIR HUGHES: Any changes or motion to approve?

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.**

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

**A. Request Approval of a Proclamation Proclaiming the Month of June 2024 as "LGBTQ+ Pride Month"**

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, I'd like to ask Valerie to please read the proclamation. She drafted and wrote the proclamation. It was reviewed and we're grateful for her presentation. Thank you.

VALERIE PARK (HR Director): Thank you, Chair Hughes and Commissioners and attendants. I would like to read the Santa Fe County Proclamation proclaiming the month of June 2024 and LGBTQ+ Pride Month. This was introduced by Commissioner Camilla Bustamante.

Whereas, the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual or LGBTQ+ communities of Santa Fe are an integral part of our vibrant culture and climate; and

Whereas, the diverse LGBTQ+ community continue to make valuable contributions in academic, economic, artistic, and social spheres within and around our community; and

Whereas, it is important to recognize and address the systematic discrimination faced by the LGBTQ+ community, including limited rights, social stigma barriers to healthcare and essential services, and alarming high rates of violence; and

Whereas, the month of June has been designated as Pride Month to commemorate the Stonewall Riots, which occurred in June of 1969 and are widely acknowledged as a pivotal moment in the LGBTQ+ rights movement; and

Whereas, the LGBTQ+ communities of Santa Fe have thoughtfully organized a variety of receptions, festivals, concerts, walking tours, and other inspiring activities to engage in during Pride Month; and

Whereas, we eagerly anticipate the historic and significant 2024 Pride on the Plaza event which will be held on Saturday, June 29, 2024, marking the 31<sup>st</sup> anniversary of the Human Rights Alliance and the 31<sup>st</sup> PRIDE Celebration in Santa Fe; and

Whereas, Santa Fe County remains committed to safeguarding the civil rights of lesbian, gay, bisexual, transgender, queer, intersex, and asexual communities, recognizing the crucial role of this iconic event in our collective pursuit of a more inclusive and just society; and

Whereas, the active and engaged LGBTQ+ communities in Santa Fe have an enduring impact on the quality of our life in our city and county, and Pride Month serves as a reminder to us all to persist in the ongoing fight against prejudice and discrimination wherever it may exist.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the month of June 2024, as: "LGBTQ+ Pride Month".

And I hope you will adopt, approve and pass this measure today on the 25<sup>th</sup> of June.

CHAIR HUGHES: Thank you very much for reading that. Any comments from the Board. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Commissioner Bustamante. This is a great hallmarks of Santa Fe and Santa Fe County is our level of acceptance and tolerance of all communities, including the LGBTQ+ community, and Richard Florida, who scores communities on their economic development aspects has always – not always, but has recently, in the last decade or so, cited tolerance of these disparate, diverse communities, including the LGBTQ+ communities as one of the most important metrics of tolerance of economic development and vibrancy of a community is how we include everybody.

And so this is a very inclusive community and this is a very inclusive proclamation and I thank you for bringing this forward.

COMMISSIONER BUSTAMANTE: Thank you, Commissioner.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: I agree completely, and I just wanted to add to that that I'm – impressed isn't the word but concerned about what you see all over the world in decreasing tolerance and what not. I take great comfort knowing that I live and contribute to a community that is a standout in that regard and it's for that reason I think this kind of thing is just so valuable and I'm very proud that we do this.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: So thank you, Valerie and Commissioner Bustamante for bringing this forward. It makes me think of my friend, Rick Dillingham who has a great show at the museum but also one of my friends who died from AIDS and this was early on in the 80s and I think it's important to remember our community members who have also suffered from discrimination in the healthcare realm. So I just wanted to acknowledge him as a leader in our community many years ago. So thank you.

CHAIR HUGHES: Thank you. Yes, thank you, Commissioner Bustamante. I think this is very important for us to recognize because Santa Fe is indeed very tolerant and inclusive and we're all proud of that. We know that the rest of the

country and the rest of the world is not. And so we're one of the best states to lead the way for the rest of the country.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair and fellow Commissioners. I want to express the gratitude from our Human Resource Manager in bringing forth this interest. This is about being accepting and honoring people in the workplace and recognizing the contribution that everyone makes. As well, it's important for us to note that it was only 26 years ago that Santa Fe had a little bit of a rash of violence against LGBTQ+ people and the defense in court was they came on to me. So there were several murders; there were four, and the defense was she came on to me. One of them was a Commissioner in this room, sat at this dais. The Rodriguez brothers, and his brother died of the same thing. He met someone at a hotel and the guy with his own self shame decided to kill the other Rodriguez brother.

As well there was a young woman who was a teenager and the girl friend and her mother stabbed the young woman 19 times because she "came onto her". I lived behind a frat house and I never thought of killing anybody who came onto me. And it should never be an acceptable reason. But in this case, because of the stigma on LGBTQ+ issues, minimal jail terms. Right? It's – wow, can you imagine of course who would kill someone who did that to you. A couple of years, several years, max.

So it's very important. I'm grateful that this was brought forth by Human Resources because last year we did have very few – the good news – people in our employ who rejected the fact that we acknowledged Pride Month and we were asked to put on a training for everyone, but as recognized here today we are an accepting community.

I also want to point notice to the Project 2025 and it assures us that if we go to a different political – we have every chance in November of seeing a very different political way of doing things that all protections, including women's rights, procreation, the reason we do everything. In other words we will also see our protections for LGBTQ+ people removed, which is why we have laws that say this is a hate crime so you can't just put two years on it. It vows to eliminate rights that right now people have.

So I'm grateful. Thank you sincerely, and happy Pride Month. Thank you.

CHAIR HUGHES: Would someone care to make a motion to proclaim it?

COMMISSIONER BUSTAMANTE: I would to move that we proclaim June 2024 as LGBTQ+ Pride Month.

COMMISSIONER GREENE: I'll second that.

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

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

**3. B. Request Approval of a Proclamation Proclaiming June 28-July 6, 2024, "The Town of Edgewood 25-Year Celebration Week"**

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair. Do we have anyone from Edgewood here in the audience here today? All right. They will get this and I will be reading this in Edgewood so thank you for the opportunity to do so.

Whereas, the Town of Edgewood, located in the southwest portion of Santa Fe County New Mexico, was incorporated on July 1, 1999 with a population of roughly 600 people; and

Whereas, the Town of Edgewood's boundaries are spanned across Santa Fe, Bernalillo and Sandoval counties; and

Whereas, in the ensuing 25 years, the community expanded through a series of annexations and slow growth to a current population of about 6,000 residents within town limits; and

Whereas, homesteaders moving into the American West created the initial settlements that grew into what is now the town of Edgewood; and

Whereas, pioneer families obtained land claims and began farming and ranching in the Edgewood area during the early 20th century; and

Whereas, the pioneer spirit of neighborhood friendship and cohesion that strengthened the residents of the past and continues to this day in Edgewood, will continue into the future;

Whereas, the community now known as Edgewood was originally called Venus, until residents were asked to come up with a new name leading the community to choose Edgewood for its description of the town's location – at the edge of the woods; and

Whereas, to commemorate its twenty-five years of independence, the Town of Edgewood will be celebrating for seven days; and

Whereas, this celebration will include stargazing, rodeo, parade, fireworks, vendors, crafts, car show, historical re-enactments, oral histories, art exhibit, live music, food, Town contests and more.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim June 28-July 6, 2024, as: "The Town of Edgewood 25-year Celebration Week."

CHAIR HUGHES: All right. Anybody? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair and thank you, Commissioner Bustamante. I find it either ironic or encouragement that we have both an LGBTQ+ proclamation right before we celebrate Edgewood, which seems to be a little less tolerant than we are, but they are part of Santa Fe County nonetheless, and I wish they would also have a proclamation to support the LGBTQ+ community. And I like the name of Venus as much or maybe more than that, so thank you for that history lesson there.

CHAIR HUGHES: All right. Anybody? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair and thank you, Commissioner Bustamante. I find it either ironic or encouragement that we have both an LGBTQ+ proclamation right before we celebrate Edgewood, which seems to be a little less tolerant than we are, but they are part of Santa Fe County nonetheless, and I wish



they would also have a proclamation to support the LBGTQ+ community. And I like the name of Venus as much or maybe more than that, so thank you for that history lesson there. I am in support of this because I think these towns that choose to have some self-determination should be given the right and so let's celebrate this alongside of them, and I do want to make a note that they're celebrating it with an eight-day week instead of the seven-day week so good for them. They get an extra day because they're Edgewood.

COMMISSIONER HAMILTON: I'd love to move to approve this.

COMMISSIONER BUSTAMANTE: I'll second. Thank you.

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

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

**3. C. Draft Letter to the EPA Re: Draft NPDES Permit No. NM0031233 for Bishop's Lodge Resort Wastewater Treatment Facility**

CHAIR HUGHES: Commissioner Greene, and I do understand we have some people who want to comment so we'll make time for them. But Commissioner Greene, do you want to tell us about it?

COMMISSIONER GREENE: Absolutely. Thank you, Mr. Chair. First off, a big thanks to the community and to the Bishop's Lodge that came out yesterday to the Tesuque fire station #1 to discuss this permit that we're going to discuss in a second. I lost count at a certain point, probably because we shouldn't count that many people in a building with an occupancy limit. It was very crowded and it was in excess, reportedly over 200 people. It was pretty amazing and it was great to see the community gathering out there.

So in summary the Environmental Protection Agency published a public notice of draft NPDES Permit No. NM0031233 for the Bishop's Lodge Resort, otherwise known as the resort, wastewater treatment facility's application to discharge into the Little Tesuque Creek, Rio en Medio and Santa Fe River, which by the way, this does not enter the Rio en Medio or Santa Fe River, so there was an error in the discharge permit application, but that was something else.

Public notice was published on June 1, 2024 and comments are due by July 1, 2024. Currently the resort transports wastewater into the City of Santa Fe's Paseo Real water reclamation facility, which is also in a non-compliant facility, so we should discourage that. While some outreach and notification were made by the resort the community feels that there has been too little outreach and too little time to evaluate the application and draft permit. The draft letter, introduced for discussion purposes only, identifies potential issues that might warrant investigation and discussion and request that both the comment period be extended and that a formal public hearing be held on the proposed permit.

The community facilitated last night a public meeting between the resort and the community that was held last night, Monday, June 24<sup>th</sup> at 5:30 pm in Tesuque. Representatives from the New Mexico Environment Department, representatives from our delegation, federal delegation. We had – it was a great turnout. It was pretty

impressive. The letter will also appear as an action item on the agenda at an upcoming Board of County Commissioners special meeting on June 28, 2024.

Again, this is only for discussion purposes right now so we'll discuss it up here, hear from the community, and no action is recommended at this time but we will have it on the agenda on Friday to formally adopt this letter. I don't know if you want me to read the whole letter but it was published in our packet and if that is what I should do I'd be happy to read it but if not we can forego that. What is the pleasure?

CHAIR HUGHES: I don't feel like you have to read it but, anybody else?

COMMISSIONER HAMILTON: I agree. You mentioned some of the key things which is to ask for the additional time.

COMMISSIONER GREENE: There are specifically within the letter different aspects that need more study. First of all, understanding the ecological balance of the discharge permit, other issues of the discharge quality, other issues of increase in river volume, and really having a viable discussion of alternatives to discharge, such as onsite retention, or complete reuse of a blackwater type system for use on the property. All of these things could be studied if we asked for an extension of time, whether it's 30, 60, or 90 days, and I know that the community who is here to speak about this feels very strongly about the need for more time to study this.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Can you clarify the blackwater system comment? Because what's being discharged has undergone treatment, so it's not blackwater.

COMMISSIONER GREENE: It is not.

COMMISSIONER HAMILTON: In any way shape or form.

COMMISSIONER GREENE: Yes. Absolutely. It is not reusable water in a drinkable form. It is the highest classification of non-potable water, is my understanding.

COMMISSIONER HAMILTON: Yes.

COMMISSIONER GREENE: So just the idea of whatever reuse possibilities that they could put forth that do not discharge in the river seem to be the desires of the community, and so bringing forth the different opportunities for them and having them assess these, given the push-back from the community should be discussed in an open forum over the next few weeks, months.

COMMISSIONER HAMILTON: It should definitely be discussed. It also mentions the ecology and the flow capacity of the Tesuque Creek and both of those should be considered.

COMMISSIONER GREENE: Both of those should also be considered. And so to be clear, Santa Fe County does not have a role to play in the approval of denial of this. We did, in an effort to bring the public's awareness to this and to give the Bishop's Lodge Resort an opportunity to present this to the community, we convened the meeting last night, and then the turnout was pretty unprecedented considering it was beautiful, and I think the concern about this is pretty heartfelt across the community.

Even though we don't have a role to play in this specific permit there are three pueblos which the river runs through, that this discharge could run through, and my

understanding is only one of them has been formally approached and the permit application speaks to none of them in terms of when there's a check-box in the application that says, is this water going to run through any tribal lands and they did not check that box, so there's a concern about the application there, making sure that all of the pueblos that are on that.

Also, as I mentioned earlier, it mentions three rivers, two of which this flow would not get to, so it's in error. So somehow the geography of this flow was not accurately documented. Additionally, in Santa Fe County and for the residents – the downstream residents, this flow may not be huge, but it might actually be significant enough to cause erosion problems. It might cause issues with Santa Fe County's culverts and bridges and low water crossings, and we need time to assess these things as well as the residents who have bridges to access their property or culverts to access their property. And so there's a number of issues still inherent in this issue, in this permit request. And I think we need more time to discuss it and ultimately it would be great if the EPA would have a formal hearing here in Santa Fe. And we would also hope that we would stand to assist in coordinating that in any way we could.

CHAIR HUGHES: Any comments from the Board? It seems to me a reasonable request for us to request.

COMMISSIONER GREENE: Thank you.

CHAIR HUGHES: Giving my opinion first. I'm not worried too much that we're going to vote this down. I think this is reasonable, a reasonable letter for us to extend. How many people want to comment on this? Why don't you come forward? We don't need to swear them if for this, do we? No. So come forward. You'll have three minutes each. If you could stand in line.

COMMISSIONER HAMILTON: Is this part of Matters of Public Concern moved up?

CHAIR HUGHES: It's Matters of Public Concern, particularly on item 3. C. And can we put up a timer, Daniel?

JOANNA ANGIE: My name is Joanna Angie. I moved to Tesuque last year. I'm here to tell you from a heart space of what I've been through and what I'm currently going through. I lived in Ontario, Canada. Developers decided to purchase all the land surrounding my family homestead. Two hundred acres were deforested. All of the animals left and the water was eventually polluted. As you know, Lake Erie was polluted as well.

Then the Buffalo developers – I also had a home in Buffalo – the Buffalo developers decided that they were going to build to the property line. I lived in a 100-year old barn that was built right at the edge of the property. They put 24 units on top of my house, practically. I sold that property and I sold the Ontario property. I made money on the Ontario property though, so I'm not going to complain about that, but I really hate that I lost my family homestead.

So I chose Tesuque to move to because I was surely away from all that kind of stuff. I wasn't going to get developed on here. I bought five acres. I didn't think about my well. So the risk of Bishop's Lodge getting their way and potentially polluting the creek, which could affect our aquifers and our individual wells. The overflow from holding tanks, which we had in Buffalo, which took three days of manure, human waste, over

Niagara Falls, because their holding tanks couldn't contain what happened. So polluted bodies of water in my lifetime include the Hudson River, Lake Erie – I really don't want you to make it the Tesuque Creek.

I sat back there and I was looking at this and I'm looking at a waterline with the New Mexico flag coming out of it and a woman sitting in front of this, an indigenous woman sitting in front of this with no water. And then I look at the top of the thing and I see "equal justice under law". I would like equal justice for the people of Tesuque. I would like you not to allow any water, any wastewater to go into the Tesuque Creek. I would like one time to win. I want to stay here; I want this to be my home, and I want you to help us all, because we do not want to drink polluted water. Thank you.

CHAIR HUGHES: Thank you. Next.

ERIC SEROTKIN: Okay. Mr. Chair, Commissioners, my name is Eric Serotkin. I'm a civil rights attorney and I live three houses into the proposed leach field of Bishop's Lodge. And I think the County has a particular role to play here. The County has a role that they should call on Juniper Investments Capital Investments to withdraw their application at this point. For example, why? One reason is as Commissioner Greene alluded to, they misrepresented in their application something that should be offensive to all of you and to all citizens of the county. It says does the liability discharge to a receiving water that flows through Indian country? No.

That is a major issue, because the EPA and the federal government would require them to dialogue, to go into issues. There's issues that the governors spoke about yesterday, about sacred issues, things that are important to the tribes in this area. And that in itself should slow the process and I think it should get alluded to in your letter.

Another reason is that the discharge notices that went in the paper didn't say it was being discharged into Tesuque Creek. It's just a permit to discharge some waste. So we want time so that they can engage in dialogue with the pueblos and with the community, and resubmit their application with an open hearing. And they should meet with community experts to consider ways in which Bishop's Lodge can keep water on their site. They can sell it. They can do their own leach field from the filtered water.

For its PFACs and pharmaceutical chemicals and other chemicals are not – they're called emerging toxins. They're not considered here. They will poison our wells if they get into the aquifer near our wells. And so this is heading to litigation, into boycotts and protests, and unlike so many communities that get dumped on, we are blessed to have the resources to address this locally, nationally, and internationally, but it doesn't have to end this way. The County should lead the way to help broker an environmental solution that exceeds current EPA standards to include emerging toxic issues and demonstrate for the County, it's not just about occupancy taxes or sales tax revenue, but a healthy future for our residents, the wildlife and for all of our children. Thank you.

CHAIR HUGHES: Thank you. Next.

MICHAEL CAMPBELL: Mr. Chair, Commissioners, I'm really – this is a wonderful process we have here. I apologize for wearing shorts. I wasn't planning on speaking. I moved to Santa Fe in 2016. One of the reasons was the proclamation that you just approved. My partner and I, Paul, bought a house and it's literally right next door to Bishop's Lodge. I have taken guests there and proudly talking about the history of the

lodge. I've talked about the history of Bishop Lamy, and I think that Bishop's Lodge is a very good addition to the community. It brings in people from all over the world.

However, I also believe that this situation requires a dialogue with the lodge. It happens a lot in America, something that is precious ultimately is bought by a corporation. Those corporations work on the bottom line. They look at economic capital. But they don't necessarily look at social capital. And I believe that by Commissioner Greene – I'm not going to restate a lot of the reasons why this is wrong, but I believe that we should be able to work with them. You publicly listen to us. We are members of the community. I am a filmmaker. I started a non-profit company, organization, 501(c)(3) to help give back to the community. We make films for charities and non-profits that would never be able to afford something to be able to tell their stories. And storytelling and the communication of ideas and opinions is so critical, and that's why, Mr. Chair, I appreciate your signaling that you believe that this is a good idea as well.

And Commissioner Bustamante, I appreciate the passion that you have for the people. That proclamation is about listening to ideas, trying to create dialogue, and I believe this 90-day extension is a really fair ask for the lodge, for Juniper, to engage with us, not just by repeating over and over again what they did last night, which their system is based on the latest EPA standards. Those standards change. And the Commissioner noted, 2025, the project that they want to basically throw away all kinds of regulations that the federal government is now – we ask them to do the right thing.

The EPA in the future may be just gutted and decimated and those regulations may be just a free-for-all. So thank you for your time and I hope you will consider this letter. Thank you.

CHAIR HUGHES: Thank you. Next.

MARGARET GAFFNEY: Good afternoon. My name is Margaret Gaffney and I live at 813 Columbia Street here in Santa Fe. The community is clearly asking the EPA to grant an extension well past the July 1<sup>st</sup> deadline. Santa Fe County Commissioners, please do the will of the people who gathered in great numbers with Commissioner Greene at the Tesuque community meeting last night, and ensure that the 90-day extension be granted.

First, the application, which contains significant errors should be rewritten and refiled. Subsequently, certainly a formal public hearing or a series of them are necessary. We understand that Tesuque Pueblo is permitted to discharge a small amount of effluence into an unnamed arroyo. Since the land that we now call New Mexico belonged to the Native peoples since there were human feet upon it, surely no one here takes issue with this. We trust the pueblo people as stewards of the land that has always been theirs.

But the entire Santa Fe County community, not just Tesuque residents, because I do not live in Tesuque, is reacting strongly against what we perceive as a terrible unfairness. Since not one single household, not one single business in Tesuque, or all of Santa Fe County for that matter, is currently permitted to discharge effluence into the Tesuque Creek, why should the single exception go not to a local individual, a local household or village entity, but to a resort owned and operator by an out of state entity, managed by an out of state entity, profiting largely out of state investors, catering to an out of state clientele, and which is so exorbitant in its rates that only a tiny fraction of New Mexicans could ever dream of being able to afford to spend a single night there.

Why should only Bishop's Lodge receive this exception?

Real life? I used to rent a very modest house in Tesuque Village. I chose to live there as do most residents because Tesuque is a beautiful village surrounded by the wonders of nature. I teach in the Santa Fe Public Schools and I live in Santa Fe, but a home in Tesuque was the most expensive rent I've ever paid in all my life, and after a year I had to move elsewhere. The monthly rent I found excessively expensive would not have afforded me two overnights at Bishop's Lodge.

Bishop's Lodge does not need to increase their discharge from their current 14,000 gallons to the initial 30,000 gallons, or to the overall 60,000 gallons proposed in this permit application. As Chris Kaplan of Juniper shared last evening, they want to do so because they want to add a second pool, a spa, and a fitness facility, and there's motivation to build homes and develop undeveloped lots in the villas in the hills. Three-bedroom, three-bathroom homes, which we know are not the norm in this county.

Bishop's Lodge already has a pool. They already have a manmade trout stream. They already have private ownership of more than most residents of New Mexico would ever dream of having shared access to, and yet they want more -- more profits, more water consumption, more discharge, more risk for everyone downstream. We have a word for that and that word is greed. Bishop's Lodge already has an engineered water treatment leach field that has already failed. Yes, it failed before the time of Juniper and before the time of Auberge and we've been assured time and time again that this EPA permit would yield treated Class A water of the highest quality desirable for feed grade crops, animal consumption, laundry, bathing, but we cannot help but note that Bishop's Lodge has no intention of reusing the water that they extol the virtues of and is not taking the time to find a buyer or a consumer of that precious water.

They want the treated water gone, and they seem to expect us to be grateful for what they want to remove from their property and they want the water they reject to flow through our private and public lands, and that position causes reasonable suspicion among all reasonable residents of Santa Fe County. People across this county hike the Windsor Trail, walk the Little Tesuque Creek, and feel the effects of second failure due to human error, catastrophic flooding or climate or seismic events, or even due to full compliance with present EPA regulations, that we all know do not yet account for the dangers of pharmaceutical waste and PFAs, dangers the EPA admits on the EPA website are not yet fully understood. Federal regulations dwell in their own land of mañana. We know they always lag behind science.

Citizens of Santa Fe County do not want additional PFAs in our breast milk, in our fish, in our bodies. Please remind Bishop's Lodge that EPA regulations can be exceeded; they are a minimum. Bishop's Lodge never offered their wealthy resort the minimum. Please, Bishop's Lodge, don't offer it to your neighbors. Let's not just extend that period for public comment. Let's slow way down and create a plan that can create a safe, temporary plan, preferably onsite retention by Commissioner Bustamante at their expense until we have a comprehensive plan to possibly include the opera, casino and resort, a superior plan that does not include discharge into the creek but perhaps does bridge the 2.5 miles that separates Bishop's Lodge from the Santa Fe municipal water distribution and treatment systems, and invest private and public funds, including federal grant funding into this improvement. Let's approve a system that would improve the lives

of many, the lives of citizens of our county, rather than the wealthy few who come here to vacation and invest and profit off of the unspoiled beauty of the Tesuque Valley. Because a second pool for Bishop's Lodge is simply not a matter of urgency for the EPA, for the State of New Mexico, nor the County of Santa Fe. The health of our environment and our citizens, however, certainly should be. Thank you.

CHAIR HUGHES: Thank you.

JOHN KADLECEK: Hello. I'm John Kadlecek, here once more to be a squeaky wheel about the NRCS EWP issue.

CHAIR HUGHES: We'll here public comment at about 4:15. Okay. Anything else on this? Yes.

COMMISSIONER GREENE: Mr. Chair, just a couple comments to include in here. First off, just for the record for us to understand comprehensively, Santa Fe County has budgeted \$250,000 to start working on a preliminary engineering report to do a regional wastewater system that would include the resort, would include the opera, would include the pueblo, potentially two pueblos, and also all of the residents of the Tesuque Valley. So that would be a great project to help clean up the water table and the groundwater in the entire area. So I encourage us to expedite that planning so we can start working on getting money to build this.

Second, there was an issue that came up that people had a misunderstanding that Santa Fe County helped finance this project for the resort. That was an absolute misunderstanding or miscommunication or falsehood. Santa Fe County had nothing to do with the financing of this for the Bishop's Lodge Resort and I wanted that to be clear on the record.

Lastly, I would ask that when we do vote on this measure on Friday that we include these comments in our packet as part of Santa Fe County's comments, as well as a recording of the community meeting that we had last night, all two-plus hours of it in whatever format that we can do, if we could include it electronically as our submission to the EPA requesting more time. I don't know if that's feasible but I think that would be great for us to show all of the concerns of the community, even if they didn't have time to put in their own comments, they did have time to come to our meeting yesterday. So thank you very much, Mr. Chair.

CHAIR HUGHES: Thank you. Any other comments. I think we can add that to the letter. We'll just put anything you want to put in the letter as part of the package.

COMMISSIONER GREENE: I'll work on it. Yes.

COMMISSIONER BUSTAMANTE: Mr. Chair, if I may.

CHAIR HUGHES: Yes.

COMMISSIONER BUSTAMANTE: Thank you for bringing this before us. I appreciate the concerns of the community, and I see this again as these opportunities, and I really do see this as an opportunity. We talk about meeting the legal requirement, and when they talk about wastewater and what it really means to bring water to a specific point, and now we're talking about the concerns over its distribution, what would it mean to really, since we are not really a participant in that water itself, but to bring something more innovative. What would it really mean to identify? I think the opportunity to put some more time into it and have the consideration of different types of

engineering and tools that could actually make this much more acceptable and a viable resource, rather than a hindrance or concern for the neighbors. Because frankly – and I’ll just say this knowing well after 17 years at a national lab, even perceived environmental muck up is poor business. It’s not going to be the place to go to when you know, oh, yeah, that place that really crapped up the neighborhood.

There’s a real opportunity if we wanted to do the environmental hospitality, which is a whole thing into itself. Why not take advantage of those types of things to make this a real viable demonstration of what – where it lies and how it actually positively has an impact in the neighborhood and that people can see its value when they come visit. Because I do believe that hospitality has been one of our cleanest, believe it or not, industries in our community. And it’s right now kind of turning on its ear. So I think we need to make sure that when we have these hotels making proposals that they’re doing it in a way that it still makes sense to what the values are and why people come to visit Santa Fe. Thank you.

CHAIR HUGHES: Any other comments? Otherwise we will take this up on Friday. So we can come back to this on Friday. We’ll have – since we started a half hour late we’ll do our break at 4:00 and public comment and other aspects at 4:15. I know there’s a couple people here for that.

**4. Consent Agenda**

- A. Request Approval of Amendment No. 2 to the Memorandum of Agreement No. 2016-0359-PW/KE Between Santa Fe County and the Cuatro Villas Mutual Domestic Water Users Association, Amending the Use of County Funds (Public Works Department/Paul Choman and Purchasing Division/Bill Taylor)**
- B. Request (1) Approval of Amendment No. 15 to Agreement No. 2019-0053-CSD/CW Between Santa Fe County and FireStik Studio, Increasing the Compensation by \$120,000, for a Total Contract Sum of \$1,293,120, Inclusive of NM GRT, and Extending the Term of the Agreement for An Additional Year, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Community Services Department/LeAnne Rodriguez and Purchasing Division/Bill Taylor)**
- C. Request (1) Approval of Amendment No. 2 to Agreement No. 2022-0268-A-CSD/MR with Santa Fe Public Schools Adelante Program, Increasing the Compensation by \$107,800 for a Total Contract Sum of \$323,400, Inclusive of NM GRT, Extending the Term of the Agreement to June 29, 2026, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Community Services Department/Jennifer N. Romero and Purchasing Division/Bill Taylor)**
- D. Request (1) Approval and Acceptance of the 2025 Enhanced 911 Act Grant Program Award No. 25-E-11 in the Amount of \$575,798 for Improvement and Updates for the Regional Emergency Communication Center Operations, and (2) Delegation of Signature**



**Authority to the County Manager to Sign the Grant Agreement  
(Public Safety Department/Roberto Lujan)**

- E. Resolution No. 2024-079, a Resolution to Delegate to the County Manager the Authority to Negotiate for Workers' Compensation Coverage for Fiscal Year 2025 and Execute Purchase Orders, Agreements, and Other Documents Necessary or Advisable to Effectuate Such Coverage (Human Resources and Risk Management Division/Melinda Jagles-Moquino)**

CHAIR HUGHES: Anybody want to remove an item from the Consent Agenda to appreciate?

COMMISSIONER HANSEN: Mr. Chair, I would like to make a motion to approve the Consent Agenda as presented.

COMMISSIONER HAMILTON: Second.

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

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

MANAGER SHAFFER: If I could, Mr. Chair. I'm sorry to interrupt, but I did want to acknowledge the fact that we do have the governor of the Picuris Pueblo, as well as other representatives of the pueblo here. And so out of respect for their time and the fact that they did come to answer any questions that the Board had relative to their intent to have the Hotel Santa Fe taken into trust, I would just respectfully request that we move to that item of business, which is item 6. G on the agenda.

- 6. G. Resolution No. 2024-080, a Resolution Authorizing the County Manager to Negotiate and Execute on Behalf of the County a Payment in Lieu of Taxes Agreement with Picuris Pueblo and Submit a Letter in Support of the Pueblo's Application to Have the Hotel Santa Fe Taken into Trust**

CHAIR HUGHES: Leandro.

LEANDRO CORDOVA (Deputy County Manager): Thank you, Mr. Chair, Commissioners, first I'd like to start by introducing Governor Craig Quoncello from the Picuris Pueblo, along with Lt. Governor Anthony Knitter from Picuris Pueblo. They're here today to answer any questions that you may have regarding the item at hand but before we turn that to questions I'll go ahead and run through the memo relatively quickly to give you some summary and background.

The subject resolution would authorize the Santa Fe County Manager to negotiate and execute on behalf of the County a payment in lieu of taxes agreement with Picuris Pueblo pursuant to which the pueblo would pay the PILT – payment in lieu of taxes – if the Hotel Santa Fe owned by the Pueblo is taken into trust by the federal government. It would also authorize the County Manager to submit a letter in support of the pueblo's trust application.

And I would also like to mention that the pueblo actually approached the County to request this. They also provided us the PILT agreement. So that's, I think, relative unchartered waters in the sense that we haven't really been approached by a pueblo before to offer this opportunity. And so a little more of the background.

The pueblo owns certain real property in Santa Fe County comprised of approximately 4.065 acres on which it has constructed and operates a hotel and related facilities known as the "Hotel Santa Fe". The pueblo is planning to submit an application to the United States Department of the Interior, Bureau of Indian Affairs to have the Hotel Santa Fe taken into trust in accordance with federal law and regulations promulgated pursuant thereto.

Should the Hotel Santa Fe be taken into trust, it would be exempt from property taxes. The pueblo has offered to make a PILT to the County for the benefit of the County and other taxing jurisdictions in exchange for the County's support of its trust application and to pay its fair share to common services provided by the County.

And just for some context from the property tax year 2014 to property tax year 2023 the Hotel Santa Fe has paid just over \$1.5 million in property taxes. And I want to thank our Assessor and his team as well for providing all of the background information and working with us to continue to gather the data we need to complete the PILT agreement. But at this time I'd like to recommend approval of the subject resolution and I stand for any questions. And again, representatives from Picuris Pueblo are here if there are any questions for them.

CHAIR HUGHES: Any questions? Commissioner Hansen.

COMMISSIONER HANSEN: I'd like to make a motion to approve.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: All right. Commissioner Hansen made a motion to approve.

COMMISSIONER HAMILTON: Discussion?

CHAIR HUGHES: Discussion.

COMMISSIONER HAMILTON: I'd just like to thank the governor and assistant for coming and for approaching is government to government and making this recommendation which is very much appreciated.

GOVERNOR CRAIG QUANCHELLO: Thank you, Commissioners, Chair. I just want to say thank you. We've been 30 years plus relationship with the County and 103 so this means a lot to us, and in full transparency, and the way I was taught is that you be transparent, you be respectful and we communicate. So with those words I've always lived by and I want to work together, because we can strengthen both of our sides. We can be together and show that even in this day and age we can do something special and work together. I stand for any questions. Please come out to the pueblo. We look forward to negotiating this. We look forward to having this relationship, working together. And I will say we did open another business downtown. It will be 100 percent tribal owned and it's a dispensary which I'm very proud of and to have a relationship with Santa Fe. And I'm open to whatever it takes to make this successful for both of us, not just Picuris but for both of us. So thank you and I appreciate each and every one of you.

CHAIR HUGHES: Thank you for your comments? Commissioner

Greene.

COMMISSIONER GREENE: Thank you very much. Thank you, Governor and Lt. Governor for coming here as well and J.P. as well. I appreciate this investment in Santa Fe County and as a county, my district has four out of five entire pueblos and a fraction of a fifth. And I think Commissioner Bustamante's district has a fraction of a pueblo. So that makes six and so welcome to Santa Fe County. You will be the seventh pueblo represented in Santa Fe County with trust lands. And welcome to Santa Fe County.

GOVERNOR QUANCHELLO: Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Governor, and Lt. Governor and Mr. Markeson and J.P., all of you for being here. I think this shows really a tremendous amount of good faith towards the County and a real sincere honesty to work with us and I think that is really honorable and I want to recognize it. Thank you for that. I consider Picuris Pueblo kind of where I came from since when I first moved to New Mexico I moved to Llano, which is in the hidden valley of northern New Mexico. So I feel like it's part of my homeland. And it's one of the most beautiful places in northern New Mexico. So thank you and thank you for coming here.

GOVERNOR QUANCHELLO: Thank you.

COMMISSIONER BUSTAMANTE: If I may, Mr. Chair, I also want to thank you for being here, for coming to the County, and for allowing us to work with you. I'm grateful, sincerely. So thank you for your presence and your good work and your stewardship, sincerely. Thank you.

GOVERNOR QUANCHELLO: Thank you.

CHAIR HUGHES: Very good and thank you. Commissioner Hansen made the motion, Commissioner Hamilton seconded.

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

**5. Appointments/Reappointments**

None were presented.

**6. Miscellaneous Action Items**

- A. Request (1) Approval of Contract Award of Agreement No. 2024-0273-PW/DK with WSP USA Environment & Infrastructure, Inc. in the Amount of \$282,794.13, Exclusive of NM GRT, to Provide Engineering Design Services of CR 54 Los Pinos Road All-Weather Crossing at Arroyo Hondo, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)**

CHAIR HUGHES: Bill Taylor.

BILL TAYLOR (Purchasing Director): Thank you, Mr. Chair. Before you we have a request for approval of the contract award with WSP Environment Infrastructure Engineering firm to complete the design and engineering services for Los

Pinos Road all-weather crossing at Arroyo Hondo. This is the original engineer of record. This project's been on our work schedule for quite a number of years. There's been some modifications to the – I'll let Mr. Lawrence Imprescia answer any questions regarding project specifics, but this will complete the project design where we can then go out for procurement doing an IFB for construction. And with that I'll stand for any questions.

CHAIR HUGHES: Any questions?

COMMISSIONER BUSTAMANTE: Mr. Chair.

CHAIR HUGHES: Yes.

COMMISSIONER BUSTAMANTE: I do have a question if it has been communicated to include that elbow with that pass. There has been a number – and I've had residents who live right at that pass contact me very recently with a number of accidents that have occurred there which are proximate to this area, and I'm hoping that, and maybe request to our Public Works that that overall picture would be assessed comprehensively instead of just addressing the waterway and not taking into consideration the more dangerous part of that road.

LAWRENCE IMPRESCIA: Mr. Chair, Commissioner Bustamante, when we looked at the project, originally the design was mostly complete, quite a few years ago, in 2020, originally by Louis Berger and they were taken over by WSP. We looked at the design when we dusted this project off in June of last year, so we've been working on it for a while now. It was determined that the portion of the structure of the box culvert, the concrete box culvert wing walls were actually extending into the Pojoaque Pueblo property to the east side, because that was all Santa Fe Downs that was purchased by the pueblo.

So we notified WSP of that and they did work on revising the plans to get that structure moved to the west a few feet. Not very much. It was barely extending into the pueblo property. At any rate, the pueblo also has a boundary line on the east side. It just sort of intersects the roadway right where the box culvert is. And we have a right-of-way through that corner. So essentially, we don't have a lot of room to do any sort of realignment in there.

So the S-curve is what you're thinking about, right? The curvature there. And there's really not anything that we can do as far as modifying the radiuses on those curves to make them wider, instead of having a tight S to having it more like that, we can't – that's not something that we can do or the designer can do with the constraints of the right-of-way with the Indian property there, the pueblo property.

COMMISSIONER BUSTAMANTE: So the property is actually not owned by the pueblo where the white wall is at that S-curve. That wall has been taken down at least four times in the last several years, and I have the photos that have been provided to me. More recently there was the near fatality. There is much interest and I think that – I'm not really sure about the value in an expenditure of doing part of a project and not addressing the other part, and how much that would actually – I do understand that it's been an issue. When it floods it's impassible. I'm grateful that that would be addressed. I'm not really sure of the efficiency in addressing the waterway passing and not doing something while we have everything torn up to fix the roadway.

Though the amount of money is still significant and it's taxpayer money, and it seems that with this portion of the money we're going to go ahead and address the

waterway and we'll come back to that later, just sounds like it's very fiscally inefficient. I understand that there are rights-of-way, but we're really coming down to – if somebody wants to sit with me or better yet the neighbors who have shown me the disasters, I've got the photos. Then we can discuss the value of doing this. And I hate to leave the box and the waterway unaddressed, but I'm grateful to see that Brian's walking up. I just don't think it's an efficient way to plan the betterment of the roadway. I just think it's an inefficient use of taxpayer funds. Thank you.

BRIAN SNYDER (Public Works Director): Mr. Chair, Commissioner, if I could address a little bit of that. So Lawrence is correct in that the reason, the purpose behind the design, we did not mention was as part of the design we have additional signage leading up to the S-curve. It's only signage but it's acknowledging that there's a sharp S-curve. We also [inaudible] as you're aware in La Cienega the traffic safety study along with the water study, and I envision out of that the entire length of Los Pinos Road needs a traffic evaluation. That's a racecourse from what I understand.

So it's not just this S-curve which is one segment of that, which will be evaluated as part of the overall traffic assessment, and I would say that if as a result of that safety study it does not look at the specificity of what we should do along that road to improve the safety, we can do an additional study similar to what we're doing on Highway 14 at County Road 44 and County Road 45. It's a more detailed study. But I would say that out of the traffic safety study within that La Cienega area it's all Los Pinos. If you take out one puzzle piece of the road, it's more than just than one puzzle piece that's a problem. And I think it needs to be addressed as a whole and this project is a small sliver of that.

COMMISSIONER BUSTAMANTE: Mr. Chair, I appreciate that but I hope that you hear my concern and I'm not disagreeing that it's part of a bigger picture, I've said since I was first put in this position that the road issues in there are in so many ways terminally problematic unless they get changed. And I go back to where this is a small sliver, having sent the pictures to you the day I was asked to meet with the neighbors there, with the wall taken down, that they pay out of their own pockets to repair it each time, and we're going to do some construction literally a stone's throw, not even, barely pitch a stone, right next to it, for not a small but not a large amount of money, and yet not really put that as part of the evaluation. That's the concern.

I will tell you I have had a history in being a nightmare for people who have to hear about my worries about the growth of La Cienega back when 599 was built where now with more traffic we have more fatalities. I'm not a fan of waiting till we have the more problematic fatalities. I was literally asked to be an expert witness in the counting of people who were getting hit and killed at the 599 intersection, and now I'm saying it's Los Pinos Road. And the neighbors sounded just like I did 20-some odd years ago, saying it's just a matter of time that someone gets killed. I'm all find with traffic studies. It's important but I'm going to tell you right now I'm not fine with waiting until somebody is literally either incapacitated forever, which is what happened with one of the Desert Academy kids, and that's when I was asked to be an expert witness, or the other nine fatalities that I personally had the opportunity to drive up on. That's the kind of situation we have at this intersection. Not even intersection – this S-curve. I'm sorry. At this S-curve.

So, yeah, it's important. It's something that we'll get to it and we'll look at the

studies. I don't think it's appropriate. And I'm going back to if we're going to spend money on this study, what would it take to re-evaluate those dollars. Something was already put in place, but it's been brought to our attention that we're having accidents that can actually result in a fatality. And the issue with the signs is they're not honored. People drag through there. They don't care about the signs. I was hopeful when we had the blinking telling you how fast you're going, but it was a matter of time. So the signs are one thing but I'm talking about a neighborhood that is set up like a by-road and we have to do something about it.

So with all due respect, I hope that that would be considered to be a part of this or we have something more immediate that goes up at that time that lets the people know that their concerns at that corner will be addressed.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: It sounds like, Commissioner Bustamante, you're suggesting that this not be approved and instead look at the whole thing as one. Look at the bigger picture at one time. And I guess I wonder – this was recommended quite a while ago, right? This has been around for a while. And it's probably not hugely efficient to have individual pieces of a problem brought up in isolation. On the other hand, things do get done in pieces. Like there's often not the money or funding to do the whole road. And since this has been on the books, I guess one question I would have is does fixing this preclude fixing other parts of the road when whenever the study or the additional work you were mentioning actually is implemented. Does this preclude other options that might be better, might fit in better, like fixing the S-curve or whatever?

MR. SNYDER: Mr. Chair, Commissioner Hamilton, it does not preclude it. What I would say is you're correct. As Commissioner Bustamante, and this has been a long-standing issue, the drainage has been a long-standing issue. So that's what the project originally came from was the drainage issue, access to the community during flooding times. Any time that water's in that corridor it cuts off that corridor from ingress and egress as well as the Public Works Department has to go back in and – like we did I think it was last year and the year before, dredge out. A lot of work. So this project has been on the works since about 2014 for drainage purposes, not to speak any less about the safety concerns. Not that they haven't always been a concern, but the project originated as a drainage project.

As Lawrence said, we've been in contact with the property owners. We are very limited in the right-of-way to help straighten out the road, which would help out with some of the safety. So addressing the drainage will not, I'll say, hamper the future of safety improvement. That being said, if it were to go back to redesign, if we were directed to go back to redesign and work with property owners to try to figure out how to straighten out that road, we've done that. We've approached the property owners and they've been resistant to doing that.

So one way of saying that this project as it's currently designed, 100 percent designed or near 100 percent designed right now, is for drainage purposes. Along with that, with the alignment, there's signage and those types of things to help promote safe driving in that area, but it does not get to Commissioner Bustamante's points of eliminating – it's not just possible, the safety issues.

COMMISSIONER HAMILTON: I understand. So it sounds like this road might be a real high priority for additional work, but I'm not so sure it really strikes me as an incredible waste of money. Quite the contrary. I'm concerned that this has to be done as a drainage problem one way or the other and to postpone it means that things are getting so much more expensive so quickly that it might be preferable to do this while we have the funding and make the rest of the road activities like a high priority. Anyway.

COMMISSIONER BUSTAMANTE: Mr. Chair, Member Hamilton, I appreciate the way you framed that and it is. It's really about – also the first question I have in my mind is if not now, when? And I'll just say as a taxpayer, when you say, well why didn't they – I'm sorry; I'm channeling mom. Why didn't they take care of that when they were working on this? And I'm not mocking anyone. Mom, I'm sorry. But anyway, it's one of those where they tore the whole thing up and nobody ever did any – so that kind of – that kind of concern, if not now when? And I appreciate, I get that there are issues all over that community and that elbow. I'm not sure that straightening it is the answer. Is it a matter of that requires some more engineering and some thought about really what is the best thing?

I appreciate the opportunity to really hear about what it takes to get that part of that fixed and sincerely ask that the priority of that safety in that corner sort of be elevated in the interest of as we fix this it becomes a speed zone. I mean literally every time the road gets repaired people pick up speed. And I don't have any actual evidence of that except anecdotal observation. So I'm grateful for the time that you've taken to listen to me. It's really important and I have to say that I agree and appreciate what Commissioner Hamilton has said about what does it take to get that water because otherwise you can't cross at all. Let's get that fixed, with consideration that there will be a part 2 at that corner and if there's any way we can demonstrate that to the neighboring property that has out of their own pockets taken the expense of poor planning. This has been our opportunity to address that and let's make sure they know we're taking it seriously and I appreciate that.

MR. IMPRESCIA: Mr. Chair, Commissioners, I'd like to add, the ideas that we have are to add rumble strips, which is something that we're going to be doing on another project, we're going to talk about it a little later in the infrastructure management program. Draw up the four roads and that's something that we're looking in to doing more of in different places. Now, that's just an engineered or a constructed safety feature that doesn't guarantee people will slow down but it does warn people.

Another option we can consider is like solar flashing signs, which is another thing that we're going to do on the infrastructure management program, roads, off of Highway 14 there. These are things that we'll add that will help. If there's people that are dead set on speeding, there's not much you're going to be able to do to slow them down unless you can keep ticketing them and have a police officer parked there. These are things we're considering to add at least in the meantime to try to mitigate some of the problems right in there.

I would add also that if there's a complete redesign of the structure itself to try to skew it a little bit more one way or the other it would be starting from scratch and basically we would have lost the design that was previously completed that we're modifying and close to completion on now. And then that would require a lot more right-

of-way. More land takes for the acquisition. And that's going to be a very long process. There's only so much that you can fit into that spot was the historical roadway right there and so anyways, those are things to consider, whether approving it now or not,

COMMISSIONER BUSTAMANTE: I appreciate that, Mr. Chair. The opportunity to put rumble strips, things that will let people know that they're there, and just for the interest of the minutes and overall big picture awareness, where that elbow is people literally go another seven to ten feet up in the hill and take out a wall. So just to make it clear that they do get notified that they're no longer on road width in about seven to ten feet. But I think rumble strips prior to that – I am not an engineer but I appreciate the consideration of what it will take to alert people. Again, with all due respect we'd be going backwards, but I'm not really sure if we've thought enough about what the accidents have been, but if there's an opportunity to consider ways that that will be addressed in the long run, even when it was a dirt road there had been fatalities at that corner and now it's just worse.

So I appreciate the consideration. Thank you.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you all and thank you, Commissioner Bustamante. I do appreciate your concern about this because at the end of the day safety first, access close behind it. Going fast is bad but it is compounded when there's a curve, right? So if you straighten these things out people might go faster, but they also might be safer, because you've sort of avoided the maneuverability, the requirement to deal with a sharp curve that could be a surprise. Small curves are not so bad. Big curves can be a little bit of a surprise. I don't like the idea of throwing good money after bad, and so if we're here at this point right now, where we say this is a less than perfect option, and doggone it, we're going to just pursue this because it is ready and queued up.

If this is not money that is at risk then I defer to Commissioner Bustamante in her knowledge of the situation there and if she wants to, on behalf of the community of La Cienega, really dig into this comprehensive strategy for the roadways of the area, whether it's a traffic study or just looking at this as a greater situation there, talking to the neighbors, talking to the pueblo, I feel a good relationship with the pueblo. I'm sure Commissioner Bustamante does as being neighbor to the property there. She probably knows the people I think that have the wall that's at the north side of this. All of these people should be engaged in this conversation and sometimes it's not – it's our representatives that have the ability to present a solution that is more comprehensive than staff that sometimes go over there and say, take it or leave it and it's less of a negotiation and it's less nuanced.

So if Commissioner Bustamante wants to defer this in a way that gets a better solution and there – it may take longer. It's definitely going to take longer, but it's better than spending \$200,000 something to further that. It's not going to save money at the end of the day by pursuing this now because you're saving a year here. You're just putting money into an engineering project. But I look to Commissioner Bustamante most of all because she knows this intersection.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: I appreciate that, frankly, I would defer



to Commissioner Bustamante also but I actually still disagree. I think this isn't just an engineering project. This is a safety issue also. Flooding out – next time we have a big rain and you can't get people in and out from emergency situations, and I want to in addition point out the fact that it has been in discussion with the neighbors and having a better solution to this road might be really important but it's also nothing even close to low hanging fruit and there already is resistance to straightening out. That comment was already made. Straightening out the curve.

So there are things on both sides. That's why these are not such easy things to resolve and I frankly think it would be a step toward additional safety and accomplishing the piece that we are positioned to be able to accomplish now to approve this.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, Commissioners Greene and Hamilton, I appreciate your insight and willingness to listen to what it is that I'm going to say. And I do appreciate the value of having it repaired. I do agree, and would hate to see this wait longer, and at the same time I go back to if not now, when? If we are going to put rumble strips, but I'm going to ask, sincerely, that we ask for a meeting with the residents right on that corner prior to – not actually prior. As we start to embark on this plan that we're going to approve today, that we have a meeting. So I would like to move to approve this contingent on a meeting with the community members with an explanation of what will be happening at that pass, specifically the landowners who have repaired their own wall at the expense of not having a safe roadway in that corner. That would be my motion.

COMMISSIONER GREENE: I'll second that.

CHAIR HUGHES: Motion by Commissioner Bustamante, seconded by Commissioner Greene. Did you want to say something about that?

MR. SNYDER: Mr. Chair and Commissioner Bustamante, there's no problem with that. I will say, and I think I said it earlier, the plans are 100 percent designed already, so the goal with this that's before you today is to bring the engineer of record, that was from years ago, back on the contract to finalize – I'll call it stamp the plans, as well as then have construction oversight services. So I don't want to leave you with the impression that the plans haven't been designed already and I also want to make sure that as we go to meet with the neighbors that it is a design that has been finalized, that took into consideration – there's been – the scope have moved over time. The scope originally, like I said earlier, was 100 percent designed for water structure. And in that it was – it's morphed over the last seven years or so to safety. So I just don't want to give a small impression.

We will meet with the neighbors and we'll hear then if we are to go back to the development board as Commissioner Greene mentioned, there will be time, which we can do. There'll be time and money and I would estimate if we had to go back out to engineering, just to set expectations, go out to engineering, restart the engineering and then go through a contractor, would probably be about two years away from shoveling the ground. And I'm just trying to be realistic and I just want you to know where we're at.

MANAGER SHAFFER: Thank you. If I could, Mr. Chair, Commissioners, what I heard the motion to be is not that we're going to slow down with

the very important project to increase access in the event of flooding, but as we embark upon that we would convene a community meeting to discuss safety and discuss why this aspect is moving forward, and also the overall plan to address safety in the community as well as interim measures that can be taken to help with that particular curve. I might have misunderstood, but that's what I understood the motion to be.

COMMISSIONER BUSTAMANTE: Mr. Chair, Manager Shaffer, I agree. I think that's exactly what I was saying, but I would like to also actually add to that that since those plans have already been done, and I said that we would invite them prior to the shovel getting into the ground, but I think within the next six months I would like those plans to be made available to those landowners right at that intersection. And then we can see if they need to or want to meet. I'm not going to guarantee and I wouldn't want any false assurance that they wouldn't ask for something more different. And I sincerely, in the interest of making things safer would say, you know what, it all stops next month and we have to go back to a drawing board. Sorry for the dollars spent on that, but what is it going to take to not have something that is literally bringing people – taking people to the hospital.

So that being said, I amend my motion that we are going to provide the plans to the neighboring community as soon as we are finished and then we will leave it open. If they want to meet with the County regarding what will be happening with that waterway. That's an amendment to my motion so I'd like to see if my –

COMMISSIONER GREENE: That's friendly. I'm deferring to you. This is your neighborhood and I give you the opportunity.

COMMISSIONER BUSTAMANTE: I appreciate that. So that would be the motion.

CHAIR HUGHES: Okay, so we have a motion by Commissioner Bustamante, a second by Commissioner Greene.

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

CHAIR HUGHES: Okay. Let's take our 4:00 break and then we'll come back to Public Hearing.

[The Commission recessed from 4:15 to 4:25.]

## **8. Matters of Public Concern**

CHAIR HUGHES: Let's gather together and get to item 6. B. I'm sorry. I said we would do Public Hearing, so Public Hearing first. We have just a couple people who are going to give us comments. Can you come forward? Is there anyone on line? Okay, we'll do in-house first and then online. Let's put the three-minute timer up.

JOHN KADLECEK: I'm John Kadlecek, take 2, and I've pretty much learned that me being here today is moot. I came because I was concerned that the finalizing the contract with the Soil & Water Conservation District to do the EWP project in Rio en Medio project wasn't on the agenda. I've since learned it will be on the agenda on Friday and that there's been enough back and forth with them that they've accepted

the contract at this point and on Friday it should all be a done deal.

So now I'm basically just here to thank you again for sponsoring that. The river did go up over the weekend. The last rains, people got scared but there was no damage or incidents or anything, so we're still really hoping that some work will get done this year. And the Soil & Water Conservation District has my contact info, so I can help smooth things through them and offering my contact information of neighbors and that sort of thing. So just thanks again for your sponsorship at this point.

Oh, and one other thing, just internally. The list of ICIP things, I noticed – can I speak on this right now? Okay. I noticed that Rio en Medio open space project is listed as a non-basic need. I would argue that protecting life and property is pretty much a basic needs. I know it has a really strong rating, it's a 65, which makes it important but it doesn't seem appropriate to me that it's considered a non-basic need. So thank you very much.

CHAIR HUGHES: Thank you. Is there anyone else in the room who wishes to speak? If not, Daniel, could we hear online?

DANIEL FRESQUEZ (Media Specialist): Mr. Chair, we have Chris Mechels online.

CHAIR HUGHES: Okay. Chris, if you can unmute and speak to us.

CHRIS MECHELS: This issue I wish to raise with you today, Mr. Chair, members of the Commission, the issue I raise to you I've raised before. It has to do with IPRA, the Information and Public Records Act. There were some recent changes, perhaps in regard to my previous comments, but what they've done is they've made the situation much worse. I repeat: They have changed the policy; they've made the situation much worse. What they have now is they put in a new policy, or your Attorney has put in a new policy that gives you not one, as IPRA has it, but four separate records custodians.

This has just added to the confusion. This was in direct violation of the resolution that establishes the IPRA custodian in Santa Fe County as the County Attorney. You have established, again, by resolution, one records custodian, who is the County Attorney. The County Attorney's Office has now seen fit to turn that into four records custodians and trust me, this is total confusion. The County Clerk's Office is now one of the four custodians and they seem to have no idea whatsoever as to what's going on. They're not communicating per IPRA. They're not supplying records that I've requested. It is utter confusion.

Since you take pride in transparency in some of your documents, and if you pay any attention to the law, IPRA is a law. This is not an amusement. This is a law. Now, it seems the Commissioners are not willing to pay attention to the law. This is one of the most important because the law is the citizens. If you look at the record of the County and right now that is just not working. Again, I've requested meetings with the County Attorney. I get none. I've requested a meeting with the records custodian. I get none. Basically I'm being stonewalled because they don't like the fact that I'm raising the issue.

This leaves it to the Commission. Do you believe in open records? Do you believe in public access? It doesn't look like you do because you haven't seen fit to take this up. Please take up IPRA. The way you're going right now, you're stonewalling the public on this matter and just daring us to sue you and that's not very efficient business. So clearly,

once again, this is about the third or fourth time I've raised this, please, look at the IPRA. Put it on your agenda. Thanks for your attention.

CHAIR HUGHES: Thank you. Is there anyone else online?

MR. FRESQUEZ: Mr. Chair, I do not see any other users online.

CHAIR HUGHES: Okay, in that case that closes Public Hearing.

**B. Request Consideration of and Direction on COLTPAC Recommendation Regarding the Donation Request of Edgewood Open Space to the Town of Edgewood**

CHAIR HUGHES: Adeline.

ADELINE MURTHY (Open Space and Trails): Good afternoon, Mr. Chair, Commissioners. I'm also joined by Chris Mann, COLTPAC chair. I'm coming to you today to present COLTPAC's recommendation regarding the request of the Town of Edgewood to donate – for Santa Fe County to donate the Edgewood open space and equestrian center to the town.

This open space is located at 91 and 97 West Frontage Road in Edgewood, New Mexico and is owned, operated and maintained by Santa Fe County. The property features an outdoor equestrian arena with three miles of trails on 30 acres. The Town of Edgewood submitted a formal request in July of 2023 for Santa Fe County to donate this property to the town. The County communicated a process to the town that the County would follow to evaluate a formal request made by the town for this potential donation, which is as follows: A formal request would have to be made by the town to include the following information and materials: a resolution adopted by the town commission establishing that the commission desires to have the property donated to the town and its commitment to paying the transaction costs associated with the transaction; details on the town's short-, mid- and long-term plans for the property; evidence that the town has adequate budgetary resources for the operation and maintenance of the property; and has a plan to fund any further intended development and any other information the town feels would be relevant to the County's evaluation of its request.

The town's request would first be evaluated by COLTPAC which may ask for additional information and make a recommendation to the Board of County Commissioners. Then assuming it is decided to consider the donation after receiving COLTPAC's recommendation, the Board would hold one or more public hearings before taking the final action on the proposed donation, which approved may include terms and conditions concerning the development and use of the property. And finally, the donation, if approved by the Board would also have to be approved by the State Board of Finance.

COLTPAC evaluated the town's formal request and conducted a site visit to the property. The evaluation included research on the property and the consideration of a variety of options for the future management and ownership of the property. Key findings of COLTPAC's evaluation included that the property was purchased in 2000 for \$840,000. The County built a horse arena and associated infrastructure such as parking, trails, drainage improvements, restrooms, and seating between fiscal years 2010 and 2014, expending \$912,000. And then the property was opened for use in 2013.

Management of the property has been the responsibility of the town and/or County at different times. Most recently the County assumed management of the property in 2020 and equestrian users COLTPAC members spoke with were generally pleased with the current management of the facility. And the last key finding is that the management of the property does place a burden on County maintenance staff due to the distance of the facility from the Public Works headquarters in Santa Fe.

Following this evaluation COLTPAC responded to the town with a request for additional information on the town's plans and budgetary resources. COLTPAC did not receive a response from the town within the requested timeframe. In addition, the town resolution establishing its desire to have the property donated to the town did not explicitly state that the town would pay for the transaction costs associated with the conveyance of the property.

COLTPAC then held a meeting on May 22<sup>nd</sup> of this year and voted to approve the following statement and recommendation to the Board of County Commissioners:

COLTPAC has carefully considered the request of the Town of Edgewood that Santa Fe County donate the Edgewood equestrian center to the town. Our findings on this matter are detailed in the accompanying memorandum prepared by County staff. In summary, the committee finds that there's no significant deficiency in current management of the property, no compelling public interest, and insufficient information to justify conveying the property to the Town of Edgewood. Therefore COLTPAC recommends that the County reject the Town of Edgewood's request for donation of the Edgewood equestrian center to the town and that the County maintain ownership and management of the property.

However, should the Board desire to convey the management of the property to the town, COLTPAC recommends that instead of a donation, the County offer the town a low cost lease with stipulations for adequate maintenance, public access and stewardship of the property. COLTPAC further recommends that the County designate a trustee to assist with the management of the facility.

Staff recommends approval of COLTPAC's recommendation that the County maintain ownership of Edgewood open space and I stand for any questions as does the COLTPAC Chair, Chris Mann.

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

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Adeline. So did we quantify how much money we put into this property on top of any acquisition costs? I didn't quite see that in there.

MS. MURTHY: Yes. So the cost to build the infrastructure was \$912,000.

COMMISSIONER GREENE: Was Edgewood planning on compensating for that or that was all part of the donation?

MS. MURTHY: That would be part of the donation.

COMMISSIONER GREENE: Okay. Thanks.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So basically, we keep the property and lease it to them, that's what I heard of the final offer.

MS. MURTHY: No. That would be if the Board desires to convey the management of the property to the town.

COMMISSIONER HANSEN: So I'm not in favor of conveying management of the property to the town. I think the open space has been well taken care of and I want to support what COLTPAC is suggesting that we, the County, keep this land. Right?

MS. MURTHY: Yes. Mr. Chair and Commissioner Hansen, that's correct.

COMMISSIONER HANSEN: Okay. Thank you.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, Adeline, thank you for working with COLTPAC to have this evaluated. I am as well in line with the recommendation as this was not just a decision that was made without deep consideration of what the benefits and what the asset means to the County, as well as it was brought to me via one of the commissioners with Edgewood who has asked that give current status of the overall governance that we be asked to not consider it. So in line with that I'm grateful for your good work and I would like to make a motion that we concur with the recommendations of COLTPAC not to donate this property or lease it to the Town of Edgewood. It's being managed well and I did hear from constituent, if we're in line, if someone could check what the constituents said, given current circumstances.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Any other comments?

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

CHAIR HUGHES: Okay. We agree with COLTPAC.

MS. MURTHY: Thank you.

COMMISSIONER HAMILTON: And thank COLTPAC for the work in doing this. It's very helpful.

CHAIR HUGHES: Yes. Thank you COLTPAC. And the motion was by Commissioner Bustamante, seconded by Commissioner Hamilton.

**C. Resolution No. 2024-081, a Resolution Amending and Restating Resolution 2010-104, as Amended, to Consolidate Previous Amendments into One Resolution for Ease of Reference, to Modify the Composition of the Governing Body for the Housing Authority of Santa Fe County, to Add or Modify Resident Member Provisions, and to Amend the Duties of the Executive Director**

CHAIR HUGHES: Jordan.

JORDAN BARELA (Housing Authority Director): Thank you, Mr. Chair. This resolution, the substance of the resolution being presented to you today essentially amends Resolution 2010-104 and of course restates that. For background, Resolution 2010-104 is the current resolution that dictates the makeup of the Santa Fe County Housing Authority Board, and as currently constructed, that Board contains five members of the Board of County Commissioners as well as one resident member, and that position is dictated by federal law, as well as a community member.

Pursuant to Municipal Housing Law that provides direction to local government

on how to establish Housing Authority boards; that statute really provides two options. So pursuant to Section 5 a local government can establish a separate and independent board made up of three, five or seven community members. The two act as a governing body of a housing authority. The second option under Section 4 of that law will allow a local government to retain the housing authority as a division of itself, in which case the local government body – a board of county commissioners, a council – would act as the governing board of a housing authority.

When the Housing Authority was initially established in 1982 it was established pursuant to Section 5 with an independent body that acted as a governing board. In 1996 the Board of County Commissioners dissolved the independent board and reverted all powers authorized to that board back to the Board of County Commissioners of Santa Fe County. Since 1996 the Santa Fe County Housing Authority has operated as a division of the County of Santa Fe.

Resolution 2010-104, we're proposing a couple changes to that. Firstly is amending the resolution which as currently constructed does not explicitly state that the Housing Authority is a division of local government or that the BCC is in fact the governing body, which does create some concerns and ambiguities, is the authority created under Section 4 or under Section 5. So we wanted to address some of that language to make some clarification. But as this Board is aware from previous meetings staff have also had a discussion with the Department of Housing and Urban Development that oversees all housing authorities within the State of New Mexico, all local government housing authorities that is.

To review the board makeup – and they felt that the board makeup was in compliance with Section 4 of the Municipal Housing Law with the exception of the community member. That position of the community member has been vacant for some time and so staff are coming forward to present this resolution for potential approval to really achieve five goals, and one is that the resolution explicitly details that the Authority is a division of the County of Santa Fe in accordance with Section 4 of the Municipal Housing Law. Two, the resolution restructures the board makeup to remove the community member position. Three, the resolution ensures compliance with the federal statute I mentioned before, Section 505 of the Quality Housing and Work Responsibility Act of 1998. That requires us to maintain a resident member and that's directly assisted by the Authority.

Four, this resolution consolidates previous amendments to Resolution 2010-104 into a single resolution for ease of reference and the fifth and final goal in this resolution is to amend and add additional duties for the executive director position. And with that I will conclude my presentation and stand for questions.

CHAIR HUGHES: Any questions? I'll say that this appears to be our only choice of action since HUD put down our last proposal. Commissioner Hamilton.

COMMISSIONER HAMILTON: I'll make a motion to approve.

CHAIR HUGHES: I'll second. Any more discussion? Okay, motion by Commissioner Hamilton, seconded by Commissioner Hughes.

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

**D. Request Delegation of Signature Authority to the County Manager to Negotiate and Execute All Contract Documents and Purchase Order(s) for the Procurement of Construction Services Required on Four County Road Improvements Identified by Infrastructure Management Services, LP, for an Estimated Cost for Construction of \$2,000,000, Inclusive of NM GRT**

CHAIR HUGHES: Welcome back to the front.

MR. TAYLOR: Thank you, Mr. Chair, Commissioners. In an effort to sort of expedite the procurement process we requested a delegation of signature authority while we procure the services for construction for multiple road improvements at County Road 45, Bonanza Creek, Fin del Sendero, Camino de Jacobo and Camino Lisa roads and improvement that have been identified by the County's infrastructure system as a high priority of attention. And so the procurement was completed. We have received bids. The low responsive bid that is within the budget for the project. And so Mr. Lawrence Imprescia is here to answer any questions the Board may have about the project itself. With that I'll stand for questions.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. Thank you, Bill. So a question about Camino Lisa. I know that that road is an emergency egress, a secondary access or exit from Hyde Park Estates 1, I think it is. Hyde Park 1, and connects to a neighboring development. Is there any design intention there to deal with emergency egress pathway there? Has that been taken into account?

MR. IMPRESCIA: Mr. Chair, Commissioner Greene, it's a dead end road at the top. It tops out.

COMMISSIONER GREENE: It's not. It actually has an emergency fire access at the very top.

MR. IMPRESCIA: Okay, I'm not aware of that.

COMMISSIONER GREENE: That's one of my concerns is to make sure that the design and everything – there's only one way out of that development except at the top of Camino Lisa it connects to the neighboring development.

MR. IMPRESCIA: Mr. Chair, Commissioner Greene, if there's another road that comes off of it, like I say, I'm not aware of it. This is a maintenance projects. It's not a redesign or a re-engineering project. It's basically to resurface the roadway. It's a lot of wear and tear because it's very steep. There's up to a 16 percent grade on this roadway, so there's a lot of snow that collects there during the year and we just have to try to maintain it a little bit more often than some of the roads. So there's no design on it. This was all in-house design if you want to call it that, basically estimating and getting prices together and a bid package together to get it maintained.

COMMISSIONER GREENE: Okay, if it's that minimal of a scope I understand. As we were saying earlier, when you're doing it do it right. And so – there's some, I know at the bottom of Camino Lisa it's a little bit of a sharp curve and at the top it is a weird roundabout cul-de-sac detail, but the -- is at the southern end of that cul-de-sac has an easement that connects to the development next door and that is the emergency access or egress for both of those developments should a fire cut off access.



MR. IMPRESCIA: Commissioner Greene, Mr. Chair, do you know which – there's a house where you drive through their driveway.

COMMISSIONER GREENE: Yes.

MR. IMPRESCIA: Okay. Well, this was never something that we were considering in just a maintenance project. We're just looking at resurfacing the road.

COMMISSIONER GREENE: Okay. It would be good to make sure that any transitions on to that driveway were addressed, if there's a drop-off. Anything that's necessary in either direction would be looked at.

MR. IMPRESCIA: Oh, yes. We're planning on doing that. We're going to be paving into the driveways and tapering the asphalt in and fixing the edges where there's erosion along the sides.

COMMISSIONER GREENE: And I think at the bottom where it connects to Paseo Primero to make sure that the radiuses are taken into account, so in case of an emergency a truck or anybody that needs to get out of there quickly doesn't have a really sharp curve or anything like that. Anyway, minor details, but if you're looking at it as an emergency egress there's another set of eyes that look at it that way.

MR. IMPRESCIA: Okay.

COMMISSIONER GREENE: Thank you.

CHAIR HUGHES: Other questions. I just have a question about Bonanza Creek Road, does that include a blinking stop sign?

MR. IMPRESCIA: Mr. Chair, yes, it does. We're going to be putting a blinking stop sign on Bonanza Creek as you approach Highway 14, and also on the opposite side on Shenandoah Trail. There's been approvals already for the District 5 engineer for us to do that through the State Highway Department, and we're also going to be including rumble strips on Shenandoah Trail, which is 44 on the east side of 14 and 45, a series of rumble strips there. And so we're looking at those safety features because there has been some accidents there too.

CHAIR HUGHES: Okay. Good. Hopefully that improves safety.

MR. IMPRESCIA: Let's hope so.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Yes.

COMMISSIONER HANSEN: Thank you, Lawrence. I think Bonanza Creek definitely needs all of the above as I actually drive that road occasionally. So I think that's great. If there's no other questions I will make a motion to approve this request delegation of signature authority to the County Manager to negotiate all contracts and procurement.

COMMISSIONER BUSTAMANTE: Second.

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

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

**E. Request Approval of an Agreement Between the Santa Fe County Deputy Sheriff's Association, a Subsidiary of the New Mexico Coalition of Public Safety Officers/NMCPSO and the County of Santa Fe, New Mexico, July 13, 2024, Through June 30, 2027**

CHAIR HUGHES: Rachel.

RACHEL BROWN (Deputy County Attorney): Good afternoon, Commission. I'm here today to present to you a newly negotiated collective bargaining agreement between the Sheriff's Deputies Association and the County. I have a large delegation of people who are here to lend their support to the recommendation that you approve this agreement. This was one of the most collaborative and efficient negotiations we have had. We were able to complete this negotiation in less than three months and are looking to end the existing contract which is expected to run through December and put this contract in place beginning at the first full pay period in July as a replacement in order to more immediately address staffing issues within the Sheriff's Office.

And I'll run through just some of the highlights of what we changed. My memo describes in detail what we've changed but you'll see that there have been some changes to the management rights section to ensure that we get input from the bargaining unit before we change policies that affect the members, where previously there was no mandate that we receive their input. We all agree that we benefit from receiving that input.

And we are modifying the insurance provisions to allow for increases in the tiers when there are COLAs put in place. The increases would go into effect the following January to ensure that COLAs do not erode the insurance tiers that people are placed in.

We also increased the clothing allowance due to the increasing costs of uniforms from \$590 to \$650 annually. And we made some changes to the internal affairs section that place timelines on things so that there's a little bit more structure to how that process rolls out. And we all felt that that would be very beneficial to the internal affairs process.

We made some clarifications to the disciplinary sections to make clear that the pre-disciplinary hearing is a meeting. It's an opportunity to discuss discipline before it's imposed but not a hearing as that concept is contemplated by the Peace Officers Act.

We are proposing that the retirement benefits be modified so that when the contributions for employees increase in July as mandated by state law, our contributions on behalf of employees for their portion of the PERA contributions is increased to 75 percent of that contribution amount. It's a substantial benefit to the membership and very valuable and useful in their recruitment.

Perhaps the most critical element of the amendment had to do with Section 36, Wages, where we made significant increases in the rates paid to Sheriff's Deputy I, II, III, Corporal and Sergeant, which is the bargaining unit positions, in order to remain competitive with area organizations, and when you couple that with the generous retirement benefits that we're proposing we're really a very competitive organization at that point financially.

We expanded the referral bonus program so that should a Sheriff's bargaining unit employee refer someone to the County for any job that is vacant in the County and we have a successful hire, and someone who stays long enough, the referring employee

would receive a bonus. Right now they only receive those bonuses if they refer someone to the Sheriff's Office, so just broadening the benefit there.

We modified the shift differentials down slightly and eliminated one shift differential that's no longer relevant based on scheduling, and we modified them down in order to be able to offer the competitive hourly rates but also because that shift differential becomes much more valuable now that the rates are so high. And so they are still very generous shift differential provisions.

And we added an incentive program. We have many incentive programs in the Sheriff's Department. We have added one for the assignment of certain officers to bilingual duties where they would be translating out in the field and they would receive some incentive pay for becoming certified as competent to translate and then providing those services as assigned by the Sheriff.

We also changed on-call time so that rather than receiving comp time employees are actually paid straight time for being on call. And we modified the court time so that now that many hearings are not in person, we're not paying a mandatory two hours for every remote hearing they may attend and we've reduced the time that is automatically compensated. Of course they're always compensated for actual time worked if it goes beyond the hour that they're compensated for automatically.

And finally, the contract is a three-year term, so we won't come back to you with a new contract for three years. It will begin the first pay period in July, which I believe is July 14<sup>th</sup>, and would expire at the end of June in 2027. I don't know if the Sheriff or the HR Director or anyone else would like to comment on this, but I just want to applaud everyone for the incredible effort that went into this and the true collaboration between the bargaining unit and the management team.

CHAIR HUGHES: Thank you. Sheriff, do you want to say anything?

ADAN MENDOZA (County Sheriff): Thank you, Mr. Chair, Commission. I just wanted to express my appreciation for both negotiating sides of the team, the team that the County put forth and my staff which came to support this amendment or ratification of the contract, no matter who were on the bargaining team. But we do realize that this was an expedited process that didn't necessarily need to go into effect into I think it was December or January of this next year, but we realized that it needed doing sooner rather than later to address some of the staffing issues and some of the things – issues and concerns within the contract.

Anytime we bargain or we come to the table on a contract it's a balance and it's a compromise, and I can assure you that those concerns that were brought to the table not only by the union membership but also we took into consideration what's best for the County and what's best for the community and for Santa Fe County. And we think there was a really good job that was done on this contract. We addressed really one of the big things that, as Rachel stated, the compensation, salary compensation, which now with State Police, with the raises that they received this last year, made the competition for salaries very competitive and I think we're at the table and we're very competitive. We always have been and I appreciate your support and I'm hoping and asking you for support for the approval of this contract. So thank you very much.

CHAIR HUGHES: Thank you. Any questions?

COMMISSIONER HAMILTON: I'll make a motion to approve.

COMMISSIONER HANSEN: Second.

COMMISSIONER GREENE: Under discussion.

CHAIR HUGHES: We have a motion by Commissioner Hamilton and a second by Commissioner Hansen, and discussion by Commissioner Greene.

COMMISSIONER GREENE: Just in general support of this. I really like the idea that there will be incentives for bilingual officers. I think a lot of our community is singularly lingual and Spanish speakers so having that bilingual resource is something that will do a great job for when these bilingual situations, when somebody needs to speak both English and Spanish in a confrontation or something like that, that the deputy can actually help translate between people so miscommunications – this is a great resource to have on your team.

I also know that in the apples to apples, like we talk here about the pay rates, it would be great some time to really show how this compares to other – maybe it's not necessarily for our resolution here, but it could be in part of the back up to say how this compares to our other folks here, so that we would have a reference point to go, this is great. Or we're overpaying or we're underpaying and boy, you should go even further. You've done the legwork but we would feel much more confident if I saw, hey, look, it's \$44 an hour, but Santa Fe is at \$45 and the State Police is at \$50, it would be good to be able to see that in this, just to get some reference point. But anyway, thank you very much and good luck with this and happy recruiting and retaining.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, I just want to commend the bargaining team. Thank you for your good work as well. I applaud you in your efforts. Thank you.

COMMISSIONER HANSEN: Mr. Chair.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Also, Thank you, Rachel, Valerie, Sheriff Mendoza, for your work. So my question is about the compensation. I'm supportive of this, completely, but they had an increase in retirement. How long do they have to work at the County to get that retirement? Do they have to be here the entire time?

SHERIFF MENDOZA: It differs. If an officer comes and they've worked for another agency then their time comes with them. So they don't necessarily have to start at the Santa Fe County in order to retire from Santa Fe County. Those cadets, the ones we're referring to, people with work experience, they have the option of working here the 25 years is the new standard for retirement for law enforcement. So they could work here the whole time and retire from the Sheriff's Office or the County, but it doesn't bar them from applying for other agencies or moving on but our intent is to attract qualified deputies to the Sheriff's Office and keep them here and maintain them throughout their career so that they do retire from the Sheriff's Office. That's our intent and that's our goal. And this contract gets us one step closer to doing that.

COMMISSIONER HANSEN: Great. So if they're here for five years and they move on, what happens?

SHERIFF MENDOZA: We lose a lot of energy, resources and time and effort in that employee and I think that's why it's so important to maintain the employees and the deputies that we have to incentivize them to keep working here at Santa Fe

County. And recruit other certified officers throughout the state or throughout the county to come and join the Sheriff's Office. So that's why –

COMMISSIONER HANSEN: If they leave then the lose –

SHERIFF MENDOZA: They don't lose. They can go to another state agency and continue their time.

COMMISSIONER HANSEN: Right. But they would not receive the same benefit they would receive, whatever the benefit is at another place, right?

SHERIFF MENDOZA: I'm not sure I'm understanding your question. Maybe Rachel can.

MS. BROWN: If your question is whether we continue to contribute the 75 percent of the employee's portion if they leave the County, no, we do not. They move on to whatever terms their new employer offers.

COMMISSIONER HANSEN: Right. That's what I thought. So they lose that. Okay. Thank you.

CHAIR HUGHES: Any other discussion? Commissioner Hamilton made the motion, Commissioner Hansen seconded.

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

**F. Resolution No. 2024-082 Resolution to Commit Santa Fe County Fiscal Year 2024 Fund Balance**

CHAIR HUGHES: Next we have Yvonne.

YVONNE HERRERA (Finance Director): Mr. Chair, Commissioners, Government Accounting Standards issues statement #54, fund balance reporting and governmental fund definitions recommending local governments establish a formal policy related to the accounting and financial reporting of governmental fund balances.

In response to the accounting standard, the Board originally passed Resolution 2015-84, then repealed and replaced it with the County's fund balance reserve and budget contingency policy in Resolution 2019-7. GASBE statement #54 defined classifications of fund balance as the following: non-spendable fund balance – amounts that are not in a spendable form, cannot be spent and/or are required by legal or contractual reasons to be maintained intact.

Restricted fund balance amounts that are constrained by external providers, creditors, grantors and other governments, constitutionally or through legislation. Committed fund balance – fund balance that has been designated as spendable and non-restricted by resolution or ordinance, adopted by the Board. Committed amounts remain committed unless removed using the same method as the commitment.

Assigned fund balance represents the intentional constraints placed on resources at a level before the governing body as designated such as the County Manager or the Finance Director.

Unassigned, the remaining amount of fund balance not specifically identified as one of the previous four classifications. Only the general fund can have a positive unassigned fund balance.

Unrestricted fund balance, the total of committed, assigned and unassigned fund

balance.

The County's reserve policy was changed to establish reserve levels to address the predictability or unpredictability and the totality of revenues and expenditures, one time constraints such as disasters, immediate capital needs and dependency on the general fund by other operating funds within the County, contingent liability as well as economic downturns.

With today's resolution we're requesting the Board to commit fund balances as of June 30<sup>th</sup> in accordance with the County's reserve policy for the general fund, special revenue funds supporting County staff and ongoing iterations [inaudible] enterprise funds, and the County's self-insurance fund. For those reserve economists that identify a percentage range of the unrestricted fund balance from the prior year financial report, there were no changes to those percentages.

The calculated committed amounts are in addition to the fund balance requirements or constraints imposed by law, contract, or other sources outside the County policy.

Exhibit B represents the calculated committed amounts for each applicable fund based on the prescribed reserve criteria. Exhibit C provides details of the change in the committed amounts for each fund for the fiscal year 23. Exhibit D details the amount, the estimated fund balance in the applicable components for fiscal year 24. It's important to note that these amounts are only estimates, as fiscal year 24 is still being reconciled and will be audited by Moss Adams.

It is also important to note that Exhibit B is a County presentation rather than a budgetary one. The amounts reflected may not be available for new projects or initiatives. More specifically, restricted, committed, assigned and unassigned are accounting terms and special revenue and enterprise funds are not shown as restricted and have already been budgeted for fiscal year 24 or fiscal year 25. And with that, Mr. Chair, I stand for any questions.

CHAIR HUGHES: Any questions?

COMMISSIONER GREENE: Yes, please.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Yvonne. We are in the process this year I think, of reassessing our reserves. Correct? And so this is just an interim, like continuation of where we're at but next year we may have a different formula?

MS. HERRERA: Mr. Chair, Commissioner Greene, that's correct. We're in the preliminary stages. We talked with a contractor at looking at reserves using risk based upon County – what we see in environment, economics, specific to Santa Fe County. But yes. This County policy was required for the financial statements to have the Board commit these by June 30<sup>th</sup>.

COMMISSIONER GREENE: So our hands are sort of tied by resolution and things like this at this point, so we're committing this. I just want to sort question the methodology going forward on this. When we – in a disaster recovery situation, of course you can't predict a disaster, nobody can foresee the Spanish Inquisition, and most disasters of a decent scale would probably be covered by outside factors, whether it's a statewide disaster declaration that goes to FEMA or things like that. Is that something –

have we ever had to pay out of pocket? And what are examples when a big disaster happens and for instance the fed comes through or the fed doesn't come through and it would be a county that is held liable for those situations. Because 15 percent is a big number.

MS. HERRERA: Mr. Chair, Commissioner Greene, I remember that we had a problem that we had to use some of the reserves was related to the 1,000-year flood, the damage that occurred. But unfortunately I'm not sure if any of that was covered by any other resources. I don't know if the County Manager knows of anything else.

COMMISSIONER HANSEN: Mr. Chair, I agree with Yvonne.

COMMISSIONER GREENE: It wasn't insured.

COMMISSIONER HANSEN: It was not.

COMMISSIONER GREENE: It was not. Okay. And was that like something of the order of magnitude that a 15 percent reserve was necessary?

MS. HERRERA: Chair Hughes and Commissioner Greene, I'm not sure. I don't remember. I'd have to go back and look at the records to figure out how much we had to spend related to fixed income for different damages.

MANAGER SHAFFER: If I could, Mr. Chair and Commissioners, the other factor you have to take into account is even if FEMA does – there is a federally declared disaster, on a good day you're looking at two years, 18 months to two years to get reimbursed from FEMA. So you have to have the cash to actually respond to the emergency, even if you're going to get reimbursed. And so you have to factor that into the analysis as well. You have to pay the bills in the meantime.

COMMISSIONER GREENE: Okay. Great. Thank you. Another one. I know that we have an economist on board that gives us all sorts of good detail into this predictions of where the economy is going. I wonder if we're starting to look at a more dynamic model and starting to look at things that can be more predictive of things. Whether it's like building permits or gross receipts tax, and looking at – we get monthly reports when they give us distributions. Are we starting to track those to be a little bit more dynamic in those trends so we can see whether we need bigger reserves or less?

MS. HERRERA: Mr. Chair, Commissioner Greene, I would expect that to occur as we evaluate – with the contractor we go with in looking at our reserves, that we would do that during that time, and include that with that revised policy.

COMMISSIONER GREENE: Okay. I'll also defer to what we come up with in the future but I would hope that they would run more dynamic and smarter for using a smart organizational sort of strategy. The algorithm is there. We have so many data points of whether it's building permits or whether it's gross receipts of internet sales, then we can start to see – one month might be a blip but three months makes a trend and so on. So I would hope that we would start to be a smarter, more analytical organization. Thanks.

MANAGER SHAFFER: If I could, and thank you, Mr. Chair and Commissioner Greene. That is in fact the direction that staff recommended and the direction we're heading in. The risk-based assessment of reserves, it's the same modeling that insurance companies use, and so the end result should be a model that is dynamic but also creates what they refer to as multiverses in terms of looking at what if you had a

flood followed after your fires. And they start to stack those things up. So, yes, that is in fact what was recommended by staff and adopted by the Board as part of the strategic plan and that's what we'll be doing over the next six months.

COMMISSIONER GREENE: Fantastic. Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: I'll make a motion to commit Santa Fe County fiscal year 2024 fund balance.

COMMISSIONER HAMILTON: Second.

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

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

CHAIR HUGHES: I had the same questions Commissioner Greene had but you got them answered.

**6. H. Resolution No. 2024-083, a Resolution Accepting Subrecipient Agreement #21-ZF3512-2 and Subrecipient Agreement #22-ZG1018-6 for the Española Pathway's Shelter Renovation Project and Granting the County Manager Signatory Authority to Sign and Execute any and all Documents Related to These Grant Awards**

CHAIR HUGHES: Leandro.

MR. CORDOVA: Good afternoon. Thank you, Mr. Chair, Commissioners. I'm here today asking – the Community Development Department received funding from the New Mexico Governor's Office via a subrecipient agreement, two different subrecipient agreements for the Española Pathways Shelter renovation project. A little bit of background. As Community Development operates the affordable housing program for the County they have been coordinating a renovation project with Española's Pathways Shelter for their Pathways Village transitional living facility.

On June 18, 2024 the Community Development Department received the two subrecipient grants for the renovation project from NMDFA. The funds were awarded via the Governor's Office and the amount – one agreement is \$702,560; the other agreement is \$97,440 for a total amount of \$800,000 for both agreements. DFA has requested the subrecipient agreements be approved and returned by June 28<sup>th</sup>. The award is applying federal American Rescue Plan Act or ARPA funds, and must be encumbered by December 31<sup>st</sup>. Any unspent funds from this project will revert back to DFA.

In addition to these grants the County has received or anticipates receiving legislative appropriation grants for the transitional living facility totaling approximately \$772,900.

Ultimately, the County will need to enter into an agreement with Pathways defining the scope of the project, roles and responsibilities, and affordability and security requirements to ensure compliance with grant requirements and all other regulatory requirements. Our staff has been working with Pathways. We've had different meetings. We've also started communicating with our Procurement Office to see how we would



take this forward.

The recommended action would be the Community Development Department, via the Finance Division, recommends approval of a resolution accepting subrecipient agreements for Espanola Pathways shelter renovation project and granting the County Manager signatory authority to sign and execute any and all documents related to these grants. And I would stand for any questions at this time. And I might ask Jordan if the question is too tough to help me.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Just to thank you for bringing this forward. Pathways Shelter does a great job with providing a needed service to people in need of transitional housing who are at risk, in many cases coming out of the streets and out of substance abuse issues. I was impressed to meet with a bunch of the folks up there and what they're doing and I thank you for helping expedite this and getting it into their hands so we can help them upgrade that facility.

COMMISSIONER HAMILTON: Mr. Chair.

CHAIR HUGHES: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: So just for clarify, my understanding is though that this is not a pass-through, that the County would manage this renovation project? Or oversee it?

MR.CORDOVA: Mr. Chair, Commissioner Hamilton, in oversight, we would definitely work with them. We would do our best to help guide them through the process, helping them along the way. They have a bit of a capacity issue within the Pathways organization and I think they are leaning on the County to help them get through this.

COMMISSIONER HAMILTON: So given that capacity issue, are you comfortable with the arrangement so that the help we give is going to be adequate actually get the job done efficiently and appropriately?

MR.CORDOVA: Mr. Chair, Commissioner Hamilton, we are comfortable with the support that we would be giving them. We would have to enter into agreements and they would have to comply with all regulations within the grants available to us. We don't want to hold up any of their progress. We are still working with them and we would still have to hold them to that standard. So to answer your question, both yes and no. We'll work with them but we're also making sure that the County would be covered in any relationship that we move forward with.

COMMISSIONER HAMILTON: Right. There are some controls that would give the County the ability to make management decisions that their capacity gaps need to be filled.

MR.CORDOVA: Yes.

COMMISSIONER HAMILTON: Very good. Thank you.

COMMISSIONER GREENE: Mr. Chair, may I make a motion?

CHAIR HUGHES: Yes.

COMMISSIONER GREENE: Thank you. I would make a motion that we accept a resolution, pass a resolution accepting Subrecipient Agreement #21-ZF3512-2 and Subrecipient Agreement #22-ZG1018-6 for the Española pathways shelter renovation

project and granting the County Manager signatory authority to sign and execute any and all documents related to these grant awards.

COMMISSIONER HAMILTON: Second.

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

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

MANAGER SHAFFER: Mr. Chair, as we move on to the presentations I was going to respectfully suggest that we do the Transportation Advisory Committee presentation, item 7. C first. We do have representation from the TAC here and as they are volunteers we want to be respectful of their time if we could.

CHAIR HUGHES: Yes. Commissioner Hansen also suggested that.

7. **Presentations**

C. **Presentation and Report from the Transportation Advisory Committee on the Results of the Automated Speed Camera Feasibility Assessment**

BENJAMIN BACHWIRTZ-LOPEZ (Transportation Planner): Mr. Chair and Commissioners, good afternoon. Good evening. I'm pleased to be presenting to you on behalf of our Transportation Advisory Committee or TAC. The results of our work as a committee and staff on the top of speed cameras and their feasibility in Santa Fe County.

As the County Manager mentioned, we have three members of our 13-member TAC with us today. I very much appreciate them attending. From your left to your right, we have Mr. Jim Murphy, we have our vice chair, Christina Chaveria, and then Mr. Tim O'Malley. I'd also like to acknowledge Mr. Brett Clavio, the Planning Manager who provided invaluable assistance in getting this work product finished.

The work product is in fact a written report that I'm going to present to you today, or just the highlights of that report. You will be able to see that report and return to us with any questions. We are intentionally presenting this as an informational item asking for direction as to any particular path, because there's a lot of information in the report. It's also a politically sensitive topic and we want you as Commissioners to be able to take the time you feel you need to study the issue, study the work, the information that the TAC has put together, and at a future time when and if you're ready to provide direction as to a particular path forward with the safety approach we'll of course be ready to accommodate.

I'm going to set the stage by reading from the memorandum that we prepared supporting this item and then switch to the power point presentation, slide show presentation, which summarizes the report. The report is contained in the packet but we felt that a slide show presentation would be a more engaging way to present the information.

So from the memorandum, in the 2024 work plan for the Transportation Advisory Committee or TAC, approved by Resolution No. 2024-11 which is included as Exhibit A,

the Board of County Commissioners, the Board or BCC, asked the TAC to assess the feasibility of automated speed enforcement, also known as ASE, in Santa Fe County, by June 30, 2024. The TAC voted on June 5, 2024, to accept the findings of its draft Automated Speed-Camera Feasibility Report or ASE Report, included as Exhibit B, and to recommend forwarding the report to the Board for review and discussion. A presentation summarizing the report is included in Exhibit C.

Moving on to background: The timeline related to this item, as part of its 2024 work plan approved by BCC, the TAC was tasked with the following: “Automated Speed Enforcement Program, aka speed cameras: analyze and make recommendations concerning potential automated speed enforcement program, including pros and cons of such a program, experience of other jurisdictions, and, if such a program were to be adopted, criteria to be used in determining location of speed cameras.”

The work plan gave a tentative due date for the task of June 30, 2024, and as mentioned before, the attached ASE Report is included as Exhibit B and that report fulfills the work plan tasks assigned to TAC.

In order to complete the task, the TAC’s Transportation Safety Subcommittee or TSS and staff chose to establish a Speed Camera Working Group comprised of three subcommittee members, County staff, and a Santa Fe MPO representative. The working group met five times to review the latest available research on automated speed enforcement, examine case studies of ASE use, and address the TAC’s other points of analysis regarding ASE.

The working group and the subcommittee, the TSS agreed that a written report would be the best format through which to communicate the working group’s findings. An initial draft of the ASE Report was reviewed by working group members and revised per their comments. A revised draft was transmitted to the TAC on May 30, 2024. The County Manager’s Office also received the initial draft on May 29. The TAC voted at a special meeting on June 5<sup>th</sup> to accept the draft report’s findings and conclusions and to forward the report to the BCC for the BCC’s review and discussion.

At this time I’d like to shift over to the slide show presentation and present the highlights of the report. The key findings are also provided in the memo if you want to use that as a point or reference.

So just so we’re all on the same page, I want to provide an overview and this is described as well in the report. We describe the definition of ASE, the components of it and how it works at a basic level. So ASE is a camera and a speed detection device to detect vehicles speeding of a “threshold speed” which is usually ten or eleven miles per hour over the posted speed limit. I say usually, because in many cases in a sensitive context, such as a school zone, a work zone, near a park or university, jurisdictions may set the threshold speed as low as five miles per hour over the speed limit.

The purpose of the camera within the ASE equipment is to record evidence of violation. If the system records a violation the equipment will forward evidence electronically for a view of the violation by a human being. The three key types of ASE equipment that’s used across the United States and in international use, they may be fixed in the case of the City of Albuquerque where they have fixed ASE equipment somewhat permanently to a street pole. Mobile, which is the approach that the City of Rio Rancho uses these speed vans which they can move around the community. And there’s a third

approach, not used so much in the United States known as point-to-point. A colleague of ours the Growth Management Department was recently traveling internationally and saw and saw it used in a large European capital city. As you enter a tunnel, there's one device that detects all vehicles that enter the tunnel, a camera, of course license plate information like that, and a similar device on the exit to the tunnel. If you are found by the system to have exceeded – if your average speed through the tunnel, recorded by the first and second device, if your average speed exceeds the posted speed limit, reached that threshold speed, that would be violation.

Again, not an approach used in the United States but a potentially useful one that we thought was worth mentioning. I'll describe its potential application in a moment.

Continuing with the overview of ASE, it's important to think of it as more than just speed cameras. It is really a program in whatever community it's employed. It involves staff, often contractors, software and so on to support operations of the program. The vast majority of the communities – I should say communities in the United States, use contractors to install and maintain ASE equipment and in many case to perform some basic clerical functions to support the program.

Law enforcement is almost always involved in the United States. We'll talk about that later on. In many communities, in order to take – because the speed camera can issue a lot of violations in a short period of time, if folks are trying to challenge those violations in court that could put quite a strain on municipal court, your traffic court system, so many communities appoint a hearing officer or administrative judge to hear exclusively challenges to violations in order to take the strain off the regular traffic court system.

A typical process for recording, issuing and adjudicating an ASE violation is described in the green box on the right there. So a violation is usually reviewed by, again, a human being. The fine – most communities and states is actually technically issued by a law enforcement officer who issues that fine if unable to, based on the information from the speed camera, from the ASE electronic system, is able to confirm that a violation took place, they will sign off as they would with an in-person traffic ticket.

The fine is going to be mailed to the registered owner of the vehicle, typically. If you were not the driver – if the registered owner was not the driver of that vehicle there's a way to work that all out through that hearing officer process. Fines that are issued by ASE are usually civil and the amount that can be associated with the fine is usually capped by state law. In New Mexico, the case here New Mexico law. Generally, if left unpaid, because they're only civil fines, the fines go to debt collection. There's no more recourse for the jurisdiction to try to follow up on the payment of the fine.

I'll speak about Albuquerque's program in a little more detail in a moment here. That is how their program worked until this year. When that was the case their on-time pay rate was 56 percent. That's not too unheard of among communities across the United States where the only recourse for a fine left unpaid is to send it to debt collections. I'll describe the change that occurred relative to Albuquerque's program in just a moment.

There's going to be a process where if you look in the United States to adjudicate or challenge a fine, maybe you were not the driver, maybe you look at the evidence and most communities provide a way for you to review the evidence yourself online, provide the information that's in your ticket and you can see an actual photo of your vehicle. If it

says, maybe, well, it looks like it was actually traveling the speed limit you can take that, schedule a hearing, go before the hearing officer and challenge the fine.

The last point there, alternatives to payment of a monetary fine often exists as is the case in Albuquerque, Rio Rancho. They allow for community service in lieu of payment. Communities in Arizona have an option they offer to violators for the violator to attend traffic school instead of paying the fine.

So I just described speed cameras in the ASE functions but does it work? Is it actually effective? And the short answer is yes, but...ASE can be effective at reducing speeding and serious speed-related crashes. It may also remove burdens of safety risks involved with in-person law enforcement stops. The Federal Highway Administration considers ASE a proven safety countermeasure. It's a collection of about two dozen approaches to improving roadway safety, many of them engineering-related, but a couple of them have to do with enforcement or education. ASE is recognized as one of these countermeasures. To be recognized as a countermeasure it needs to be proven.

ASE has been recognized by the FHWA in their review of research that's available out there on the impacts of ASE across the various communities that employ it. It's been recognized by the FHWA for reducing roadway fatalities and injuries related to speed, specifically by 20 to 37 percent. A recent study meanwhile by the Minnesota Department of Transportation found that ASE reduced threshold speeding – again, usually ten or eleven miles per hour and up over the posted speed limit – reduces threshold speeding 60 to 82 percent.

In our review of the research in question ASE is effective, however, there are some limitations to the use of ASE as a safety tool, including it's basically effective at addressing speed-related issues and safety issues only. Maybe in your community speed may be a factor in a lot of the serious crashes especially, but maybe there are other things you need to address first. So it takes a systematic analysis of crashes in your community, the roadway safety issues in your community to understand what's really going on before you employ ASE as a safety tool. I'll talk about that analysis in a little bit.

ASE is effective in the immediate vicinity of a speed camera as well and the last point there, researchers have found that a "kangaroo effect" exists in which drivers, especially if they become used to where a speed camera is located, they approach the speed camera, slow down, pass it at the posted speed limit, it won't trigger a violation. They speed up and they can go as fast as they want after that. It doesn't necessarily address your speeding issues if you have that kangaroo effect created on a widespread basis.

One countermeasure to that kangaroo effect is that point-to-point approach to ASE which I described earlier. It measures the average speed over a longer distance. It forces folks to actually slow down over an extended distance. Meanwhile, Montgomery County, Virginia has recently employed a work-around. They noted the kangaroo effect after they rolled out their ASE system in the last few years in Virginia and in many states jurisdictions are required to place signage in advance of the speed camera notifying drivers that automated speed enforcement is taking place. That's meant to counter criticisms that speed cameras are just kind of a gottcha thing to just generate revenue and you can usually see where a police officer has parked their car, monitoring traffic; a

speed camera is harder to see. So many states require signage to be posted relatively closely right up near a speed camera.

Montgomery County kind of found a loophole in that requirement which is in effect in Virginia. They identify instead of specific speed camera locations, they identify broader speed enforcement corridors. So they still notify drivers that automated speed enforcement is taking place but rather than just at a specific location right after that sign, it might be several thousand feet, several hundred feet beyond the sign in a speed enforcement corridor, so folks who might have the pedal to the metal, have a harder time telling exactly where the speed camera is and that can help reduce the kangaroo effect.

Across the United States ASE use is increasing. We have a graph there on the right from the Insurance Institute for Highway Safety tracking the number of communities across the country using ASE. It was first used in the US in 1986 in Texas. That program lasted about a year and a half and faced a lot of criticism. It didn't last very long. But the longest running program in the country is just about as long, just about as old. It's been in operation in Paradise Valley, Arizona, just outside of Phoenix, since 1987. ASE is authorized by state law in at least ten states, often only for specific contexts, like school or work zones. Montgomery County, which I just mentioned, because it is a larger community outside of suburban Washington, DC, has a little bit of a carve-out in state law because it has more serious road safety issues, they have a carve-out in state law allowing them to use ASE a little more broadly, whereas most other communities in Virginia only can use it in school or work zones.

As I mentioned, it's used in a growing number of communities. The latest uptick since 2018 was the result mainly as Virginia and Georgia authorizing the use of ASE in school and work zones. ASE is explicitly prohibited in nine states and there's at least one state, the State of Iowa, where state law says nothing about ASE but is actually used in a pretty widespread manner across the state.

Let's zoom into New Mexico now. ASE has been used in Rio Rancho since 2011, in Albuquerque since 2022, although they had an earlier program as well. The City of Santa Fe operated a program between 2009 and 2013. All of these communities I just mentioned employed their programs under state law, specifically NMSA Section 3-18-17 which authorizes municipalities to identify and penalize nuisances and it actually has details specifically about identifying speeding as a nuisance.

We know for a fact that Albuquerque's program has been successful at reducing speeding based on early results from their relatively new program. We didn't have the results from Rio Rancho but the program's been around for a while. Both of those programs that exist in the state, they pay for themselves and not only that they actually generate excess revenue. Under state law they're only allowed to use that for safety measures or to help fund law enforcement. Albuquerque helps pay for its Vision Zero program with excess revenue from its ASE program. Rio Rancho pays for additional vehicles for its police department.

Use on state roads is currently banned, has been for over a decade by the State Transportation Commission, but that was recently relaxed in Albuquerque. The DOT signed a memorandum with the City of Albuquerque allowing the city to place ASE equipment on state roads within the Albuquerque city limits.

So I just provided an overview and the report does as well of ASE in general, although with a US focus. We talked about its effectiveness and different approaches to it across the country. But we do provide this very basic, boiled down of what we believe the pros and cons are as they relate to Santa Fe County if the County were to ever go forward with ASE.

The pros on the left, it is effective at reducing speeding and serious and fatal crashes related to speeding at specific locations on a roadway network. ASE can also generate revenue that can fund operation of a program and fund road safety programs. It also can remove the burden or safety risks associated from the in-person law enforcement of traffic laws.

On the con side, it can definitely be a controversial approach, especially if key ASE program decisions are not stakeholder vetted or data-driven. And then ASE is likely going to require additional dedicated staff to operate the program and the community should employ a hearing officer and likely have to employ a few other people in the Clerk's Office and maybe the police department or Sheriff's Office. And I say on the press side there, the programs generate revenue, usually plenty of revenue to pay for things but if your community is facing issues filling positions regardless of the availability of funding then ASE could exacerbate that a little bit.

The last column on the right, I'll address in more detail in a moment when we completed the report, presented it to the Transportation Advisory Committee, we were unclear as to whether the County, not being a municipality, state law says specifically that municipalities under that statute can regulate nuisances and operate ASE programs. We're unclear as to whether the County could operate an ASE program under state law. It didn't mean that the County couldn't do it. We thought that maybe it would have to go elsewhere under state law to find the authorization. We'll speak about a clarification we were able to get last week in just a moment.

The key caveat that we wanted to highlight for you is that like any other transportation safety approach ASE should be implemented as part of the broader transportation safety strategy that addresses engineering, enforcement, education, and emergency services approaches. You may have heard of the three E's or the four E's related to transportation safety: Those are them.

County Planning staff and Public Works staff, I think we do a good job of addressing safety issues that come up on the roadway network, but there may be room to approve in terms of establishing and implementing a transportation safety study, and then understanding where ASE might fit into that.

The task that was given to the TAC by the BCC and the work plan specifically asked for criteria for locating speed cameras, and we're not going to provide you a list of potential sites just yet. The reason for that is because of the following: ASE siting should be informed by road safety data. Federal guidance, other national guidance really drills that down. It emphasizes that road safety identifies concentrations of road safety issues, especially locations of serious crashes associated with speeding. So we've identified in our report basically a broad, two-step approach to evaluating potential locations for ASE in Santa Fe County.

The first would be systemic safety evaluation, that terminology taken from federal guidance. In this case though we would use NMDOT crash data which is available to any

community in the state. It compiles every reported crash, every crash reported to law enforcement going back many years. That can help you identify those concentrations of road safety issues. And in that data there's included in the contributing factors what the police officer, Sheriff's deputy, responding to the crash believed, based on their interviews, observations of the crash scene, what they felt the contributing factors to the crash were. That is all included in that crash data. So you can get, once you have that collection of data, understand the dispersion of it across the road safety network, where the greatest issues are happening and where the greatest issues happening related to severe injury and speeding.

Once you have the initial list of possible ASE locations identified, other criteria can be considered as part of that first step. You might want to consider adjacent land uses that can be identified where school zones are located, other sensitive adjacent land uses like parks, where there's a lot of gathering of pedestrians, bicyclists, those vulnerable users. You might want to drill down to that crash data to understand where are the crashes related to speeding that are serious and that have to do with bicyclists or pedestrians.

You also want to understand at a high level the availability of infrastructure. A lot of ASE systems as far as we could tell in our research, most ASE systems require a fixed power source. It can run off solar power, and they're going to need, if not an internet fiber line a good data signal in order to transmit information. If you know for a fact along this corridor you've got some safety issues but the infrastructure is not there to support the equipment then it probably needs to be taken off your candidate list for speed cameras.

The second set would be site violation. So that would be an engineering speed study. You think you have the issues based on maybe speed-related crashed even, but you ought to go out there and really confirm that a speed is issue is actually taking place. There's some bug in your data. And you also want to conduct field observations: Is that a good place to put a camera? Maybe there's a lot of vegetation growing over folks' fences. It's technically on their private property. It's going to get in the way of your camera if you place it there. Maybe you look at a different location down the road.

I want to emphasize that staff and our Transportation Safety Subcommittee, we are undertaking step one already. Not necessarily because of this task but just because we want to have a better handle on a regular basis of where transportation safety issues are taking place throughout the county. So we have acquired crash data from NMDOT and it's going to take a little bit of time to analyze it, but we hope to be able to produce an understanding of potential initial ASE locations within probably the next six months.

So let me summarize our key findings. First ASE can be effective at reducing speeding and speed-related crashes. ASE programs across the United States share many common characteristics often determined by state law. The point we want to emphasize there is that there's no need to reinvent the wheel. This has been done in many communities, many states across the country. Communities in New Mexico employ ASE under state regulations. State statutes allowing municipalities to regulate nuisances – we note that Santa Fe County is not a municipality there, but I'll address that in a moment.

Planning and implementation of ASE should be done carefully using data-driven approaches and in-depth stakeholder and public engagement, otherwise the program



purpose, which should be addressing speed issues and speeding-related safety issues, that purpose is likely to be misunderstood, and the program is likely to be seen as unfair and/or a cash-grab.

And the key point, if nothing else from this presentation we want to emphasize this last point. Whether ASE is an advisable safety approach for Santa Fe County, at this time it requires additional evaluation for the following reasons: A data-driven systematic understanding of County's road safety issues does not yet exist, although it is underway; key issues relevant to rural communities need more research. Santa Fe County is largely rural. We assume that there would be some safety hot-spots related to speeding in the more rural areas of the county. However, the case studies that are out there about ASE, they're almost always in an urban/suburban – the few communities that are more rural, it's being used in their more built-up areas. So if we find that we want to address a safety issue in a truly rural part of the county, we want to understand how ASE works in a rural area a little better.

One possible issue was brought up by a member of Public Works who was on our working group for this task. He said crews are constantly out throughout the county replacing regulatory signs – stop signs, speed limit signs that are being used for target practice. If we find that we are constantly having to replace ASE equipment because it's being used as target practice we can analyze, although ASE programs are said to pay for themselves, maybe it won't balance out in a place like Santa Fe County. So with that, that lack of case studies for rural communities, we want to be careful and study the issue a little more in depth.

And then finally, this is very much emphasize again by national guidance on this topic, stakeholders need to be identified and convened to design an ASE program. This has been reviewed and discussed extensively by our Transportation Advisory Committee. We're all very transportation-focused people though. We have in our working group from staff, we had Planning and Public Works representation. The stakeholder ground that designs an ASE program needs to be broader and needs to involve community groups. It needs to involve folks dealing with how to properly message a program like this. Law enforcement needs to be involved, and a broad stakeholder group engaged in the in-depth way needs to be involved really from the get-go in the design of an ASE program.

So given those key findings and given the [inaudible] I just reviewed, our report recommends the following next steps in order to evaluate ASE in Santa Fe County.

First is a systematic safety analysis of the County's roadways. Again, that is underway. Second is a legal review to understand the County's ability to operate an ASE program under state law. That has been clarified since this was written but legal review should also look at other potential legal issues related to the program, related to that specific community. Third is an organization of an advisory committee that I was just describing of stakeholders to further investigate ASE feasibility in Santa Fe County. And then last but definitely not least is a pilot program lasting at least one year so you can take a before and after snapshot of speeding issues where you employ ASE. One year minimum is recommended for those kinds of before and after evaluations went into traffic and speeding, and that pilot program will help the County understand those open questions related to employing this type of approach in a rural contest.

After reviewing and discussing the draft ASE report the TAC wanted to convey these additional key points to the BCC in order to complement the report. These are all things touched on by the report, just things the TAC wanted to really highlight for the Board. The first is to anticipate controversy. Although it has proven safety benefits, ASE is controversial. The TAC advises that this should be expected in Santa Fe County. If the BCC or the County chooses to go forward with the ASE it should be careful to prove the case for the approach with quality safety data analysis and quality stakeholder engagement.

If the program is up and running, the County should provide competent public messaging about the program's purpose, which would be enhanced road safety, and design.

The next point the TAC wanted to convey is that an immediate next should be stakeholder involvement if the County wishes to move forward with this approach. The TAC recommends stakeholder engagement with an aim of further evaluating ASE as an immediate next step in this process. Stakeholders may include members of the TAC and staff who have already been involved with investigating this top, but it should be augmented by additional representatives, including law enforcement representatives, communications experts, community groups, and whoever else the County deems important to that conversation.

And finally, engage with the City of Santa Fe. The County should engage with the City to further understand lessons learned about the City's ASE program, and to explore opportunities to cooperate on safety strategies. You don't have to look very far for a community that has employed ASE and that is right here in the City of Santa Fe.

Okay. Regarding that question of state statute and whether the County could operate an ASE program under state statute, if you're reading through the actual written report we leave it as an open question because the report has not been changed since the TAC reviewed it earlier this month, but we're able to clarify, working with colleagues in other County departments and divisions, we heard a clarification last week regarding this issue. So again, the authority for operating an ASE program comes from 3-18-17 of New Mexico State Statutes. Although the County is not a municipality, since Section 4-37-1 of the state statutes grants counties the same powers that are granted to municipalities. The County should have the power to operate an ASE program under the same statute that Albuquerque and Rio Rancho and previously the City of Santa Fe operated their ASE programs.

And with that we'll stand for questions.

CHAIR HUGHES: Any questions? Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Thank you, Ben. I love transportation issues and I could tell that you care about that also. So thank you for your presentation. I've never met you before so welcome to Santa Fe County. So, we do have issues and problems throughout the county with speeding, in our traditional historic villages, Agua Fria, Galisteo. I'm sure Commissioner Bustamante could speak to La Cienega and other places, but even in the north, it is a problem. But the bigger problem is the noise. And people are really unhappy with the noise that's going up and down the roadways. Cerrillos or out in the country.

So can these cameras actually help with that? Can they record the sound of the noise on these vehicles that are speeding?

MR. BACHWIRTZ-LOPEZ: Thank you, Commissioner, Mr. Chair. In our research the issue of noise did not come up. However, there is a separate technology, noise cameras that can do just that. I don't know if there's a technology that can both detect speed violations and noise violations that could give you some sort of cost savings by employing just one type of equipment. But noise cameras do exist. They work in the similar fashion to speed cameras and they can automatically show a violation if the noise level is exceeded.

COMMISSIONER HANSEN: So I think this point-to-point idea of a speed camera. It would be functional in Agua Fria Village, because we have a point-to-point, so to speak, area where we know people are speeding. Or on West Alameda, which is also not going into the city – we don't want to go into the city. We would hope that they would be doing this again. Thank you, Mayor Coss for using speed cameras at some point. But also I know Commissioner Bustamante's district, Galisteo, they're really unhappy. So that could be a point-to-point, these smaller areas around the county. I don't expect us to put a speed camera out in the middle of some highway, but when you're coming to a small town, a village, those are the people who are being impacted. Anyhow, I really appreciate your presentation. Thank you. It was very professional, very well done, and I thank the committee for working on this.

MR. BACHWIRTZ-LOPEZ: Thank you.

CHAIR HUGHES: Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, and thank you, Commissioner, for noting Galisteo. I have a little brother who couldn't wait for the next Star Wars movie to come out, no matter how many had already been out, and then it turned into Harry Potter, even though he was an adult. He can't wait for the next one to come out, and the Village of Galisteo couldn't wait for this report. And I am so grateful for your work. It will be reviewed tightly. They have had some construction that has widened the road and actually created an opportunity for what I'll call a byway. It's just fast.

So I just want to thank you for the work and I will be passing on the presentation and the report to the community to say they're very interested is an understatement. And I don't know if it would be necessary or not or if anyone would be available for any questions but I do want to thank all of you who participated in doing this good work. It is thorough. It is very professional. It gives the pros and the cons very well and it's worth having a good discussion with the community group who's absolutely ready and interested. And when we talk about the point-to-point specifically in that Galisteo area it is right through the village that they've been talking about.

For the entertainment value they have literally – for us; for them it's a serious issue – they literally stand out on their roadway with blow dryers pretending like they're monitoring speed. It's funny, but they do it. So instead of having to take a collection of old blow dryers, this report's going to exist and we'll actually be able to see what can happen to support the community there. So thank you very much. I appreciate it.

MR. BACHWIRTZ-LOPEZ: Thank you, Commissioner.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you very much and to Commissioner Bustamante's point, I once actually bought a radar gun for using for measuring baseball pitchers and stood out on Artists Road to track people and do my own little scientific survey of how many people were doing that. So if your people in Galisteo would like to borrow mine I'd be happy to lend it to them. It's been sitting on a shelf doing nothing for many years.

So two issues on this. You mentioned about the payback. What are the start-up costs for this? So for instance, it might pay back over a certain amount of time, but if you're talking about a pilot project, is that going to be a pilot project as a sunk cost, or is that actually going to start to pay back? Do we have those sort of expectations? Did you get that deep into the numbers?

MR. BACHWIRTZ-LOPEZ: Mr. Chair, Commissioner, not quite, but it's definitely an item we would want a stakeholder group to take an additional look at. It takes combing through municipal budgets to understand that a little bit and we didn't quite get to that level of detail. I can say there are different models that contractors, vendors and providers of systems offer different communities. They may install the equipment for free and just ask to be paid back by the revenues of the program, with no upfront capital costs to the community. Other communities, they do make an expenditure up front for the initial equipment and it begins to pay for itself after that. Regarding the issue of pilot programs, that needs additional research. A few communities in Georgia – and this isn't detailed in the report just because it was a little hard to get hard facts on it but it appeared a few communities out there had tried a pilot approach and they had been able to find a vendor that was willing to assume some of the cost of operating the program, so the community wasn't putting taxpayer money up for the full operation of the pilot program and then having that be a potential – some costs as you said, but we need to look a little bit more of which vendors offer that, how much that would cost for the County and whether that's a good approach.

COMMISSIONER GREENE: Thanks. And last question which goes to the vendor question. I remember back in the controversial days of a decade ago, maybe not here, but maybe I think that was the reason why Albuquerque abandoned their first one is the vendor they chose was accused of collecting kick-backs and there was a bunch of controversy with some of these companies that were either really not adjudicating properly, not providing enough information for culprits to fight their tickets and making it less than easy to contest the citations, and a variety of sort of lack of transparency issues and kick-backs. Has that all gone away, or is that still an accusation that many companies are fraught with?

MR. BACHWIRTZ-LOPEZ: Mr. Chair, Commissioner, not in our research. It seems to be maybe an older issue. A lot of what it is griped about programs, there being a police officer reviewing the ticket before it's actually issued, the whole hearing officer setup, the ability for folks to do community service instead of paying a monetary fine because they don't want to or can't. Those are recognized as sort of best practices now and I think the report lays those out as such and it's something we'd want to look for in any potential vendor. But each of those components has really come out of a lot of complaints from constituents in communities that have employed this technology.

Those approaches are now recognized as best practices because they address some of those key concerns around fairness and transparency and so on.

COMMISSIONER GREENE: Is there a set of best practices that starts with first one's free, a warning, whatever. You get a citation it says, look, we busted you. Here's a warning. Be on your best behavior for 30 days or 90 days or six months, and if you don't, we're going to double your fine or whatever if you get cited a second time. Is there a way to sort of like sort of give that warning instead of that regime and set of protocols for allowing so when we roll this out as a pilot program, for the first year, everybody gets one warning and then as long as there aren't – I'm just wondering if there's some best behaviors, best practices out there to sort of modify behavior but let people know that this is coming down the pike, and if they do it twice they're in trouble, but if they do it once they might just get a warning and hopefully that corrects their behavior.

MR. BACHWIRTZ-LOPEZ: Mr. Chair and Commissioner, there are a number of different approaches to that we came across in our research. There is at least one state – I'm forgetting which one, they require that type of setup. So when a new jurisdiction is employing ASE for the first time there is that type of grace period or warning period, the community under state statute cannot charge a fine. It needs to provide only the warning. I believe some communities in Colorado as well, there is a community on the way between Denver and Red Rocks, major speeding hot spot recently installed ASE and they employed a pilot program that only issued warnings for a little while.

There are – generally state law restricts the amount that can be charged for a fine based on – it's a pretty flat charge, fine amount. It can go up under certain circumstances if the violation takes place in a school zone, some sensitive context like that. Generally they did not find a kind of graduated approach where after your third, fourth offense, your fine amount is ballooning. One exception to that would be the State of Oregon where it's important to note that they do not treat ASE violations issued by an ASE system as different than an in-person violation. In other words, it's a criminal offense and your fine amount, if it is egregious enough, your speeding, if it is your third or fourth offense, it could be quite expensive. But that's because that state treats ASE violations as a regular in-person issued traffic offense.

COMMISSIONER GREENE: So an in-person traffic offense is considered a criminal offense and these are civil, so they're actually separate? They're a different type? So these don't go on your record? You wouldn't get points on your – and they don't go – I operate a delivery company. I do driver's license checks on all my drivers every six months, and I see whether people get a ticket speeding, you name it. So this wouldn't show up on people's records? This would just be a civil fine? Okay. Interesting.

Then thank you very much and welcome to Santa Fe County. I actually really appreciate this. It's an interesting concept and it was a great amount of research that you did. So thank you to you and the TAC subcommittee for looking at this for us.

MR. BACHWIRTZ-LOPEZ: Thank you, Commissioner.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thanks very much for all the work, but I don't have a feel for the details of the nature of the speeding problem in Santa Fe County. So I haven't seen any information, what the real numbers are, where speeding seems to be a big problem. I feel like we would need that to know how this program – is this intended – is the concept to make this a targeted program for areas, for instance like Commissioner Bustamante has identified in her familiarity with her district is already considered a problem. And I think it's an important question because one of the recommendations is to do a pilot study. Why are piloting something we haven't really defined what the program should be?

MR. BACHWIRTZ-LOPEZ: Chair, Commissioner, do you want to go back to our recommended next steps? The first one is a systemic safety analysis of the county's roadways. The other items, 2, 3, and 4 there, those next steps are effectively meaningless if you don't complete that systematic safety analysis.

COMMISSIONER HAMILTON: That's part of my point, and so this is rolling forward and there's already some fairly strong recommendations. We haven't done the analysis of why or how we could use it specifically here. And I think that's a little bit of putting the cart before the horse. I really think it is important to do that before we take next steps, to start thinking about how else to deal with this program.

The other thing is I think the concern was that the example from Albuquerque that Commissioner Greene brought up, that was really recent and I think it's naïve to think that that doesn't happen. So I will eventually have a lot of questions on how this sort of thing would be implemented with contractors bringing that in. Because I think that is a serious question. And it is way easier – and I think it's one of the things that has made this kind of program controversial. It's way easier to bring in a contractor who has all the equipment and who will take their payment out of – rather than us giving out lots of tickets than it is to get County staff, law enforcement staff, hearing officer staff – we're already running really low on personnel in the Sheriff's Office, etc., etc. So it's really easy to implement without the pieces that actually put the controls on it. I really don't want to see that.

And the other thing that it would be really nice to have some data on is who actually ends up paying most of these fines? I think a lot of communities think that it's people from the outside who are speeding through their communities. I don't know if this kind of data – you're the expert – I don't know if these kinds of data exist, but right off hand you would think that cameras set up some place would be pretty agnostic, right? They're not profiling the people driving the vehicles. On the other hand I'd like to see the data, whether we're putting these in communities that potentially have speeding problems, assuming that that first study is actually done and a lot of New Mexico is a really poor state and who are we putting this burden on? Not that it's not important to have safety but there are considerations for how that safety is implemented.

Part of my question about the speeding problem and it's relative contribution, what the biggest safety questions were. What they are currently teaching in driving school, traffic school, that they do as alternatives, one out of eight to ten people you see on the road – drive down I-25, one, two, three, four, five, six, seven – oh, that person's impaired. Alcohol. One of the biggest problems in New Mexico. We're the worst state for drunk drivers – good for us. Nobody's recommending putting ignition interlocks on

every car as a recommendation. It would probably solve the biggest driving safety problem in the state. So it's really important to characterize the level of the problem. I'd really like to see that data in the next go-round of this. Thanks.

MR. BACHWIRTZ-LOPEZ: Thanks, Commissioner.

COMMISSIONER GREENE: Mr. Chair, if I may follow up with that. Just one thing. There was a measure at the legislature, either two years ago, to actually put interlocks in every vehicle in New Mexico. Could you imagine, the burden and cost.

COMMISSIONER HAMILTON: Why does that sound ridiculous to you?

COMMISSIONER GREENE: A burden cost, unnecessary. It voids warranties on a lot of cars. It does a lot of potential damage to vehicles.

COMMISSIONER HAMILTON: So a problem that might be the biggest problem with a technological solution, but sociologically that solution is unacceptable. So it's okay to trade traffic lives for certain sociological reasons. That's why I think it's important to characterize this problem appropriately.

CHAIR HUGHES: Well, I like the speed cameras. I remember when they were in the City of Santa Fe and they kept me from speeding on three different roads. And everybody else too. And I know in District 5 we could use speed cameras on 285 and on 14. I don't know if we're allowed to put them on state roads. I come in on 285 every day. I set my speed control to 45 which is the speed limit and everybody whizzes by me. So, I'm not sure that those would be the most dangerous places in the county. I'm sure there will be some. So thank you for bringing that forward and we look forward to the next steps.

MR. BACHWIRTZ-LOPEZ: Thank you, Mr. Chair and Commissioners.

CHAIR HUGHES: Okay. I suggest we take a break or would you like to take executive session? Or just a quick break and then come back for the other presentations?

MANAGER SHAFFER: I believe, Mr. Chair, that executive session will be short so I think it could coincide with a break, but again, it's at the pleasure of the Board.

COMMISSIONER HANSEN: Mr. Chair, I think we should finish these two presentations or at least one of them.

CHAIR HUGHES: So let's take a really quick break, do the presentations and get another break with executive session.

[The Commission recessed from 6:23 to 6:30.]

**7. A. Presentation on Fiscal Year 2025 Capital Budget**

CHAIR HUGHES: Okay. Back in session, Manager Shaffer, Leandro Cordova and Yvonne Herrera.

MANAGER SHAFFER: Thank you, Mr. Chair and Commissioners. I'm actually going to skip ahead just to put this presentation into context. We're providing a lot of information to you this evening as well as providing a lot of additional information for your review in preparation for upcoming meetings of the Board of County Commissioners. So to put things in context we have our first public meeting on the ICIP

this evening, the last item on the agenda today. We have a capital projects budget study session scheduled for this Friday, June 28, 2024 and another meeting scheduled on July 2, 2024 if needed. And then finally, our intent is to have the Board conduct the second public hearing on the ICIP and approve the capital projects and the final budget for the County on July 9, 2024.

Looking further ahead, the due date for the resolution calling for a general obligation bond election would need to be adopted and provided to the County Clerk in August of 2024. So again, that's just to put things in context so we're going to be providing a lot of information this evening. Obviously questions are welcome, but our goal was to provide you with this information so that you could reflect on it and have the most productive meeting on Friday possible. And in the meantime I'm available as is Leandro Cordova, Elias, and Brian Snyder, anyone you need additional information from in terms of the information provided in this packet material.

So the general goals of the meeting or this presentation today is to review resources, spend just a few seconds talking about the pros and cons of self-funding versus borrowing for capital projects, specifically as it relates to revenue bonds versus self-funding, review some high level recommendations concerning funding gaps and currently funded projects and proposed new projects. I would again, given the hour and the time I'll point you to that information and allow you to look at it between now and Friday. And then finally, discuss some potential bond questions that the Board may want to consider proposing to the voters as part of the general election in November.

So a significant source of capital resources for the County, they include the County's own resources, general obligation and revenue bonds, capital outlay gross receipts tax, hold harmless gross receipts tax, County fire protection excise tax, and fire operations fund, behavioral health funds, and to a lesser extent, the County general fund. With regard to some of those revenue sources that are listed to include the fire operations fund as well as behavioral health funds. Those can be used to support both operations as well as capital projects.

State appropriations through our legislative capital outlay process is another source as are federal and state grants and congressionally direct spending and community project funding requests, which as you heard from Mr. Barela earlier today has helped significantly as we work to improve the state of our public housing communities.

Just stating the obvious, but nonetheless a useful reminder that general obligation bonds require voter approval. They're repaid using property taxes that are levied specifically for debt service. Those bonds are backed by the full faith and credit of the County. That means the property tax levy is in theory unlimited in the amount will go to whatever level is necessary to repay the bonds. There are limiting purposes in the state constitution as which general obligation bonds can be sold. It provides an additional source of capital funding that does not consume recurring revenues since again, this property tax is levied specifically to repay the general obligation debt.

The County has historically structured the sale of the actual repayment terms and maturation of its general obligation bond debt so that the debt service is pretty stable. It does move somewhat from year to year but not materially in any sense. So again, the voters approve the issues of bonds. The way we go about selling those bonds and structuring the debt service is so that that property tax levy more or less stays flat year



over year. And looking forward to the bonding capacity of the County for general obligation bond debt, again those numbers would allow us to continue with that practice.

Revenue bonds in contrast are repayable solely from pledged revenue and that debt does consume recurring revenue from gross receipts tax and other resources that are available for the County to again utilize for capital and other sources.

So when you think about funding needed capital you can either save up the money over years so that you're able to self-fund the capital without incurring debt, or you can issue revenue bonds to pay for debt, or you can do a combination of the two. There are pros and cons to either approach. If you go the route of self-funding, so you're setting aside money in order to meet necessary capital repairs, that means that you get the investment income while the funds accumulate. You don't have to pay interest on the money because you're not borrowing it. And also it preserves your bond capacity for extraordinary capital events that you might not anticipate and want to fund. It doesn't constrain future policy makers with regard to choices as to capital. And it provides you with some flexibility with regard to recurring revenue, because again, you're not pledging it for debt service. Once that revenue is pledged for debt service then that becomes the primary use of it that has to be accomplished before anything else occurs with the funds.

Some disadvantages of self-funding. It may take too long to accumulate adequate funding to meet a capital project, depending upon its size. There's been some equity concerns in terms of paying for long-term assets if you self-fund then the current generation, if you will, is paying for an asset that will benefit multiple generations which stretches that out over multiple years. And then again, if you're accumulating resources at too slow a pace, you have the risk of construction inflation risk.

So some primary sources, recurring sources of capital revenue include the capital outlay gross receipts tax. These are the forward-looking estimates of what we can anticipate in future years. This is net of debt service, so again, we do have outstanding bonds the repayment of which is dependent in part on capital outlay gross receipts tax. So these estimates again are net of anticipate debt service.

We also have pledged hold harmless gross receipts tax, both for debt but also it is utilized for capital, primarily maintenance expenses of County assets. We recommended this year and we recommend going forward that it be a principal source of recurring revenue in order to support road fund maintenance activities as that is one of our single biggest assets countywide and requires recurring maintenance in order to maintain adequate levels of service.

So again, the hold harmless figures are met at debt service and what we assume would be a \$4 million recurring allocation to the road fund.

Looking at potential bonding capacity and options, the County does have – I'll take a step back. The County only has – typically, had voters considered general obligation bond questions as part of general elections, so even numbered years in November. And we could approach those bond questions either on a two-year or a four-year cycle, meaning we could go to the voters and ask for approval of all of the debt capacity that you can issue over a four-year period, or you can go to the voters every two years. My understanding is historically, the County went to the voters every four years. During the pandemic and thereafter we started to go to the voters every two years. That's a policy decision for the Board, but if you look at what our capacity is anticipated to be

on the general obligation bond front, over the next four years it's \$52 to \$54 million. And so again, you could go to the voters in November and ask them to authorize all of that, or you could go to the voters in November and ask them to authorize a portion of that with the expectation that you could ask for additional authorization in two years in 2026.

In addition, the County has revenue bonding capacity with regard to the capital outlay gross receipts tax revenue, using an additional \$2.2 million in annual revenue that would support \$21.5 million in principal amount of revenue bonds and then in addition, we will have capacity that will be coming on line relative to the adult detention facility. The original bonds for the construction of the County jail, believe it or not, will not mature until February 1, 2027, so I think the debt that was issued was about 30 years in duration with no callable features, which is why it's still outstanding.

In any event those bonds will mature in February of 2027. We'll likely have adequate cash reserves to pay off those bonds sooner than that, but if we just used the existing amounts that support the debt service on the outstanding bonds of \$2.6 million, that would support approximately \$32 million for a substantial expansion and renovation of the adult detention facility, which has not been done, to the best of my knowledge, since the facility was built other than internal wifi, what have you. But that money is being eyed to expand our medical offerings at the jail, with a particular emphasis on making the jail more suitable for increasing the array of services that are provided to those inmates who suffer from substance abuse disorder. So that's a significant anticipated cost relative to jail operations.

If you will forgive me for one second, I think there's a question.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, thanks. Because it's specifically on this. It's interesting, so the bullet on the correctional facility, how does that affect the principal with respect to jail bonds that we've tried to operate that we're keeping a more or less flat level of debt service. So as you retire some debt we can take on more debt. How does bonding capability impact our debt service?

MANAGER SHAFFER: Mr. Chair, Commissioner Hamilton, if I understood the question, revenue bond capacity or revenue bonds don't limit our ability to issue general obligation bond debt. And the answer is no. The test for the general obligation bond debt – as you know, I'm just a recovering lawyer at this point so I forget what it is but it's based upon our overall property valuation. And so the test is your outstanding debt versus your property valuation. That determines how much you can issue in terms of general obligation bond debt, even if the voters approve it.

The revenue bonds, they're really based upon your revenue and they're looking at again, how much revenue you have, what coverage ratios you have to include in your bond documents. In other words, if your bond payments are \$2.2 million the bond holders may want to see that you going to have at least double or triple that in revenue coming in because they want security that they're going to be repaid. So that's looking at the revenue stream. And then interest rates factor into that as well as well as whether the bonds are issues on parity or a non-parity basis, meaning all the same level as each other.

So the short answer is the tests are different and they don't – the revenue bonds don't impact the general obligation bond capacity. I hope I understood and answered your question.

COMMISSIONER HAMILTON: Pretty much, though there are probably other implications that I'll have questions on because I think they're come out later. But that was the big part of it. Thanks.

MANAGER SHAFFER: In addition, the County could issue revenue bonds using County gross receipts tax revenue, and again, assuming that they're issued on a parity basis, and in a way as to maintain our current bond ratings, that's an additional \$36.2 million in revenue bonding capacity. This isn't something really highlighted here because the County gross receipts tax is general fund money, and because of our increased emphasis on recurring expenditures as well as needs to grow, potentially in the Fire Department, the Sheriff's Office, what have you, we would not likely recommend that we bond against general fund revenue because that directly supports operations. But I did want to note, to be complete relative to potential bonding capacity.

So in addition, we have a variety of sources of non-recurring resources in the sense that these are accumulated, uncommitted fund balances. In the capital outlay gross receipts tax that currently stands at \$13.9 million, and in the hold harmless gross receipts tax that stands at \$5 million. And then we have a variety of different funds that relate to indigent healthcare as well as we have a behavioral healthcare work plan for the lion's share of that will be discussed in the next presentation by our Community Services Department, but those funds total \$18.9 million.

In addition, those funds could be used to support some operational expenses in the behavioral health and indigent care space. As the Board is aware, we are working through the building bridges initiative and otherwise to plan for an expansion of our substance use disorder treatment services in the County jail. We do anticipate that that expansion will come at a significant increase to our operating expenses and these funds would be a source of potential resources to fund that in the initial years as we look to diversify our revenue streams.

The same comment relates to the opioid settlement funds as we said. That could be a source of revenue to support our increased substance abuse disorder in the adult detention facility, and then we have the fire operations fund, corrections operations fund, and lodgers' tax facility fund, and the fire excise tax fund. Focusing on the fire funds in particular, the Fire Department is working with the district chiefs and otherwise to come up with a more forward looking asset management plan to plan for the acquisition and retirement of significant apparatus so while those are big numbers, the apparatus is quite expensive and that would be a primary source of funding to help support that asset plan going forward as well as other initiatives in the fire space.

So I'll briefly touch upon the capital budget development process. Ideas come from a variety of sources, including obviously County Commissioners, other elected officials, County staff, the community, and in some instances, legislators. We do have a process that is spelled out by resolution in terms of how capital projects are scoped and then ranked. I want to spend a few minutes just talking about what are known potential needs with unknown amounts, which feeds into some of the high level recommendations relative to how we approach this planning cycle.

With regard to the Pojoaque Basin Regional Water System, as the Board knows from a recent presentation from the Bureau of reclamation, they are looking at re-

indexing or thinking about how to re-index the cost of the project, which would drive up the County's share of the current project as billed. We are planning ahead for the interconnect between the Pojoaque Basin Regional Water System and the Santa Fe Basin Regional Water System. That project alone is estimated to cost several million dollars. We have potential deferred distribution lines which we control the timing of relative to that system, but that too is a deferred, future expense relative to being able to serve the community.

The Buckman Direct Diversion, major repairs and replacements – I don't think that we know what the final cost will be for the big fix relative to Buckman Direct Diversion and other resources that were obtained pursuant to settlements will be adequate to fund that. Obviously, that's the County's primary source of potable water as it stands now, and so we need to be prepared to meet whatever costs may ultimately be the County's responsibility relative to the BDD.

We don't know what the current estimates are, but assuming that the Board wants to continue with the San Juan-Chama project return flow pipeline, we have been notified by the City that prices will be higher than what were anticipated at the time that the City and the County entered into the cost sharing agreement. We do have the ability to reduce the amount of water that would be available to the County through that project in light of those increased costs, but assuming that the County wants to maintain that source of renewable water then we would have to anticipate and plan for the fact that additional resources will be needed for that project.

I talked already about the adult detention facility and forward-looking planning for both the expansion and the remodel of that facility, as well as the operational cost of expanded service for substance abuse disorder clients.

Always thinking forward in terms of water and wastewater infrastructure expansion, there is planning that is underway now with regard to the La Cienega and La Cieneguilla area, will undoubtedly be results of that planning would be to recommend various water and/or wastewater plans. We also can anticipate that we will be contacted by existing community water or wastewater service providers, mutual domestics and the like, that are experiencing severe water quality or quantity issues for County support of their water and wastewater service needs.

The Eldorado Area Water and Sanitation District is one such entity that the County recently entered into an arrangement to support and through that association, Cañoncito del Apache system as well. So again, we can anticipate those needs being regular moving forward as communities address water quality and scarcity issues.

And then finally, we can anticipate transportation safety upgrades on existing County roads as well.

So as you look through some of the attachments we are recommending that we add funds to some funded projects where we anticipate a shortfall that were going to move those projects to construction contract in a reasonable period of time, or that are tied to contractual commitments, or that allow for existing projects to be developed, or fully for future funding requests or grant requests or requests for capital resources from the Board. There are some select groups of new projects that are recommended. The biggest one is the youth services facility to address the crisis in our youth related to mental and behavioral health, projects that further multi-modal infrastructure, that

comprehensively assess our trail network for future investment. They can help us address a need for resources at low cost, an interesting proposal to put down a pickleball floor in the small barn at the County fairgrounds, for example, that will allow that building to meet that need and would also allow it to be used for fair purposes. And then a walking path at Public Works so that the employees stationed there have some recreational amenities as some of our other campuses do.

With regard to those new initiatives, revenue bonding capacity, we don't recommend that those bonds be issued at this time. Instead, looking forward to reserve capacity for some of the more significant known unknown amounts that we may have to fund in the upcoming years, one to five-year timeframe. We would also recommend that the Board continue with the approach of allowing fund balances to be available to meet project funding gaps as we are in fact closer to entering into construction contracts. Brian and his team will be able to speak to this in greater detail on Friday but for now, the next segment of the Rail Trail, for example, was solicited bids. I believe our project budget was approximately \$10 million, and the lowest bid came in at \$15 million.

COMMISSIONER HANSEN: Are you talking about the River Trail?

MANAGER SHAFFER: Santa Fe River Greenway Trail. I'm sorry if I misspoke. And so that gives you a sense of the potential and continuing project volatility relativity to the projects that have already been funded, and so this approach allows us to again move those projects forward when we have more concrete numbers.

We do recommend that the voters be asked to approve general obligation bonds this November and the size of those questions, again, is a matter of discretion of the Board. We do have in your packet material some recommended projects that add up fairly quickly in terms of size. Again, the size of those bond questions and what projects to potentially fund with general obligation bonds is for the Board to decide. We're providing staff level recommendations. Again, there are some projects on the ICIP or otherwise that we do recommend allocating some funds to in order to move those projects forward so that they are shovel-ready and well defined for future funding cycles.

So these are all of the attachments that are included in your packet material. Again, given the hour I was not planning to go through each of those now. I just wanted to orient the Board to what is included so that you know where to find our recommendations as well as information related to sources and uses of existing funds. This is really grounding work for Friday's special study session of the Board related to capital as well as the following Tuesday's special study session if the Board decides to have it. So with that I'd be happy to answer any questions relative to the information provided.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Greg. A couple questions. First, are we trying to – and I think we discussed this a little off-line, but I see this is where it sort of matches up. Looking at the known needs of the County and the known opportunities with the federal funding over the next three to five years, knowing that it's highly likely that we'll never see that opportunity again, and so should we be looking at all of those projects, even if they're not ready to go, but, oh, boy. This money's available right now and we should expedite planning and getting the "shovel ready" so that we can go grant-write for them.

And then looking at how that reduces our exposure to bond or to finance against these things. For instance when you're developing a commercial development project you probably put down 25 or 30 percent of a project. That's probably the equivalent of a federal match. But that means that's 70 percent that we don't have to come out of pocket. And if this is an opportunity to go after federal money we should be lining up those projects sooner than later. Is there a way to sort of match those things?

MANAGER SHAFFER: Mr. Chair and Commissioner Greene, Leandro and Maxx as well can speak to that to a greater extent. The short answer is, yes, that is done. The longer answer is we can do a better job of it in that is why we recommend in the report approved a term position whose sole job is going to be exactly that, which is to monitor and help us identify those opportunities to ensure that we are aware of and pursuing those grant opportunities that will allow us to again, offload some of the burden of what our needs are to the federal government. So I hope that answered your question.

COMMISSIONER GREENE: It does. Then the follow-up is, when do we expect that that person is onboard?

MANAGER SHAFFER: Yvonne, when do we hope to get the budget approved by DFA?

MS. HERRERA: Chair Hughes, Commissioner Greene, we are waiting on DFA to approve the interim budget which we should hear at the latest by Friday. We're working with HR on a job description and then I believe that we still need to work with the bargaining units on the changes being proposed or that were proposed to the Board, late FTEs. So I can't – I don't know the timeframe but we're working actively towards trying to get those out there and get them posted for fall.

COMMISSIONER GREENE: Thank you. How is interest rate risk right now being maybe at the zenith, the height at interest rate? So does that rate make a recommendation of bonding on a two-year cycle right now so that we look at two years from now being hopefully better interest rate opportunities instead of locking in at a four-year period? Is that something the recommendation is going towards? Or am I just wrong?

MANAGER SHAFFER: Mr. Chair, Commissioner Greene, I have not posed that specific question to our financial advisor. We certainly can in advance of our study sessions. Having said that I don't believe that it is anticipated that interest rate risk in terms of increasing interest rates has been scored as a material risk. Obviously, if there's a recession or other factors, all of that could change, but I'm not aware of that being factored in as a material risk, interest rates potentially increasing. If that was your question, to issue bonds more quickly in order to hedge against that. Or going the other way is wait and then you'll have lower borrowing costs.

COMMISSIONER GREENE: I was going with over the historical pattern. We're at the highest point that we've had in 20 years and so if we wait two years, hopefully – right. Do some now, do some in two years. Not lock in all four years right now. But it'd be good for us to know to sort of know that perspective.

MANAGER SHAFFER: If I could add to that, before we move on. Sorry to interrupt. But even if the voters approved and you asked the voters to approve \$52 to \$54 million, we would not issue all of that at once. We would likely issue it in at least two bond sales, if not more, again, to keep the debt service level, but also to be able to

comply with IRS regulations about the spend-down of the bonds. So again, the structure is built in to accommodate some net risk, if that is in line with your question.

COMMISSIONER GREENE: That is. Thank you very much. And I didn't understand that concept of multiple tranches. I thought it was one big chunk. So if there's multiple tranches and we can manage that, that's even better. It gives us the dynamic opportunity.

Last question is lodgers' tax. We're seeing, I think, an increase in lodgers' tax. Is that a bondable revenue source that we could work against to work on some things targeted for the tourism and the lodgers sort of space? So if we've got \$400,000 now, maybe that's increasing because of our friends the short-term rentals and things like that. Are we suddenly, a) is there a new paradigm, and b) is there the ability to bond against that?

MANAGER SHAFFER: Mr. Chair, Commissioner Greene, yes, we are seeing increases in lodgers' tax revenue in the amount that is available to support attractions – open space, trails, what have you – is increasing. Yes, it is bondable. The amounts, however, are probably not significant enough to support significant bond issuances. So if we go back to the slide and you're seeing \$2.2 million in annual debt service. You might get you \$22 million in principal. We're not seeing revenue like that or close to that in the lodgers' tax. Again, it could be bondable but it's not going to be obligations.

COMMISSIONER GREENE: Okay, and if I may, one last question related to that. Are we able to pool revenue – does the City bond separately or are we able to pool revenue because we may have special powers as a County to do that? For instance, lodgers' tax is much significantly higher in the city and so if there was a joint City-County project that we thought was worthy of doing that, could we pledge, or ask them to pledge money to service debt for something like that, that only we might be able to issue the debt.? Maybe they can do it as well, but is there a way to work together in collaboration?

MANAGER SHAFFER: Mr. Chair, Commissioner Greene, the short answer is yes. Whether or not that's a single issuance or each governmental entity is pursuing separate bonds for those purposes, it could be worked through. So for example, when the Buckman Direct Diversion project was constructed the County issued I believe both general obligation debt but certainly revenue bonds to pay its share and contributed to that joint project. I believe that we have some cost sharing obligation with the City relative to some solar projects at the Buckman Direct Diversion. Both of the ones I'm thinking of are at the Buckman Direct Diversion and we did enter into the agreement with the City in one instance to help support a loan from the Finance Authority, and then in another instance to help repay green energy bonds that were issued for revenue savings. So it can be done, but you'd have to look at the particular transaction and specifically what it was that you were trying to accomplish and then appropriately document that.

COMMISSIONER GREENE: Great. Thank you very much.

CHAIR HUGHES: Any other questions? I'm saving my questions for Friday.

MANAGER SHAFFER: Thank you, Mr. Chair and Commissioners. With that, I'll turn it over to Chanelle Delgado and the Community Services Department to

discuss a proposed youth services facility and as Chanelle comes up to do that, I won't steal her thunder. I'll talk about the cost implications as we get there. Thank you.

**7. B. Presentation on a Proposed Youth Behavioral Health Center in Santa Fe County**

CHAIR HUGHES: Chanelle, welcome.

CHANELLE DELGADO (Community Services): Good evening. It is a privilege to stand before you all today to present this proposed project. But before I do I just one to jump into some background. In 2021 the Santa Fe County Youth Services Division was formally recognized and the priorities included behavioral healthcare programming for youth and families, including goals to reduce substance use, alcohol use and suicide. Since 2021 the Youth Services Division has focused on developing a comprehensive system to address the health and social welfare of youth in Santa Fe County.

Through the monitoring of various data collections, which we will discuss pieces of that later in this presentation, the glaring trend in increasing behavioral health indicators among youth, both locally and nationally, cannot be ignored. In a ten-year period from 2011 to 2021 New Mexico high school students saw an increase of 44 percent when asked about their feelings of sadness and hopelessness; an 18 percent increase when asked if they had seriously considered suicide in the past 12 months.

New Mexico youth, with little support from family experiences a suicide attempt at seven times as frequent than those with high family support, according to our 2019 YRRS data. Listening to our community was key to understanding the barriers to addressing youth behavioral health needs in our county. Through conversations, roundtables with parents and community stakeholders it was common to hear that parents did not know what to do or where to go when they notice behavioral health symptoms in their children.

Parents disclosed that often it was not until the peak of a behavioral health crisis that led them to services and often that was emergency room services. The data trends plus the pattern community conversations led us to explore the what-ifs. CSD's goal at this youth behavioral health center aspires to achieve tangible results such as reduction in suicide rates in our county, fewer hospitalizations or encounters with emergency room departments, and a reduction in rates of depression and anxiety, all while attempting to enhance wellbeing among young people in our community.

With that being said it is our mission for Santa Fe County youth behavioral health center to provide a comprehensive array of behavioral health services located under one roof that are accessible, inclusive, and tailored to the unique needs of children and youth with behavioral health issues, and their families in Santa Fe County.

So what does the data say? I presented a couple of points in my introduction but this is the most current 2021 YRRS data. We are currently awaiting 2023 and it's with much anticipation that we wait for those results to look at these numbers once again. So 41 percent of high school students felt persistent sadness or hopelessness; 27 percent of middle school students and 30 percent of high school students reported frequent mental health distress; 24 percent of middle school students and 14 percent of high school



students had every seriously considered suicide; 18 percent of middle school students, 11 percent of high school students have made a suicide plan; 12 percent of middle school students and nine percent of high school students have attempted suicide. And we know that our female and LGBTQ+ populations are at most risk in terms of our mental health indicators.

We know that depression and anxiety disorders are the most commonly reported amongst this population.

So this proposed youth behavioral health center is a seamless integration of new and existing services across multiple agencies and ensuring that young individuals and families receive holistic and coordinated care at one location. We would like to have mobile response and stabilization services that are specific to our adolescent and child population, and that service offers immediate response and interventions 24/7, 365 days a year for up to 72 hours of de-escalation support for families, and the crisis is defined by the family, which makes this service unique.

It also will prevent crises or out of home placement for youth and youth and families will receive an additional follow-up component called stabilization services. This is offered up to eight weeks, and that services is for Medicaid-eligible only. Our thought process there is those that do not have Medicaid for the eight-week stabilization we leverage our other behavioral health contracts to pick up and the County covers that cost for those that are not Medicaid eligible. For the response of youth and families in Santa Fe County regardless of Medicaid eligibility will be responded to, and covered by Medicaid.

We have individual and family therapy, again, a very key component for us is insurance barriers. We don't want families showing up to the center and not able to receive services due to their insurance. So for us that's a big opportunity for us to partner with someone such as the Sky Center which does not have an insurance criteria.

Grief support is central to crisis. Oftentimes there is grief that exists within a family or within a situation so grief support services and access points for both family members of youth and children for grief support services is really critical.

Suicide prevention, treatment, that's another key indicator as I listed earlier and in our data points we're seeing these trends increasing at alarming rates. This is an essential need for our community.

Intensive case management – I'm happy to announce that CSD just launched their first case manager for the Youth Services Division last week, so we have our first case manager waiting to engage with our community, and our hospitals are Kaseman, Mesilla Valley, Christus, to ensure that there's follow-up care post emergency room visit, or a hospitalization stay.

And then psychiatric support. This is a huge one and this is a huge challenge in our community to access and receive psychiatric support if you are a youth or an adult, and even more so if you're a youth. So this is a huge challenge for us to consider who our potential partners are in terms of providing this but this absolutely a game-changer if we could secure this at this location.

So why is this important? We know as more individuals reach adulthood without having received the necessary mental health interventions the demand on our healthcare system, especially our emergency services and psychiatric care will likely increase.

Untreated mental health in our adult population is correlated with the following: unemployment, financial instability, co-occurring substance use disorder or substance use dependence, insecure housing or unhoused, risk for physical illness and an increased risk for suicide.

We're struggling with this already among our adult population and if we are seeing numbers that are historically high in terms of our youth numbers, in 15 years I am concerned about this population, what this would look like if we don't figure out a way to address it now.

So our timeline – we would like in FY25 to procure a building or a site, location for this vision that I just explained. In 2026 have some sort of design engineering future site established and working on solidifying our partnerships for the center. And then 2027, the construction, renovation, equipping of the site. And then FY28, hopefully this would be doors open to the community.

We have worked with the Public Works Department to obtain estimates on what this would cost in terms of construction and our estimate was about \$7 million with \$1 million in operational costs for the first year. We would like to model similarly after La Sala and make sure we're using the Medicaid leverage to provide and fund these services as well as other resources.

So next steps – we did get on the ICIP. We went before the scoring board and we have completed that step. We are going to officially develop a business plan so that we can re-present to you all some fine-tuned next steps that you can consider. We would like to identify some public and private partner and maybe establish some MOUs to move forward with the vision, and identify and consolidate funding sources outside of County funding, if possible, and lastly, location scouting, determining the best place for the future of the center and accessibility is huge for our youth and families. I think the beauty of this presentation is that families have a one-stop shop. They don't have to go from one appointment to another across town and that makes everything a lot more complicated. So this really aligns a lot of needs in one place.

Thank you and I will stand for questions, alongside my deputy director, Anne Ryan, and Rachel O'Connor who is online.

CHAIR HUGHES: Any questions? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: This is great. Just one question. Is there a reason why it's new construction and not identifying an existing location potentially?

MS. DELGADO: Commissioner Bustamante, we are open either and we're still in very early phases so we have no commitment to new construction. We're open to any possibility.

COMMISSIONER BUSTAMANTE: It's exciting. Thank you.

MS. DELGADO: Yes.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Chanelle. I'm wondering, it seems like when we're focusing on youth, it seems like the most logical partner in this conversation would be with the public school system. Have we started to look at either some way of partnering with them for locations? When we talk about one-stop shop, imagine if this was on the high school campus or the middle

school campus or some way that started to have some integrated system where trouble youth sort of – one-stop shop, right? You have these services that they can float in and get daily therapy without having to leave the campus and do those sorts of thing. I'm just wondering, trying to find those likely partners that also might help us defray some of the costs and have a bigger impact at the same time.

MS. DELGADO: Thank you, Chair, Commissioner Greene. We have an outstanding relationship with Santa Fe Public Schools that we've worked really hard to maintain. They are definitely a stakeholder at this table. I think the conversation with them in regards to location hasn't been brought up just because we haven't presented to you all, but that is definitely on our to-do list and we will be making those appointments with the right key people in the Santa Fe Public Schools. I just want to point back to our high schools do have a mental health and health centers on campus. The beauty about having MRSS as a component of the center, if there was a mental health crisis happening at the schools we would be able to respond and bring them back to the center for the de-escalation pattern, similarly to what we do at La Sala.

So I think it would just enhance a little bit more the schools' capabilities and right now the current centers, students have to seek out the support, whereas this would be sought after as well.

COMMISSIONER GREENE: I think there's a hybrid there. Of course some things happen at home and some things happen in Pojoaque when they don't happen in Santa Fe and so on, but I think that is a key partner, both in the middle school where we see those elevated numbers, and in the high school level, and figure a way to partner with them, again, for effectiveness and for cost defray.

MS. DELGADO: I agree. Thank you.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Mr. Chair. Thank you, Channele, for the presentation. I consider this really important. They're our future. The numbers are really disturbing or high. It means we really need to do something and I'm grateful that we've started this planning and that we can build on it and find ways to bring in other partners. When you were presenting, there's a building that used to be the teen center that had the city – that's empty. That might not be the right location but it is a building that is empty that youth related to. I don't see what the City is – they've looked for partners but we're not there yet. But there are, as Commissioner Bustamante suggested, other buildings around town but I think it needs to be really centrally located to the youth that they can have access to it and a large percentage of our youth are on the south side of town. So we also need to look at places that are accessible to youth. I think that is part of the problem with the teen center that it might have been – the youth moved to the south and the teen center got left behind so to speak. But we now have a new teen center in the south, so there is other possibilities. Anyhow, I just wanted to say thank you and good work, and I look forward to seeing what happens in the future. Thank you.

MS. DELGADO: Thank you, Chair and Commissioner Hansen. I also just want to echo the need we heard from families and how much trouble it was to find somewhere to go when they noticed something wasn't right. So I think, one, yes, a place for youth to come. Absolutely. That's the goal. But also a place for families to turn when

they don't know where to turn. A centralized place where there's open doors. So just wanted to say that.

COMMISSIONER HANSEN: Thank you.

CHAIR HUGHES: Commissioner Hamilton.

COMMISSIONER HAMILTON: Yes, I just wanted to add my voice. This seems so well considered and obviously so needed. I'm so impressed and grateful to see you've been working on this, that this is not just – this is advanced enough that this is not just, well, this needs to be done and maybe we'll have a plan in a few years and then we'll start on the process. I'm so impressed that you are so much further along and have been thinking about this for a while. And I really want to commend you guys, everybody you've worked with to get to this point. And obviously there are challenges like locations and what not, but this strikes me like everybody else, this is so important and it's just, as they used to say 40 or 50 years ago, so cool that you've gotten it to this point.

MS. DELGADO: Thank you.

CHAIR HUGHES: When we were developing the homelessness project a couple years ago we noted the correlation between homelessness and mental health. And it goes both ways. A lot of people have mental health problems because they're homeless, or because their home life is unstable, their parents aren't very supportive, etc., etc. So are you thinking about partnering with the youth shelter?

MS. DELGADO: Chair, I definitely think that is a consideration that we are discussing. We currently do support the youth shelters in various means through CONNECT and through the Services Division, so I think our next step is going to be looking at our current partners in assessing where the need fits and how we leverage the support that we have that we know is already providing quality service, that we know is meeting their outcomes, that we know are consistent in key players in our community for youth and families. So I definitely think there will be an assessment phase in which we do look at those considerations.

CHAIR HUGHES: Okay. Good. And this is a good project.

MS. DELGADO: Thank you.

COMMISSIONER GREENE: Mr. Chair, can I just put a correlation to two things that were said.

CHAIR HUGHES: Go ahead.

COMMISSIONER GREENE: Thank you. I think that one is almost in humor but I actually think that there is a connection there, that for many years Warehouse 21 was a free range location for youth to express themselves, right? And this is one of the issues that youth have is sort of like you're constrained. Your parents – you need to find your own identity. And Warehouse 21 was that, right? And the youth center on the south side may be filling that void, but I don't know if it's filling it in quite the format that Warehouse 21 was. And so I'd love to see if that's one of those sort of activities. Idle hands make for problematic kids and so on. And so those sort of activities as much as it is mental health. It's like if you're just sitting there bored, your mental health is like shot. Right?

And then to Commissioner Hughes and to Chair Hughes' point, a lot of this has to do with again, back to parenting. If your home situation is terrible, whether you are just – that becomes the creating point that doesn't allow for the kids to self-express or become

who they want to be. And if you're put in that box that you don't want to be in, your mental health suffers. And so I wonder if we can look even all the way pre-teen, and get to the parenting level of this and then when young parents or even thinking about parenting is like, look, this ain't all easy.

And you need to start preparing yourself. How do we prepare you to get ahead of this? So it isn't a problem. That's going to the root causes. Give a man a fish, teach a man to fish and figure out why you didn't teach the man to fish in the first place, then you start to make change. And so go way back to that root cause and see if that can be part of that activity and get ahead of the thing. So thank you very much. I support this but I look at all these way root causes all the way back, so thank you.

MS. DELGADO: Mr. Chair, Commissioner Greene, thank you for that segue is because I do think the beauty of the center with the case management component is the client is the expert. And so youth know what they like. We fund other programs such as NDI, Wise Fool, and we have a partnership with Innovate+Educate for employment opportunities and mentorship. So if those are priorities for that youth we can then create a pipeline to the services that we already fund to leverage that continued support. So I think that's a beautiful thing about youth services is we're not just behavioral health, we have our hands on a lot of different areas and we can create those pathways for that person.

COMMISSIONER GREENE: That's fantastic. Thanks.

CHAIR HUGHES: Okay. Thank you.

MS. DELGADO: Thank you all.

CHAIR HUGHES: I thought we were going to skip ahead to Matters from the County Attorney.

**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. Potential Legal Action to Address Discharge Permit Violations**

MANAGER SHAFFER: Mr. Young is on line and he can review those items, the authority for the executive or closed session to be discussed.

JEFF YOUNG (County Attorney via Webex): Thank you, Mr. Chair, Commissioners. I'd ask that we go into executive session this evening to discuss threatened or pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1(H)(7) NMSA 1978, and specifically including potential legal action to address discharge permit violations. I don't think it will take too long, Mr. Chair.

CHAIR HUGHES: Okay, can we have a motion?

COMMISSIONER GREENE: Move to move into executive session to cover the issues as stated in the agenda and repeated by the County Attorney.

COMMISSIONER HAMILTON: Second.

CHAIR HUGHES: Okay. We need 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 6:33 to 8:20.]

CHAIR HUGHES: Okay, let's get back together. We need a motion to come out of executive session.

COMMISSIONER HANSEN: I move that we come out of executive session and the only thing that we discussed was the item the County Attorney mentioned.

COMMISSIONER BUSTAMANTE: Second.

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

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

**9. Matters from the County Manager**

**A. Miscellaneous Updates**

MANAGER SHAFFER: Nothing to add, Mr. Chair and Commissioners, other than a reminder of the special meeting this Friday. Thank you.

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

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

CHAIR HUGHES: Commissioner Bustamante, do you want to go first?

COMMISSIONER BUSTAMANTE: I'm just grateful to see that we're getting on Office 365. That's all I have. Thank you.

CHAIR HUGHES: Okay. Commissioner Hamilton, do you want to go next?

COMMISSIONER HAMILTON: Mr. Chair, I just wanted to say publicly we had a really good, well attended and interesting Coffee with the Commish and one of the things that was – they key topic, the focal point, the problems people in my district are having is the homeowners insurance because of mostly wildfires and what not, being dropped by insurance companies. And interestingly, I've been invited to go to a – there's a meeting in the Roundhouse tomorrow having to do with exactly this topic where the State Insurance Office is going to be there discussing some of the issues. I'm looking forward to that. I'm grateful to be getting additional information that I can then bring back to the community, since we also have the Fire Department Prevention Department looking into these issues and reaching out across the country to find out what other communities are doing about and what the possibilities are and I think they will be attending this as well. So it's an issue we want to carry forward in my district for a while now. Thank you.

CHAIR HUGHES: Okay. Commissioner Greene.

COMMISSIONER GREENE: All right. So thank you. Commissioner Hamilton, please tell me how that goes tomorrow. I don't think I can make it to that but this is something near and dear to my district as well and I've spoken to the Fire Department and to some friends that are in the legislature and it is going to be a topic at Rural and Economic Development interim agenda this summer. So I know that hopefully they're going to put it on their radar to present for Rural and Economic Development so that there can be some legislation at the statewide level to sort of make things – whether it's a statewide pool, really to understand what Colorado and California are leading there. They're like a couple years ahead of us in the wrong direction in terms of losing their insurance coverage so they're also a couple years ahead of us in terms of trying to find a fix to that as well.

So in terms of some of the things to talk about, so as I mentioned, we had over 200 people yesterday at the Bishop's Lodge meeting and it was really well attended. I'm very happy that we discussed that letter and we will have it on the agenda later this week to pass that on to the EPA if we so please.

Also, we have an opportunity towards the end of August to apply for more money, another round of EV charging equipment from federal funding sources with a different matching source from the State of New Mexico, and I'm going to, in the next few weeks, bring forth a resolution to encourage our team to do this again, but slightly different. Instead of doing a program that is very internally focused for Santa Fe County, really to work on an externally focused one for the public, focused on transportation for the public and tourism, as well as our economic development initiatives around outdoor recreation and the film industry. And so a little bit of that has to do with the idea of getting hotels and getting public-private partnerships where we could get hotels or ski basins or things like that that they would be able to apply to a program that we could set

up at Santa Fe County so that a private group, a hotel, like on Cerrillos Road or wherever, could apply to get – if they were willing to put in a bank of ten EV chargers that those would be ideal for both their guests, but really one of the things that was made apparent to us recently, or last year at this point, was that the film industry is making decisions on where they film based on EV infrastructure at hotels, as well as the film studios. But hotels is where they charge overnight for their vans. And so they wanted to see Santa Fe doing something like that. So I'm hoping that we could put a program together that becomes a clearinghouse for those folks to do that.

Also, Bishop's Lodge again is – the City of Santa Fe is working on – I went to the presentation where they're working on a Bishop's Lodge improvement program and they have initially started talking to the County to continue the project over the city line and into the county, potentially up to the Bishop's Lodge or potentially just a little further in sort of that valley up there. But we need to really – they are doing a very – actually very nice bike and trail system along Bishop's Lodge. And so the design of it is really pretty nice. It would be bike lanes on both sides of Bishop's Lodge and on one side of Bishop's Lodge would be a ten-foot walking trail that would go all the way up to the top of the hill. But then it would stop pretty much at Brownell Howland because they didn't want to go back down on the other side without coordination from the County.

So my request is that we find a way to extend the contract of Wilson and Company who's doing the work on behalf of the City on this to include the design that gets the other half a mile across the county line on our side. And then, again, as a City-County project, we're much more eligible for federal funding and we will get more money from the state if we do things in partnership. So even though 80 percent is on the city side or 90 percent of it is on the city side, we should collaborate with that and it would be a great trail to get the bike lane fixed at least down to the bottom of the hill on our side of the line there.

And I think that's it for me today. Those are the things that coming down my pike. So thank you very much.

CHAIR HUGHES: All right. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. So Commissioner Greene and I attended a few sessions of the New Mexico Counties conference in Las Vegas and Manager Shaffer was there also. The most exciting thing I did was attend the Next General Water Summit, which was really important. There was a lot of really interesting presentation and I highly suggest that all those presentations are available and that you listen to some of them. There was one great presentation by the keynote speaker about how to make zero net water buildings, which was – I see Miles' eyes light up. It was really interesting about how you can use this incredible process. So I highly suggest people watch them. I'm probably going to watch a number of them again because they were really informative.

And as far as bike and trails go, since we're going to the ICIP, I'm just going to say right now that the Santa Fe River Trail is going to cost us more money and I feel like that is a high priority and something that we have invested in for a really, really long time. It needs to be prioritized so that we can finish the trail to San Ysidro Crossing, because then we will have a trail that goes all the way to Caja del Oro Grant Road. So thank you.



CHAIR HUGHES: Thank you. Yes, I also attended the Next Generation Water a different day than you did, apparently. Also I am having a public meeting July 10<sup>th</sup> but this Saturday I'm going to be at the Pride Parade with Theresa Leger Fernandez so everyone is invited to do that. A group of us Eldorado Democrats are going to join in that. And that's about it.

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

CHAIR HUGHES: Any other elected official online or in the room? Okay.

**12. Public Hearings**

**A. Presentation and Public Hearing on the Santa Fe County Fiscal Years 2026-2030 Infrastructure Capital Improvement Plan**

CHAIR HUGHES: Let's have Maxx present.

MAXX HENDREN (Planning Division): Good evening, Mr. Chair and Commissioners. I am Maxx Hendren, the Capital Planning Team Leader from the Growth Management Department, and this request is to conduct the first of two public hearings for the Santa Fe County Infrastructure Capital Improvement Plan or ICIP for fiscal years 2026 to 2030. The second public hearing is going to be held on July 9<sup>th</sup> at which meeting the Board of County Commissioners will be asked to adopt by resolution the fiscal year 2026 to 2030 ICIP, and that will include the County's top five projects.

A little background, on January 9<sup>th</sup>, 2024, the Board adopted Resolution 2024-12 for fiscal years 2025-2029 ICIP and that is Exhibit A in your packet. The County annually updates and prepares a five-year iii. The ICIP is used to prioritize the capital projects over a five-year span. It's submitted to the New Mexico Department of Finance and Administration, the DFA, and is available for public viewing on the DFA/ICIP website. The ICIP was provided to our New Mexico elected representatives for capital projects to be considered for capital outlay funding in our 2024 legislative session and the projects on our ICIP are prioritized for other potential funding sources.

The ICIP is a subset of the County's long-range capital planning framework and guides how the County annually reviews new capital projects as well as updates, prepares, prioritizes, adopts, and submits the capital projects on the five-year plan to the DFA. The ICIP is a planning tool with the primary purpose to prioritize capital projects and secure funding sources that are not fully funded. Consequently, it does not include every capital project that will be included in the capital budget to be adopted by the Board in July.

The County's fiscal year 2026-2030 ICIP is due to the DFA by July 12, 2024.

In August of 2019, the Board adopted Resolution No. 2019-103, which is Exhibit B, the capital planning process, the process) established a planning and assessment method whereby projects can be evaluated and prioritized based on the County's four strategic planning goals along with other priorities in our Sustainable Growth

Management Plan and other planning documents. This evaluation process helps to measure a project's efficacy in achieving the County's goals and priorities.

The process accepts new capital project requests throughout the year from County staff, elected officials, and Commissioners, and in addition, a virtual community outreach to solicit capital project requests from the public and non-profits was conducted on April 3, 2024.

The Capital Planning Committee meets quarterly to review feasible County projects in accordance with the process. Exhibit C is a list of the new capital project that were vetted and they are identified in the order that the projects were received, evaluated for feasibility and scored throughout the year.

The committee's review of the new capital projects includes the evaluation of factors like: provides a basic need; it identifies if the project is shovel-ready and/or phased for successful completion; it identifies if the project improves an existing facility; if there are leveraged funds available for the project; if the project aligns with the County's strategic goals to promote a healthy, safe, and sustainable community and provide for a proficient, transparent, and accessible government.

The committee also evaluates staff capacity to implement a projection from implementation to successful completion and in a timely manner.

The committee recommends that several projects included in the fiscal year 2025-2029 ICIP be removed from the FY 2026-2030 ICIP – that is Exhibit D, and the removal is primarily because the project or defined phase thereof has been fully funded or scheduled for completion.

And I didn't go over the exhibits but they're there for your review if you have questions. I'd be happy to answer those.

The draft fiscal year 2026-2030 ICIP is Exhibit E and it includes projects from the fiscal 2025-2029 ICIP that were not recommended for removal, and it includes the new capital project requests that were on Exhibit C, and the capital projects on this list are sorted by basic need and project score. Also, I would like to point out that the top-ranked project for each Commissioner's district is highlighted.

So between now and the July 9<sup>th</sup> Board meeting, the committee will evaluate the concerns, comments, and recommendations from this public meeting and align the final list to include the proposed top five projects from each Commissioner's district, and the final list will be recommended for approval by resolution.

So at this time staff recommends that the Board approve to proceed with the public hearing for the fiscal 2026-2030 Infrastructure Capital Improvement Plan and I along with staff stand for questions.

CHAIR HUGHES: Any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you very much. Thanks, Maxx. So I see County Road 113 is considered a new project, and County Road 84 has sort of been downgraded to a big project to just a study. Is there a reason? How did 84 become just a study and 113 suddenly jumped to the top of the list? Is there –

MS. HENDREN: CR 84 upgrade of six low-water crossing study, that's in addition to the 84 low crossing project. That one still remains on the list.

COMMISSIONER GREENE: Okay.

MS. HENDREN: It's the fourth one from that top. That's your number one project.

COMMISSIONER GREENE: Thanks.

MS. HENDREN: On the Exhibit E it's actually ranked District 1 top priority project.

COMMISSIONER GREENE: So that –

MS. HENDREN: Oh, wait a minute.

COMMISSIONER GREENE: But it's now – it used to be \$25 million for six low-water crossings, and now it's become \$250,000 for what I think is a study.

BRETT CLAVIO (Planning Manager): Good evening, Chairman and Commissioner Greene. In regards to the CR 84 project, staff had recently re-evaluated that project for feasibility of implementation and the project with a \$30 to \$50 million price tag is just kind of unrealistic. So what we did is we took it back to square on to really get a good understanding of the scope and budget of the project, and so that's what you see in front of you. This is to do a PER to really drill down, because we're looking at six low-water crossings to cover four arroyos and then two rivers, the Pojoaque River and the Tesuque Creek.

So we do anticipate the best way to implement this project is to subdivide it into pieces that are manageably funded and implementable. So that's what we're doing, as you see here. And we actually have a proposal to NMDOT to get this particular project funded for \$250,000.

COMMISSIONER GREENE: So would going or DOT money for the planning, \$250,000, we could plan that ourselves without putting it on the ICIP list. Shouldn't there be like sort of a threshold of planning stuff that we can do without having to ask legislators for it? At the same time, when we have the heavier lift that we go, oh, we need to go to the legislature for this, even if we have to do a little bit ourselves like, hey, we're asking for \$1 million from the legislature. It's \$1.6 million, we'll come up with \$600,000, but it's shovel-ready. It's ready to go. It's scope is defined. A legislator is going to support this. \$250,000 seems like almost too small to bother a legislator with.

MR. CLAVIO: Yes. And for the purposes of this ICIP we wanted to indicate that we have a local match in case we are awarded this money from DOT, so it would require a five percent local match. So with this on our list it kind of shows that we're anticipating doing this project and absolutely when we get to the next phases we'll be pursuing federal funding for those.

COMMISSIONER GREENE: Okay, so back to like this different buckets to go for here –

MANAGER SHAFFER: Mr. Chair and Commissioner Greene, sorry to interject, but again this is all – it will come together as we move through the process, but County staff is actually recommending that the study for the six low-water crossings be funded from capital outlay gross receipt tax in which case it may not end up on the ICIP, but for now we are tracking it as a potential project. So I don't think staff disagrees with your observation that that's the type of thing we could self-fund in order to build a project for a future big ask.

COMMISSIONER GREENE: Perfect. So I guess it was just not made apparent to me, so like saying, the next column that could be there is like Phase 1 is self-

funding, Phase 2, state or other ongoing. This is a federal project, this is a state project. Just to sort of show where we can say, yes, this is a priority but we're going to do this first part so it's ready for a year from now, so we show this timeline out there. But thank you for clarifying that.

CHAIR HUGHES: Questions? Commissioner Hamilton.

COMMISSIONER HAMILTON: Maybe I should know this but one of the higher ranked countywide projects, the fifth one down is broadband infrastructure expansion. It's an awfully small amount of money for broadband all over the county. Can you just refresh what we're asking for here? Which project that is basically?

COMMISSIONER GREENE: I might be able to answer that a little bit. I would guess, if I may, that that is going to be our match for federal funding that we might go for.

MR. CORDOVA: Mr. Chair, Commissioner Hamilton, that is exactly what that was on there prior for that reason. We left the amount on there so that we would also be able to continue to pursue projects as we get our broadband online and we know exactly what we're going to pursue. We wanted to be able to still have that on the ICIP so we could still make the request.

COMMISSIONER HAMILTON: Excellent. Thank you.

COMMISSIONER GREENE: Can I follow up on that partially?

CHAIR HUGHES: Along with a question, yes.

COMMISSIONER GREENE: Sorry. But to that point, a lot of this money that's coming like for instance for a broadband project, the state has matching money for that so we could start applying for matching money in a separate budget to say this is a match to a federal grant that might be \$25 million. Here's our ten or twenty percent of this. And so I think we should start to inform ourselves if this is a match and it could either come from us, come from the legislature, or it could come from other state buckets.

CHAIR HUGHES: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I see you have highlighted for me San Ysidro Crossing right-of-way design and construction. We got \$450,000 last year from the legislature to do a PER. Are we doing the PER?

MS. HENDREN: Mr. Chair and Commissioner Hansen, I don't know that that project is moving forward yet. It is part of this capital budget. The funds are being set aside and they will move forward with that study. We have the funding for it.

MR. SNYDER: Mr. Chair and Commissioner Hansen, once we receive the funding we'll program it to initiate the PER for that.

COMMISSIONER HANSEN: So do you have any expectation when we might get that money? I know it takes forever.

MR. SNYDER: Mr. Chair, Commissioner, I have not heard any definitive timeframe. It does take a little while to get that funding but as soon as we get it we will slot it in for our schedule to move forward.

COMMISSIONER HANSEN: Okay. Thank you very much.

MS. HENDREN: Commissioner, Chair, I might add that I was in a meeting with the DFA and they said that they were getting the grant agreements ready to issue. So I think they're –

COMMISSIONER HANSEN: Hallelujah.

MS. HENDREN: We'll see when we get them.

CHAIR HUGHES: As far as District 5 goes, I would like to see the Spur Ranch Road added to the ICIP. It's not a County road yet but it's headed for that direction. And it's going to need to be paved. It serves a number of communities and it's very unsafe when it rains and becomes muddy and is almost impossible to pass.

MS. HENDREN: Mr. Chair and Commissioners, there is a process to get projects on. We do have a capital request form that it would be helpful if that was submitted to the committee, and then we can also get a scoping form provided we can vet the project, score it, get it on.

CHAIR HUGHES: Okay. And then I think we have a public hearing, right? So are there people who wish to speak to the issue? One person, two people.

[Duly sworn, Miles Conway testified as follows:]

MILES CONWAY: My name is Miles Conway. I live at 495 New Mexico 592 in Rio en Medio and my testimony will be true and accurate, and I'm sworn in. Mr. Chair, members of the committee. Miles Conway. I'm not here in my capacity as the executive officer of the Santa Fe Area Homebuilders Association. I'm here as a citizen of Rio en Medio in the county, in the northern area. I'm also – I also serve on my mutual domestic water association up there, and so I'm just standing here in support of two items that are on your capital improvements list that I'm wildly excited about.

A 1953 study, New Mexico beaver management study by the State of New Mexico, there were reported to be 35 beavers, actually 38 beavers on the Rio en Medio, 40 on Tesuque Creek, 35 on the Windsor Trail. I'm an aficionado of all things water and water conservation. We're learning so many wonderful things about what beavers can do to help maintain healthy watersheds and healthy water situations, so much so that we even mimic them in our restoration work in damaged watersheds after fire events or floods. As I know the Commissioners, Mr. Chair, Commissioners, are fully aware, we had some devastating fire, followed by devastating floods in the Rio en Medio Canyon.

The County open space that is at the head of the canyon is an ecological treasure of the county, and I stand in support of – it ranked highest of the nos. It ranked in the high 60s but we're still on a no for a public necessity. Is that the right term to use? Excuse me. Basic need. So it ranks very high and I would just argue that our well house for our mutual domestic water source, and our storage tanks are quite proximate the river. And the restoration work that could be made possible by funding this quite affordable item on your infrastructure investment portfolio here, would have lasting and wonderful impacts on the safety of our mutual domestic water system for our little village, and again, to restore an ecological treasure that you have in Rio en Medio, replete with beavers and biological diversity and it could be a wonderful learning laboratory for the next generation and generations to come of New Mexican children and adults alike.

So thank you for keeping that on your list and perhaps even raising it up to the basic needs category. Thank you for your time.

CHAIR HUGHES: Is there anybody else in the chambers who wants to speak? Yes, come forward.

[Duly sworn, Mikahla Beutler testified as follows:]

MIKAHLA BEUTLER: My name is Mikahla Beutler. My address is 495 New Mexico 592 and I am under oath to tell the truth to the best of my knowledge. I'm feeling a little shy. So I came today just to speak about also the Rio en Medio community and loving that we're getting some attention from you guys, seeing that there's room for road improvement and paying attention to that County open space, the conservation and restoration of that beautiful treasure of a County stewardship that you guys have going on and are in charge of caring for right now.

I want to say about that that I know from our community people have been concerned about safety issues on the road, in terms of getting emergency vehicles and snow plows and all sorts of things up there. We agree that the road [inaudible] although a lot of more expensive pieces of the budget would actually do a great service to that community. I hear you talking a lot about trails and biking, and that's a road that has no shoulder all the way up and bikes are on there all the time, so any improvement to that area to make it more useful and accessible to the community is wonderful. So thank you for having that, and we support that on the agenda.

One of the other things I want to say is that we're working with some other community folks in town, the Santa Fe Conservation Trust, to help us think about restoring that trail. We had a meeting with the Forest Service and I know your work isn't about the bigger piece of the trail, but if the County does their part it helps the trail be more sustainable, both for use and for ecological conservation. So I love the idea that the County can do its part and the Forest Service can do its part and then the community members like us can do our part to keep it a beautiful and sacred space.

So that's what I want to say about that, and then I want to throw one other thing in, which is Chanelle Delgado came and talked about the youth behavioral health center and I have been working with youth suicide for 20 years in this community and it's sort of a space where we have under – we don't have enough service for that group, that population and I applaud that and support and I hope you guys do too. Thanks for your time.

CHAIR HUGHES: Thank you. Daniel, do we have anybody on line?

MR. FRESQUEZ: Mr. Chair, I do not see any users on line indicating that they'd like to speak.

CHAIR HUGHES: Okay. We'll close the hearing then.

**13. Informational Items / Reports**

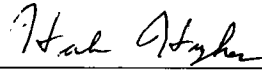
- A. Community Development Department May 2024 Monthly Report**
- B. Community Services Department May 2024 Monthly Report**
- C. Finance Division April 2024 Monthly Report**
- D. Growth Management Department May 2024 Monthly Report**
- E. Human Resources and Risk Management Division May 2024 Monthly Report**
- F. Public Safety Department May 2024 Monthly Report**
- G. Public Works Department May 2024 Monthly Report**

CHAIR HUGHES: Informational reports, do we have –

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

Upon motion by Commissioner Hansen and second by Commissioner Bustamante, and with no further business to come before this body, Chair Hughes declared this meeting adjourned at 8:55 p.m.

Approved by:



Hank Hughes, Chair  
Board of County Commissioners

ATTEST TO:



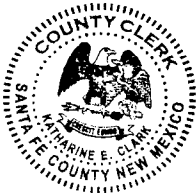
KATHARINE E. CLARK  
SANTA FE COUNTY CLERK



Respectfully submitted:



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



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

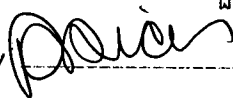
BCC MINUTES  
PAGES: 79

I Hereby Certify That This Instrument Was Filed for  
Record On The 2ND Day Of August, 2024 at 08:55:36 AM  
And Was Duly Recorded as Instrument # 2038860  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Katharine E. Clark

Deputy \_\_\_\_\_ County Clerk, Santa Fe, NM



SFC CLERK RECORDED 8/02/2024